

**Annex A of Client Agreement****Data protection information pursuant to Art 13 and  
Art 14 General Data Protection Regulation**

The following information describes the processing of personal data for the purpose of establishing and performing mandate agreements with bpv Hügel Rechtsanwälte GmbH as controller according to Art 4 (7) General Data Protection Regulation („GDPR“). Any data processing is carried out only in accordance with the data protection provisions of the GDPR and Austrian Data Protection Act. Notwithstanding the relevant data protection provisions, any professional confidentiality obligations under Section 9 para 2 RAO remain unaffected.

**I.****NAME AND ADDRESS OF THE CONTROLLER**

Controller for processing personal data within the framework of the mandate agreement in accordance with the provisions of data protection law is bpv Hügel Rechtsanwälte GmbH (hereinafter referred to as "bpv Huegel"):

**bpv Hügel Rechtsanwälte GmbH**

Donau-City-Straße 11, 1220 Vienna, Austria

E-Mail: [datenschutz@bpv-huegel.com](mailto:datenschutz@bpv-huegel.com)

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**II.****GENERAL INFORMATION ON DATA PROCESSING**

bpv Huegel collects, processes and stores personal data in the context of the establishment and execution of the mandate relationship only to the extent that this is necessary for the fulfilment of the contractual or statutory obligations pursuant to Art 6 para 1 lit b and c GDPR or to the extent that the data subject has given consent pursuant to Art 6 para 1 lit a GDPR to the processing of the personal data. If personal data relevant under criminal law pursuant to Art 10 GDPR and/or personal data of a special category pursuant to Art 9 GDPR are also affected by these processing activities, in particular for the assertion, exercise or defence of legal claims within the scope of the mandate agreement, including procedural support, Art 9 para 2 lit f in conjunction with Art 6 para 1 lit b GDPR shall also be used as the legal basis of permission for data processing. If the processing is necessary to safeguard the legitimate interests of bpv Huegel or a third party and if this is not outweighed by the fundamental right to data protection of the data subject, the processing of personal data, in particular the disclosure of information, shall take place on the legal basis of Art 6 para 1 lit f GDPR.

Under certain circumstances, for example for marketing purposes, data will only be processed with your consent pursuant to Art 6 para 1 lit a GDPR.

Personal data will be erased or blocked as soon as the purpose of retention and processing ceases to apply, provided that no legal obligation to further retention does apply, or that legal claims still exist which can be asserted against bpv Huegel and require data retention.

In detail, the following processing of personal data exists:

**III.****DATA PROCESSING ACTIVITIES****1. Mandate Administration****1.1. Scope of the processing of personal data**

Depending on the nature and extend of the mandate relationship, bpv Huegel collects, generates and processes the following personal data for the establishment of the mandate relationship as well as for the handling of the legal assignment:

- (i) Name (title, academic degree, title/gender) or designation; address; telephone and fax number and other information required for addressing purposes resulting from modern communication techniques and media (in particular e-mail address); year of birth (insofar as absolutely necessary for identification purposes or determination of the legal capacity); date and month of birth (insofar absolutely necessary for identification purposes or determination of the legal capacity); occupation; commercial register data; membership in certain purchasing associations, group; correspondence languages, other agreements and keys for data exchange; powers of representation; employer or position; type of the legal service (e.g. civil proceedings, criminal proceedings, administrative proceedings, non-contentious proceedings, land register cases, etc.); contact person of the data subject; relevant insurances (in particular liability insurance, legal protection insurance); bank details; parties involved;

The provision of the data referred to in (i) by the client is voluntary; however, in case the data are not provided, bpv Huegel may not handle the mandate or act as a legal adviser or engage in consulting activities. Hence, bpv Huegel may not enter into a mandate agreement.

- (ii) Serial number, code; name and number of files (current and closed); blocking indicator (e.g. contact ban, invoice block, delivery block, posting block, payment block); function (assignment to a certain category of client);

Identification number for official statistics purposes such as VAT number and Intrastat identification number; restrictions on legal capacity; legal or arbitrary representatives; claims against the controller; liabilities towards the controller; type of service, date and time, employee, fee rate, cash expenditures, costs; third parties involved in the activity including information on the type of participation; data on the power of attorney, general terms and conditions of the client; data on tax liability and tax calculation; terms of payment (hours/rates, discounts); data on the payment or performance behaviour of the data subject;

Dunning data/legal action data; account and document data; inputs and outputs current account;

Special G/L transactions (e.g. specific valuation allowance, bill of exchange receivable, down payment, bank guarantee); data contained in the land register for a property concerned;

- (iii) *For general consulting purposes (occasionally)*

Data of all types contained in legal declarations (e.g. contracts); data in other sent and self-created documents; periods and dates;

*Special data for external money administration and trusteeships (occasionally):*

