



# **DATA PROTECTION STATEMENT FOR TENANCY RELATIONSHIPS**

**(DATE LAST AMENDED: 29 JANUARY 2025)**

The purpose of this Data Protection Statement is to brief data subjects (meaning persons whose personal data are processed) about the processing of personal data within the scope of the implementation of tenancies and possibly other agreements associated with them by and in collaboration with Trei Real Estate Deutschland GmbH & Co. KG, represented by Trei Real Estate GmbH, pursuant to Art. 13, General Data Protection Regulation (GDPR), or Art. 14, GDPR, as the case may be. Who exactly counts as data subject depends on the case at hand. Data subjects could be, e.g., tenants, employees of commercial tenants or subtenants.

1. The landlord identified in your lease agreement, this being Trei Real Estate Deutschland GmbH & Co. KG, Klaus-Bungert-Str. 5b, 40468, retained the associated company, Trei Real Estate GmbH, Klaus-Bungert-Str. 5b, 40468 Düsseldorf, (hereinafter, "We" or "Us" implying both companies) to handle the property and tenant management. In this context, both parties are together considered the joint controllers pursuant to Art. 4, No. 7, and Art. 26, Sec. 1, Sent. 1, GDPR.

We have made the main information on joint controllership available to you at the end of this Data Protection Statement pursuant to Art. 26, Sec. 2, Sent. 2, GDPR.

2. The person to contact in regard to data protection law issues is the data protection officer for either company, whose contact details are as follows: [datenschutz@t-audit.de](mailto:datenschutz@t-audit.de) or via postal mail to Tengelmann Audit GmbH, An der Pönt 45, 40885 Ratingen, Germany.
3. Personal data will only be processed to the extent necessary for a given purpose, or if you consented to such processing. Processing is principally based on the following legal bases:
  - Art. 6, Sec. 1, Lit. a, GDPR (consent of the data subject)
  - Art. 6, Sec. 1, Lit. b, GDPR (execution of a contractual relationship with the data subject, pre-contractual measures at the request of the data subject)
  - Art. 6, Sec. 1, Lit. c, GDPR (fulfilment of a legal obligation)
  - Art. 6, Sec. 1, Lit. d, GDPR (protection of vital interests of the data subject or of another natural person)
  - Art. 6, Sec. 1, Lit. e, GDPR (performance of a task in the public interest or while exercising official authority)
  - Art. 6, Sec. 1, Lit. f, GDPR (protection of a legitimate interest of the landlord or of a third party, provided that the interests, fundamental rights and freedoms of the data subject, which require the protection of personal data, prevail [balancing of interests]).
4. Within the scope of implementing a lease agreement, personal data such as name, address, account details and other information resulting from the lease agreement and tenancy (such as, e.g., consumption data, sustainability ratios or communication content) are generally processed by the landlord or manager in accordance with applicable data protection law rules for the purpose of processing/implementing the lease agreement (e.g. processing payment obligations or organising/invoicing the energy/water supply), for the administration, ongoing maintenance, repairs and development of the properties/apartments or for the fulfilment of legal obligations (e.g. those arising from the German Commercial Code, the Fiscal Code of Germany or the German Money Laundering Act). The landlord as the obliged entity under the German Money Laundering Act (GwG) generally has to collect information in accordance with Art. 11, Sec. 4-5, GWG. It is

expressly noted that personal data collected on the basis of the Money Laundering Act are processed exclusively for the purpose of preventing money laundering and terrorist financing. On top of that, asserting, exercising or defending legal claims may also necessitate processing of your data. Personal data relating to the tenancy may also be processed in connection with any internal quality assurance measures, internal or external reporting/controlling purposes, company transactions, IT and network security, compliance or internal audit reviews.

