

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.

It addresses prospective, current as well as former clients, suppliers and business partners, job applicants and visitors of our website.

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
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A. HOW DO WE PROCESS YOUR PERSONAL DATA AND FOR WHAT PURPOSES?

We process your personal data in various ways and for different purposes, depending on whether you are (prospective) client, supplier or business partner, job applicant, or visitor of our website.

1. Data processing for (prospective) clients

We process your personal data that is necessary for the initiation, performance, and fulfilment of our legal services. This may also include special categories of data such as health data or data related to criminal convictions and offences.

We process your personal data for the purpose of initiating and fulfilling our contractual obligations within the attorney-client-relationship, for compliance with legal obligations, and/or based on legitimate interests.

- **For the initiation or performance of the attorney-client-relationship (Article 6 para 1 point b GDPR, Article 9 para 2 point f GDPR):** The processing of personal data is carried out for the fulfilment of our (pre-)contractual performance within the attorney-client-relationship, I.e., for the purpose of legal consulting (e.g., preparing legal opinions, company formations) or representation in judicial and administrative proceedings. In this context, your personal data may be disclosed to recipients, including those outside the European Economic Area (EEA). Such recipients include opposing parties in judicial proceedings, third parties assisting in our legal services (e.g., notaries, substitutes), courts and authorities, bar association, insurance companies, banks, tax accountants, and auditing firms, IT service providers, and accounting firms. If recipients are located outside the EEA in a country without an adequacy decision by the European Commission, we ensure that the transfer is based on EU Standard Contractual Clauses or otherwise in accordance with Articles 46, 47, or 49 GDPR.
- **For compliance with legal obligations (Article 6 para 1 point c GDPR, Article 9 para 2 point g GDPR):** The processing of personal data is also required to fulfil various legal obligations to which we are subject. This includes, for example, the prevention of terrorism and money laundering (§§ 8a – 8f Austrian Bar Act [RAO]), professional obligations (in particular under RAO and the Professional Code of Conduct for Lawyers [RL-BA]), and accounting (§ 132 Austrian Federal Fiscal Code [BAO]). In this context, personal data may be transferred to courts and authorities, bar association, banks, tax accountants, and auditing firms.

Regarding the processing of personal data for the prevention of terrorism and money laundering (§§ 8a – 8f RAO), we use the supporting tool "Meo" to ensure the obligatory Know-Your-Client verification process.

- **For legitimate interests (Article 6 para 1 point f GDPR):** We process personal data to safeguard our legitimate interests, including contacting you for advertising and marketing purposes regarding our events. You have the right to object to this processing (for details see Point B).

Furthermore, we process personal data to safeguard our legitimate interest in asserting, exercising, or defending legal claims or actions by courts in connection with our attorney-client-relationship. If personal data is necessary to assert, exercise, or defend legal claims or actions in court, we will process the required data beyond any statutory retention obligations, but only for the duration strictly necessary.

We retain your personal data for as long as necessary. Therefore, we store data related to the attorney-client-relationship for at least five respectively ten years after the end of the relationship, as required by § 12 para 2 and 3 RAO. Books and records, as well as related documents, are stored for seven years in accordance with § 132 BAO. If personal data is necessary to assert, exercise, or defend legal claims or actions in connection with the attorney-client-relationship, we will process the required data beyond statutory retention obligations, but only for the duration strictly necessary for this purpose. If there is no longer an active attorney-client-relationship, we will process your contact data beyond the statutory retention period, provided you have not objected to receiving marketing communications regarding our events.

2. Data Processing for suppliers and business partners

We process your personal data to fulfil our contractual obligations under the business relationship, to comply with legal obligations, and/or based on legitimate interests.

- **For the performance of (pre-)contractual obligations (Article 6 para 1 point b GDPR):** The processing of personal data is necessary for the performance of our (pre-)contractual obligations under the business relationship. We retain personal data required for contract performance for the entire duration of the business relationship.
- **For compliance with legal obligations (Article 6 para 1 point c GDPR):** The processing of personal data is also necessary to comply with various legal obligations to which Herbst Kinsky Rechtsanwälte GmbH is subject. Therefore, commercial records, as well as related documents, are stored for seven years in accordance with § 132 BAO.
- **For legitimate interests (Article 6 para 1 point f GDPR):** We process personal data for our legitimate interests, such as asserting, exercising, or defending legal claims or actions by courts in connection with the business relationship. If personal data is necessary to assert, exercise, or defend legal claims or actions in court, we process the required data beyond statutory retention obligations, but only for the period strictly necessary.

We may disclose personal data to banks, tax accountants, auditing firms, courts, accounting firms, and IT service providers as necessary. If we are legally required to do so, we will transfer personal data to public authorities and institutions.

If recipients are located outside the EEA in a country without an adequacy decision by the European Commission, we ensure that the transfer is based on EU Standard Contractual Clauses or otherwise in accordance with Articles 46, 47, or 49 of the GDPR.

3. Data Processing for Website Visitors of herbstkinsky.at

The web server automatically stores information that your browser transmits to us in so-called server log files (IP address, Internet Service Provider, date/time). This information is stored for a maximum of two months and then deleted. The collection of this information is based on our legitimate interests in ensuring availability, network, and data security.

4. Data Processing for Job Applicants

If you apply to us, we process the personal data you provide (in particular, your CV and contact details):

- For the performance of pre-contractual measures (Article 6 para 1 point b GDPR);
- Based on your consent (Article 6 para 1 point a GDPR), if you wish to remain in our records as a prospective applicant.

If the data is not stored longer based on your consent, it will be deleted seven months after the application process is completed.

B. YOUR DATA SUBJECT RIGHTS

You have the right to access, rectification, erasure, restriction, data portability and objection. You also have the right to lodge a complaint with a data protection supervisory authority if you believe that your data protection rights have been violated. The competent data protection supervisory authority for us is the Austrian Data Protection Authority.