External money (purpose/ legal basis, amount of claim); number of trust manual; account data of external money account; maturity of external money; interest rates of external money; date of payment; involved authorities; bank charges, other costs; date and time of onward transfer; start and end of trust;

Special data for self-calculation of the tax on land acquisition (occasionally)

Land register of the Federal State; postal number in land register; sequential number in land register; sold/acquired share in real estate; type of legal transaction (e.g. purchase, exchange, transfer, division, etc.); date and reference number of legal transaction; date of order for self-assessment; date of contract preparation; date of tax liability arising; tax number / social security number; date of the pre-acquisition;

assessment register post number or entry number under which the pre-acquisition was reported; tax office number for the unit value file reference; unit value file reference; unit value; tax office notification; consideration (e.g. purchase price); type of basis of assessment (unit value/compensation); basis of assessment for real estate transfer tax; exemption from real estate transfer tax; self-calculated real estate transfer tax; real estate transfer tax paid; basis of assessment for the land registration fee; legal basis for a possible exemption from the land registration fee; self-calculation of the land registration fee; declaration that the land registration fee has not been repaid and no request for repayment has been made; acquirer/seller used as tax debtor; registration period; retention periods;

*Special data for civil proceedings, in particular electronic legal transactions with courts (occasionally)*

Amount in dispute of a claim including ancillary fees; reason for dispute and claim (claim, interest, costs); parties; information on the interest claim; description and amount of the claim (statement of claim), facts of the case; references to other relevant proceedings (e.g. executions, criminal proceedings, etc.); evidence offered; information on jurisdiction; liability of the defendant (e.g. as guarantor); other parties involved (witnesses, experts, third-party debtors, etc.); date and time of the action and other submissions; reference number, court, business number; power of attorney disclosed; lawsuit deferred for improvement, rejected; objection data of the defendant data; data on changes in the value of the dispute; payments; period and dates (summonses); date of possible rulings (including orders for payment); remedies /appeals; withdrawal of action/appeal/redress; orders; requests for execution (type of execution, place of execution); date and time of executions; marital status;

Number of children, custody obligations; date of legal effect, enforceability; fees prescribed and paid, deficiency, information on exemption from fees; subrogation (assignment, payment, redemption, court transfer); former and other creditors of the defendant (name/title, reference number and date of execution permit)

*Special data for criminal proceedings (occasionally)*

Criminal offences; parties; facts of the case; evidence offered; other parties involved (witnesses, private parties); file number, court, business number; period and dates

(summonses); amount of claims asserted under civil law; power of attorney disclosed;

*Special data for administrative procedures (occasionally)*

Subject of the administrative procedure; facts of the case; parties; evidence offered, number, authority; other parties involved; period and dates (summonses); power of attorney disclosed; fees prescribed and paid, deficiency, information on exemption from fees; information on procedural support;

The data specified in (ii) will be collected, generated, processed, disclosed and/or stored by bpv Huegel for the establishment and performance of the mandate relationship in order to fulfil (pre-) contractual and statutory obligations. Any refusal or contradiction to provide, collect or generate the data referred to in (ii) shall result in the resignation of the mandate, as it is not possible to provide advice and legal representation in accordance with the professional requirements of (practising) lawyers.

## 1.2. Legal basis for the processing of personal data

The processing of data specified in (i) - (ii) takes place solely in fulfilment of the (pre-)contractual obligations based on the mandate agreement pursuant to Art 6 para 1 lit b GDPR. Criminally relevant data pursuant to Art 10 GDPR and special categories of personal data pursuant to Art 9 GDPR are processed by bpv Huegel in order to assert, exercise and/or defend legal claims pursuant to Art 6 para 1 lit b GDPR in conjunction with Art 9 para 2 lit f GDPR.

## 1.3. Purpose of data processing

Personal data referred to in (i) and (ii), including data of a special category and/or criminal relevance, shall be processed, stored and disclosed solely for the purpose of fulfilling the obligations set out in the mandate agreement, hence within the contractual framework of the lawyer's activities. This includes representation in civil and criminal court proceedings, administrative procedures and administrative court procedures as well as extrajudicial matters, general legal advice and consultancy services, including the organization of appointments, performance of the legal case, provision of the consultancy service as well as administering the files. The personal data referred to in (iii) shall be processed solely in order to carry out legal services depending on the nature and extend of the mandate agreement, hence data are being processed occasionally.

## 1.4. Data retention period

The data will be stored until the termination of the business relationship or until the expiry of the retention periods applicable to the controller, which is 7 years in accordance with § 132 BAO, whereby the period starts with the end of the calendar year for which the accounting was made or to which the receipt relates.

The data will also be stored until the expiry of the limitation period/appeal period of 3 years, and beyond that until the end of concrete pending legal disputes in which the data is required as evidence.

