

Data protection information on the client relationship

The purpose of this data protection notice is to provide information about which personal data GÖRG (hereinafter also referred to as "we") processes within the scope of the client relationship and how we use this data. Personal data is any information relating to an identified or identifiable natural person, such as name, e-mail address, IP address or postal address.

Separate data protection notices apply to the use of our website. [www.goerg.de/de/datenschutz]

Insofar as the generic masculine is used in the following text to improve readability, this refers equally to male, female and diverse persons.

1. Person responsible for data processing

GÖRG Partnerschaft von Rechtsanwälten mbB, Kennedyplatz 2, 50679 Cologne, Telephone 0221-33660-0, Fax 0221-33660-80, Mail: datenschutz@goerg.de

2. Data protection officer

You can contact our data protection officer as follows GÖRG Partnerschaft von Rechtsanwälte mbB, Data Protection Officer, Kennedyplatz 2, 50679 Cologne, Mail: dsb@goerg.de

3. Types of data subjects, categories of data, purposes of processing

As part of our work as lawyers, we process the personal data of the following types of data subjects in particular:

- Clients and their employees, representatives, consultants and other contractual partners of clients,
- counterparties and their respective representatives and employees,
- other advisors/service providers (e.g. auditors, tax advisors, consultants, cooperating law firms, detective agencies, translators, experts, etc.) who are involved in the mandate, as well as their respective representatives and employees,
- Third parties such as court personnel, witnesses and other natural persons involved in the mandate.

We process the following categories of personal data, some of which we collect directly from clients and their employees and some of which we collect from third parties (e.g. other GÖRG companies, other advisors, counterparties, authorities, insurance companies, public sources such as commercial registers, the Internet, etc.):

- Data to identify the client (e.g. copies of ID cards, data from commercial register extracts),
- Contact data (salutation, title, first name, surname, address, e-mail address, fax number, telephone number, function/position),
- Communication data,
- Mandate data, i.e. data that we either receive or create ourselves in order to process the mandate,
- billing data,
- Other information that is necessary to safeguard our legitimate interests or to fulfil legal requirements (e.g. financial circumstances, tax and social security data).

With the exception of the identification data, you are not legally or contractually obliged to provide the data. However, it may not be possible to process the mandate if the data is not provided.

We process the data for the following purposes:

Pre-contractual measures to initiate the client relationship:

- Identification of the (potential) client (including identification of beneficial owners, the persons acting on their behalf and their authorisation),
- Comparison with sanctions lists,
- Conflict check to avoid conflicts of interest,
- Preparation of offers and cost estimates.

Execution of the client relationship:

- Advice and representation of the client, including the assertion and defence of the client's rights, including correspondence with the client and other advisors, opposing parties as well as with courts, authorities and other third parties,
- Billing

Internal administration:

- Manual file management,
- bookkeeping,
- Operation of IT and communication systems.

Enforcement of claims:

- Assertion or defence of any legal or contractual claims against clients.

Fulfilment of legal requirements:

- Carrying out money laundering checks,
- Retention of documents for the fulfilment of professional, money laundering, commercial and tax retention obligations as well as for evidence purposes for the assertion, exercise or defence of legal claims, etc.

Maintaining client relationships and marketing:

- Sending advertising for the services of our law firm (e.g. newsletters, information on relevant legal innovations, current case law, invitations to professional and social events, etc.),
- Publication of deal announcements and other press releases,
- Naming of references for publications by specialised legal publishers and other press publishers.

4. Legal bases for the processing

Initiation and fulfilment of the client-lawyer relationship:

The processing of data for the appropriate initiation and processing of the mandate and for the fulfilment of obligations arising from the mandate agreement is based on Art. 6 para. 1 sentence 1 lit. b GDPR and on the consent of the person concerned pursuant to Art. 6 para. 1 sentence 1 lit. a GDPR or, insofar as special categories of personal data are concerned (e.g. health data, data on trade union membership, religious beliefs, etc.), on the basis of consent pursuant to Art. 9 para. 2 lit. a GDPR.

Internal administration:

Insofar as the internal administrative measures do not serve to initiate and implement the client relationship, they are carried out to safeguard our legitimate interests in accordance with Art. 6 para. 1 sentence 1 lit. f GDPR. Our legitimate interest follows from the above-mentioned purposes.

Enforcement of claims:

The use of data for the assertion or defence of any legal or contractual claims is carried out to safeguard our legitimate interests in accordance with Art. 6 para. 1 sentence 1 lit. f GDPR. Our legitimate interest follows from the aforementioned purposes.

Fulfilment of legal requirements:

The use of data for the fulfilment of legal requirements is based on Art. 6 para. 1 sentence 1 lit. c GDPR.

