

MARCK

Information on data processing for clients and other affected parties

The protection of your personal data is important to us. With this data privacy notice we would like to inform you about how we use your data when advising our clients. We will inform you about the processing of personal data and your rights under data protection law. If you have any further questions, please do not hesitate to contact us or send us an email (team@marck.eu).

Responsible Legal Person

MARCK Partnerschaft von Rechtsanwälten mbB Batzel Schmittmann, Bäckerstr. 2, 40213 Düsseldorf (**MARCK**) is responsible for the processing of your personal data.

Purpose of Processing

When advising our clients, we process personal data related to the mandate (**mandate data**) for various purposes, for example to be able to advise our clients or for operational reasons. These include:

- advising our clients and processing the respective mandate;
- compliance with requirements based on applicable legislation and regulatory requirements (e.g., conflict and know-your-customer reviews);
- operational purposes (eg, logs, bookkeeping, accounting and tax compliance);
- and / or the fulfillment of certain legal obligations (e.g. disclosure requirements and compliance with court orders)

Data subjects affected

Depending on the individual case, we process personal data of various data subjects, including:

- Clients and their respective mandate holders, representatives and employees;
- Counterparties or contractual partners of our clients and their respective mandate holders, representatives and employees;
- Other advisors who deal with the mandate, as well as their respective mandate holders, representatives and employees;
- Our partners and employees;
- And / or third parties, such as court personnel, witnesses and other natural persons who are involved in the mandate.

If the data subject is not a client at the same time, the client will pass on this data protection information to data subjects who are located in their sphere.

Types of personal data

Which types of personal data are processed in the course of a mandate or the initiation of a mandate depends entirely on the respective mandate and the course of the mandate work, negotiations or process actions. The mandate data usually relate to contact information of the relevant contact persons or information about the position or behavior of people who are relevant to the mandate. For example, the following information:

- Title, first name, last name, academic title, position in the company
- Address and email addresses
- Telephone number (landline and / or mobile), fax number
- Bank details
- Information that is necessary for the assertion of claims and / or rights and / or for the defense of rights under the mandate.

Processing purposes

The data is collected for the following purposes:

- Identification of the person
- Legal advice and representation and other mandate related work as well as trainings
- Correspondance and communication with you
- Invoicing
- Assertion of any claims
- Money laundering check, if necessary

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Processing takes place at your request and is in accordance with Art. 6 Para. 1 S. 1 lit. b GDPR required for the aforementioned purposes for pre-contractual measures, the appropriate processing of the mandate, for the mutual fulfillment of obligations from the mandate contract and the termination of the mandate relationship. In addition, we process personal data to fulfill legal obligations (e.g. commercial and tax retention requirements) in accordance with Art. 6 Para. 1 S. 1 lit. c GDPR.

Origin of the data

Most of the time we will process data that our clients have given us. This is information that we need in order to act as a legal advisor for you. In some cases, however, we also process other personal data, insofar as this is indicated in the context of the client relationship or other cooperation, which we are permitted to call from public sources such as the press, the Internet or public registers or which are legitimately transmitted by other third parties.

Storage period

The personal data we collect for the mandate will be stored until the legal retention period for lawyers expires (6 years after the end of the calendar year in which the mandate was terminated) and then deleted. This does not apply insofar as we are in accordance with Art. 6 Para. c GDPR due to tax and commercial law retention and documentation obligations (e.g. from HGB, StGB, AO or GwG) are obliged to store them for a longer period of time or we take into account the legal interests of the law and the statute of limitations in Section 199 (3) BGB. In any case, keep it for a period of 10 years, beginning at the end of the year in which the respective mandate was terminated, or save it in a further storage according to Art. 6 Para. 1 S. 1 lit. a GDPR.

Legal Basis

Unless otherwise indicated, the processing of mandate data is generally based on our legitimate interest in providing our legal advice services for our clients and the legitimate interests of our clients in being legally advised and represented by us.

