
DATA PROTECTION NOTES

Protection of your personal data has the utmost priority and is considered in all business processes. If and as far as you provide any personal data to us, these will be processed according to the provisions of the EU General Data Protection Regulation (GDPR), which enters into effect on 25 May 2018, and the statutory data protection provisions of the Federal Data Protection Act (BDSG).

The following data protection notes provide a detailed overview of processing of your personal data by S&P family office GmbH (S&O FO GmbH). Personal data shall mean all information that refers to identified or identifiable natural persons. In these data protection notes, we inform you comprehensively about the type, scale and purpose of collection of personal data and about how these data are handled. Beyond this, you will learn which rights you are due regarding processing of your personal data.

1. Scope of application of the data protection notes

1.1. Principle

These data protection notes shall apply to any clients and potential clients, employees and other contracting partners and any other natural persons who are in contact with S&P FO GmbH in connection with the services of S&P FO GmbH.

1.2. Supplementary application of special provisions for special services

Concerning specific services and products of S&P FO GmbH, there may be additional data protection notes that supplement these general data protection notes. This shall specifically apply to use of our website. You may call these and view them on www.spfo.de.

2. Contact details of the controllers and the data protection officer

2.1. Name and address of the controllers

The controllers within the meaning of the EU General Data Protection Regulation (GDPR) and other national data-protection laws of the Member States and any other provisions under data protection law shall be S&P FO GmbH:

S&P family office GmbH

Schertlinstraße 23

86159 Augsburg

Tel: 0821-57058400

E-Mail: datenschutz@sonntag-partner.de

Website: www.spfo.de

2.2. Name and address of the data protection officer

S&P FO GmbH has appointed a data privacy officer. You may reach the data protection officer under the following contact details:

DATEV eG

Mr Bernd Bosch

IT-Strategie, Datenschutz & Unternehmensmarkt |
BA723

Sigmundstraße 172, 90329 Nuremberg

Germany

Email: bernd.bosch@datev.de

2.3. Other companies of Sonntag & Partner group

Various parts of the following explanations will refer to other companies of Sonntag & Partner group. Sonntag & Partner group includes the following companies that are legally connected in a group of companies:

- Sonntag & Partner Partnerschaftsgesellschaft mbB Wirtschaftsprüfer, Steuerberater, Rechtsanwälte
- S & P GmbH Wirtschaftsprüfungsgesellschaft
- S&P family office GmbH
- S&P Vermögensbetreuung GmbH

3. General principles for processing activities at S&P FO GmbH

3.1. Principles concerning the scale of processing of personal data

S&P FO GmbH shares the philosophy underlying the GDPR and the Federal Data Protection Act (BDSG) that collection and processing of personal data ("Data") must be limited as far as possible. Therefore, S&P FO GmbH shall only distribute any personal data as far as this is required for clearly defined purposes that are to be presented clearly below (principles of data avoidance and data economy). Processing activities shall only be legitimate as far as these are based on any sufficient legal basis or your consent (principle of lawfulness).

As far as nothing different results from the following, the terms "process" and "processing" shall specifically also include the collection of personal data (on this, see sect. 4 no. 2 GDPR).

3.2. General information on the legal basis relating to processing of personal data

3.2.1. General legal basis

Processing of personal data shall generally be forbidden and is only legitimate in exceptions. The legitimacy of processing activities must only result from processing of the data being based on a suitable legal basis. The following are the final options for this:

- As far as S&P FO GmbH has collected the consent of the data subject (you) for processing activities of personal data, sect. 6 para. 1 p. 1 lit. a GDPR is deemed the legal basis.
- For legal processing of personal data that is required to perform a contract of which the data subject is a party, sect. 6 para. 1 s. 1 lit. b GDPR serves as the legal basis. This also applies to processing activities that are required to perform pre-contractual measures.
- As far as processing of personal data is required to perform a legal obligation that S&P FO GmbH is subject to, sect. 6 para. 1 s. 1 lit. c GDPR serves as the legal basis.
- If any vital interests of the data subject or any other natural person require processing of personal data, sect. 6 para. 1 S. 1 lit. d GDPR serves as the legal basis.
- As far as processing is required for performance of a task that is in the public interest or in exercise of official authority assigned to S&P FO GmbH, sect. 6 para. 1 s. 1 lit. e GDPR shall be the legal basis of processing.
- If processing is required to maintain a legitimate interest of S&P FO GmbH or a third party and if the interests, fundamental rights and fundamental freedoms of the data subject do not override the former interest, sect. 6 para. 1 s. 1 lit. f GDPR serves as the legal basis for processing.

