

PRIVACY INFORMATION
by Herbst Kinsky Rechtsanwälte GmbH

Data protection is important to us! We are bound to confidentiality by our professional duty of secrecy. When using your personal data, we are observing all data protection regulations, including but not limited to the provisions of the EU General Data Protection Regulation (hereinafter: "GDPR"). In this Privacy Information we set out how your personal data will be processed by us and inform you about your rights under the GDPR.

This Privacy Information is provided in accordance with Articles 13 and 14 GDPR.

It addresses current as well as former clients, prospective clients, contractors and other business partners as well as their shareholders, managers and employees, job applicants, visitors of our website and subscribers to our newsletter

Controller of all processing activities is

Herbst Kinsky Rechtsanwälte GmbH
1010 Vienna, Dr. Karl Lueger-Platz 5
Registered under FN 263829 i (Commercial Court of Vienna)

For all inquiries concerning the protection of your personal data please contact:

Herbst Kinsky Rechtsanwälte GmbH
datenschutz@herbstkinsky.at Tel-Nr: +43-01 9042180

A. HOW ARE WE PROCESSING YOUR PERSONAL DATA AND FOR WHICH PURPOSES?

We process your personal data for different purposes and by various means, depending on whether you are our client, a prospective client, a contractor/other business partner, a job applicant, a visitor of our website or a newsletter subscriber.

1. Data processing concerning clients/prospective clients

We process your personal data necessary to provide you with our legal services or additional data which you provided to us voluntarily, such as name, address, e-mail address, telephone number, date of birth, sex, social security number, video recording, pictures, voice recordings as well as

biometric data like finger prints. This might also include special categories of data, i.e. data concerning health or personal data relating to criminal convictions and offences.

We process your personal data for the performance of our contractual duties according to our attorney-client relationship, for compliance with other legal obligations and/or for the purpose of legitimate interests (in particular for marketing purposes), except where such interests are overridden by your interests in the confidentiality of your personal data.

- **Processing of personal data necessary for the performance of our contractual duties (art 6 para 1 point b GDPR):** The purpose of the processing of personal data is the performance of our (pre-)contractual duties according to our attorney-client relationship, i.e. for the purpose of legal consulting (e.g. expert opinions, representation in judicial and administrative procedures, formation of companies etc.).
- **Processing of personal data necessary for the compliance with legal obligations (art 6 para 1 point c GDPR, art 9 para 2 point g GDPR):** The processing of personal data is also necessary for the compliance with different legal obligations to which Herbst Kinsky is subject. This includes the Austrian Lawyer's Act and other statutory sources of legal services (e.g. prevention of money laundering, correct accounting).
- **Processing of personal data necessary for the purposes of the legitimate interests (art 6 para 1 point f GDPR):** We process personal data to protect our legitimate interests, unless your interests in confidentiality prevail.

The processing of your personal data is based on our legitimate interests in the following cases:

- *Advertising and marketing in relation to legal services we already provide to you*
- *improvement of our services*

You have the right to object to the processing of your personal data based on our legitimate interests (see under B.).

We **transfer** personal data to third parties as far as this is necessary in order to render our services to you. This includes in particular the following parties:

- Opponents in judicial proceedings,
- Third parties assisting in our legal services (public notaries, substitutes)
- Courts and authorities

- Bar association
- Insurance companies
- Banks
- Tax accountants and accounting firms

We will make sure that your personal data is transferred on the basis of Standard Contractual Clauses (currently 2010/87/EC and/or 2004/915/EC), if the above-mentioned recipients of your personal data are seated outside the EEA and if the Commission has not decided that there is an adequate level of data protection in place in the country where the recipient of your personal data is seated or otherwise in accordance with Articles 46, 47 or 49 GDPR.

Furthermore, **service providers** (processors) will receive your personal data from us in order to render their respective services (eg. accountants, IT-service providers). All service providers are contractually obligated to keep your personal data confidential and may use your personal data only on our behalf and in line with our instructions.

We will transfer your personal data to public authorities and institutions if we are legally obligated to do so.

We will process your personal data as long as the processing is necessary. Your personal data will be erased automatically as soon as the processing is no longer necessary.

We retain your personal data necessary for the performance of our services at least during the whole term of our attorney-client relationship and further on according to mandatory record retention and documentation duties (e.g. according to the Austrian Commercial Code or the Federal Fiscal Code). Furthermore we comply with the legal periods of limitation, e.g. according to the Code of Civil Law. These periods of limitation can last up to 30 years in certain cases.

2. Processing of personal data concerning contractors/business partners

We process your personal data for the performance of our contractual duties according to our contractual relationship with you, for compliance with other legal obligations and/or for the purpose of legitimate interests, except where such interests are overridden by your interests in the confidentiality of your personal data.

- **Processing of personal data necessary for the performance of our contractual duties (art 6 para 1 point b GDPR):** The purpose of the processing of personal data is the performance of our (pre-)contractual duties according to our contractual relationship with you.