## 1.5. Recipients of data

(i) Depending on the nature and extend of the mandate, bpv Huegel as legal representative is obliged by legal provisions or is authorised on the basis of a legitimate interest to disclose personal data to the following recipients as defined in Art 4 (9) GDPR:

- a) Tax consultants
- b) Courts (also [Federal] administrative courts in their own affairs) on the basis of statutory obligations as well as the enforcement of own claims
- c) Administrative authorities, on the basis of statutory obligations
- d) Federal Statistical Office of Austria
- e) Liability insurances on the occasion of the occurrence of an insured event due to statutory obligations
- f) Bar Association in fulfillment of legal obligations
- g) Federal Minister of the Interior (Reporting Office for money laundering, Federal Criminal Police Office) in fulfillment of statutory obligations

(ii) Personal data are disclosed to the following recipients, in order to fulfil contractual obligations of the mandate agreement including pre-contractual measures and mandate initiations as well as procedural support:

- a) Banks
- b) Opponent / Counterparty in the event of litigation
- c) Third parties involved in the mandate performance and/or third parties providing consulting services such as notaries and other attorneys at law
- d) Insurances of the clients on occasion
- e) Courts and authorities
- f) Audit firms of the data subject
- g) Register of beneficial ownership (WiReg)

## **2. Marketing for own purposes and newsletter**

### **2.1. Scope of the processing of personal data**

bpv Huegel collects, processes and generates the following personal data for its own marketing purposes as well as newsletter dispatch:

- (i) Name, first name; company/ institution name, if applicable; title, gender, corporate/Institutional affiliations (current and historical); department and function in the company and/or institution; professional e-mail address; telephone and fax number and other information required for addressing purposes resulting from modern communication techniques; date and time of contact established with the data subjects by the controller (history); Technical communication protocols (such as e-mail bounces), marketing indicators (categorization, affiliation to a client group, to a stakeholder group); Information on the activities of the data subject regarding the marketing activities;
- (ii) Information on the current of declarations of consent status (incl. start and end date); information on the activities of the newsletter recipients; date and time of the activity set (dispatch of the newsletter); free text field for comments regarding the data subject; If necessary/applicable, storing of the consent withdrawal / objections;

### **2.2. Legal basis for the processing of personal data**

bpv Huegel collects and processes the personal data specified in (i) on the basis of legitimate interests pursuant to Art 6 para 1 lit f GDPR to advertise the law firm and its activities to clients as well as to prospective clients and to advertise further marketing activities.

The right to objection according to Art 21 GDPR may be exercised at any time and addressed to [datenschutz@bpv-huegel.com](mailto:datenschutz@bpv-huegel.com). bpv Huegel will cease all marketing activities after an objection has been received.

bpv HÜgel sends out newsletters, i.e. messages informing on the activities of the firm as well as information on changes to the law that need to be taken into account on the basis of the data subject's consent pursuant to Art 6 para 1 lit a GDPR. For this purpose data specified in (ii) will be solely processed in accordance with communication law requirements, in particular § 107 TKG 2003.

The withdrawal of consent is possible at any time without stating reasons and may be addressed to [datenschutz@bpv-huegel.com](mailto:datenschutz@bpv-huegel.com).

### **2.3. Purpose of data processing**

Purpose of the data processing is to organize and perform marketing activities smoothly and efficiently. It is in the legitimate interest of the law firm to use targeted marketing measures to inform clients and interested parties about the range of services and the successes achieved (consulting services) and thus to advertise the law firm. The dispatch takes place solely on basis of the data subject's consent. A notice that the prior given consent may be withdrawn at any time is attached to the newsletter with each sending.

### **2.4. Data retention period**

We store your data for a period up to three years after your last contact with us, unless you object to the use of your data before then.

The data required for sending the newsletter will be stored as long as you have subscribed to the newsletter or until you withdraw your consent.

### **2.5. Recipients of data**

No personal data will be transmitted to third parties.

## **3. Contact database**

### **3.1. Scope of the processing of personal data**

bpv Huegel collects, processes and generates the following personal data to administer the firm's own contact database:

First and last name; abbreviation; title, gender; professional address and contact details; organizational assignment in the company; company position, function in the company; job title; telephone and fax number, e-mail address; information for forwarding messages in case of absence; URL to a website, if applicable; clients for whom the data subject works/operates; assigned other contacts (such as superiors); activities set or planned, if applicable, such as participation in events

### **3.2. Legal basis for the processing of personal data**

bpv Huegel collects and processes the aforementioned personal data on the basis of the controller's legitimate interest in maintaining a contact database to locate the contact persons with the respective mandate and thus to facilitate communication. The processing activities are based on the controller's legitimate interest pursuant to Art 6 para 1 lit f GDPR. The interference with the data subject's fundamental right to data protection is to be assessed as not serious and appropriate in light of the mandate relationship.