3.2.2. Special legal basis for processing of special categories of personal data according to sect. 9 GDPR

Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.

In exceptions, processing of these special categories of personal data by S&P FO GmbH may be permitted as well as far as there is a suitable legal basis for this. In particular the following are options for this:

- As far as the data subject has explicitly consented to processing of the special categories of special data for one or several specified purposes, this shall be the legal basis for processing (sect. 9 para. 2 lit. a GDPR). This shall not apply as far as the prohibition of processing of special categories of personal data is not revoked under Union law or Member State law.
- If the data subject has made the data obviously public, sect. 9 para. 2 lit. e GDPR shall be the legal basis of processing.

- As far as processing of the data is required for assertion, exercise or defence of legal claims, processing shall be legitimate according to sect. 9 para. 2 lit. f GDPR.
- Processing of data is legitimate, as far as this is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject; cf. sect. 9 para. 2 lit. g GDPR.

3.3. Objection to and withdrawal of processing of your personal data

If you have consented to processing of your data, you can withdraw this consent at any time. Such withdrawal shall affect the legitimacy of processing of personal data only starting at the time after which the withdrawal was declared towards S&P FO GmbH.

As far as S&P FO GmbH bases processing of the personal data on consideration of interests, you may object to processing. This is the case if processing in particular is not required for complying with a contract with you, which is presented by S&P FO GmbH in the following description of the functions. When exercising such an objection, please present the reasons why S&P FO GmbH should not process your personal data as performed by S&P FO GmbH. In case of justified objection, S&P FO GmbH will review the situation and shall either cease processing activities or adjust it, or explain the mandatory grounds to be protected to you based on which S&P FO GmbH continue to process the data. Of course, you may object to processing of your personal data for advertisements and data analysis at any time.

3.4. Data erasure and duration of storage

Your personal data will be deleted or blocked by S&P FO GmbH as soon as the purpose of storage is no longer applicable; in this context, blocking shall mean any removal of the reference of the data to your person. Storage may further take place when this is stipulated by the European or national legislator in regulations, laws or other rules that S&P FO GmbH is subject to. Blocking or erasure of the data shall also take place if a storage period required by the standards named expires, except if further storage of the data is required for conclusion of a contract or performance of a contract.

4. Purposes and legal basis of processing of your personal data

4.1. Contractual relationship; charging (data in connection with the business relationship)

4.1.1. Description and scale of processing activities

If you charge S&P FO GmbH with pursuing your interests or consulting, personal data will be collected and processed within the scope of the founded or then-existing contractual relationship; the data will partially be processed already within the context of initiation of a contract. This in particular includes the following categories of personal data:

- Master and contact details: these include in particular the form of address, first names, last names, addresses, phone numbers, email addresses, languages, functions, industry associations, association memberships, age and date of birth; client and contract numbers;
- As far as authorised persons and contacts are named: their master data, in particular name, potentially birth date, contact details (current address, previous addresses, other shipping address, phone numbers and email addresses);
- any interests of the client and authorised person and contact for marketing activities, in particular invitations to events and other advertising information;
- any data contained in the personal ID or other submitted legitimization documents, as well as authentication data, in particular signature samples;
- contact details, in particular details on contractual contents, the contracting persons, commencement and end of the contract;
- income and asset situations, in particular evidence of income, information on income, secondary income, value of real estate possession, assets, pensions (entitlements);
- As far as authorised persons and contacts are named: their master data, in particular name, birth date and tax ID, as well as contact details, such as the current address, previous addresses, other shipping address, phone numbers and email addresses;
- Bank data;
- Tax data, in particular tax ID, tax number, certification in tax matters;
- Social-security data;
- Annual statement documents or business-management assessments, company plan figures and other operating and financial management information;
- Data concerning payment behaviour and contractual behaviour;
- Data from postal, electronic and phone communication between you and S&P FO GmbH, as well as between you and third parties;

- Data concerning your business activities and any business partners;
- Data concerning health if applicable;
- Any other data connected to performance of the respective business relationship and any other data and information that is required to assert and defend your rights within the context of the order.

4.1.2. Where do the personal data come from?

In principle, S&P FO GmbH will collect your personal data directly from you. Furthermore, S&P FO GmbH will – as far as this is required to perform the contract concluded with you or for any pre-contractual measures, or if you have agreed – also process such personal data that we have legitimately received from other companies of Sonntag & Partner group (on this, see item 2.3 above).

