

Data protection declaration under the GDPR

I. Name and address of the controller

The controller within the meaning of Art. 4(7) of the General Data Protection Regulation (GDPR) and other national data protection laws of the member states, as well as other data protection provisions, is:

FPS Rechtsanwaltsgesellschaft mbH & Co. KG
(hereinafter referred to as FPS)
Eschersheimer Landstraße 25-27,
60322 Frankfurt am Main,
Germany,
Email: frankfurt@fps-law.de,
Telephone: +49 (0)69 - 95957-0
Fax: +49 (0)69 - 95957-455

Further controllers are respectively the notaries

Jörg Lamers, Adrian Müller, Dr Christoph Trautrimms, Florian Wiesner, registered under FPS Frankfurt

and

Matthias Druba, Dr Sebastian von Schweinitz and Dr Steffen König, registered under Kurfürstendamm 220,
10719 Berlin,
Germany,
Email: berlin@fps-law.de,
Telephone: +49 (0)30 - 885927-0
Fax: +49 (0)30 - 885927-100

Each of the aforementioned notaries is solely responsible for their official function in the sense of the data protection regulations. As a public body, our notaries are obliged to appoint a data protection officer and a deputy data protection officer. These are the contact details of the data protection officer appointed by us:

II. Name and address of the data protection officer

The controller's in-house data protection officer is:

Victoria Johnson
FPS Rechtsanwaltsgesellschaft mbH & Co. KG
Eschersheimer Landstraße 25-27,
60322 Frankfurt am Main,
Germany
Telephone: +49 (0)69 - 95957-0,
Fax: +49 (0)69 - 95957-455,
Email: dsb@fps-law.de.

The deputy in-house data protection officer is:

Dipl.-Ing. Fritz Langgärtner
FPS Rechtsanwaltsgesellschaft mbH & Co. KG
Eschersheimer Landstraße 25-27
60322 Frankfurt am Main,
Germany

Telephone: +49 (0)69 - 95957-0,
Fax: +49 (0)69 - 95957-455,
Email: dsb@fps-law.de.

III. Scope of personal data processing

Generally, we only process the personal data of visitors to our website to the extent necessary for the provision of a functioning website and our services. Here, we process personal data that we receive during the visit to our website or in the context of contact with us via email.

IV. Categories of personal data processed

1. Any time that our website is called up, our system automatically collects data and information from the accessing computer's system. The following data is technically required so that we can display our website to you and ensure its stability and security:
 - The IP address of the user
 - The date and time of access
 - Regional origin, language
 - The requested file or URL
 - The browser and operating system
2. The data will also be stored in our system's log files. This does not include the IP addresses of the user or other data that facilitate the attribution of the data to a user. This data will not be stored together with the user's other personal data.
3. The data will be deleted as soon as it is no longer required to achieve the purpose of its collection. If the data is collected for the provision of the website, this is the case when the relevant session ends.
4. Our website uses cookies. Cookies are text files that are stored within or by the internet browser on the user's computer system. If a user accesses a website, a cookie can be stored on the user's operating system. The system places "session cookies", as well as a cookie detailing whether the notice on this has been confirmed. The cookie has a lifetime of 14 days. This cookie contains a distinctive sequence of characters that facilitates the clear identification of the browser the next time the website is accessed.
5. Upon accessing our website, you will be informed on the use of cookies and your consent to processing of the personal data used in this context is obtained. You will also be referred to this data protection declaration.
6. The legal basis for processing personal data using cookies that are required for technical reasons within the scope of Section 25(2) TTDSG are the legitimate interests of the controller as per Art. 6(1)(f) GDPR. The legal basis for processing personal data using cookies for analytical purposes is the consent provided as per Art. 6(1)(a) GDPR.

V. Additional functions and offers provided by our website

1. Alongside the purely informational use of our website, we offer various services that you may use if interested. To do so, you are generally required to provide additional personal data, which we use to deliver the respective service.

