

## **DATA PRIVACY POLICY**

### **Scope:**

The following data privacy rules address how your personal data is handled and processed for the services that we offer you when you contact us initially, or where you communicate such data to us when logging in to take advantage of our further services.

### **The Controllers:**

The “controllers” within the meaning of the European General Data Protection Regulation\* (GDPR) and other regulations relevant to data privacy are:

**Ketterer Kunst GmbH & Co. KG**, Joseph-Wild-Str. 18, D-81829 Munich and  
**Ketterer Kunst GmbH**, Holstenwall 5, D-20355 Hamburg,

Each is independently responsible for the respective processing activities pursuant to Art. 6 of the GDPR.

You can reach us by mail at the addresses above, or

by phone:                   +49 89 55 244 222 or +49 40 37 49 61 11  
by fax:                       +49 89 55 244 166 or +49 40 37 49 61 66  
by email:                   privacy@kettererkunst.com

### **Definitions under the new European GDPR made transparent for you:**

#### **Personal Data**

“Personal data” means any information relating to an identified or identifiable natural person (“data subject”). An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person.

#### **Processing of Your Personal Data**

“Processing” means any operation or set of operations performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure, or destruction.

#### **Consent**

“Consent” of the data subject means any freely given, specific, informed, and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.

We also need this from you - whereby this is granted by you completely voluntarily - in the event that either we ask you for personal data that is not required for the performance of a contract or to take action prior to contract formation, and/or where the lawfulness criteria set out in Art. 6 (1) sentence 1, letters c) - f) of the GDPR would otherwise not be met.

In the event consent is required, we will request this from you **separately**. If you do not grant the consent, we absolutely will not process such data.

As a general rule, visiting our websites is possible without actively communicating your personal data

(except for your IP address, which is sent automatically). We do not establish a profile at the individual level, we do not engage in any database marketing, and we do not sell any data.

Every time our website is accessed and every time a file is retrieved, we save data regarding that process in a log file. Such data includes:

IP address, date and time of access, description of the type of browser used and the requested access method/function of the requesting computer, type and/or category of file accessed, data volume, report of whether the attempted access was successful.

This data is saved and evaluated to the extent required for processing and for resolving technical issues. This data is not disclosed to third parties. The IP address is saved for a reasonable and permissible period of time for purposes of discovering abuse, defending against cyber-attacks, and for detecting and fixing malfunctions, and is subsequently anonymized (via truncation). To the extent that analytical tools are used, the IP address is likewise disclosed only in the aforementioned anonymized form.

Personal data that you provide to us for purposes of performance of a contract or to take action prior to contract formation and which is required for such purposes and processed by us accordingly includes, for example:

- Your contact details, such as name, address, phone, fax, e-mail, tax ID, etc., as well as financial information such as credit card or bank account details if required for transactions of a financial nature;
- Shipping and invoice details, information on what type of taxation you are requesting (standard taxation or margin taxation) and other information you provide for the purchase, offer, or other services provided by us or for the shipping of an item;
- Transaction data based on your aforementioned activities;
- Other information that we may request from you, for example, in order to perform authentication as required for proper contract fulfillment (examples: copy of your ID, commercial register excerpt, invoice copy, response to additional questions in order to be able to verify your identity or the ownership status of an item offered by you).

At the same time, we have the right in connection with contract fulfillment and for purposes of taking appropriate actions that lead to contract formation to obtain supplemental information from third parties (for example: if you assume obligations to us, we generally have the right to have your creditworthiness verified by a credit reporting agency within the limits allowed by law. Such necessity exists in particular due to the special characteristics of auction sales, since in the event your bid is declared the winning bid, you will be depriving the next highest bidder of the possibility of purchasing the artwork. Therefore your credit standing - regarding which we always maintain the strictest confidentiality - is extremely important.)

For particular functions of our website, we engage further, external service providers to process data. These service providers process personal data exclusively in accordance with our instructions. In particular, this means that such service providers are thus also obligated to follow this Data Privacy Policy. The service providers absolutely may not use the data for their own purposes.

### **Registration/Logging In/Providing Personal Data When Contacting Us**

You can choose to register with us and provide your personal data either directly (over the phone, through the mail, via email, or by fax) or on our website.

You would do this, for example, if you would like to participate in an online auction and/or are interested in certain works of art, artists, styles, eras, etc., or want to offer us (for example) pieces of art

for purchase or sale.

Which personal data you will be providing to us is determined based on the respective input screen that we use for the registration or for your inquiries, or the information that we will be requesting from you or that you will be providing voluntarily. The personal data that you enter or provide for this purpose is collected and stored solely for internal use by us and for our own purposes.

We have the right to arrange for this information to be disclosed to one or more external data processors, for example a delivery service, which will likewise use it solely for internal use imputed to the processor's controller.

When you show an interest in certain works of art, artists, styles, eras, etc., be this through your above-mentioned participation at registration, through your interest in selling, consignment for auction, or purchase, in each case accompanied by the voluntary provision of your personal data, this simultaneously allows us to notify you of services offered by our auction house and our company that are closely associated in the art marketplace with our auction house, to provide you with targeted marketing materials, and to send you promotional offers on the basis of your profile by phone, fax, mail, or e-mail. If there is a specific form of notification that you prefer, we will be happy to arrange to meet your needs once you inform us of these. On the basis of your aforementioned interests, including your participation in auctions, we will be continually reviewing in accordance with Article 6 (1) sentence 1 (f) of the GDPR whether we are permitted to advertise to you and, if so, what kind of advertising may be used for this purpose (for example: sending auction catalogs, providing information on special events, future or past auctions, etc.). You have the right to object to this contact with you at any time as stated in Art. 21 of the GDPR (see below: "Your Rights Relating to the Processing of Your Personal Data").

