

### **Declaration of consent for the collection, storage and processing of personal data in compliance with the EU General Data Protection Regulation (GDPR) and the Federal Data Protection Act**

You would like to contact one of our attorneys in his/her role as ombudsperson. If you submit your personal data (see below, section 3) in this context, we must comply with the data protection requirements. We would like to point out once again that you can also submit your report anonymously.

We provide you with the following information on our handling of your data and would like to ask you to contact us personally at any time if you have any questions and/or concerns. In detail, the following applies – especially taking into account the EU General Data Protection Regulation (GDPR):

#### **1. Persons in charge**

(1) Responsible for the collection, processing and use of your personal data within the meaning of the GDPR and the German Federal Data Protection Act (BDSG-2018) is the law firm HEUKING · VON COELLN Rechtsanwälte PartG mbB, registered office Düsseldorf, Amtsgericht (Local Court) Essen PR 4154, Prinz-Georg-Str. 104, 40479 Düsseldorf, represented by its partners attorney Christian Heuking and attorney Dr. Sibylle von Coelln, Prinz-Georg-Str. 104, 40479 Düsseldorf.

(2) The partners of the company, attorney Christian Heuking and attorney Dr. Sibylle von Coelln, can be contacted at the above named postal address as well as via email ([mail@hvc-strafrecht.de](mailto:mail@hvc-strafrecht.de)) or phone (+49 211 44 03 57 70), personally take care of the protection of your data.

#### **2. Observance of data protection and data security**

We use your data in compliance with the applicable data protection regulations. In doing so, we have taken all necessary technical and organizational precautions to ensure the security of your data.

You can correspond with us via encrypted email. To do this, the encryption certificates must first be exchanged. Therefore, if you want to send your report in encrypted form, first send us a signed but unencrypted email with the subject "Exchange of encryption certificates", to which we can then reply. After that, two-way encrypted correspondence is possible.

#### **3. Kinds of data collected**

If you contact us with a report on or a question about a specific issue, we may generally collect or process the following data. The scope of the specific data collection depends on how detailed you provide us with personal data:

- Your first name and last name together with your title(s),
- If applicable, the name of your employer and your position in the company,
- Your address (business and/or personal),
- Your phone number (landline and/or mobile, business and/or home),
- Your personal and/or business email address,
- your internet addresses or the internet address of your employer as well as
- all information necessary for your consultation and the processing of your report by us and/or the clarification of the facts by the company for which we work.

#### **4. Purposes of data collection**

We collect your data in particular to

- be able to identify you as a reporter if necessary,
- be able to correspond with you and/or otherwise contact you,
- be able to advise you responsibly and successfully and to process or forward your information,
- to enable the company to process the information and clarify the facts,
- in order to be able to handle possible liability claims on your part against us.

#### **5. Reason for the data collection**

The data processing is based on your contacting us in our function as ombudspersons and your thereby implied consent to the processing of your data, Art. 6 (1) lit. a GDPR. Furthermore, it is necessary for the aforementioned purposes, for the appropriate processing of the facts reported by you as well as for the fulfillment of our obligations under the client agreement with the company that has mandated us as ombudspersons, Art. 6 (1) lit. c GDPR.

#### **6. Type of data collection, storage and processing**

Depending on the way you choose to contact us, your data will be collected, stored and processed both digitally and in hardcopy.

#### **7. Retention periods**

(1) The personal data collected by us when you contact us as well as during the further processing of the report will generally be stored or retained until the expiry of 10 years after the conclusion of the investigation of the facts reported by you – Art. 199 (3) sentence 1 no. 1 BGB (German Civil Code), Art. 6 (1) lit. f GDPR –, but at least during the statutory retention period, which for lawyers results from

Art. 50 BRAO (Federal Lawyers' Act) and comprises 6 years after the end of the calendar year in which the processing of the report was completed. After that, they are completely deleted or destroyed in accordance with data protection regulations so that they cannot be recovered by third parties.

(2) Other periods only apply if we are obliged to store your data for a longer period of time due to other legal provisions (e.g. the German Tax Code, the German Money Laundering Act, etc., Art. 6 (1) lit. c GDPR) and/or if you have consented to or requested us to store your data for a longer period of time (Art. 6 (1) lit. a GDPR).

### **8. Transmission of data to third parties**

(1) Your personal data will only be forwarded to the company concerned by the issue to the extent that you have previously agreed to.

(2) In all other respects, your data will only be passed on if this is necessary for the proper processing of the information or if there is a legal obligation to do so. This applies in particular to the disclosure of data and information to courts, law enforcement agencies and/or other public bodies in connection with the matter under investigation.