Maintaining the client relationship and marketing:

The use of data for these purposes is carried out to safeguard our legitimate interests in accordance with Art. 6 para. 1 sentence 1 lit. f GDPR or, as far as e-mail advertising is concerned, on the basis of the consent of the data subject in accordance with Art. 6 para. 1 sentence 1 lit. a GDPR. Our legitimate interest follows from the above-mentioned purposes.

5. Categories of recipients of the data

Under certain circumstances, it may be necessary for us to exchange personal data with third parties. In particular, the following categories of recipients come into consideration:

- other GÖRG companies and GÖRG notary's offices,
- cooperating law firms, tax consultants and/or auditing firms outside the GÖRG companies,
- other consultants, service providers or business partners of the client,
- insurers,
- opposing parties,
- Courts, authorities and other public bodies,
- press publishers,
- IT service providers, e.g. service providers who support us in the operation and maintenance of our IT systems, service providers or providers of audio and video conferencing solutions, cloud service providers (see section 6 for more details),
- other service providers/business partners used by us who support us in our business activities (e.g. experts, translation agencies, agencies, mail order companies, printers, paper shredding service providers, banks, credit agencies, detective agencies, auditors/tax consultants, etc.).

6. Cloud service provider

In particular, we use the Microsoft 365 cloud service, through which we use the Microsoft Office applications (Word, Outlook, Excel, PowerPoint, etc.) as well as Microsoft Teams and Microsoft SharePoint. In doing so, we make use of Microsoft's assurances as part of the "EU Data Boundary" solution offered by Microsoft so that the data processed using Microsoft applications is processed and stored within the EU.

We will share further information on the technical conditions with you on request. Please feel free to contact us.

7. Data transfer to third countries

In principle, data is processed exclusively within the EU. However, in individual cases it may be necessary for us to transfer or disclose data to organisations outside the EU if this is permitted by the applicable data protection regulations. This may be the case in particular if we engage foreign law firms in consultation with the client in order to process the mandate together with them. Data is generally transferred to third countries on the basis of one or more of the following legal bases/guarantees:

- Fulfilment of our mandate agreement pursuant to Article 49 (1) (b) GDPR,
- Consent pursuant to Article 49 para. 1 lit. a GDPR,
- Adequacy decision pursuant to Article 45 GDPR (e.g. for Switzerland, the United Kingdom and the USA),
- Standard contractual clauses of the EU Commission pursuant to Article 46 (2) (c) GDPR.

If you require further information on the applicable legal bases/guarantees used, please contact us.

8. Storage duration

We store the data until the stated purposes for processing this data have been achieved. In addition, we store the data insofar as there are statutory retention obligations, in particular under professional, money laundering, commercial, social and/or tax law (e.g. in accordance with BRAO, GWG, AO, EStG, UStG, HGB, SGB IV). Depending on the type of data, there may be retention obligations of up to six or even ten years.

9. Rights of the data subject

In accordance with Art. 15 GDPR, the data subject has the right to obtain information about their personal data processed by us. Furthermore, in accordance with Art. 16 GDPR, they have the right to have incorrect data corrected and, if necessary, to have incomplete data completed. The data subject also has the right to erasure of the personal data stored by us under the conditions of Art. 17 GDPR. Furthermore, under the conditions of Art. 18 GDPR, they have the right to restrict the processing of their data. In accordance with Art. 20 GDPR, they also have the right to receive the personal data that they have provided to us in a structured, commonly used and machine-readable format or to request that it be transmitted to another controller. Furthermore, they may object to the data processing - insofar as this is based on the protection of our legitimate interests in accordance with Art. 6 para. 1 sentence 1 lit. f) GDPR - under the conditions of Art. 21 GDPR. In addition, in accordance with Art. 7 para. 3 GDPR, they can revoke their consent at any time with effect for the future. They also have the right to lodge a complaint with a data protection supervisory authority if they are of the opinion that the processing of your personal data violates statutory data protection regulations. This can be done, for example, with the supervisory authority responsible for the controller. The supervisory authority responsible for GÖRG Partnerschaft von Rechtsanwälten mbB is: Landesbeauftragte für Datenschutz und Informationsfreiheit Nordrhein-Westfalen, Kavalleriestr. 2-4, 40213 Düsseldorf.

Right to object to advertising:

You can object to the use of data for advertising purposes at any time, either as a whole or for individual measures. A message to GÖRG Partnerschaft von Rechtsanwälten mbB, Kennedyplatz 2, 50679 Cologne, fax 0221-33660-80, e-mail daten-schutz@goerg.de is sufficient. Consent to receive e-mail advertising can be revoked at any time with effect for the future by using the unsubscribe link in the advertising e-mail or by sending the revocation by e-mail to daten-schutz@goerg.de.