The legal basis for processing personal data to implement a lease agreement or other agreements with us is principally Art. 6, Sec. 1, Lit. b, GDPR, if the person whose data we process is a direct party to the agreement, while the legal basis for processing personal data to meet legal obligations is Art. 6, Sec. 1, Lit. c, GDPR, or Art. 6, Sec. 1, Lit. f, GDPR (legitimate interest in the fulfilment of legal obligations). If you personally are not a party to the lease agreement or other agreements with us but e.g. an employee of the company that acts as a tenant, your personal data will be processed—if necessary—on the basis of our legitimate interest pursuant to Art. 6, Sec. 1, Lit. f, GDPR. What constitutes our legitimate interest is the economic achievement of our business objective and the mutual fulfilment of obligations arising from the tenancy or other agreements. Another legitimate interest in accordance with Art. 6, Sec. 1, Lit. f, GDPR, is the right to examine, assert, exercise and defend legal claims. In accordance with Art. 6, Sec. 1, Lit. f, GDPR, we also have a legitimate interest to carry out internal quality assurance, IT and network security measures, compliance audits or internal audits in order to guarantee the necessary quality standard to ensure secure, efficient and effective processes on a quality level required under economic aspects, to ensure compliance with the legal parameters, and to prevent cases of fraud and abuse. Another legal basis for such measures in accordance with Art. 6, Sec. 1, Lit. c, GDPR, is constituted by certain legal obligations.

With the administration, upkeep, repair and development of the real estate and the associated facilities, we principally live up to our direct or indirect obligations arising from the lease agreement (obligation of continuous provision and maintenance of the leased property). To the extent that personal data are processed in this context, the legal basis is in turn constituted by Art. 6, Sec. 1, Lit. b, GDPR, or by our legitimate interest pursuant to Art. 6, Sec. 1, Sent. 1, Lit. f, GDPR. On the other hand, another lawful basis for processing the personal data toward this end is constituted by the landlord's legitimate interest in accordance with Art. 6, Sec. 1, Lit. f, GDPR, to preserve and increase the value of the properties. The legitimate interest in the efficient, cost-effective, tenant-oriented administration and operation of the properties according to the division-of-labour principle also provides a legal basis for the transfer to, and processing by, affiliated companies and/or third-party service providers.

Whenever key ratios of tenancies (such as e.g. carbon output, energy consumption rates, the agreed square-metre rent) enter into in-house evaluations, this is also done on the basis of Art. 6, Sec. 1, Lit. f, GDPR. For instance, we have a legitimate interest to obtain information on the profitability and sustainability of our properties through relevant statistics on our assets so as to help us strive for the systematic improvement of these aspects.

If the property occupied by you or your company as a tenant or the company who owns the property becomes the object of a corporate transaction, the relevant information may also be processed as part of due diligence investigations for the purpose of appraising the potential transaction. In such a case, the processing is again done on the basis of a legitimate interest (Art. 6, Sec. 1, Lit. f, GDPR) to execute transactions in effective and efficient ways so as to achieve an optimal economic performance. We would like to point out in this context that we will use

pseudonymised or, if possible, anonymised data unless doing so conflicts with the respective purposes.

5. Some of the disclosed or collected personal data are mandatory for the implementation of the tenancy, of other agreements possibly associated with it and for the delivery of the corresponding services. Without the disclosure of the relevant data, it would be wholly or partially impossible for the landlord to implement and dissolve a tenancy, including the associated ancillary services and obligations.
6. There is no intention to transfer the personal data to third countries (countries outside the EU/EEA) or to international organisations. In the event that such a transfer cannot be avoided or that it is subject to change in the future (e.g. due to an interdependency of IT services), a transfer would be kept as restrictive as possible and would take place only in compliance with the provisions pursuant to Art. 44 et seq., GDPR, in order to ensure an adequate data protection level (e.g. by transferring to countries with effective adequacy decisions in place or by concluding EU standard contractual clauses).

