

## Information on the Collection and Processing of your personal data

Care and transparency is the basis for a trusting cooperation with our customers. We therefore inform you about how we process your data and how you can exercise your rights under the General Data Protection Regulation (GDPR). Which personal data we process for what purpose depends on the respective contractual relationship.

### 1 Who is responsible for the processing?

The controller is:

Berlinovo Apartment GmbH  
Hallesches Ufer 74 – 76 · 10963 Berlin  
[apartment@berlinovo.de](mailto:apartment@berlinovo.de) [www.berlinovo.de](http://www.berlinovo.de)  
Geschäftsführung: Alf Aleithe, Silke Andresen-Kienz

### 2 How can I contact the data protection officer?

You can reach our data protection officer (DPO) as follows:

[datenschutz@berlinovo.de](mailto:datenschutz@berlinovo.de)

### 3 Which personal data do we use?

If you have an enquiry, have us prepare an offer or conclude a contract with us, we will process your personal data. In addition, we process your personal data, among other things, to fulfil legal obligations, to protect a legitimate interest or on the basis of a consent given by you.

Depending on the legal basis, the categories of personal data are as follows:

- Name, Surname
- Address
- Communication Data (telephone, e-mail-address)
- Date of birth
- Nationality
- Contract master data, especially contract number, duration, period of notice, type of contract
- Invoice data / turnover data
- creditworthiness data
- Payment data / account data

In the course of contract initiation, we also use data provided to us by third parties. Depending on the type of contract, the following categories of personal data are involved:

- Information on creditworthiness (via a credit agency)
- Convictions concerning the law of property or criminal law

## 4 From which sources does the data come?

We process personal data that we receive from our customers, service providers and our suppliers

and

we also obtain your data from the following sources:

- Credit agency: Creditreform
- Publicly accessible sources: commercial or association registers, debtor registers, land registers
- Data base: LexisNexis (<https://www.lexisnexis.com/global/privacy/en/article-14bis.page>)
- Other Group companies

## 5 For what purposes do we process your data and on what legal basis?

We process your personal data in particular in compliance with the General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (BDSG) as well as all other relevant laws.

### 5.1 Data processing on the basis of a consent given by you (Art. 6 para. 1 lit. a GDPR)

If you have given us your voluntary consent to the collection, processing or transfer of certain personal data, then this consent forms the legal basis for the processing of this data.

In the following cases, we process your personal data on the basis of your consent:

- Sending an e-mail newsletter
- Transfer of the communication data to external service providers for the purpose of arranging appointments (e.g. removal of rental defects, renovations)

## **5.2 For the performance of a contract (Art. 6 para. 1 lit. b GDPR)**

Lease contract  
Property management

## **5.3 To fulfil legal obligations (Art. 6 para. 1 lit. c GDPR) or in the public interest (Art. 6 para. 1 lit. e GDPR)**

As a company, we are subject to various legal obligations. The processing of personal data may be necessary to fulfil these obligations.

- Control and reporting obligations
- Creditworthiness, age and identity checks
- Prevention of criminal acts
- Screening activities according to GwG

## **5.4 On the basis of a legitimate interest of the controller (Art. 6 para. 1 lit. f GDPR)** In certain cases, we process your data to protect our legitimate interests or that of third parties:

- Measures for building and plant safety
- Consultation and data exchange with credit agencies
- To determine creditworthiness and default risks
- Ensuring IT security and operation
- Repair and maintenance measures
- Screening activities according to EU denial orders
- Obligations to let tenants inspect the bills of the statement on operating costs

# **6 To whom will your data be passed on?**

In order to fulfil our contractual and legal obligations, we will pass on your data to different public and internal places, as well as external service providers.

Your data will be transferred to controllers who are part of the Berlinovo group of companies, who are assigned to a central office and who act as processors within the meaning of Art. 28 DSGVO or who have a legitimate interest pursuant to Art. 6 (1) lit. f DSGVO to transfer personal data within the group of companies for internal administrative purposes, including the processing of personal data of tenants. The basic principles for the transfer of personal data within groups of companies to a company in a third country remain unaffected.

Data receiving public or internal bodies and external service providers are the following:

Companies within the Group:

Berlinovo Apartment GmbH  
Hallesches Ufer 74 – 76 · 10963 Berlin  
[apartment@berlinovo.de](mailto:apartment@berlinovo.de) [www.berlinovo.de](http://www.berlinovo.de)  
Geschäftsführung: Alf Aleithe, Silke Andresen-Kienz

External Service Providers:

- IT service providers (e.g. maintenance service providers, hosting service providers)
- Service provider for file and data destruction
- Printing services
- Telecommunications
- Payment service providers
- Consulting
- Service Provider for Marketing or Sales
- Credit agencies
- Authorized dealers
- Service provider for telephone support (Call-Center)
- Web hosting service provider
- Letter shops
- Auditors and accountants
- Caretaker service
- tradespeople

Public bodies and authorities:

Furthermore, we may also be obliged to transfer your data to other recipients, such as public authorities to fulfil legal notification obligations.

