

## Information on Data Protection

### 1. Who is in charge, who is your contact person?

We, the notaries Dr. Jörg Michael Lang, Dr. Julian Lemor and Elmar Günther, are responsible for processing your personal data. Each of the aforementioned notaries is solely responsible for the respective area for which they are responsible within the meaning of data protection regulations. For all data protection enquiries, you can contact the responsible notary or our data protection officer as follows:

#### *Notaries in charge*

Dr. Jörg Michael Lang / Dr. Julian Lemor / Elmar Günther  
Mayer Brown LLP  
Friedrich-Ebert-Anlage 35-37  
D-60327 Frankfurt am Main  
Telephone +49 69 7941 0

[jlang@mayerbrown.com](mailto:jlang@mayerbrown.com)  
[jlemor@mayerbrown.com](mailto:jlemor@mayerbrown.com)  
[eguenther@mayerbrown.com](mailto:eguenther@mayerbrown.com)

#### *Data Protection Officer*

Notaries Dr. Jörg Michael Lang / Dr. Julian Lemor / Elmar Günther  
FAO Data Protection Officer  
Mayer Brown LLP  
Friedrich-Ebert-Anlage 35-37  
60327 Frankfurt am Main  
Telephone +49 69 7941 0  
[Datenschutzbeauftragter-notare@mayerbrown.com](mailto:Datenschutzbeauftragter-notare@mayerbrown.com)

### 2. Which data do we process and where does the data come from?

We process personal data that we receive from you or from third parties commissioned by you (e.g. lawyers, tax consultants, brokers, credit institutions), such as

- ▶ Personal data, e.g. first name and surname, date and place of birth, nationality, marital status; in some cases your birth registration number;
- ▶ Contact details, e.g. postal address, telephone and fax numbers, e-mail address;
- ▶ your tax identification number for real estate contracts;
- ▶ in certain cases, e.g. in the case of marriage contracts, wills, inheritance contracts or adoptions, also data on your family situation and assets as well as information on your health or other sensitive data, e.g. because these serve to document your legal capacity;
- ▶ in certain cases also data regarding your legal relations with third parties, e.g. file numbers or loan or account numbers with credit institutions.

In addition, we process data from public registers, e.g. land registers, commercial and association registers.

### 3. For what purposes and on what legal basis are the data processed?

As notaries, we are public officials. Our official activity is carried out in the exercise of a task which is in the general interest of an orderly preventive administration of justice and thus in the public interest, and in

the exercise of official authority (Art. 6 Para. 1 S. 1 Letter e of the *General Data Protection Regulation* (GDPR)).

Your data will only be processed in order to carry out the notarial work requested by you and any other persons involved in a transaction in accordance with our official duties, i.e. for the preparation of drafts of documents, for certification and the execution of documentary transactions or for the rendering of advice. The processing of personal data is therefore only carried out on the basis of the professional and procedural provisions applicable to us, which essentially result from the Federal Notary Code and the Notarization Act. These provisions also give us the legal obligation to process the necessary data (Art. 6 Para. 1 S. 1 Letter c GDPR). Failure to provide the data we have requested from you would therefore result in us having to refuse (further) performance of our official duties.

#### 4. Who do we share data with?

As notaries, each of us is subject to a legal obligation of secrecy. This duty of confidentiality also applies to all our employees and other persons instructed by us.

We may therefore only pass on your data if and to the extent that we are obliged to do so in individual cases, e.g. as a result of notification obligations to the tax authorities, or to public registers such as the land registry, commercial register or register of associations, central register of wills, register of provisions, courts such as probate, guardianship or family court or authorities. Within the framework of professional and service supervision, we may also be obliged to provide information to the Chamber of Notaries or our supervisory authority, which in turn are subject to an official duty of confidentiality.

We may therefore only pass on your data if and to the extent that we are obliged to do so in individual cases, e.g. as a result of notification obligations to the tax authorities, or to public registers such as the land registry, commercial register or register of associations, central register of wills, register of provisions, courts such as probate, guardianship or family court or authorities. Within the framework of professional and service supervision, we may also be obliged to provide information to the Chamber of Notaries or our supervisory authority, which in turn are subject to an official duty of confidentiality.

Otherwise, your data will only be passed on if we are obliged to do so on the basis of your instructions.

#### 5. Are data transferred to third countries?

Your data will be used by Mayer Brown LLP to ensure compliance with the prohibition of professional participation (Section 3 of the Notarization Act) within the framework of worldwide conflict control. The corresponding technical facilities are located in Chicago, Illinois. Information on how Mayer Brown LLP guarantees data security can be found [here](#). Other than that your personal data will only be transferred to third countries upon special request by you or if and to the extent that a party to the document is resident in a third country..

#### 6. How long will your data be stored?

We process and store your personal data on the basis of our legal storage obligations. Pursuant to Section 5 Para. 4 of the Service Regulations for Notaries (*DONot*) the following storage periods apply to the storage of notarial documents:

- ▶ roll of deeds, list of inheritance contracts, name index to the roll of deeds and and collection of deeds including inheritance contracts to be stored separately (Section 18 Para. 4 DONot): 100 years,
- ▶ book of escrow and trust deposits, book of administration of escrow deposits, name index the book of administration of escrow deposits, list of escrow accounts, notary's general file : 30 years,
- ▶ Ancillary files: 7 years; the notary may specify in writing a longer retention period at the latest at the time of the last processing of the content, e.g. in the case of wills or in the case of the risk of regress; the specification may also be made generally for individual types of legal transactions such as wills.

After expiry of the storage periods, your data will be deleted or the paper documents destroyed, unless we are obliged to store them for a longer period of time in accordance with Article 6 para. 1 sentence 1 letter c GDPR due to tax and commercial law storage and documentation obligations (from the Commercial Code, Penal Code, Money Laundering Act or the Tax Code) as well as professional regulations for the purpose of collision checking.

## 7. Which rights do you have?

You have the right:

- ▶ to request information on whether we process personal data about you, if so, for what purposes we process the data and which categories of personal data we process, to whom the data may have been forwarded, how long the data may be stored and which rights you have;
- ▶ to have incorrect personal data concerning you that is stored by us corrected. You also have the right to have an incomplete data record stored by us supplemented;
- ▶ to demand the deletion of your personal data if there is a statutory reason for the deletion (cf. Art. 17 GDPR) and the processing of your data is not required for the fulfilment of a legal obligation or for other priority reasons within the meaning of the GDPR;
- ▶ to demand from us that we process your data only in a limited way, e.g. to assert legal claims or for reasons of an important public interest, while, for example, we check your claim for correction or objection, or if necessary if I reject your claim for deletion (cf. Art. 18 GDPR).
- ▶ to object to the processing of data necessary for us to carry out our public duties or to exercise our public offices, to the extent that there are reasons for the objection given a particular situation on your behalf.
- ▶ to file a data protection complaint with the supervisory authorities. The supervisory authority responsible for us is: The Hessian Commissioner for Data Protection and Freedom of Information, P.O. Box 3163, 65021 Wiesbaden, Germany, <https://datenschutz.hessen.de/>.

The complaint may be filed with any supervisory authority, irrespective of its competence.