Personal data may be processed within the scope of a lease signing by companies associated with the controller, especially Trei Real Estate GmbH, Klaus-Bungert-Strasse 5b in 40468 Düsseldorf, by group internal audit unit as well as by third-party service providers. Relevant entities in this context include, for example, property managers, tradesmen, utility companies, network operators or other service companies. Personal data will be transferred to third parties in this context only if doing so is necessary for the above-mentioned purposes and is permitted by law, or if the corresponding consent was granted in advance.

In addition, data may be disclosed to banks (payment processing), authorities, government agencies or other state/public institutions. Depending on a given case, data may also be transmitted to lawyers, auditors, potential transaction partners or debt collection agencies.

In data protection terms, the data recipients may count either as commissioned data processor pursuant to Art. 4, No. 8, GDPR, or as controller pursuant to Art. 4, No. 7, GDPR.

The selection and use of third-party service providers is carried out in consideration of internal minimum data protection standards and the relevant legal requirements (e.g. the conclusion of applicable contracts pursuant to Art. 28, GDPR, for commissioned data processors).

7. The personal data processed within the framework of the tenancy and other agreements possibly associated with it will only be stored for as long as and to the extent that doing so is necessary for the respective processing purposes. The data will moreover be stored for as long as the tenant or some other party may still assert claims against the landlord (in accordance with the statutory limitation periods; the regular limitation period being e.g. three years pursuant to Art. 195, German Civil Code). Furthermore, personal data will be stored for as long as stipulated, and to the extent required, by legal verification requirements and record-keeping obligations. These are specified, inter alia, by the Commercial Code (HGB), the Fiscal Code (AO), and the Money Laundering Act (GwG) (e.g. Art. 257, HGB, Art. 147, AO). According to these, the record-keeping obligations extend over a ten-year period.
8. If we process your personal data as controller, you have the following rights vis-à-vis us with regard to the processing of your personal data, which you may assert at any time:

## **RIGHT TO INFORMATION, RECTIFICATION AND ERASURE**

Within the scope of the applicable legal provisions, you have the right to free information (Art. 15, GDPR) about your processed personal data and other disclosures pursuant to Art. 15, Sec. 1, Lit. a through h, GDPR, at any time. In addition, you may be entitled to the rectification (Art. 16, GDPR) or erasure (Art. 17, GDPR) of these data. The right to erasure may be restricted in cases specified in Art. 17, Sec. 3, GDPR (e.g. whenever the data are required for asserting, exercising or defending legal claims).

## **RIGHT TO RESTRICTION OF PROCESSING**

You have the right to demand that the processing (Art. 18, GDPR) of your personal data be restricted (or blocked). The right to restriction of processing exists in the cases specified in Art. 18, Sec. 1, Lit. a through d, GDPR. Once the processing of your personal data has been restricted, such data may—apart from being stored—only be processed with your consent or else to assert, exercise or defend legal claims, or for to protect the rights of another natural person or legal entity, or for reasons of material public interest of the European Union or one of its member states.

## **RIGHT TO DATA PORTABILITY**

You have the right to receive personal data concerning you in a standard machine-readable format, assuming that you have provided us with the data yourself, that we process these data via automated procedures and that the processing is based on your consent or the fulfilment of a contract with you (Art. 20, GDPR).

## **RIGHT TO OBJECT TO THE PROCESSING OF YOUR DATA**

To the extent that personal data are processed (including profiling, where applicable) on the basis of legitimate interests (Art. 6, Sec. 1, Lit. f, GDPR), you have the right to object to the processing of your personal data at any time for reasons arising from your specific circumstances (Art. 21, GDPR). In that case, we will cease to process your personal data for said purposes unless our legitimate interests prevail or unless the processing serves the assertion, exercise or defence of legal claims. Collecting data in order to make the website available and storing log files is imperative for the operation of the website. Without prejudice to this fact, you may object to the processing of your personal data for purposes of direct marketing at any time without stating a reason. The same is true for possible profiling if it is connected to direct marketing of this type.