In addition, we have a legitimate interest in processing mandate data in order to perform certain tasks in connection with the operation of our firm, such as maintaining our client relationships, accounting and for tax purposes (the legal basis for this processing is Art. 6 para. 1 lit. f) GDPR).

If there is a mandate relationship with the person concerned, we also process the mandate data relating to that person for the purpose of fulfilling the contract (the legal basis for processing in such cases is Article 6 (1) (b) GDPR).

In addition, we process mandate data in order to fulfill our legal obligations in accordance with the applicable laws (the legal basis for processing in such cases is Article 6 (1) (c) GDPR).

Limitation of Data Processing

We limit the processing of personal data to the minimum necessary to achieve the respective processing purpose. This also means that we delete or anonymize data as soon as it is no longer required to achieve the respective processing purpose, unless there is a legal basis for further storage, e.g. a legal (e.g. tax law) retention requirement.

Transfer of Personal Data

Insofar as this is necessary for initiating, entering into, processing and handling client relationships and / or for other cooperation, your personal data will be passed on to third parties.

Within MARCK, those persons receive access to personal data that they need to fulfill our contractual and legal obligations.

In the administration of our mandate activities (e.g. accounting, use of cloud solutions), we work in part with service providers (e.g. providers of cloud solutions) who process your data on our behalf and in accordance with our instructions. We only work with trustworthy service providers on the basis of order processing contracts (Art. 28 GDPR) in order to guarantee the protection of your data in the best possible way. With regard to cloud solutions, for example, we work with Microsoft (cloud solution with exclusively German data centers). We also use a cloud based law firm management software of Wolters Kluwer, which contains the electronic client files as well as billing and time keeping. With regard to our telephone system, we work with the company Sipgate, whose servers are also located exclusively in Germany.

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Where necessary, we also share. In addition, if necessary, we share mandate data with service providers who are subject to their own professional confidentiality obligations. These include, for example, tax advisors. We have advised such service providers of the criminal protection of mandate data through mandate secrecy.

If necessary, we will also pass on personal data to opponents and parties to the proceedings and their representatives, courts and other public authorities and translators for the purpose of correspondence and for the assertion of claims and / or rights and / or for the defense of rights. Insofar as it concerns data that are subject to the lawyer's secret, it will only be passed on to third parties in consultation with you or insofar as we are authorized to transmit personal data based on a weighing of interests.

Use of AI Applications (Libra)

In the course of our legal work, we also use the specialized AI application Libra, which is tailored to the legal field. Libra supports us in the efficient handling of legal matters. Libra fully complies with all requirements of the GDPR and processes personal data exclusively on our behalf and in accordance with our instructions on the basis of a data processing agreement pursuant to Art. 28 GDPR. In addition, contractual arrangements (including a non-disclosure agreement) ensure compliance with the special professional duties of confidentiality applicable to lawyers (§ 43a BRAO, § 203 StGB). No data is transferred to third countries in this context.

Rights of Data Subjects

As a data subject, you have the following rights in connection with the processing of your personal data:

- Right to information (Art. 15 GDPR)
- Right to correction (Art. 16 GDPR), deletion (Art. 17 GDPR) and restriction of processing (Art. 18 GDPR)
- the right to object to processing (Art. 21 GDPR)
- and the right to data portability (Art. 20 GDPR)

If processing is based on your consent, you can revoke it at any time. In this case, we will only process your data if there is another legal basis for this. The withdrawal of consent does not affect the lawfulness of processing based on consent before the withdrawal.

In addition, every data subject has the right to lodge a complaint with a supervisory authority, in particular in the Member State of their residence, their place of work or the place of the alleged infringement, if the data subject believes that the processing of their personal data violates this regulation.

Use of our Website and Social Media accounts

For the use of our website, any social media pages of MARCK and the data processing when you contact us, you will find the corresponding data protection information on our website www.marck.eu.

Updates to this Privacy Notice

We regularly review this privacy notice and update it where necessary, for example if the legal framework or our processing activities change. The most recent version is always available on our website at www.marck.eu. Upon request, we will also provide you with the current version in text form.

Status: September 2023