2. If you contact us by email, the data you share with us (your email address and/or your name and telephone number) will be stored by us so that we can respond to your query. Data collected for this purpose will be deleted once storage is no longer required, or processing will be restricted if statutory retention requirements exist.

VI. Google Analytics with IP anonymisation

1. This website uses Google Analytics 4 with IP anonymisation, a Web analytics service provided by Google Inc. ("Google"). Google Analytics uses cookies. The information generated by the cookie about your use of this website will generally be transmitted to a Google server in the United States and stored there. However, by activating IP anonymisation on this website, Google will shorten your IP address within member states of the European Union or in other signatory states to the European Economic Area Agreement beforehand. On behalf of the operator of this website, Google will use this information for the purpose of evaluating your use of the website, compiling reports on website activity, and providing other services to the website operator relating to website and internet usage.
2. The IP address transmitted by your browser as part of Google Analytics will not be merged with any other data by Google.
3. In addition to the cookie settings on your browser, you can prevent Google from collecting the data generated by the cookie and related to your use of the website (including your IP address) and from processing this data by downloading and installing the browser plug-in available at the following link: <https://tools.google.com/dlpage/gaoptout?hl=en>.
4. We would like to inform you that on this website, Google Analytics has been supplemented by the code "ga('set', 'anonymizeIp', true);" in order to guarantee anonymous collection of IP addresses (so-called IP masking). IP addresses are then processed in a shortened form, thus excluding direct personal references.
5. We use Google Analytics to analyse and regularly improve the use of our website. The statistics obtained allow us to improve our services and make them more interesting for you as a user.
6. Third-party-provider information: Google Dublin, Google Ireland Ltd., Gordon House, Barrow Street, Dublin 4, Ireland, Fax: +353 (1) 436 1001. Terms of service: <https://marketingplatform.google.com/about/analytics/terms/us/>; privacy overview: <https://www.google.com/analytics/learn/privacy.html?hl=en-US>. and the privacy policy: <https://policies.google.com/privacy?hl=en&gl=en>. Google has certified itself under the Data Privacy Framework.
7. Data concerning you that is collected in this connection will be processed by Google and, where appropriate, transmitted to countries outside of the European Union, especially the United States. The European Commission has recognised the data protection levels of certain companies from the United States (within the scope of the so-called EU–US Data Privacy Framework (hereinafter DPF)). Google has self-certified for the DPF and has thus undertaken to adhere to the basic principles of the DPF. This self-certification means that a data transfer based on the DPF can take place. Furthermore, we obtain your consent to the use of Google Analytics in advance. The legal basis for the processing and transmission is Art. 6(1)(a), Art. 7, Art. 45(1) GDPR.

VII. Integration of YouTube videos using two-click solution

1. We have integrated YouTube videos into our online provision, which are stored at <http://www.YouTube.com> and can be played directly from our website. To do so, we have implemented the so-called two-click solution. The integrated video will initially not be viewable for you and no data is transferred to YouTube. Only when you actively click on the video in order to play it does the integration become active and data is transferred to YouTube.
2. By visiting the website, YouTube receives the information that you have called up the corresponding subpage of our website. In addition, the data mentioned in section IV of this data protection declaration is transmitted. This happens regardless of whether YouTube provides a user account through which you are logged in or whether no user account exists. If you are logged into Google, your data will be assigned directly to your account. If you don't want your profile to be associated with YouTube, you must log out before activating the button. YouTube stores your data as user profiles and uses them for the purpose of advertising, market research and/or the demand-oriented design of its website. Such an evaluation is carried out in particular (even for users who are not logged in) for the purpose of providing needs-based advertising and to inform other users of the social network about your activities on our website. You have a right to object to the creation of these user profiles, whereby you must contact YouTube to exercise this right.
3. For more information on the purpose and scope of data collection and processing by YouTube, please refer to the privacy policy. There you will also find further information on your rights and setting options to protect your privacy: <https://policies.google.com/privacy?hl=en&gl=en>. The service is provided by Google Ireland Limited, Gordon House, Barrow Street, Dublin 4, Ireland. Google has certified itself under the DPF (see Item VI. 7 of this data protection declaration).