(3) Those employees of our law firm who have access your data are, like ourselves, subject to a strict duty of confidentiality the compliance with which we monitor.

(4) Other persons with whom we cooperate and who have or could have access to your data (e.g. sworn translators) have also been or will be obligated by us in writing to maintain confidentiality and - as has also been or will be expressly pointed out to them - will themselves be liable to prosecution in the event of a violation.

(5) A transfer of your personal data to third parties for purposes other than those listed here will not take place unless otherwise individually agreed on with you.

(6) The lawyer's duty of confidentiality remains unaffected.

### **9. Use of the video conferencing system "Zoom"**

We work with the video conferencing system "Zoom", which acts as a data processor for us to that extent. As far as possible, we have only allowed Germany as a storage location and only Germany and the Netherlands as user-defined data center regions. Standard contractual clauses with Zoom in accordance with Regulation EU 2016/679 also ensure that appropriate data protection is guaranteed by Zoom, even in the case of international data transfers. Further information about data protection at Zoom can be found here:

- [https://explore.zoom.us/docs/doc/Zoom\\_GLOBAL\\_DPA.pdf](https://explore.zoom.us/docs/doc/Zoom_GLOBAL_DPA.pdf)
- <https://explore.zoom.us/en/privacy/>
- <https://explore.zoom.us/en/terms/>
- <https://blog.zoom.us/data-europe-updating-zooms-dpa/>

In correspondence with you, we will only use this video conferencing system if and to the extent that you expressly consent to this use. In addition, the use of Zoom may be necessary to clarify the facts reported by you in communication with third parties. By contacting us, you consent to the use of the system for these causes.

We do not record the calls/conferences. We decide on the use of the camera function by mutual agreement with you.

## 10. Your rights

You have the right,

- according to Art. 7 (3) GDPR to revoke your consent once given to us at any time. The revocation does not affect the legality of the data collection and processing based on your previous consent in the past. The only consequence of the revocation is that we may not and will not continue the data processing based on this consent in the future. This in turn may mean that the facts reported by you can no longer be clarified and potential misconduct by third parties cannot be stopped and/or sanctioned.
- pursuant to Art. 15 GDPR to request information about your personal data processed by us. In particular, you can request information about the processing purposes, the categories of personal data that are processed or have been processed, the recipients or categories of recipients to whom your data are disclosed or have been disclosed, the planned storage period, the existence of a right to rectification, erasure or restriction of processing or a right to object, the existence of a right of appeal to a supervisory authority, the origin of your data if they were not collected by us, the existence of automated decision-making, including profiling, and information about the scope and the intended effects of such processing for you.
- in accordance with Art. 16 GDPR to demand the correction of any incorrect personal data relating to you or the completion of your personal data stored by us without delay, insofar as this is incorrect or incomplete.
- pursuant to Art. 17 GDPR to demand the deletion of your personal data stored by us. This does not apply insofar as the processing of your data is required
  - to exercise the right to freedom of expression and information,
  - to fulfill a legal obligation,
  - for reasons of public interest in the field of public health,

- for archiving purposes in public interest, for scientific or historical research purposes, or for statistical purposes
- for the assertion, exercise or defense of legal claims.
- pursuant to Art. 18 GDPR to request the restriction of the processing of your personal data. This applies insofar as
  - the accuracy of the data is disputed by you,
  - the processing is unlawful, but you refuse the erasure of the data and instead request the restriction of data use,
  - we no longer need the data, but you need the data for the assertion, exercise or defense of legal claims
  - you have objected to the processing pursuant to Art. 21 (1) GDPR.
- pursuant to Art. 20 GDPR to receive your personal data that you have provided us with in a structured, common and machine-readable format or to request the transfer to a different person in charge.
- pursuant to Art. 77 GDPR to complain to a supervisory authority. As a rule, you can contact the supervisory authority of your habitual residence or of your workplace or of our office.

### **11. Objection according to § 21 GDPR**

If your personal data is processed on the basis of legitimate interests pursuant to Art. 6 (1) lit. f GDPR, you have the right to object to the processing pursuant to Art. 21 GDPR, provided that there are grounds for doing so that arise from your particular situation. If you wish to exercise your right to object, please send an email to [mail@hvc-strafrecht.de](mailto:mail@hvc-strafrecht.de).

### **12. Declaration of consent**

By contacting us, you confirm that you have taken note of this information on the collection, storage and processing of your data by HEUKING · VON COELLN Rechtsanwälte PartG mbB and its employees. At the same time, by contacting us, you agree to the data collection, data storage and data processing carried out.