

Data Privacy Policy

Scope

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

The Controller:

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

by phone: +49 89 55 244-0

by fax: +49 89 55 244-166

by email: infomuenchen@kettererkunst.de

Definitions under the 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.

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). In some cases we are legally obligated to this, cf. § 2 section 1 subsection 16 GwG (Money Laundering Act) and this is the case before closing the contract.

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.)

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 e-mail, 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, 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 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) (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).

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 you 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 (3) 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 (Bayerische Landesamt für Datenschutzaufsicht, BayLDA), Promenade 27 (Schloss), D-91522 Ansbach.

Data Security

Strong IT security – through the use of an elaborate security architecture, among other things – is especially important to us.

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 in conjunction with Sec. 42 of the German Cultural Property Protection Act (Kulturgutschutzgesetz) to record proof of meeting our due diligence requirements and will retain certain personal data for this purpose for a period of 30 years. 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.

Please note that in the event that you utilize our online services, our expanded data privacy policy applies supplementally in this regard, which will be indicated to you separately in such case and explained in a transparent manner as soon as you utilize such services.

*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 2021