VIII. Newsletter

1. You can subscribe to a newsletter from FPS via our website, which will keep you informed about current legal issues and developments in case law. If you already have a QR code, you can scan it to go to the registration page for our newsletter. You can also register directly via our website.
2. We use the double opt-in procedure to register you for our newsletter. This means that after you register, we will send an email to the email address you provided asking you to confirm that you wish to receive the newsletter. If you do not confirm your registration within 24 hours, your information will be blocked and automatically deleted after one month. In addition, we store your IP address and the time of registration and confirmation. The purpose of this procedure is to verify your registration and, if necessary, to investigate any misuse of your personal data.
3. The only mandatory information required for sending the newsletter is your email address. After your confirmation, we will store your email address for the purpose of sending you the newsletter.
4. You can revoke your consent to receive the newsletter at any time and unsubscribe from the newsletter. You can revoke your consent by clicking on the link provided in every newsletter email or by sending a message by mail, telephone, or fax to the contact details provided in this privacy policy.

IX. Application process

1. We collect and process personal data for the purpose of handling application processes. To do so, we use the online application form stored on this website. The personal data to be provided are taken directly from the form and are each marked either as mandatory or voluntary. You also have the option of uploading your own documents (e.g. letters, certificates, CV, etc.) online and transferring them to us. Here, you can choose whether you transfer your personal data to us by email or via our online application tool.
2. The legal basis for this is Art. 6(1)(b) GDPR, or, in the event of consent, Art. 6(1)(a), Art. 7 GDPR. Any personal data processed by us during the course of an application is protected against unauthorised access and manipulation through technical and organisational measures. Processing can also take place through electronic channels. In particular, this is the case when users transfer application documents to us electronically, e.g. by email. If we enter into an employment contract with the user, the data transferred will be stored for the purpose of managing the employment relationship under consideration of the applicable legal provisions. If we do not enter into an employment contract, the application documents will be automatically deleted six months after notification of the decision unless deletion is prevented by other legitimate interests or the user has consented to unlimited storage. Other legitimate interests in this context shall include, for example, burden of proof in a process under the General Act on Equal Treatment (AGG).

X. Categories of recipients of personal data

1. We have some of the aforementioned processes and services carried out by carefully selected and data protection-compliant service providers. These external service providers are bound by our instructions and are regularly checked. They will not pass on your data to third parties.
2. With regard to the transfer of data to other recipients, we will only pass on information about you if required by law, if you have given your consent or if we are authorised to do so. If these prerequisites are satisfied, the recipients of personal data may include, among others: public bodies and institutions (e.g. tax authorities, criminal prosecution authorities) if there is a legal or official obligation; other companies or comparable institutions to which we transfer personal data in order to carry out the business relationship with you.

XI. Purpose and legal basis

We process your personal data subject to the applicable statutory data protection regulations. In so doing, processing is legitimate if one of the following conditions is met:

Consent (Art. 6(1)(a) GDPR):

The lawfulness of the processing of personal data is established with the granting of consent to processing for the specified purpose (e.g. processing of your query, use of the data for marketing purposes). Once granted, consent may be withdrawn at any time with future effect. This includes the withdrawal of declarations of consent provided to us prior to the validity of the GDPR, i.e. prior to 25 May 2018.

Due to contractual obligations (Art. 6(1)(b) GDPR):

We process personal data in order to comply with our contractual obligations or take requested steps prior to entering into a contract. The purposes of data processing generally result first and foremost from your query.

