

Privacy Notice of Notaries in Berlin

The purpose of this privacy notice is to provide information on what personal data the relevant notary (hereinafter also referred to as 'we') processes within the scope of the client relationship and from third parties, and how we use this data. Personal data means any information relating to an identified or identifiable natural person, such as name, email address, IP address or postal address. This privacy notice applies to the processing of data by notaries based in Berlin who are members of GÖRG Partnerschaft von Rechtsanwälten mbB.

Separate privacy notices apply to the use of the Görg website. [[Information on data protection | GÖRG \(goerg.de\)](#)]

1. Controller and Data Protection Officer

The controllers responsible for the processing of your personal data may be the notaries Dr Karla Gubalke, Dr Roland Hoffmann-Theinert, Jan Lindner-Figura, Dr Martin Nentwig, Silvio Sittner and Dr Thomas Winkemann. Each of the aforementioned notaries is the sole controller, within the meaning of the data protection provisions, in respect of the performance of their notarial duties. You may address all data protection enquiries to the relevant notary or to the relevant data protection officer as follows:

1.) Notary Dr Karla Gubalke

1) Data Protection Officer for Notary Dr Karla Gubalke

Tel: +49 30 884503 153

KGubalke@goerg.de

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2.) Notary Dr Roland Hoffmann-Theinert

2) Data Protection Officer for Notary Dr Roland Hoffmann-Theinert

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3.) Notary Jan Lindner-Figura

3) Data Protection Officer for Notary Jan Lindner-Figura

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4.) Notary Dr Martin Nentwig

4) Data Protection Officer for Notary Dr Martin Nentwig

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5.) Notary Silvio Sittner

5) Data Protection Officer for Notary Silvio Sittner

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6.) Notary Dr Thomas Winkemann

6) Data Protection Officer for Notary Dr Thomas Winkemann
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Kantstraße 164
10623 Berlin

2. Types of Data Subjects, Categories of Data

In particular, we process the following personal data:

- Personal details, e.g. first name and surname, date and place of birth, nationality, marital status; in some cases, your birth registration number;
- Contact details, such as postal address, telephone and fax numbers, and email address;
- in the case of property contracts, your tax identification number;
- in certain cases, e.g. in the case of marriage contracts, wills, inheritance agreements or adoptions, also data relating to your family situation and your assets, as well as, where applicable, information regarding your health or other sensitive data, e.g. because this serves to document your legal capacity;
- in certain cases, also data relating to your legal relationships with third parties, such as reference numbers or loan or account numbers held with credit institutions.

We usually receive your data directly from you. Where we have not received the data directly from you, it has been provided to us by the party who has commissioned us.

We also process data from public registers, e.g. the Land Register, Commercial Register and Register of Associations.

3. Purpose of Processing and Legal Basis

a) This Data is Collected From the Data Subject:

- to be able to identify you as a party to a notarisation procedure or other notarial service;
- to enable the full preparation of notarial deeds or to carry out the notarisation;
- to fulfil the notary's statutory obligations to provide information and make disclosures;
- to correspond with you;
- for invoicing purposes;
- to carry out any registrations required or requested by law, e.g. with the Land Register, the Commercial Register, the Central Register of Wills or the Central Register of Lasting Powers of Attorney.

Your data will be processed exclusively for the purpose of carrying out the notarial services requested by you and/or, where applicable, third parties involved in a transaction, in accordance with the notary's official duties; this includes, for example, the

drafting of deeds, the authentication and execution of notarial transactions, or the provision of advice. The processing of personal data therefore always takes place solely on the basis of the professional and procedural legal provisions applicable to notaries, which are essentially derived from the Federal Code for Notaries (BNotO) and the Notarial Recording Act (BeurkG).

Data processing takes place at your request and is lawful within the context of a mandate pursuant to Article 6(1)(b) of the GDPR. The legal basis for the processing of personal data is also Article 6(1) (c) and (e) of the GDPR, Section 3 of the Berlin Data Protection Act (BlnDSG) in conjunction with notarial professional law (in particular BNotO, BeurkG, DONot).

