

Privacy Notice

The following privacy notices give an overview of the elicitation and processing of your data.

In the following we would like to provide you with legal notes regarding the processing of your personal data according to data privacy laws and us.

The way of data processing is carried out according to the planned and agreed services.

1. Who is responsible for the data processing between you and us and whom should I approach?

Responsible is:

JenAcon GmbH
Zeitzer Straße 2
D-07743 Jena
Germany
Telephone: +49 (0) 3641 62 88 60
Fax: +49 (0) 3641 62 88 611
E-Mail: Info@JenAcon.de

2. Which sources and data do we use?

We process personal data, which we receive from clients within the framework of our business relationship. In addition to that we process – if necessary to perform our service – personal data, that we reach through publicly accessible sources (e.g. lists of debtors, land registers, registers of associations, commercial registers, press, internet) or that is permissibly transferred to us by miscellaneous third parties (e.g. a credit agency).

Relevant personal data are personal details (employer, name, address and other contact information, date of birth). Furthermore, in order to fulfil our contractual obligations, these data (e.g. data of a real estate object) can be information about the financial situation (e.g. source of assets) as well as other data, that can be compared to the mentioned categories.

3. What is the purpose of the processing of personal data and what is the legal basis?

We process personal data consonant with the terms of the General Data Protection Regulation (GDPR) of the EU and the German Data Protection Act (BDSG):

a) Fulfilling contractual obligations (Art. 6 Para. 1 b GDPR)

The processing of personal data (Art. 4 No. 2 GDPR) takes place upon request for cooperation (e.g. in connection with consulting- or transaction projects).

The purpose of data processing is primarily based on the specific purpose of the planned commissioning (e.g. mandate to sell a real estate portfolio) and involve amongst others demand analyses, consulting and every other operation required in the process of the project.

Further details regarding the data processing purpose can be found in the particular contractual documents.

b) Within the scope of legitimate interests (Art. 6 Para. 1 f GDPR)

Where required, we process your data beyond the actual fulfilment of the contract to protect legitimate interests of us or third parties.

Examples:

- Arrangements of the initiation of business in the future;
- Arrangements of business management and further development of the offered services;
- Enforcement of legal claims and defence in case of legal disputes;
- Prevention and investigation of criminal offences;

c) Due to statutory regulations (Art. 6 Para. 1 c GDPR) or in public interest (Art. 6 Para. 1 e GDPR)

As real estate agents / consultants we are subject to diverse legal obligations (e.g. German Ordinance of German Brokers and Commercial Developers Ordinance (MaBV), Money Laundering Act (GwG), tax law). Appendant to the purposes of the processing operation are identity validation, prevention of money laundering and betrayal, fulfilment of the obligation to inform and control according to tax law, valuation and management of risks and to inform authorities.

4. Who receives my data?

Data transmission is generally arranged by individual nondisclosure agreements. Access to the data is given to those employees within the JenAcon GmbH, which require the access to fulfil our contractual and legal obligations. Also, service providers and auxiliary persons possibly charged by us within the scope of the assignment receive the necessary data for the said purposes. Those are service providers of the IT or print line of business.

We are only allowed to transmit information about you, if the legal provisions allow or demand so, if you agreed to that or if we are authorised to provide information. Under the said terms and in case of existence of a legal or a regulatory obligation, public

authorities and other institutions (e.g. banks, accountants, financial administrations, law enforcement authorities) are allowed to receive personal data.

5. How long is my data stored?

We process and store your personal data as long as it is required to fulfil our contractual and legal obligations. If the data is no longer necessary to fulfil contractual and legal obligations, they will be deleted regularly, unless their – temporary – further processing is required for the following purposes:

- Fulfilment of trading and taxation storage limit requested by German law:
In this connection, mention can be made of the German Commercial Code (HGB), the General Fiscal Law (AO), German Ordinance of Real Estate Agents and Commercial Contractor Developers (MaBV) and of Money Laundering Act (GwG). The prescribed retention or documentation time periods are up to 10 years.
- Preservation of evidence within the scope of lawful statute of limitation. Based on §§ 195ff. of the German Civil Code (BGB) the time bar can be up to 30 years, although the regular prescription period is 3 years.

6. Will data be transmitted to a third-party country or to an international organisation?

JenAcon GmbH does not transmit personal data to a third-party country or an international organisation. But the JenAcon GmbH uses service providers for particular assignments, which mostly use service providers too. These could have their head office, parent company or data centre in a third-party country (e.g. providers of digital data rooms).

A transmission is admissible, if the European Commission decided, that the third-party country has an adequate level of protection (Art. 45 GDPR). If the Commission decided otherwise, the JenAcon GmbH or a service provider is only permitted to transmit personal data providing that suitable guaranties exist (e.g. privacy clauses, which were approved during a particular process by a supervisory authority or a Commission) and enforceable rights and effective judicial remedies are available.

7. Which data privacy laws do I have?

Any person concerned has the right of access based on Art. 15 GDPR, the right to rectification based on Art. 16 GDPR, the right to erasure based on Art. 17 GDPR, the right to restriction of processing based on Art. 18 GDPR, the right to object based on Art. 21

GDPR as well as the right to data portability based on Art. 20 GDPR. The right to be informed and the right to erasure are restricted in accordance to §§ 34 and 35 of the Federal Data Protection Act (BDSG). Furthermore, there is the right of appeal to a responsible data protection authority (Art. 77 GDPR in conjunction with § 19 BDSG).

You may at any time revoke your consent, by which you have allowed us to process your personal data. Please note that the revoke of consent has only effect for the future. Processing operations carried out before the revoke of consent are not affected by it.

8. Is there an automated decision-making used?

We do not use a fully automated decision-making based on Art. 22 GDPR to establish and fulfil business relationships.

Right to object

You have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning you which is based on point e (data processing for the public benefit) or f (data processing based on the balance of interests) of Art. 6 GDPR including based on Art. 4 No. 4 GDPR.

Where you object to processing, the personal data will no longer be processed by us, unless the processing is needed in a case of a breach of statutory regulation, exercise or defence of legal claims.