

Information on Data Protection in Notarial Matters

Below you will find information on what personal data notary Christoph Börskens with official seat in Frankfurt am Main (hereinafter referred to as "Civil Law Notary ") collects in the context of the exercise of his notarial activity and the purposes for which he processes them.

1. Responsible person and data protection officer

Responsible for the processing of your personal data is notary Christoph Börskens with official seat in Frankfurt am Main. For all data protection inquiries you can contact the Civil Law Notary or the company data protection officer as follows:

Friedrich Graf von Westphalen & Partner mbB Lawyers
Lawyer and Civil Law Notary Christoph Börskens
Kettenhofweg 1
60325 Frankfurt am Main
E-mail: christoph.boerskens@fgvw.de
Phone: +49 69 7191890-0
Fax: +49 69 7191890-40

Friedrich Graf von Westphalen & Partner mbB Lawyers
for the attention of the data protection officer
Kaiser-Joseph-Strasse 284
79090 Freiburg
E-mail: datenschutz@fgvw.de

2. Collection of personal data and the concept of personal data

The Civil Law Notary processes personal data, which he receives from you or from your commissioned third parties (e.g. lawyers, tax advisors, estate agents, credit institutions). These may include for instance:

- personal data, such as first and last name, date and place of birth, nationality, marital status; in individual cases your birth register number;
- contact details, such as postal address, telephone and fax numbers, e-mail address;
- for real estate agreements, your tax identification number;
- in certain cases, e.g. marriage contracts, wills, deeds of inheritance or adoptions, also data about your family situation and your assets and, if applicable health information or other sensitive data, e.g. in order to document your legal capacity;
- in certain cases also data from your legal relations with third parties, such as file numbers or loan or account numbers with financial institutions.

In addition, the Civil Law Notary processes data from public registers, e.g. the land register, commercial register and association registers.

3. Purposes and legal basis of data processing

Every notary is a holder of a public office. The official function of the Civil Law Notary is carried out in performance of a task which, in the general interest, requires an orderly and precautionary approach to the administration of justice and thus serves the public interest, and in the exercise of official authority (Article 6 para. 1 sent. 1 letter e of the General Data Protection Regulation (hereinafter "GDPR")).

Your data will be processed exclusively in order to fulfil the requested notarial activity imposed by you and, if applicable, other persons involved in the transaction in accordance with the official duties of the Civil Law Notary, i.e. for the preparation of draft documents, for notarization and the execution of transactions by deed or for providing advice. The processing of the personal data is therefore always solely carried out on the basis of the professional and procedural rules applicable to the Civil Law Notary, which are essentially derived from the German Federal Notarial Code (Bundesnotarordnung) and the German Notarial Act (Beurkundungsgesetz). From these provisions the Civil Law Notary is also legally obliged to process the necessary data (Article 6 para. 1 sent. 1 (c) GDPR). Failure to provide the data requested by the Civil Law Notary from you would therefore result in the notary having to refuse the (further) performance of official duties.

4. Disclosure of data to third parties

The Civil Law Notary is subject to a statutory duty of confidentiality. This duty of confidentiality shall also apply to all the employees and other persons commissioned by him.

The Civil Law Notary may therefore only pass on your data if and insofar as he is obliged to do so in individual cases, e.g. due to notification obligations to the tax authorities, or to public registers such as the land register, trade or association register, central register of wills, pension register, courts such as probate courts, guardianship or family court or authorities. Within the framework of professional and official supervision, the Civil Law Notary may also be obliged to provide information to the Chamber of Notaries or his supervisory authority, which in turn are subject to an official duty of confidentiality.

Otherwise, your data will only be passed on if the Civil Law Notary is obliged to do so on the basis of declarations made by you or if you have requested the passing on of your data.

5. Data transfer to third countries

A transfer of your personal data to third countries will only take place upon special request from you or if and insofar as a party involved in the deed is domiciled in a third country.

6. Duration of the storage of your data

The Civil Law Notary processes and stores your personal data within the scope of his legal obligations to preserve records.

According to section 5 paragraph 4 of the Official Regulations for Notaries (Dienstordnung für Notarinnen und Notare; hereinafter "DONot"), the following retention periods apply to the storage of notarial documents:

- roll of deeds, index of inheritance contracts, name directory for the roll of deeds and collection of deeds including the separately stored inheritance contracts (section 18 paragraph 4 DONot): 100 years;
- securities register, estate accounts, name directory for the estate accounts, list of escrow accounts, general files: 30 years;
- ancillary files: 7 years; the notary may specify in writing a longer retention period at the latest when the content is last processed, e.g. in the case of testamentary disposition or in the event of a recourse risk; the provision can also be applied generally to individual types of legal transactions such as, for example, testamentary dispositions.

Once the storage periods have expired, your data will be deleted or the paper documents destroyed, unless the Civil Law Notary is obligated to adhere a longer storage period according to Article 6 paragraph 1 sentence 1 (c) GDPR due to retention and documentation obligations under tax and trade law (according to the German Commercial Code (Handelsgesetzbuch), Criminal Code (Strafgesetzbuch), Money Laundering Act (Geldwäschegesetz) or the Tax Code (Abgabenordnung)) or professional regulations for the purpose of reviewing conflicts of law, or if other legitimate interests for longer storage exist in individual cases.

7. Your rights

You have the right under the respective legal requirements

- to request information as to whether the Civil Law Notary is processing personal data about you (cf. Article 15 GDPR), if so, information on the purposes for which the Civil Law Notary is processing the data and what categories of personal data he is processing, to whom the data may have been forwarded, how long the data may be stored and what rights you are entitled to;
- to have incorrect personal data concerning you corrected which are stored by the Civil Law Notary. Likewise, you have the right to request an incomplete data set to be supplemented by the latter (cf. Article 16 GDPR);
- to request deletion of the personal data relating to you, provided there is a legally prescribed reason for deletion (cf. Article 17 GDPR) and the processing of your data is not necessary to fulfil a legal obligation or for other overriding reasons within the meaning of the GDPR;
- to require the Civil Law Notary to process your data only to a limited extent, e.g. for the purpose of asserting claims or for reasons of important public interest, while he processes, for example, your right of rectification or objection or, if necessary, if he rejects your claim for cancellation (cf. Article 18 GDPR);
- to receive the personal data relating to you that you have provided to the Civil Law Notary

in a structured, common and machine-readable format, and that this data is transferred to another responsible party (cf. Article 20 GDPR);

- to object to the processing if this is necessary for the Civil Law Notary to carry out his tasks in the public interest or to exercise his public office if reasons for the opposition arise from your particular situation (cf. Article 21 GDPR);
- to contact the supervisory authorities with a data protection complaint. An overview of the contact details of the data protection officers in the federal states can be downloaded here: https://www.bfdi.bund.de/DE/Infothek/Anschriften_Links/anschriften_links-node.html. The complaints may be lodged with any supervisory authority, irrespective of its competence.