Due to legal requirements (Art. 6(1)(c) GDPR):

FPS is subject to various legal obligations. These include, among others:

- Commercial and tax law retention obligations pursuant to the German Commercial Code and The Fiscal Code of Germany
- Compliance with fiscal monitoring and reporting obligations

Within the context of balancing interests (Art. 6(1)(f) GDPR):

If required, we process your data beyond the actual fulfilment of the contract to safeguard our legitimate interests or those of third parties. For example:

- Exercise and defence of legal claims
- Safeguarding of IT security and IT operation
- Analysis and improvement of website use

XII. FPS-KI-Check

When you use our FPS-KI-Check, your IP address and the answers you select are forwarded to our service provider, Adornis Ventures GmbH, for processing. No further data transmission takes place.

XIII. Intention to transfer personal data to a third country or international organisation

An active transfer to a third country will only take place if this has been expressly indicated in the context of the aforementioned services.

XIV. Criteria for determining the duration of storage

1. The data are stored in accordance with legal regulations on data processing and observing statutory retention periods. We process and use your data exclusively for the purposes to which we are entitled and insofar as the data are required for these purposes.
2. Should data no longer be required for the purpose or to comply with legal requirements, they will generally be deleted unless their limited and, where applicable, restricted processing is required for the following purposes:

Compliance with commercial and tax retention obligations: in particular, the German Commercial Code (HGB) and The Fiscal Code of Germany (AO). These stipulate retention and/or documentation periods of up to ten years.

The retention of evidence within the context of statutory limitation periods: pursuant to Section 195 et seq. of the German Civil Code (BGB), the standard limitation period is three years, but up to 30 years under particular circumstances.

XV. Data protection rights

1. Any data subject has the right of access as per Art. 15 GDPR, the right to rectification as per Art. 16 GDPR, the right to erasure as per Art. 17 GDPR, the right to restriction of processing as per Art. 18 GDPR, the right to object under Art. 21 GDPR and the right to data portability under Art. 20 GDPR. In the case of the rights of access and erasure, restrictions apply as per Sections 34 and 35

BDSG. In addition, the right to lodge a complaint with a supervisory authority also exists (Art. 77 GDPR in conjunction with Section 19 BDSG).

2. Once granted, you can withdraw consent to our processing of your personal data at any time with future effect. This includes the withdrawal of declarations of consent provided to us prior to the validity of the General Data Protection Regulation, i.e. prior to 25 May 2018.

Information about your right to object in accordance with Article 21 of the General Data Protection Regulation (GDPR)

1. INDIVIDUAL RIGHT TO OBJECT

You have the right to object, on grounds relating to your particular situation, at any time to processing of personal data concerning you which is based on Article 6(1)(e) GDPR (data processing in the public interest) and Article 6(1)(f) GDPR (data processing on the basis of a balancing of interests); this also applies to profiling based on this provision within the meaning of Article 4(4) GDPR.

If you object, we will no longer process your personal data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing serves the establishment, exercise or defense of legal claims.

2. RIGHT TO OBJECT TO THE PROCESSING OF DATA FOR THE PURPOSES OF DIRECT ADVERTISING

In individual cases, we process your personal data for direct marketing purposes. You have the right to object at any time to the processing of personal data concerning you for the purpose of such advertising; this also applies to profiling insofar as it is associated with such direct advertising.

If you object to processing for direct marketing purposes, we will no longer process your personal data for these purposes. The objection can be made without any formality and should preferably be addressed to
FPS Rechtsanwaltsgesellschaft mbH & Co. KG
Eschersheimer Landstraße 25-27
D-60322 Frankfurt am Main
E-mail: dsb@fps-law.de

XVI. Obligation to provide and possible consequences of not providing personal data

Within the context of using our website, you must provide the personal data necessary to fulfil the purpose or that we are legally obliged to collect. Without this data, we will generally not be able to provide the desired service.

XVII. Existence of automated individual decision-making, including profiling

Generally, we do not use fully automated decision-making to justify and implement the business relationship as per Art. 22 GDPR. If we employ this method in individual cases, we will advise you of this separately if this is a legal requirement.

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