4.1.3. Purpose of processing activities

S&P FO GmbH will collect and process your data within the context of initiation of and execution of the contractual relationship to be concluded or already existing with you. Collection and processing of your data by S&P FO GmbH shall take place in particular for the following purposes:

- your identification as client of S&P FO GmbH;
- your appropriate consulting and representation;
- correspondence with you and your authorised representatives;
- invoicing and for purposes of internal controlling;
- processing of payment transactions transferred to us;
- processing of any present liability claims and assertion of any claims against you.

4.1.4. Legal basis of processing activities

4.1.4.1. Processing within the context of performance of contractual obligations

The legal basis for processing of your data is sect. 6 para. 1 s. 1 lit. b GDPR. Processing activities shall take place upon your request and are required to initiate and/or execute the order relationship between you and S&P FO GmbH in order to achieve appropriate processing of the order and the compliance with rights and obligations from the contract by both parties.

4.1.4.2. Consent

Beyond this, and in particular as far as processing of special categories of personal data is concerned (in this respect, see item 3.2.2 above), the legal basis for processing of such data shall usually be your express consent according to sect. 6 para. 1 s. 1 lit. a in conjunction with sect. 9 para. 2 lit. a GDPR. Please note that it may not be possible to process

your order or to do so without further coordination with you if you do not give your corresponding consent.

Your consent shall further also refer to storage of your data in IT systems used together with further companies of Sonntag & Partner group. Sonntag & Partner group shall include the companies named in item 2.3.

The companies named above according to item 2.3 have technical access to IT systems used together and the data stored there. Access to these data shall only take place as far as this is required for execution and processing of the business relationship with you, in particular as far as other companies of Sonntag & Partner group (item 2.3) are to render supplementary or further consulting and services for you. Use of your personal data in the IT systems used together shall take place at the scale described above only as far as you have given the corresponding declaration of consent to this.

4.1.4.3. Processing due to a legitimate interest

In addition to this, S&P FO GmbH shall process your personal data as far as this is required to preserve the legitimate interests of S&P FO GmbH or the legitimate interests of a third party and the interest or fundamental rights and fundamental freedoms of the data subject (here: of you) that require protection of personal data are not overriding (sect. 6 para. 1 s. 1 lit. f GDPR). "Third parties" shall be natural or legal persons such as companies, public authorities, institutions or other offices. "Third parties" in this context shall not be S&P FO GmbH as the controller and its processors (cf. sect. 4 item 10 GDPR). Processing of your data based on our legitimate interest may in particular take place to enable S&P FO GmbH to perform internal controlling. Processing of your data may further take place so that S&P FO GmbH can assert any claims or defend against claims or in the scope of legal disputes. In this respect, S&P FO GmbH also assumes that its interests will override your fundamental rights and fundamental freedoms that require protection of your data.

4.1.4.4. Collection and processing due to legal provisions

S&P FO GmbH is subject to comprehensive legal and regulatory specifications, i.e. from the Anti-Money-Laundering Act or the tax laws. Compliance with the resulting legal requirements requires collection and processing of your personal data (sect. 6 para. 1 s. 1 lit. c GDPR). In order to meet in particular the provisions of the Anti-Money-Laundering Act (Geldwäschegesetz; GwG) and the law on prevention of tax evasion (Steuerumgehungsbekämpfungsgesetz; StUmgBG), S&P FO GmbH is obligated to identify you before founding any business relationship using your personal ID or passport and collecting and storing a copy of your personal ID or passport and the data contained in it (§§ 11, 12 GwG). S&P FO GmbH as the obligated party has the right and the obligation to make complete cop-

ies of these documents or to completely collect them visually digitised in order to verify identities according to the GwG (§ 8 para. 2 sentence 2 GwG). If you do not provide us with the information and documents required for this, S&P FO GmbH must not commence or continue the business relationship desired by you.

4.1.5. Duration of storage, objection and removal option

S&P FO GmbH shall process and store your personal data only for as long as S&P FO GmbH require them, in particular for meeting contractual or statutory obligations. If there is no legal basis for processing of your data anymore, S&P FO GmbH will delete your data or, provided that this is not possible, block any personal reference to you in your systems in compliance with data protection.