## **RIGHT TO REVOKE YOUR CONSENT**

If consent constitutes the legal basis for processing your personal data, you may retract your consent at any time without stating your reasons (Art. 7, Sec. 3, GDPR). Retracting your consent will principally be effective for the future only. This means that the revocation of your consent will not affect the lawfulness of any processing carried out on the basis of your consent prior to its revocation.

## **RIGHT TO LODGE A COMPLAINT WITH A REGULATOR**

If you believe that the processing of your personal data violates data protection law, you have the right to lodge a complaint with a regulator, specifically in the member state of your habitual residence, place of work or place of the alleged violation (Art. 77, GDPR). The right to lodge a

complaint exists without prejudice to any other administrative or judicial remedy.

For issues concerning your data subject rights, you may principally contact either party of the joint controllership. The following contact details were set up as central contact point for data subject queries:

Trei Real Estate GmbH  
Klaus-Bungert-Str. 5b  
40468 Düsseldorf, Germany

Phone: +49 211 54011-000

E-mail: [info@treirealestate.com](mailto:info@treirealestate.com)

Whenever data subject rights are asserted, personal data will be processed in this same context in order to respond to the request. Here, the processing of personal data is done to fulfil a legal obligation pursuant to Art. 6, Sec. 1, Lit. c, GDPR, or on the basis of our legitimate interest pursuant to Art. 6, Sec. 1, Lit. f, GDPR, to implement the data protection regulations that govern the rights of data subjects.

9. In the implementation of the tenancy, no automated decision-making procedures within the meaning of Art. 22, GDPR, are used.
10. The landlord reserves the right to change or amend this Data Protection Statement. Check the Internet page  
[https://www.treirealestate.com/medien/downloads/Datenschutzinformation\\_Mietvertragsverhaeltnis/Datenschutzinformation\\_Mietvertragsverhaeltnis.pdf](https://www.treirealestate.com/medien/downloads/Datenschutzinformation_Mietvertragsverhaeltnis/Datenschutzinformation_Mietvertragsverhaeltnis.pdf) for the latest version of the Data Protection Statement. In addition, you may ask the landlord to send you the latest version as hard copy or in electronic form.

## **INFORMATION ON JOINT CONTROLLERSHIP PURSUANT TO ART. 26, SEC. 2, SENT. 2**

The member companies of the Trei Group practice division of labour (e.g. as property companies and service companies), combining the specific competences of each company in order to achieve optimal outcomes for the respective companies, business partners and tenants, too. For instance, a property asset holding company normally acts as landlord whereas Trei Real Estate GmbH, being the central service company, handles the administrative and operational implementation of the administration and management activities involving the properties and tenancies. To perform their task, the various companies will, as a rule, jointly define the purposes of processing and the means to achieve them, and will constantly exchange information during the collaborative performance of their services. Accordingly, the companies process personal data as “joint controllers” within the meaning of Art. 26, GDPR.

### **What are the implications for data subjects within the meaning of the GDPR?**

Notwithstanding the fact that joint controllership is in place, we shall fulfil our obligations under data protection law according to our respective competences for each of the relevant processing activities.

**In addition, the following has been agreed:**

- We shall make the information required pursuant to Articles 13 and 14, GDPR, available to data subjects free of charge in a precise, transparent, comprehensible and easily accessible form and in plain and simple language, this Data Protection Statement being part of the effort. Each company will provide all information that is needed in this context to the other company.
- We will promptly notify each other about legal positions asserted by data subjects, and will make all information that is necessary to answer requests for information, or to process the request, available to the company that was contacted by the data subject.
- Each company involved may be approached for the purpose of asserting data subject rights. In this context, Trei Real Estate GmbH will act as central contact point, and its contact details are listed under Section 8, above.
- All controllers have appointed one and the same data protection officer. The latter's contact details are listed under Section 2, above.

If you would like to have more information on the joint controllership you are welcome to contact us or else the data protection officer.