- **Processing of personal data necessary for the compliance with legal obligations (art 6 para 1 lit c GDPR):** The processing of personal data is also necessary for the compliance with different legal obligations to which Herbst Kinsky is subject. This includes the Austrian Lawyer's Act and other statutory sources of legal services (e.g. correct accounting).
- **Processing of personal data necessary for the purposes of the legitimate interests (art 6 para 1 point f GDPR):** We process personal data for the purposes of our legitimate interests, except where such interests are overridden by your interests in the confidentiality of your personal data, unless your interests in confidentiality prevail (e.g. in a law suit).

We **transfer** personal data to third parties as far as this is necessary in order to render our services to you. This includes in particular the following parties:

- Banks
- Tax accountants and accounting firms

We will make sure that your personal data is transferred on the basis of Standard Contractual Clauses (currently 2010/87/EC and/or 2004/915/EC), if the above-mentioned recipients of your personal data are seated outside the EEA and if the Commission has not decided that there is an adequate level of data protection in place in the country where the recipient of your personal data is seated or otherwise in accordance with Articles 46, 47 or 49 GDPR..

Furthermore, **service providers** (processors) will receive your personal data from us in order to render their respective services (e.g. accountants, IT-service providers). All service providers are contractually obligated to keep your personal data confidential and may use your personal data only on our behalf and in line with our instructions.

We will transfer your personal data to public authorities and institutions if we are legally obligated to do so.

We will process your personal data as long as the processing is necessary. Your personal data will be erased automatically as soon as the processing is no longer necessary.

We retain your personal data necessary for the performance of our services at least during the whole term of our attorney-client relationship and further on according to mandatory record retention and documentation duties (e.g. according to the Austrian Commercial Code or the Federal Fiscal Code). Furthermore we comply with the legal periods of limitation, e.g. according to the

Code of Civil Law. These periods of limitation can last up to 30 years in certain cases.

3. Processing of personal data concerning visitors of our website (only valid for the website www.herbstkinsky.at)

The web server automatically stores information that your browser automatically transmits to us in so-called server log files (IP address, Internet Service Provider, date/time). The collection of this access data is based on our legitimate interests in the use and optimisation of the website and the guarantee of network and data security. We reserve the right to review this data in case we have specific indications of illegal use.

4. Processing of personal data concerning job applicants

If you apply for a job with us, we will process the personal data you provide to us (in particular curriculum vitae, contact details) according to the following legal bases:

- the performance of pre-contractual measures (application procedure aiming to conclude an employment contract (art 6 para 1 lit b GDPR) or
- your explicit consent if you would like us to keep your application on file (Art 6 para 1 lit a GDPR).

Your data will be erased upon the termination of the application procedure unless we are keeping your data on file based on your explicit consent.

5. Processing of personal data concerning newsletter subscriptions

If you subscribe to our newsletter, available [here](#), we process your personal data you voluntarily provide, in particular your name and e-mail address, in order to send you up-to-date information on legal developments, events (such as lectures, seminars, etc.) and other relevant news at regular intervals.

To administer the newsletter distribution, we will transfer your personal data to our processor, CleverReach GmbH & Co. KG, based in Germany.

The data processing is based on your explicit consent according to Art 6 para 1 lit a GDPR in connection with § 107 Abs 2 TKG. You can withdraw your consent at any time with effect for the future (by e-mail to datenschutz@herbstkinsky.at or via the "unsubscribe button" in the respective newsletter e-mail). Your personal data will be stored until you valid withdrawal.

B. WHAT ARE YOUR RIGHTS IN CONNECTION WITH YOUR PERSONAL DATA?

Right to information

As long as we process your personal data you have the right to information about the purposes of processing, the categories of personal data, the origin and the recipients of your personal data, the duration of storage. Your right to information might be subject to our professional duty of confidentiality.

Rectification and erasure of data

If we process inaccurate or incomplete personal data you have the right to rectification of such data. If your personal data is processed unlawfully you may also request us to erase your personal data. You may also request the erasure of your personal data if your data is processed unlawfully, subject to legal obligations preventing the erasure of your personal data.

Limitation of processing

You may request us to limit the processing of your personal data in certain cases.

Data portability

You have the right to receive the personal data, which you have provided to us, in a structured, commonly used and machine-readable format. You have the right to direct transmission of those data to another controller as far as this is technically feasible.

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. If you object to processing of your personal data we shall cease to process this data unless our legitimate interests to processing your personal data prevail. Where personal data are processed for direct marketing purposes, you shall have the right to object at any time to processing of personal data concerning you. In this case we will cease the processing of your personal data for marketing purposes immediately.

Complaint

You have the right to lodge a complaint with the supervisory authority, if you believe that the processing of your data violates data protection law or your rights to protection of your personal data have been infringed. In Austria, this is the Austrian Data Protection Authority (*Österreichische Datenschutzbehörde*).