

## Privacy notice

Our handling of your data and your rights

*Information according to Article 13 of the  
General Data Protection Regulation (GDPR)*

*Last updated: 2018/06/29*

This privacy note shall inform you about the processing of your personal data by us and the rights to which you are entitled under the General Data Protection Regulation which is effective from 25 May 2018. This notice is updated when necessary and provided to you.

For reasons of readability, it has been avoided to consistently use male and female forms. The terms used throughout to denote persons refer to both male and female persons.

### 1. Who is responsible for the processing und whom should I contact?

Responsibility lies with Warth & Klein Grant Thornton Rechtsanwaltsgesellschaft mbH  
Ganghoferstraße 31  
80339 Munich

Contact details of the data protection officer:

KINAST Rechtsanwaltsgesellschaft mbH  
Mr Dr. Karsten Kinast, LL.M.  
Hohenzollernring 54  
50672 Cologne  
E-Mail: [datenschutzbeauftragter@wkgt.com](mailto:datenschutzbeauftragter@wkgt.com)

### 2. Which sources and data do we use?

We process personal data which we obtain in the course of the business relationship with you. We obtain the data directly from you, e.g. within the scope of our legal mandate for the creation of articles of association, sale purchase agreements, your judicial representation of interests or application processes.

### 3. Which purposes do we process your data for and based on which legal basis?

In the following we would like to inform you about the purposes we process your data for and about the according legal basis.

#### 3.1 The fulfilment of contractual obligations (Art. 6 subsection 1 lit. b GDPR)

The purposes of the data processing depend on the specific order and contractual documents.

#### 3.2 Legitimate interests (Art. 6 subsection 1 lit. f GDPR)

We may also use your data for the purposes of legitimate interests pursued by us or by a third party. This occurs for the following purposes:

- General business management and further development of services and products
- Advertisement, market and opinion research
- Establishment and defence of legal claims
- Prevention and detection of criminal offences
- Guarantee of IT security and IT operations

Our interest in the respective processing arises from the respective purposes and is of a commercial nature (efficient task fulfilment, sales, avoidance of legal risks) otherwise.

Insofar as the specific purpose permits, we process your data in a pseudonymised or anonymised way.

### **3.3 Compliance with a legal obligation**

#### **(Art. 6 subsection 1 lit. c GDPR)**

We are subject to various legal obligations, i.e. statutory requirements (e.g. Federal Lawyers' Act (BRAO), Federal Code of Lawyers' Fees (BRAGO), Rules of Professional Practice (BORA), Money Laundering Act (GWG)).

As a law firm we are also subject to a legal obligation to identify clients and to monitor business relations in order to safeguard professional independence.

### **3.4 Data processing for employment-related purposes (Art. 6 subsection 1 lit. b GDPR, Section 26 subsection 1 Federal Data Protection Act – BDSG)**

We may also use your data for employment-related purposes where necessary for hiring decisions or, after hiring, for carrying out or terminating the employment contract.

## **4. Who obtains my data and how is it processed?**

Your data is only disclosed provided that disclosure is permitted by a legal basis and only with due regard for the duty of confidentiality pursuant to §§ 43a subsection 2 BRAO, 2 BORA.

Within the law firm those parties obtain your data who need it in order to fulfil our contractual or legal obligations or to fulfil their respective tasks (e.g. money laundering officer, sales and marketing).

Beyond that the following parties may obtain your data:

- Processors engaged by us (Art. 28 GDPR) who process your data on our behalf and are bound by instructions, especially in the areas of external consultants (valuers, financial mathematicians), translation agencies, service providers for payroll accounting (Datev).
- Public authorities and institutions (e.g. Federal Agency for Financial Services Supervision, tax authorities) where a legal or regulatory obligation exists as well as
- Other bodies, with regard to which you have given us consent to transmit data or you have exempt us from secrecy according to agreement or consent.
- Member companies in the Grant Thornton group within the scope of the order acceptance process and the safeguarding of network-wide independence (e.g. Global Independence System and International Relationship Check)

## **5. How long is my data stored for?**

Where necessary, we process your personal data for the duration of our business relationship, which also includes the initiation and performance of a contract.

Furthermore we are subject to various retention and documentation obligations arising from, inter alia, the Commercial Code (HGB), the Fiscal Code (AO), the Money Laundering Act (GwG) and the BRAO.

Ultimately the retention period also depends on statutory limitation periods, which for instance usually amount to three years pursuant to sections 195 et seq. of the Civil Code (BGB), however in certain cases they may amount to thirty years.

After completion of the application process we will keep your application data on file for six months, taking into account the General Act on Equal Treatment (AGG). If you have granted us your consent, we will store your data over an extended period for possible future references.

## **6. Is data transferred to a third country or to an international organisation?**

We only transfer your data to countries outside the European Economic Area – EWR (third countries), insofar as this is necessary for the performance of your orders, it is prescribed by law or you have declared your consent.

## **7. Which further data protection rights am I entitled to?**

Subject to the respective statutory requirements, you have the right of access (Art. 15 GDPR, § 34 German Federal Data Protection Act (BDSG) - revised draft as of 25 May 2018), the right to rectification (Art. 16 GDPR), to erasure (Art. 17 GDPR, § 35 BDSG), to restriction of processing (Art. 18 GDPR) as well as to data portability (Art. 20 GDPR). You also have the right to lodge a complaint with a supervisory authority (Art. 77 GDPR, § 19 BDSG).

We are subject to the supervision of the Chamber of Auditors K.d.ö.R, Rauchstraße 26, 10787 Berlin.

## **8. Am I obliged to provide data?**

Within the scope of our business relationship you only have to provide personal data which is required for the establishment, execution and termination of a business relationship or the collection of which we are legally obliged to. This includes information about for instance legal representatives, economic beneficiaries, contractual partners and related entities/persons, pursuant to the Money Laundering Act (GwG) and the safeguarding of network-wide independence.

Should you not provide us with the required information and documents, we are not permitted to establish the desired business relationship.

## **9. To what extent does an automated individual decision-making take place?**

For the purposes of establishing and executing the business relationship, in general we do not use automated individual decision-making pursuant to Art. 22 GDPR. Should we use these procedures in individual cases, we will inform you separately, insofar as this is required by law.

## **10. To what extent is my data used for profiling?**

We do not process your data in an automatised way with the aim of evaluating certain personal aspects (so-called "profiling" pursuant to Art. 4 No. 4 GDPR). We do not use profiling.

## **11. Which rights of objection do I have? (Art. 21 GDPR)**

### **11.1 Right to object in individual cases**

You have the right to object at any time, for reasons arising from your particular situation, to the processing of personal data concerning you which takes place based on Article 6 subsection 1 lit. f GDPR (data processing based on a balance of interests).

If you object, we will no longer process your personal data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or for the establishment, exercise or defence of legal claims.

### **11.2 Right of objection to the processing of data for direct marketing purposes**

We can also process your data for direct advertising within the scope of statutory provisions. You have the right to object at any time to the processing of personal data concerning you for the purpose of such advertising.

If you object to the processing for purposes of direct advertising, we will no longer process your personal data for these purposes.

The objection is not subject to any condition as to form. You can find our contact details under number 1.