

Data Privacy Statement EGVP

A. General Information

The transmission of electronic documents to courts, authorities, and other public bodies of the German federal government or states that participate in the project "Electronic Legal Communication" (§ 2, para. 1 to 3 German Federal Data Protection Act)* and users of the special electronic mailbox for lawyers under § 31a BRAO (German Federal Code for the Legal Profession) can be implemented with or without an electronic user mailbox. The courts, authorities, and other public bodies of the German federal government or states (§ 2, para. 1 to 3 German Federal Data Protection Act)* and users of the special electronic mailbox for lawyers under § 31a BRAO (German Federal Code for the Legal Profession) participating in the project "Electronic Legal Communication" are those that are registered in the central registration database. A current list of the participating courts, authorities, and other public bodies of the German federal government or states (§ 2, para. 1 to 3 German Federal Data Protection Act)* and users of the special electronic mailbox for lawyers under § 31a BRAO (German Federal Code for the Legal Profession) can be found in the address directory in the message window under "Recipients" or on the website <http://www.egvp.de>. The intended objective is the continuous expansion of the group of courts, authorities, and other public bodies of the German federal government or states (§ 2, para. 1 to 3 German Federal Data Protection Act)* that participate in the project "Electronic Legal Communication".

Communication with creating a P.O.box

As concerns "communication with creating a P.O.box", a mailbox will be set up for you at the time of registration, which will be assigned to you via the electronic encryption certificate. This mailbox can be used to store messages of the courts, authorities, and other public bodies of the German federal government or states (§ 2, para. 1 to 3 German Federal Data Protection Act)* and users of the special electronic mailbox for lawyers under § 31a BRAO (German Federal Code for the Legal Profession) that participate in the project "Electronic Legal Communication", particularly acknowledgements of receipt, records of transmission, etc. In this scenario, you declare your agreement with having such a mailbox set up for you. The setup and use of the mailbox requires the collection and processing of personal data. In accordance with fundamental principles under data protection laws, this will also require your consent by way of a "data privacy statement". The data privacy statement is shown below.

Communication without creating a P.O.box

As concerns "communication without creating a P.O.box", no mailbox permanently assigned to the user will be set up. As a result, replies (including acknowledgements of receipt) from courts, authorities, or other public bodies of the German federal government or states (§ 2, para. 1 to 3 German Federal Data Protection Act)* and of users of the special electronic mailbox for lawyers under § 31a BRAO (German Federal Code for the Legal Profession) cannot be transmitted. In the event, the message will be transmitted without general personal data contained in the "business card" (key data) and cannot be stored accordingly. Therefore, subsections 1 and 4 as well as the note in 5.5 of the following data privacy statement will not apply. Upon registration for the purpose of

participating in the "Electronic Legal Communication", however, a secure, temporary electronic mailbox will have to be set up for the respective user in order to establish, execute, and process the electronic legal communication. Such a mailbox, however, cannot be traced or attributed to the user.

B. Data Privacy Statement/ Consent to the Processing of Personal Data

1. By registering to participate in the "Electronic Legal Communication", I agree to the following:

- The courts, authorities, and other public bodies of the German federal government or states (§ 2, para. 1 to 3 German Federal Data Protection Act)* and users of the special electronic mailbox for lawyers under § 31a BRAO (German Federal Code for the Legal Profession) that participate in the project "Electronic Legal Communication", now or in the future, may collect, process, and use my general personal data (key data) for the purposes of establishing, executing, and processing the electronic legal communication;
- In particular, upon registration, an "electronic mailbox" will be set up for me on the basis of the user data provided, in which electronic documents can be stored;
- In particular, my general personal data may be processed and used in a business process application (e.g., system to organize agency offices and branches; workflow management system);
- Each court, authority, and other public body of the German federal government or states (§ 2, para. 1 to 3 German Federal Data Protection Act)* and each user of the special electronic mailbox for lawyers under § 31a BRAO (German Federal Code for the Legal Profession) that participates in the project "Electronic Legal Communication", now or in the future, may share the general personal data collected by it for the purposes of establishing, executing, and processing the electronic legal communication with any other courts, authorities, and other public bodies of the German federal government or states (§ 2, para. 1 to 3 German Federal Data Protection Act)* and users of the special electronic mailbox for lawyers under § 31a BRAO (German Federal Code for the Legal Profession) that participate in the project "Electronic Legal Communication" now or in the future.

General personal data is, in particular, the following key data:

- Last name; first name
- Organization
- Address and telecommunication links (including e-mail address)
- Encryption certificates
- Signature certificates

2. By registering to participate in the project "Electronic Legal Communication", I also agree to the following:

- Each court, authority, and any other public body of the German federal government or states (§ 2, para. 1 to 3 German Federal Data Protection Act)* and each user of the special

electronic mailbox for lawyers under § 31a BRAO (German Federal Code for the Legal Profession) that participates in the project "Electronic Legal Communication", now or in the future, may collect, process, and use the connection and transmission data (special data) created at the time of electronic transmission for the purposes of the electronic legal communication;

- In particular, it may store electronically (including in document management and/or workflow management systems) and print for filing purposes the special personal data to such extent as they are contained in the documents transmitted and/or in log and verification files created in connection with the transmission.

