

# Information on Data Protection

## 1. Who is responsible, whom can you contact?

The person responsible for processing your personal data is Notary Dr. Bernd Gilcher with registered office in Lauterecken. For all questions regarding data protection please feel free to contact Notary Dr. Bernd Gilcher directly or the responsible Data Protection Officer at one of the following addresses:

67742 Lauterecken	67752 Wolfstein
Burgstraße 1	Hauptstraße 21
Phone: + 49 (0) 6382-9225-0	Phone: + 49 (0) 6304-227
Fax: + 49 (0) 6382-9225-50	Fax: + 49 (0) 6304-5522
E-mail: <a href="mailto:Lauterecken@Notar-Gilcher.de">Lauterecken@Notar-Gilcher.de</a>	E-Mail: <a href="mailto:Wolfstein@Notar-Gilcher.de">Wolfstein@Notar-Gilcher.de</a>
or <a href="mailto:Datenschutz@Notar-Gilcher.de">Datenschutz@Notar-Gilcher.de</a>	

## 2. Which kind of data do I process and where does this data come from?

I process personal data which I receive from you yourself or from third parties commissioned by you (e.g. lawyers, tax consultants, brokers, credit institutes),

- ▶ such as personal data, e.g. first and last name, date and place of birth, nationality, marital status; in individual cases your birth registration number;
- ▶ contact details, such as postal address, telephone and fax numbers, e-mail address;
- ▶ your tax identification number for real estate contracts;
- ▶ in certain cases, e.g. marriage contracts, wills, contracts of inheritance or adoptions, information about your family situation and assets, as well as information about your health or other sensitive information, e.g. 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 credit institutions.

Furthermore, I process data from public registers, e.g. land registers, commercial and association registers.

## 3. For what purposes and on what legal basis is this data processed?

As a notary, I am a public official. As a public official, the duties I perform are in the public interest, i.e. the proper administration of justice for preventive purposes, and in the exercise of official authority (Art. 6 para. 1 sentence 1 lit. e) 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 such a transaction in accordance with my official duties, i.e. for the preparation of drafts of deeds, for notarization and the execution of deeds or for the provision of advice. The processing of personal data is therefore only carried out in accordance with the professional and procedural regulations applicable to me, which essentially result from the Federal Notary Code and the Notarization Act. These provisions also impose a legal obligation on me to process the necessary data (Art. 6 para. 1 sentence 1 lit. c) GDPR). Failure to provide the requested data would therefore result in me having to decline the (further) execution of these official duties.

## 4. To whom do I forward data?

As a notary, I am subject to a legal obligation of secrecy. This obligation of secrecy also applies to all my employees and other persons appointed by me.

I may therefore only pass on your data if and to the extent that I am obliged to do so in the individual case, e.g. as a result of notification obligations vis-à-vis tax authorities, or to public registers such as land registries, commercial registers or registers of associations, central registers of wills, central register for enduring powers of attorney, probate courts, childcare courts, family courts, or authorities. Within the framework of professional supervisory authority, I may also be obliged to provide information to the Chamber of Notaries or my supervisory authority, which in turn is subject to an official obligation of secrecy.

Otherwise, your data will only be disclosed if I am obliged to do so due to declarations made by you or if you have requested such disclosure.

## 5. Is data transferred to third countries?

Your personal data will only be transferred to third countries at your special request or if and to the extent that a party to the deed is resident in a third country.

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

I process and store your personal data within the scope of my legal retention obligations.

According to Sec. 5 para. 4 of the Official Regulations for Notaries (Dienstordnung für Notarinnen und Notare - DONot), the following periods apply to the retention of notarial documents:

- ▶ Roll of deeds, list of inheritance contracts, list of names for the roll of deeds and list of deeds, including separately kept inheritance contracts (Sec. 18 para. 4 DONot): 100 years,
- ▶ depository book, escrow ledger, list of names to the escrow ledger, list of escrow accounts, general files: 30 years,
- ▶ secondary files: 7 years; the notary can specify a longer retention period in writing at the latest during the last processing of the content, e.g. in the case of wills due to death or in the case of the risk of recourse; the provision can also be made generally for individual types of legal transaction, e.g. for wills due to death.

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

## 7. What are your rights?

You have the right

- ▶ to request information on whether I process personal data about you, and if so, for what purposes I process such data and which categories of personal data I process, to whom the data may have been forwarded, how long the data may be stored and which rights you have.
- ▶ to correct any inaccurate personal data concerning you that I might have stored. You also have the right to have incomplete or incorrect data corrected.
- ▶ to request deletion of your personal data, if there is a reason for deletion provided by law (cf. Art. 17 GDPR) and the processing of your data is not required for the fulfillment of a legal obligation or for other priority reasons in the sense of the GDPR.
- ▶ to demand that I process your data only in a limited way, e.g. to assert legal claims or for reasons of an important public interest, for example while I 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 in case such processing is necessary to enable me to carry out my duties in the public interest or to exercise my public office if there are grounds for the objection arising from your particular situation.
- ▶ to address the supervisory authorities with a data protection complaint. The competent supervisory authority is:

Der Landesbeauftragte für den Datenschutz und die Informationsfreiheit Rheinland-Pfalz (The State Commissioner for Data Protection and Freedom of Information Rhineland-Palatinate)

P.O. Box 30 40

55020 Mainz, Germany

Phone: +49 (0) 6131 208-2449

Fax: +49 (0) 6131 208-2497

E-mail: [poststelle@datenschutz.rlp.de](mailto:poststelle@datenschutz.rlp.de)

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