- Tax authority
- Customs
- Social insurance agency
- Job centre
- District authorities - Housing offices

Others:

- Other tenants of **berlinovo** who are allowed to check the bills of the statement on operating costs. If they make use of this right and an anonymization of this data is not allowed, they can see personal data of other tenants (cf. BGH judgment of 07.02.2018, Az. VIII ZR 189/17)

## 7 Will your data be transferred to countries outside the European Union (so-called third countries)?

We do not and do not intend to transfer your personal data to Countries outside the European Union (and the European Economic Area "EEA").

## 8 For how long do we store your data?

We store your personal data for as long as necessary to fulfil legal and contractual obligations.

If the storage of your data is no longer necessary to fulfil the legal or contractual obligations, we will delete your data unless the transfer is necessary for one of the following purposes:

- Fulfilment of commercial and tax storage obligations, 6 or 10 years. § 257 HGB, § 147 AO
- Preservation of evidence within the framework of the statutory limitation provisions. According to the statute of limitations of the German Civil Code (BGB), these statutes of limitations can in some cases be up to 30 years, the regular statute of limitations is three years
- Preservation of evidence according to AGG: 6 months
- Storage obligation according to § 8 GwG: 5 years

## 9 What rights do you have in connection with the processing of your data?

Every data subject has the right of access under Article 15 GDPR, the right to rectification under Article 16 GDPR, the right to erasure under Article 17 GDPR, the right to restriction of processing under Article 18 GDPR, the right to object under Article 21 GDPR and the right to data portability under Article 20 GDPR. The restrictions according to §§ 34 and 35 BDSG apply to the right of access and the right of erasure.

### 9.1 Right to object

You can object to the use of your data for advertising purposes at any time without incurring any costs other than the transmission costs according to the basic rates.

**• What right do you have in the event of data processing for legitimate or public interest?**

Pursuant to Art. 21 para. 1 GDPR, you have the right to object at any time to the processing of personal data concerning you on the basis of Art. 6 para.1 lit. e GDPR (data processing in the public interest) or Article 6 para.1 lit. f GDPR (data processing to protect a legitimate interest), this also applies to profiling based on this provision.

In the event of your objection, we will no longer process your personal data unless we can prove compelling grounds for processing that outweigh your interests, rights and freedoms, or the processing serves to assert, exercise or defend legal claims.

- **What right do you have in the event of data processing for direct marketing?**

If we process your personal data for direct marketing purposes, you have the right pursuant to Art. 21 para. 2 GDPR to object at any time to the processing of personal data concerning you for the purpose of such advertising, this also applies to profiling insofar as it is associated with such direct marketing.

In the event of your objection to processing for direct marketing purposes, we will no longer process your personal data for these purposes.

## **9.2 Revocation of consent**

You can revoke your consent to the processing of your personal data at any time. Please note that the revocation is only valid for the future.

## **9.3 Right to information**

You may request information as to whether we have stored personal data about you. If you wish, we will inform you of the data concerned, the purposes for which the data is processed, to whom this data is disclosed, how long the data is stored and what further rights you are entitled to with regard to this data.

## **9.4 Further rights**

In addition, you have the right to have your data corrected or deleted. If there is no reason for further storage, we will delete your data otherwise we will restrict processing. You may also request that we provide all personal information that you have provided to us in a structured, current and machine-readable format either to you or to a person or company of your choice.

In addition, there is a right to lodge a complaint to the responsible data protection supervisory authority (Art. 77 GDPR in conjunction with § 19 BDSG).

## **9.5 Assertion of your rights**

To exercise your rights, you can contact the controller or the data protection officer using the contact details provided. We will process your enquiries immediately and in accordance with legal requirements and inform you of the measures we have taken.

# **10 Is there an obligation to provide your personal data?**

In order to enter into a business relationship, you must provide us with the personal data that is necessary for the execution of the contractual relationship or that we are

required to collect by law. If you do not provide us with this data, it is not possible for us to carry out and process the contractual relationship.

## 11 Does an automated individual decision-making or profiling take place?

We do not apply automated individual decision-making.

## 12 Changes to this information

If the purpose or manner of processing your personal data changes significantly, we will update this information in time and inform you about the changes.