The right to objection according to Art 21 GDPR may be exercised at any time and addressed to [datenschutz@bpv-huegel.com](mailto:datenschutz@bpv-huegel.com). bpv Huegel will - after objection has been made - erase the personal data

immediately, provided no legal storage periods apply to the data processing.

### 3.3. Purpose of data processing

The purpose of data processing is to maintain a contact database for efficient communication with clients by facilitating an IT-based search for the relevant contact person and/or clerk in a special register.

### 3.4. Data retention period

Personal data will be stored for a period up to three years after the last contact with the law firm and deleted afterwards unless legal storage obligations apply.

All data will be erased if the data subject exercises the right to objection and no legal grounds for storing the personal data apply.

### 3.5. Recipients of personal data

No personal data will be transmitted to third parties.

## **IV. RIGHTS OF THE DATA SUBJECT**

Persons affected by data processing activities of bpv Huegel may exercise the following rights:

### **1. Right of access**

You have the right to obtain all information about your personal data being processed by us. In detail, you may request access to the following information:

- (1) the purposes of the processing for which the personal data will be processed;
- (2) the categories of personal data processed;
- (3) the recipients or categories of recipients to whom the personal data relating to you has been or will be disclosed;
- (4) the planned duration of retention of the personal data relating to you, or, if not possible, the criteria used to determine the retention period;
- (5) the existence of a right to request from the controller rectification or erasure of your personal data or restriction of processing of your personal data or to object to such processing;
- (6) the existence of a right to lodge a complaint with a supervisory authority;
- (7) all available information on the origin of the data, if the personal data are not collected from the data subject;
- (8) the existence of automated decision-making, including profiling, referred to in Art 22 para 1 and 4 GDPR and, at least in these cases, meaningful information on the logic involved, as well as the

significance and the envisaged consequences of such processing for the data subject.

You have the right to request information as to whether personal data concerning you are transferred to a third country or to an international organization. In this context, you may request to be informed of the appropriate guarantees pursuant to Art 46 et seq GDPR in connection with the transfer.

### **2. Right of rectification and right to restriction of processing**

You have the right to demand the correction or completion of incorrect or incomplete data. Under certain circumstances, such as when the accuracy of data is in dispute, you have the right to request restriction of data processing activities until the correctness has been verified to the effect that data may be processed only with prior given consent or for the purpose of asserting, exercising or defending a right or protecting the rights of another natural or legal person or for reasons of important public interest.

### **3. Right to data portability**

You may request that we send you – or to the extent technically feasible, to a third party designated by you – a copy of the data you have provided to us in a structured, common and machine-readable format. Furthermore you have the right to transfer this data to another controller without hindrance from the controller to which the personal data have been provided, where

- (1) the processing is based on a consent pursuant to Art 6 para 1 lit a GDPR or Art 9 para 2 lit a GDPR or on a contract pursuant to Art 6 para 1 lit b GDPR, and
- (2) the processing is carried out by automated means.

When exercising this right, you also have the right to request the personal data to be transmitted directly from us to another controller, where technically feasible. Freedoms and rights of other persons may not be affected by this.

### **4. Right to erasure**

You have the right to demand erasure of personal data under certain circumstances, such as when personal data are not processed in accordance with data protection requirements.

The so-called “right to be forgotten” applies insofar as we have made your data public. This is the case, for example, if we have uploaded data (e.g. pictures) to the Internet. After you have informed us about the third party processors within the meaning of Art 17 para 2 GDPR, we will contact them accordingly and communicate the request of cancellation.



If you have asserted the right to rectification, erasure or restriction of data processing against us, we are obliged to notify all recipients to whom the personal data concerning you have been disclosed of this rectification or erasure or restriction of data processing, unless this proves impossible or involves disproportionate effort.

#### **5. Right to object**

You have the right to object to the processing of personal data based on Art 6 para 1 lit e or f GDPR at any time to grounds relating to your particular situation. This also applies to profiling based on these provisions.

In this case, we will no longer process your personal data unless we can demonstrate compelling legitimate grounds for processing which override the interests, rights and freedoms of you or for the establishment, exercise or defence of legal claims.

#### **6. No profiling**

**We do not carry out automated decision-making including profiling pursuant to Art 22 para 1 and GDPR.**

#### **7. Right to withdraw the declaration of consent**

You have the right, insofar as you have given a declaration of consent, to withdraw this declaration at any time by sending an e-mail to [datenschutz@bpv-huegel.com](mailto:datenschutz@bpv-huegel.com). The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

#### **8. Supervisory Authority**

Notwithstanding the possibility of an action before the Regional Court pursuant to Section 29 para 2 of the Data Protection Act and any other remedies, the right to appeal to the competent national supervisory authority exists in case an unlawful processing of personal data is assumed by the data subject. In Austria, the data protection authority, Vienna, is responsible.