Insofar as we are not acting in the performance of public tasks, we process your data to safeguard our legitimate interests or the legitimate interests of a third party, provided that your interests or fundamental rights and freedoms do not take precedence (Article 6(1)(f) of the GDPR).

b) Collection of Personal Data from Third Parties, Article 14 of the GDPR (Collection from Third Parties)

In certain cases relating to notarial activities and for the purpose of conducting notarisation procedures or providing notarial support, personal data of data subjects may also be collected from third parties. These third parties are generally clients or parties involved in a notarisation procedure or notarial support.

The following types of data may, in particular, be collected:

- Title, first name, surname,
- address,
- Financial circumstances: property ownership, other rights in land, shareholdings, insurance policies, other movable assets, etc.
- case-specific further information necessary for the drafting and execution of deeds, or which we are legally obliged to record,

The legal basis for the processing of personal data collected from third parties is Article 6(1)(c) and (e) of the GDPR, Section 3 of the Berlin Data Protection Act (BlnDSG) in conjunction with notarial professional law (in particular BNotO, BeurkG, DONot).

Article 6(1)(c) of the GDPR permits data processing where this is necessary for compliance with a legal obligation to which the controller is subject. Article 6(1)(e) of the GDPR permits data processing for the performance of a task carried out in the public interest and processing in the exercise of official authority.

Furthermore, in order to ensure due process under the BeurkG, special categories of personal data may be processed, e.g. information on disabilities (visual, hearing and writing impairments), sexual orientation and health data. The legal basis for the processing of these special categories of data is Article 9(2)(f) and (g) of the GDPR, Section 22(1)(2)(a) in conjunction with Sections 11, 17, 22 et seq. and 28 of the BeurkG.

Where data relating to data subjects is collected from third parties, this is done exclusively for the purpose of carrying out notarial duties in the relevant proceedings or mandate.

4. Categories of Data Recipients

Your personal data will not be disclosed to third parties for purposes other than those listed below.

Insofar as this is necessary for the performance of the notarisation procedure or the notarial services, your personal data will be disclosed to third parties. This is then carried out in accordance with Article 6(1)(c) of the GDPR to fulfil the notary's legal obligations, or in accordance with Article 6(1)(e) of the GDPR to carry out a task carried out in the exercise of official authority vested in the controller. This includes, in particular, the disclosure of data to courts, on the basis of reporting obligations to the tax authorities, or to public registers such as the Land Register, the Commercial Register or the Register of Associations, the Central Register of Wills, the Central Register of Lasting Powers of Attorney, courts such as probate, guardianship or family courts, public authorities, parties directly or indirectly involved and their representatives, as well as service providers involved in electronic legal transactions with courts and public authorities for the purpose of executing notarial deeds and corresponding with the parties involved and the relevant courts and public authorities. The data disclosed may be used by third parties exclusively for the purposes stated.

The notary's duty of confidentiality remains unaffected. In some cases, particularly in the IT sector, we engage contractors who carry out their tasks only in accordance with a data processing agreement. Otherwise, your data will only be disclosed if I am obliged to do so on the basis of statements you have made or if you have requested such disclosure.

5. Cloud Service Providers

In particular, we use the Microsoft 365 cloud service, through which we utilise, amongst other things, the Microsoft Office applications (Word, Outlook, Excel, PowerPoint, etc.) as well as Microsoft Teams and Microsoft SharePoint. In doing so, we rely on the assurances provided by Microsoft as part of its 'EU Data Boundary' solution to ensure that data processed using Microsoft applications is processed and stored within the EU.

We will be happy to provide you with further information on the technical details upon request. Please do not hesitate to contact us.