3. The general and special personal data will be used exclusively for the purposes of establishing, executing, and processing the electronic legal communication (including statistical evaluation). The data will not be processed for any other purposes, in particular:

- Transmission, against payment or free of charge, of data stored or collected from data processing to any third party for commercial/economic purposes;
- Transmission of data stored or collected from data processing to any authority or agency for any purposes other than those directly related to the workflow.

4. By registering to participate in the project "Electronic Legal Communication", I agree that the courts, authorities, and any other public bodies of the German federal government or states (§ 2, para. 1 to 3 German Federal Data Protection Act)* and users of the special electronic mailbox for lawyers under § 31a BRAO (German Federal Code for the Legal Profession) who participate in the project "Electronic Legal Communication", now or in the future, may use the general personal data for the purpose of obtaining information on the development of the project "Electronic Legal Communication", including the accession of further courts, authorities, and any other public bodies of the German federal government or states (§ 2, para. 1 to 3 German Federal Data Protection Act)* and users of the special electronic mailbox for lawyers under § 31a BRAO (German Federal Code for the Legal Profession) and information about more recent program versions of the software used.

5. Notes

5.1. This consent may be revoked with immediate effect for the future. If you delete your mailbox, you will no longer be able to receive new messages from that point in time. Your data will no longer be available for the participating courts, authorities, and any other public bodies of the German federal government or states (§ 2, para. 1 to 3 German Federal Data Protection Act)* and for users of the special electronic mailbox for lawyers under § 31a BRAO (German Federal Code for the Legal Profession) via the registration database.

5.2. To protect the personal data from unauthorized access and misuse by a third party, extensive technical security measures have been put in place. The security procedures will be examined regularly and are state-of-the-art.

5.3. The technical execution and administration of the electronic mailboxes will be subject to the respective applicable data protection regulations of the German federal government and the states and will be carried out as per the order of the courts, authorities, and any other public bodies of the German federal government or states (§ 2, para. 1 to 3 German Federal Data Protection Act)* and

the German Federal Chamber of Lawyers for the special electronic mailbox for lawyers under § 31a BRAO (German Federal Code for the Legal Profession) participating in the project "Electronic Legal Communication" in the form of data processing by "intermediaries" operating in special data centers. The courts, authorities, and other public bodies of the German federal government or states that participate in the project "Electronic Legal Communication" (§ 2, para. 1 to 3 German Federal Data Protection Act)* and the German Federal Chamber of Lawyers for the special electronic mailbox for lawyers under § 31a BRAO (German Federal Code for the Legal Profession) have selected their own respective computing centers for the messages addressed to them. Each contracting computing center has been selected with special consideration of their implemented technical and organizational measures with respect to data protection and data security. The collection, processing, and utilization of data as well as technical and organizational protective measures were defined at the time the contracts were awarded. Compliance with these aspects has been ensured. No contracting computing center can obtain knowledge of the contents of the electronic documents (including security and log documents) stored encrypted in the electronic mailboxes. In particular, it does not have access to the "key" that is necessary to decrypt the messages sent to courts, authorities, or any other public bodies of the German federal government or states (§ 2, para. 1 to 3 German Federal Data Protection Act)* and users of the special electronic mailbox for lawyers under § 31a BRAO (German Federal Code for the Legal Profession) or parties to proceedings.

5.4. For the purpose of system security, the following non-personal data is continuously logged by the web server: Time and size of the downloaded and/or queried file as well as any error codes as files are accessed. This log data is collected, stored and evaluated only for the purposes of system security and optimization. It will not be evaluated in connection with user profiles and is not shared with any third party. No information, in the form of "cookies", is stored on your PC.

5.5. Each court, authority, and other public body of the German federal government or states (§ 2, para. 1 to 3 German Federal Data Protection Act)* and users of the special electronic mailbox for lawyers under § 31a BRAO (German Federal Code for the Legal Profession) who participate in the project "Electronic Legal Communication", now or in the future, can store electronic messages in electronic mailboxes. On transmission a notification to the given e-mail address is included. Apart from this, the electronic mailbox should be checked regularly for incoming messages and emptied.

*** Section 2 German Federal Data Protection Act:**

(1) Public bodies of the Federation refer to the authorities, the bodies of the judiciary, and other public law institutions of the Federation, of the federal corporations, establishments, and foundations under public law as well as of their associations, irrespective of their legal structure. The enterprises established by law out of the Special Fund of the German Federal Postal Administration shall be considered public bodies, as long as they have an exclusive right according to the Postal Administration Law.

(2) Public bodies of the states refer to the authorities, the bodies of the judiciary, and other public law institutions of a state, of a municipality, an association of municipalities, or other legal persons under public law subject to state supervision as well as to their associations irrespective of their legal structure.

(3) Private law associations of public bodies of the Federation and the states performing public administration duties shall be regarded as public bodies of the Federation, irrespective of private shareholdings, if

1. they operate beyond the territory of a state; or
2. the Federation possesses the absolute majority of shares or votes.

Otherwise, they shall be regarded as public bodies of the states.

(4) Private bodies refer to natural or legal persons, companies, and other private law associations insofar as they are not covered by paragraphs 1 to 3 above. To the extent that a private body performs sovereign public administration duties, it shall be treated as a public body for the purposes of this Act.

Last update of document on November 15th 2016