

## PRIVACY POLICY

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## **1. COMMITMENT**

Held Berdnik Astner & Partner Rechtsanwälte GmbH (hereinafter "hba", "we" and "our") as controller of the processing of personal data within the scope of application of General Data Protection Regulation (hereinafter the GDPR) takes the protection of your personal data as its highest priority. With regard to the processing of personal data, hba adheres to all provisions of the GDPR, Austrian Data Protection Act, as well as other relevant national and EU provisions, and is committed to achieving the best possible transparency.

hba processes personal data in accordance with the principles of lawfulness, fairness, transparency, accuracy, purpose limitation, data minimization, storage limitation, and integrity and confidentiality.

## **2. CONTACT PARTNERS**

Contact partners for data protection at hba are RA Dr. Ullrich Saurer and RA Wolfgang Stenzel, LL.M. Inquiries regarding other matters please direct at [datenschutz@hba.at](mailto:datenschutz@hba.at). Further contact detail can be found under Point 1.1 of this policy.

## **3. PURPOSE AND LAWFULNESS OF DATA PROCESSING**

hba processes data for the following purposes and according to the following legal basis:

### **3.1. Performance of a contractual obligations pursuant to Art 6(1)(b) GDPR**

The processing of personal data is necessary to render and fulfill advisory, representation and other services, in particular the fiduciary processing of asset transactions or the performance in matters of succession. hba needs this data, inter alia, for the preparation of contracts and statements, submissions to authorities, or for the administration of trust assets.

The purposes of data processing are primarily governed by specific contractual relation:

- representation and submissions to authorities and courts,
- comprehensive legal advisory,
- preparing contracts and advisory opinions,
- communication with third parties to enforce the interests of our clients,
- performing of trusteeships,
- performing of affairs regarding land register and trade directory,
- other legal services for the client within the concluded contract.

If clients or business partners are not willing to provide their personal data, the entering in or performance of the contract may not be possible. An existing contract,

under these circumstances, may no longer be executed and may have to be terminated.

### **3.2. Compliance with legal obligations pursuant to Art 6(1)(c) GDPR**

Legal obligations may require the processing of personal data. In case of hba, these obligations, inter alia, are set by the Austrian Attorney Act (RAO), Austrian Commercial Code (UGB), and Austrian Federal Fiscal Code (BAO).

Processing your personal data may be particularly necessary in order to comply with our legal obligation of preventing money laundering and countering terrorist financing.

### **3.3. Consent pursuant to Art 6(1)(a) GDPR**

If the processing of personal data exceeds contractual or legal obligations, hba will obtain the consent of the business partner. In the case of consent, the data will only be processed for the stated purpose, such as sending newsletters or inviting you to events organized by hba.

Consent may be withdrawn at any time with immediate effect. This can be done verbally or in written form, inter alia, via the following e-mail address: [datenschutz@hba.at](mailto:datenschutz@hba.at).

More information regarding consenting to our cookies policy can be found under Point 7.2.

## **4. PERSONAL DATA**

hba processes personal data (i.e. any information concerning an identified or identifiable natural person) that is collected or transmitted in the course of business relations by clients and business partners or authorities (e.g. courts, trade directory, land register) as well as third parties (counterparties).

Depending on the specific mandate, and to the specific purpose respectively, the following categories of personal data are subjected to processing:

- personal details: name/company/other denotations pertaining to business, address, contact details (phone number, e-mail address, fax), date of birth, date of death;
- register data (e.g. trade directory, land register, trademark register, Patent Office);
- UID-, trade directory-, Central Register of Associations-number;
- data from trade directory and/or land register;
- bank data and bank transfer data;
- contact persons and their contact details;
- names of persons involved (parties, authorities, third parties involved);

- performance records and memoranda;
- documentation of conversations;
- contractual texts and business correspondence;
- documents;
- evidence;
- legitimacy data;
- data concerning the facts (of a case) and pleadings;
- judicial / official settlements;
- billing, payment, and booking data;
- photos;
- data on creditworthiness/solvency, dunning data, data on the opening of bankruptcy.