6. Data Transfers to Third Countries

In principle, data is processed exclusively within the EU. Your personal data will only be transferred to third countries at your specific request or if and to the extent that a party to the proceedings is based in a third country. However, in individual cases it may become necessary for us to transfer or disclose data to entities outside the EU, provided that the applicable data protection regulations permit this. This may be the case, in particular, where, in consultation with the client, we engage foreign law firms to handle the matter jointly with them. Data transfers to third countries are generally carried out on the basis of one or more of the following legal grounds or safeguards:

- Fulfilment of our engagement agreement in accordance with Article 49(1)(b) of the GDPR,
- Consent in accordance with Article 49(1)(a) of the GDPR,
- A decision on the adequacy of the level of protection pursuant to Article 45 of the GDPR (e.g. for Switzerland, the United Kingdom and the USA),
- Standard contractual clauses adopted by the European Commission pursuant to Article 46(2)(c) of the GDPR.

Should you require further information regarding the applicable legal bases or safeguards used, please contact us.

7. Retention period

We process and store your personal data in accordance with our statutory retention obligations. Pursuant to Section 5(4) of the Berlin Regulations Governing the Practice of Notaries (DONot), the following retention periods apply to the storage of notarial documents:

- Deed register, register of inheritance contracts, index of names for the deed register and collection of deeds, including separately stored inheritance contracts (Section 18(4) DONot): 100 years,
- Custody register, “Massenbuch“, index of names for the “Massenbuch“, “Anderkontenliste“, “Generalakten“: 30 years,
- Ancillary files: 7 years; the notary may, at the latest upon the last substantive processing of the file, specify a longer retention period in writing, e.g. in the case of dispositions of property upon death or where there is a risk of recourse; such a provision may also be made generally for individual types of legal transactions, such as
e.g. dispositions of property upon death.

Once the retention periods have expired, your data will be deleted or the paper documents destroyed, unless I am obliged to retain them for a longer period under Article 6(1)(c) of the GDPR due to retention and documentation obligations under tax and commercial law (e.g. the German Commercial Code, the Criminal Code, the Notarial Recording Act, the Federal Code for Notaries, the Money Laundering Act or the Tax Code), as well as professional regulations for the purpose of conflict checks, or am entitled to retain them further under Article 6(1)(f) of the GDPR to defend against any liability claims.

8. Rights of the Data Subject

You have the right:

- **pursuant to Article 7(3) of the GDPR**, to withdraw your consent at any time. As a result, we may no longer continue processing data that was based on this consent in future;
- **pursuant to Article 15 of the GDPR**, to request information about your personal data processed by us. In particular, you may request information regarding the purposes of processing, the category of personal data, the recipients or categories of recipients to whom your data has been or will be disclosed, the intended storage period, the existence of a right to rectification, erasure, restriction of processing or objection, the existence of a right to lodge a complaint, the origin of your data where it was not collected by us, and the existence of automated decision-making, including profiling, and, where applicable, meaningful information regarding its details;
- to request, **in accordance with Article 16 of the GDPR**, the rectification of inaccurate personal data or the completion of your incomplete personal data stored by us without undue delay;
- **in accordance with Article 17 of the GDPR**, to request the erasure of your personal data stored by us, unless processing is necessary for the exercise of the right to freedom of expression and information, to comply with a legal obligation, for reasons of public interest, or for the establishment, exercise or defence of legal claims;
- **in accordance with Article 18 of the GDPR**, to request the restriction of the processing of your personal data, provided that you contest the accuracy of the data, the processing is unlawful but you oppose its erasure and we no longer require the data, but you require it for the establishment, exercise or defence of legal claims, or where you have objected to the processing in accordance with Article 21 of the GDPR;
- **in accordance with Article 20 of the GDPR**, to receive the personal data you have provided to us in a structured, commonly used and machine-readable format, or to request that it be transferred to another controller; and

- **pursuant to Article 77 of the GDPR**, to lodge a complaint with a supervisory authority. As a rule, you may contact the supervisory authority in the Member State of your habitual residence, place of work or for the location of our office.

9. Right to Object

Where your personal data is processed on the basis of legitimate interests pursuant to Article 6(1)(e) and (f) of the GDPR, you have the right, pursuant to Article 21 of the GDPR, to object to the processing of your personal data, provided there are grounds relating to your particular situation.

If you wish to exercise your right to object, simply send an email to datenschutz@goerg.de