In the context of this, S&P FO GmbH shall keep your data in particular as follows:

- The data collected for charging S&P FO GmbH shall – as far as this is relevant – be stored until the end of the legal archiving obligations for lawyers (six years). This period shall commence at the end of the calendar year in which the order (mandate) ended. The legal basis for this shall be sect. 6 para. 1 s. 1 lit. c GDPR;
- In addition this, S&P FO GmbH shall store your data at the scale required for this to comply with the archiving obligations under commercial and/or tax law that S&P FO GmbH is subject to. The periods for meeting archiving obligations under commercial and/or tax law are ten years for any documents that are required for profit determination according to the legal provisions; for business correspondence (including emails), the archiving period shall be six years. The legal basis for this shall be sect. 6 para. 1 s. 1 lit. c GDPR;
- According to the provisions of the German Civil Code, provisions on expiration may be up to 30 years, with the regular period of expiration being three years. S&P FO GmbH shall therefore keep the contract documents and any documents that are connected to the contract according to these expiration rules in order to conduct any (court) disputes required. The legal basis for this shall be sect. 6 para. 1 s. 1 lit. f GDPR.

4.2. Visit to our websites / electronic newsletter / event information / maintenance of the contact with you

Please note the special "data protection statement" for use of the websites and online officers (electronic newsletter / event information / maintenance of contact with you) of S&P FO GmbH in this respect, which you can find on the website of S&P FO GmbH (see item 1.2 above).

4.3. Print newsletter / print event invitations / measures for maintenance of the business relationships

4.3.1. Description and scale of processing activities

S&P FO GmbH sends out a print newsletter and invitations to events for your information concerning current events and any current legal and commercial developments, as well as to maintain our contact with you. In addition to this, your data will be processed for measures for maintenance of the business relationship with you, e.g. to send out Christmas cards, in exceptions. For this, the following personal data will be processed:

- Form of address, title, first name, last name, postal address

These data must be processed to permit delivery of the newsletter, invitations and measures for maintenance of the business relationship with you.

4.3.2. Purposes of processing activities

S&P FO GmbH shall process your data in order to contact you for the purpose of sending the newsletter, invitations and measures to maintain the business relationship.

4.3.3. Legal basis of processing activities

As far as we process your data, this is done as far as this is required to preserve the legitimate interests of S&P FO GmbH or the legitimate interests of a third party and the interest or fundamental rights and fundamental freedoms that require protection of your personal data are not overriding (sect. 6 para. 1 lit. f GDPR).

S&P FO GmbH use these data at the scale described above for the purposes presented because we assume that we have a legitimate interest in using your data in this respect, and that your interest or fundamental rights and fundamental freedoms concerning protection of your data are not overriding. We would like to provide you with information that we believe to be of interest for you concerning our consultation and services. Furthermore, we would like to promote the business relationship with you in a positive manner.

4.3.4. Duration of storage, objection and removal option

The data are deleted as soon as they are no longer required to achieve the purpose of their collection. We will store your personal data for marketing and information purposes, i.e. for sending you information and offers concerning consultation and services, for a period of up to three years after the last relevant contact with you. A relevant contact shall be present, e.g., in case of oral, phone or mutual written communication between us.

Of course, you may object to processing of your personal data for the purposes named at any time.

5. Passing on your data to third parties

S&P FO GmbH shall not pass any personal data on to any third-party companies, organisations or per-

sons, except in one of the circumstances presented below. The specific requirements under the contract or under professional law concerning confidentiality and secrecy shall not be affected by this, of course.

5.1. Data forwarding within the context of processing of the contractual relationship

As far as this is required according to sect. 6 para. 1 s. 1 lit. b GDPR for processing of the contractual relationship with you, your personal data will be passed on to third parties. This shall in particular include passing on to opponents in proceedings and their representatives, as well as to courts and other public offices and authorities (in particular tax authorities, social insurance carriers, employer's liability insurance associations) as well as banks and insurance companies) for the purpose of correspondence and to assert and defend your rights. This shall further apply to forwarding to partners within and outside of the country who are affiliated with individual companies of Sonntag & Partner group in the network "MOORE". The data passed on must only be used by third parties for the purposes named.

5.2. Data forwarding to affiliated companies (item 2.3) within the context of shared data maintenance

S&P FO GmbH shall store and process your data within the context of commencement and performance of a contractual relationship with you in an IT system that is used by the other companies named in item 2.3 of Sonntag & Partner group as well. The data stored there by S&P FO GmbH will therefore be technically accessible to these companies as well. Access to your personal data by these companies is generally not intended, but cannot be excluded either. The companies will access the data as far as this is required for the business relationship with you – as described in item 4.1 and as far as you have given your consent to this.

5.3. Data forwarding to processor

S&P FO GmbH shall provide personal data to other companies that are affiliated with S&P FO GmbH in Sonntag & Partner group and our third-party business partners, other trustworthy companies or persons who process the data on the order of S&P FO GmbH. This shall be done based on precise instructions by S&P FO GmbH and in harmony with this data protection statement and other suitable confidentiality and security measures that, of course, correspond to our specific requirements under professional law.

