

# Privacy Notice

## I. Name and contact details of the entity responsible for the processing as well as of the data protection officer

This data protection information applies to data processing by  
FPS Rechtsanwaltsgesellschaft mbH & Co. KG.

The controller pursuant to Art. 4 (7) of the EU General Data Protection Regulation (GDPR) is  
FPS Rechtsanwaltsgesellschaft mbH & Co. KG and the acting lawyer-notaries  
(hereinafter referred to as FPS)  
Eschersheimer Landstraße 25-27  
60322 Frankfurt am Main  
Germany  
e-mail: [frankfurt@fps-law.de](mailto:frankfurt@fps-law.de)

The official data protection officer and her/his deputy can be contacted at the above address  
or at [dsb@fps-law.de](mailto:dsb@fps-law.de) respectively.

## II. Collection and storage of personal data and form and purpose of their use

If you mandate us or commission our notaries, we collect the following information:

- name
- e-mail address
- address
- phone number
- information pertinent to enforce, defend and exercise your rights under the mandate or notarial mandate

These data are collected in order to

- be able to identify you,
- identify and avoid any collision of interests with regard to other clients,
- be able to offer advice to and representation for you and comply with contractual obligations,
- correspond with you,
- issue invoices and
- handle any liability claims as well as the assertion of any claims against you.

In addition, we process personal data that we have legitimately obtained and may process from publicly accessible sources (trade, cooperative, association, trademark and patent registers).

Data processing takes place on your request and, subject to Art. 6 clause 1 first sentence letter b, c, e and f GDPR, is necessary for the aforementioned purposes of appropriate handling of the mandate/notarial act and the mutual compliance with obligations under the mandate agreement or under the commissioning of our notaries.

The personal data we collect for assumption of the mandate/notarial act will be stored by us until lapse of the statutory retention period for lawyers (6 years after the end of the calendar year in which the mandate ended or another 4 years in accordance with section 199 clause 3 no. 1 BGB [*Bürgerliches Gesetzbuch*, German Civil Code]) and notaries (30 years in accordance with section 199 clause 3a BGB, section 5 clause 4 DONot [*Dienstordnung für Notarinnen und Notare*, Service Regulations for Notaries] or 100 years in accordance with section 5 clause 4 DONot) and will then be deleted, unless we are obligated to a different storage period in accordance with Art. 6 clause 1 first sentence letter c GDPR due to retention and documentation obligations under fiscal and commercial law (under the HGB [*Handelsgesetzbuch*, German Commercial Code], StGB or AO [*Abgabenordnung*, Fiscal Code]) or if you have agreed to any further storage in terms of Art. 6 clause first sentence letter a GDPR.

The header data (full name of the client/concerned party, name of the opponent, name of the lawyer in charge, short description of subject of mandate) is needed for checks on collision of interests without time limits and are therefore exempted from deletion.

The data processing also takes place on the basis of legal requirements because, as a law firm, we are subject to various legal obligations, i.e. legal requirements (e.g. money laundering law, tax laws, etc.) as well as supervisory requirements (e.g. of the President of the Regional Court, the professional chambers, etc.). The purposes of processing include, among other things, measures for identity and age verification, fraud and money laundering prevention, compliance with tax control and reporting obligations, and the assessment and control of risks. Such processing results from Art. 6 para. 1 lit. c DSGVO, according to which the processing is necessary to fulfil a legal obligation. Data will only be transferred to third countries (countries outside the European Economic Area - EEA) if this is necessary and/or legally required to fulfil the mandate agreement or notarial mandate or if you have given us your consent. For the transfer of data to third countries (states outside the EU/EEA), the provisions of the DSGVO, the BDSG-neu and other context-related legal bases for cross-border data traffic apply.

### **III. Disclosure of data to third parties**

Any disclosure of your personal data to third parties for any purposes other than the following does not take place. Where required for handling mandate or other contractual relationships with you in terms of Art. 6 clause 1 first sentence letter b GDPR, your personal data will be disclosed to third parties. This includes, in particular, the disclosure to opposing parties in litigation and their representatives (especially lawyers) as well as courts and public authorities for correspondence purposes or execution of notarial acts as well as for the assertion and defence of your rights. The third parties may only use the disclosed data for the specified purposes.