## **5. RECIPIENT**

Depending on the contractual relation, personal data may be passed to counterparties or authorities (e.g. courts, official offices, land register, trade directory, Patent Office, etc.) substitutes, (legal expenses) insurance companies, or common industry service providers such as postal service providers. In addition, personal data is transmitted to the Steirische Prüfungs- und beratungsGmbH. The Steirische Prüfungs- und beratungsGmbH carries out the legally required audit of the annual financial statements of the hba.

hba passes personal data to processors, who are commissioned by hba, if this transfer of data is necessary to fulfil the task at hand. When selecting processors, hba ensures compliance with the provisions on data protection. In addition, the processors are bound by contracts, ensuring personal data is being processed confidentially and carefully. hba uses the following processors:

- ADVOKAT Unternehmensberatung GREITER & GREITER GmbH, Andreas-Hofer-Straße 39b, 6020 Innsbruck
- SysUP GmbH & Co KG, Herrgottwiesgasse 149, 8020 Graz

## **6. STORAGE PERIOD**

Personal data is stored for the period of the business relationship, and beyond that only in accordance with legal retention periods or other time limits within which claims can be asserted.

hba is obligated to act in accordance with legal retention periods and/or claim periods, regulated, inter alia, by the following legal acts:

- Austrian Commercial Code (UGB),

- Austrian Federal Fiscal Code (BAO),
- Austrian Civil Code (ABGB),
- Austrian Attorney Act (RAO),
- the provisions concerning the prevention of money laundering pursuant to Ge-wO, BiBuG, FM-GWG, and RAO.

## **7. WEBSITE**

### **7.1. Use of Information**

When visiting our website, the following personal data will be processed:

- *date and time of the visit to our website,*
- *your IP address,*
- *name and version of your web browser,*
- *the website (URL) you visited before visiting our website,*
- *certain cookies (see next point).*

### **7.2. Cookies**

A cookie is a small text file downloaded by our web server on the hard drive of your computer via your browser. This enables our website to recognize you as a user when a connection between our web server and your browser is established. By using cookies, the preferences of the users can be tracked which further enables hba to design and develop the website accordingly.

If you have concerns in this regard, you can adjust the settings on your browser (i) to activate function which notifies you on the setting of cookies and/or to allow cookies only in a particular case, (ii) you may disable cookies for certain cases or in general, and (iii) you can also activate functionality which will automatically delete cookies when you close your browser. In addition, you can change the cookie settings under “Cookie Settings” on our website and call up further information on the individual cookies. Disabling cookies or only partially accepting them may result in disabling certain functionality and features of our website.

### **7.3. Legal base and purpose of data processing**

With the exception of essential cookies, personal data collected in regards to cookies is processed based on your consent. Other personal data collected on our website are processed on the basis of our legitimate interest pursuant to Art 6(1)(f) GDPR. These legitimate interests encompass:

- *provision, development, and improvement of this website;*
- *compiling of reports on website activity;*
- *identification, prevention, and tracking of attacks on the website.*

## **8. CONTACT DATA**

When you contact us via e-mail, we use the provided personal data (e-mail address and possibly your name and/or telephone number) for the purpose of processing your request. We also store this data for possible subsequent requests. We do not pass this data on to third parties without your consent. As soon as the storage of this data is no longer necessary and there is no legal obligation to retain this data, we will delete this data.

The lawfulness of the data processing is pursuant to Art 6(1)(b) GDPR. This means that the processing of the data is necessary to carry out pre-contractual measures, which are carried out at the request of the person concerned.

## **9. CONFIDENTIALITY**

Attorneys at law are obligated to maintain secrecy concerning all matters entrusted to them and all information received in the course of their duties, in which the concerned party may have a confidentiality interest.

All employees of hba are subjected to confidentiality policy regarding the information entrusted or disclosed to them in the course of their work; applicable even after termination of employment.

## **10. DATA SECURITY**

The security of data is our highest priority. hba has taken all necessary technical and organizational measures to ensure the security of data processing and to process personal data in a way that ensures protection against unauthorized access by third parties. hba's IT infrastructure complies with common security requirements and is regularly reviewed.

## **11. RIGHTS OF DATA SUBJECT(S) / CONTACT**

Our privacy policy provides the following rights for individuals:

- The right to be informed and of access under Art 15 GDPR
- The right to rectification under Art 16 GDPR
- The right to erasure ("right to be forgotten") under Art 17 GDPR
- The right to restriction of processing under 18 GDPR
- The right to data portability under Art 20 GDPR and
- The right to object under Art 21 GDPR

If your personal data is processed based on your consent, you have the right to withdraw this consent with immediate effect at any time. The legality of the processing of your personal data up to the point of withdrawal is not affected by the withdrawal of consent.

The withdrawal of consent to the processing of your personal data in the context of the storage of cookies can be done in particular by deleting the cookies. This can be

done in the settings of your browser, or by withdrawing the consent under the item/point "Cookie Settings" on our website.

If you have any questions regarding the processing of your personal data, want to object to the processing of your data or to revoke consent or if you feel your data protection rights have been violated, do not hesitate to contact us:

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+43 (0) 50 8060 201

[datenschutz@hba.at](mailto:datenschutz@hba.at)

Data subjects also have a right to appeal to the supervisory authority: Austrian Data Protection Authority, Wickenburggasse 8-10, 1080 Wien, e-mail: [dsb@dsb.gv.at](mailto:dsb@dsb.gv.at).