### **Live Auctions**

In so-called live auctions, one or more cameras or other audio and video recording devices are directed toward the auctioneer and the respective works of art being offered at auction. Generally, such data can be received simultaneously via the Internet by anyone using this medium. Ketterer Kunst takes the strongest precautions to ensure that no one in the room who has not been specifically designated by Ketterer Kunst to be on camera with their consent for the auction process is captured on camera. Nevertheless, Ketterer Kunst cannot assume any responsibility for whether individuals in the auction hall themselves actively enter the respective frame, for example by deliberately or unknowingly stepping partially or completely in front of the respective camera, or by moving through the scene. In such situation, through their participation in or attendance at the public auction, the respective individuals involved are agreeing to the processing of their personal data in the form of their personal image for the purposes of the live auction (transmission of the auction via audio and video).

### **Use of Cookies**

Cookies are text files that are placed and saved on a computer system via a web browser. We use cookies as tags that we send to your computer's hard drive by means of your web browser. Once you log in, they make it possible for us to identify your user account during your visit to our webpages in a so-called session. It is necessary to activate cookies for the entire time you are logged in because other functions that serve to identify a session carry the risk that an unknown person could perform actions with your session identifier.

We do not use cookies for any other purpose.

You can use the "Help" function on most web browsers to learn, for example, how you can block cookies or delete cookies that have been received. This allows you to permanently reject the storage of cookies. We would like to point out, however, that the parts of our online services that require you to be logged in will no longer function without cookies.

### **Your Rights Relating to the Processing of Your Personal Data**

Pursuant to the provisions of the GDPR, you have the following rights in particular:

- The right to information on stored personal data concerning yourself, free of charge, the right to receive a copy of this information, and the other rights in this connection as stated in Art. 15 of the GDPR.
- The right to immediate rectification of inaccurate personal data concerning yourself as stated in Art. 16 of the GDPR, and as applicable, to demand the completion of incomplete personal data, including by means of providing a supplementary statement.
- The right to immediate erasure (“right to be forgotten”) of personal data concerning yourself provided one of the grounds stated in Art. 17 of the GDPR applies and provided the processing is not necessary.
- The right to restriction of processing if one of the conditions in Art. 18 (1) of the GDPR has been met.
- The right to data portability if the conditions in Art. 20 of the GDPR have been met.
- The right to object, at any time, to the processing of personal data concerning yourself performed based on Art. 6 (1) letter e) or f) of the GDPR as stated in Art. 21 for reasons arising due to your particular situation. This also applies to any profiling based on these provisions.

Where the processing of your personal data is based on consent as set out in Art. 6 (1) a) or Art. 9 (2) a) of the GDPR, you also have the right to withdraw consent as set out in Art. 7 of the GDPR. Before any request for corresponding consent, we will always advise you of your right to withdraw consent.

To exercise the aforementioned rights, you can contact us directly using the contact information stated at the beginning, or contact our data protection officer. Furthermore, Directive 2002/58/EC notwithstanding, you are always free in connection with the use of information society services to exercise your right to object by means of automated processes for which technical specifications are applied.

### **Right to Complain Under Art. 77 of the GDPR**

If you believe that the processing of personal data concerning yourself by Ketterer Kunst GmbH & Co. KG, headquartered in Munich, is in violation of the GDPR, you have the right to lodge a complaint with the relevant office, e.g. in Bavaria with the Data Protection Authority of Bavaria (Bayerisches Landesamt für Datenschutzaufsicht, BayLDA), Promenade 27 (Schloss), D-91522 Ansbach. If you believe that the processing of personal data concerning yourself by Ketterer Kunst GmbH, headquartered in Hamburg, is in violation of the GDPR, the agency to report complaints to is the Hamburg Commissioner for Data Protection and Freedom of Information (Hamburgischer Beauftragte für Datenschutz und Informationsfreiheit, HmbBfDI), Klosterwall 6 (Block C), D-20095 Hamburg.

### **How Long We Store Data**

Multiple storage periods and obligations to archive data have been stipulated in various pieces of legislation; for example, there is a 10-year archiving period (Sec. 147 (2) in conjunction with (1) nos. 1, 4, and 4a of the German Tax Code (Abgabenordnung), Sec. 14b (1) of the German VAT Act (Umsatzsteuergesetz)) for certain kinds of business documents such as invoices. We would like to draw your attention to the fact that in the case of contracts, the archiving period does not start until the end of

the contract term. We would also like to advise you that in the case of cultural property we are obligated pursuant to Sec. 45 and Sec. 42 of the German Cultural Property Protection Act (Kulturgutschutzgesetz) to record proof of meeting our due diligence requirements and to retain this for a period of 30 years. This may also include the recording and retention of some or all of your personal data. Once the periods prescribed by law or necessary to pursue or defend against claims (e.g., statutes of limitations) have expired, the corresponding data is routinely deleted. Data not subject to storage periods and obligations is deleted once the storage of such data is no longer required for the performance of activities and satisfaction of duties under the contract. If you do not have a contractual relationship with us but have shared your personal data with us, for example because you would like to obtain information about our services or you are interested in the purchase or sale of a work of art, we take the liberty of assuming that you would like to remain in contact with us, and that we may thus process the personal data provided to us in this context until such time as you object to this on the basis of your aforementioned rights under the GDPR, withdraw your consent, or exercise your right to erasure or data transmission.

\*Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

Valid as of: May 2018