5.4. Data forwarding for legal reasons, in particular to public offices

S&P FO GmbH shall pass on personal data to public offices (public authorities), companies, organisations or persons outside of S&P FO GmbH if this is required by applicable laws, provisions, legal procedures or an enforceable authority order or if it may assume in good faith that access to these data or their use, storage or forwarding is reasonably re-

quired to meet in particular the corresponding obligations.

6. Forwarding of data to a third country or international organisation

As far as this is not expressly presented within the context of this data protection statement, transfer of your personal data to third countries or international organisations will not take place.

Something different may apply as far as processing of your order requires transfer of your data to a third country or an international organisation from case to case, in particular transmission to a partner in the network "MOORE" (see item 5.1 above); the legal basis for this shall be in particular the execution of the order relationship existing with you or your explicit consent, which S&P FO GmbH will obtain before passing on the data.

7. Automated individual decision-making, including profiling

Automated decision-making in an individual case, including profiling, does not take place.

8. Your rights

If any personal data of you are processed, you are a data subject within the meaning of GDPR and you have the following rights towards the controller. The controller within the meaning of data protection law is S&P FO GmbH. You may contact either of the two controllers to exercise your rights; the controllers can be found in item 2.1.

8.1. Information rights

You have the right to be informed about the data stored by the controller, in particular the purposes for which they are processed and the time for which the data are stored (sect. 15 GDPR).

8.2. Right to rectification

You have a right to rectification and/or completion towards the controller, provided that the personal data processed concerning you are inaccurate or incomplete. The controller shall rectify them without undue delay.

8.3. Right to restriction of processing

You have the right to demand restriction of processing of your data. This right shall in particular apply for the duration of the review if you have disputed accuracy of the data concerning you, and for the case that you desire restricted processing instead of erasure if you have a right to erasure. Furthermore, processing shall be restricted if the data are no longer required for the purpose pursued by us, but you need the data to assert, exercise or defend legal claims, as well as if the successful exercise of an objection between the controller and you is disputed (sect. 18 GDPR).

8.4. Right to erasure

You have the right to demand erasure of the personal data concerning you from the controller. These conditions stipulate that you may demand erasure of your data if the controller, e.g., no longer needs the personal data for the purposes for which they were collected or otherwise processed, the controller illegally processes the data or you have rightfully objected or you have withdrawn your consent or if there is any legal erasure obligation (sect. 17 GDPR).

8.5. Right to data portability

You have the right to receive the personal data concerning you that you have provided to the controller in a structured, common and machine-readable format (sect. 20 GDPR) if these have not been deleted already.

8.6. Right to object

You have the right to object to processing of personal data concerning you that are processed based on sect. 6 para. 1 s. 1 lit. e or lit. f GDPR for reasons that result from your special situation at any time (sect. 21 GDPR). The controller will cease processing of the personal data concerning you unless the controller demonstrates compelling legitimate grounds for the processing which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims. If you object, e.g., to use of your data for purposes of marketing, the controller shall not process your data anymore for such purposes.

8.7. Right to revocation of the declaration of consent under data protection law

You have the right to revoke your declaration of consent under data protection law at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

8.8. Right to not be subject to automated decision-making in an individual case including profiling

You have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning you or similarly significantly affects you. This shall not apply if the decision

- (1) is necessary for entering into, or performance of, a contract between you and the controller,
- (2) is authorised by provisions of Union or Member State law to which the controller is subject and which also lays down suitable measures to safeguard your rights and freedoms and your legitimate interests or
- (3) is made with your express consent.

However, such decisions shall not be based on special categories of personal data referred to in sect. 9 para. 1 GDPR, unless sect. 9 para. 2 lit. a or

g GDPR applies and suitable measures to safeguard the rights and freedoms and your legitimate interests are in place. Regarding the cases referred to in (1) and (3), the data controller shall implement suitable measures to safeguard your rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision.

8.9. Right to lodge a complaint with a supervisory authority

Without prejudice to any other administrative or judicial remedy, you have the right to lodge a complaint with a supervisory authority, in particular in

the Member State of your habitual residence, place of work or place of the alleged infringement, if you consider that the processing of personal data relating to you infringes the GDPR. The supervisory authority with which the complaint has been lodged shall inform the complainant about the progress and the outcome of the complaint including the possibility of a judicial remedy pursuant to Article 78 GDPR.

As of: May 2018