If a possible liability case has occurred based on an inaccurate advice of one of our lawyers/notaries we may give any information relevant for handling the case to our professional liability insurance. The attorney-client privilege and the notary-client privilege remain unaffected. Where data is subject to the attorney-client privilege and the notary-client privilege, any disclosure to third parties will only take place subject to your consent.

Furthermore, FPS has some of the aforementioned processes and services carried out by carefully selected service providers commissioned who are based within the EU in accordance with data protection regulations. These include companies in the categories of credit services, IT services, payment transactions, logistics and printing services.

## **IV. Transfer of data to a third country**

Data will only be transferred to third countries (countries outside the European Economic Area - EEA) if this is necessary and/or legally required to fulfil the mandate agreement or notarial mandate or if you have given us your consent. For the transfer of data to third countries (states outside the EU/EEA), the provisions of the DSGVO, the BDSG-neu and other context-related legal bases for cross-border data traffic apply.

## **V. Electronic communication**

Electronic communication involves the risk that data may be intercepted and read by third parties if it is not protected by suitable encryption and signature. This is a risk to the confidentiality of personal data, company data and data protection.

We depart from communication by e-mail without encryption and signature when we assume that encryption is necessary in specific cases or if you wish encryption. The safety level of encryption (e.g. end-to-end encryption, encryption of attachments) is agreed with you in view of the interests involved.

## **VI. Data subject rights**

You have the right:

- in accordance with Art. 7 clause 3 GDPR, to revoke any consent you granted towards us at any time. As a result, we will no longer be allowed to continue the data processing that is based on that consent in the future;
- in accordance with Art. 15 GDPR, to demand information regarding your personal data processed by us. In particular, you may demand information regarding the purpose of processing, the category of personal data, the category of recipients to which your data is disclosed, the intended storage time, the existence of the right to correction, deletion, limitation of processing or objection, the existence of a right to lodge a complaint, the origin of the data if it was not collected by us, as well as regarding existence of any automatic decision-making including profiling and, where applicable, meaningful information as to their particulars;
- in accordance with Art. 16 GDPR, to demand immediate correction of incorrect or completion of your personal data stored by us;

- in accordance with Art. 17 GDPR, to demand deletion of your personal data stored by us, unless processing is required for exercising the right to freedom of expression and information, for compliance with a legal obligation, for reasons of public interest or for assertion, exercising or defence of legal claims;
- in accordance with Art. 18 GDPR, to demand the limitation of processing of your personal data, insofar as you dispute the accuracy of your personal information, if processing is unlawful, but if you object to the deletion of the data and if we no longer require the data, but if you require it for assertion, exercising or defence of legal claims or if you have objected to processing in accordance with Art. 21 GDPR;
- in accordance with Art. 20 GDPR, to receive your personal data that you provided us with in a structured, common, and machine-readable format or to demand transmission to another responsible entity, and
- in accordance with Art. 77 GDPR, to lodge a complaint with a supervisory authority. Usually, you can contact the supervisory authority at your usual place of residence or place of work or the supervisory authority that has jurisdiction at our place of business.

## **VII. Right of objection**

If your personal data is being processed based on justified interests in terms of Art. 6 clause 1 first sentence letter f GDPR, you have the right to file an objection in accordance with Art. 21 GDPR against processing of your personal data, provided that reasons stemming from your special situation apply. If you would like to exercise your right of objection, an e-mail to [dsb@fps-law.de](mailto:dsb@fps-law.de) or a letter to the above address will be sufficient.

## **VIII. Obligation to provide the personal data and the possible consequences of not providing them**

As part of our business relationship with service providers, you must provide the personal information that is necessary to establish and conduct a business relationship and to fulfil the contractual obligations associated therewith, or that we are required by law to collect. Without this information, we will generally not be able to conclude or execute the contract with you.

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