

Privacy Notice (Art. 13, 15 GDPR)

1. Person responsible

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 the following address:

67742 Lauterecken

Burgstrasse 1

Phone: + 49 (0) 6382-9225-0

Fax: + 49 (0) 6382-9225-50

Email: Info@Notar-Gilcher.de

or Datenschutz@Notar-Gilcher.de

2. General information about the collection of your data

We process personal data that we receive from you or from third parties commissioned by you (e.g., lawyers, tax advisors, real estate agents, credit institutions), 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, email address;
- ▶ in the case of real estate contracts, your tax identification number;
- ▶ in certain cases, e.g., in the case of marriage contracts, wills, inheritance contracts, or adoptions, also data on your family situation and your assets, as well as, if applicable, information on your health or other sensitive data to document your legal capacity;
- ▶ in certain cases, data from your legal relationships with third parties, such as file numbers or loan or account numbers at credit institutions.

We also process data from public registers, such as land registers, commercial registers, and association registers.

3. Scope and legal basis of processing

A notary acts as a public official. This official duty is performed in the interest of the general public in the orderly administration of justice and thus in the public interest, and in the exercise of official authority (Art. 6 para. 1 sentence 1 letter e of the General Data Protection Regulation (GDPR)).

Your data will be processed exclusively for the purpose of performing the notarial activities requested by you and, if applicable, other individuals involved in a transaction in accordance with the notary's official duties, i.e., for the preparation of drafted deeds, for the notarization and execution of deeds, or for the provision of consultancy services. The processing of personal data is therefore always carried out solely on the basis of the professional and procedural regulations applicable to the notary, which are essentially derived from the Bundesnotarordnung (Federal Notary Regulations) and the Beurkundungsgesetz (Notarization Act). These provisions also impose a legal obligation on the notary to process the necessary data (Art. 6 para. 1 sentence 1 letter c GDPR). Failure to provide the data requested by the notary would therefore mean that the notary would have to refrain from (further) performing the official act.

4. Data transfer to third parties

Notaries are subject to a statutory duty of confidentiality. This duty of confidentiality also applies to all employees and other persons acting on behalf of the notary.

Therefore, a notary may only pass on your data if and to the extent that they are required to do so in individual cases, e.g. due to notification obligations to the tax authorities, or to public registers such as the land registry, commercial or association registers, the central register of wills, registers of precautionary measures, courts such as probate, care or family courts or authorities. Within the framework of professional and official supervision, the notary may also be obliged to provide information to the Chamber of Notaries or the supervisory authority, which in turn are subject to an official duty of confidentiality. As commissioned data processors, possible data recipients are external IT system administrators, notary software providers, web hosts and NotarNet GmbH.

Communication by e-mail (e.g. answering inquiries, sending drafts) is possible.

Outgoing emails are sent with transport encryption ("Start-TLS"), which protects the content of the email from unauthorized access by third parties during the transmission process from the notary's mail server to the mail server of your email provider. Please note that transport encryption is only possible if the server used by your email provider supports such encryption.

Transport encryption only affects the transmission of emails and does not protect the content of the email from unauthorized access to the mail server. This means that it is possible for unauthorized access by the email provider or a third party who has gained access to the mail servers. End-to-end encryption to prevent this is not offered. Furthermore, it cannot be ruled out that the transport encryption is decrypted and that the content of the e-email is accessed during transmission. You therefore may object to email communication. In this case, communication will take place in writing by post.

Otherwise, your data will only be passed on if this is required on the basis of declarations made by you or if you have requested the transfer.

5. Data transfer to third countries

Your personal data will only be transferred to third countries upon your special request or if and insofar as a party to the deed is based in a third country.

6. Storage of your data

The processing and storage of your personal data is subject to the statutory retention obligations.

According to Section 50 para. 1 of the Ordinance on the Maintenance of Notarial Files and Directories (Verordnung über die Führung notarieller Akten und Verzeichnisse, NotAktVV), the following storage periods apply to the retention of notarial documents:

- ▶ Register of deeds, electronic collection of deeds, collection of inheritance contracts and special collection: 100 years,
- ▶ Paper-based collection of deeds, custody register and general files: 30 years,
- ▶ Collective file for protests of bills of exchange and checks and secondary files: 7 years; the notary may stipulate a longer storage period in writing at the latest when the content of the secondary file is last processed, e.g. for dispositions mortis causa or in the event of a risk of recourse; the stipulation may also be made in general for individual types of legal transactions such as dispositions mortis causa.

After expiry of the storage periods, your data will be deleted and/or the paper documents destroyed, unless there is an obligation to store them for a longer period in accordance with clause 6 para. 1 sentence 1 letter c GDPR due to tax and commercial law storage and documentation obligations (under the German Commercial Code, Criminal Code, Money Laundering Act or the German Fiscal Code) and professional regulations for the purpose of a conflict of laws check.

7. Your rights

You have the right

- ▶ to request information as to whether personal data concerning you has been processed and, if so, for what purposes the data and which categories of personal data have been processed and to whom the data may have been forwarded, how long the data may be stored and which rights you are entitled to (Art. 15 GDPR).
- ▶ to have incorrect personal data concerning you corrected. You also have the right to have any incomplete data stored about you completed (Art. 16 GDPR).
- ▶ to demand the erasure of personal data concerning you, provided that there is a statutory reason for erasure (cf. Art. 17 GDPR) and the processing of your data is not required to fulfill a legal obligation or for other overriding reasons within the meaning of the GDPR.
- ▶ to demand that your data is processed only to a limited extent, e.g. for the assertion of legal claims or for reasons of important public interest, while examining your claim for rectification or appeal, or if your claim for erasure is rejected (cf. Art. 18 GDPR).
- ▶ to object to the processing if this is required for the performance of duties carried out in the public interest or for the exercise of official authority vested in the notary, if there are grounds for the appeal arising from your particular situation (Art. 21 GDPR).

- ▶ to contact 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
Phone: +49 (0) 6131 8920-0, Fax: +49 (0) 6131 8920-299,
Email: poststelle@datenschutz.rlp.de
The complaint may be lodged with any supervisory authority, regardless of jurisdiction.