

# Usage of Business Register Data

## (<https://www.northdata.com>)

This sheet provides information concerning the data published covering North Data, in particular concerning data protection. We inform you about the legal background as well as the type and method of data processing. We explain under which conditions data is blocked upon request, and how we deal with incorrect data. In conclusion, we provide information on frequently asked questions

### What is Business Register Data

Companies are legally obliged to provide information about themselves and their legal representatives (managing directors, etc.). This disclosure serves the purpose of legal certainty in relations between the respective company and outside entities – for example, suppliers and customers, banks, and investors, but also existing or potential employees.

### Business Register Data and Data Protection

Disclosure of business register data overrides the protection of privacy. Therefore, the public presentation of the Business Register data is also in line with the Provisions of the European General Data Protection Regulation (GDPR).

The European Court of Justice has stated in a landmark decision that the disclosure as an interference with the fundamental rights of the data subjects (such as the protection of personal data) must be accepted in principle (judgment of 9 March 2017, file number C-398/15). This also expressly applies after the dissolution of the respective company. However, in individual cases, access restrictions may be justified (see the section on *Blocking of Data* below).

If personal data is processed in this context, you will find the legal basis for this in Art. 6 para. 1 Line 1 lit f GDPR. The processing of the data is necessary to safeguard legitimate interests. The processing is only limited if it conflicts with the interests or fundamental rights and freedoms of the data subject, provided that such conflicts outweigh further processing.

Legitimate interests of the general public in the processing of personal business register data are, in particular, the information of the representation of corporations for the enforcement of claims. Legal representatives of corporations may depend on the legitimate grounds of the claim, be directly or indirectly liable to creditors for the fulfilment of liability for up to 10 years after their withdrawal. Against this background, there is a strong interest in the publication of this information.

## Origin of Data

The data published by us on our website originates from the following public sources unless another source is explicitly stated:

- German Trade Register
- German Insolvency Register
- German Federal Gazette
- BaFin
- Funding Catalogue of the Federal Ministry of Education and Research.
- Global LEI Index
- German Patent and Trade Mark Office

These are exclusively publications of the respective companies (directly or by order, usually by a notary public at the competent district court) or judicial, statutory, and official publications.

We additionally store company data that we receive from Echobot Media Technologies GmbH (<https://www.echobot.de>) This data is gained by the evaluation of legal notice data of Service providers, as defined by § 5 German Telemedia Act (TMG).

## Storage and Processing of Data

North Data works according to the principle of a search engine. (Similar to Google or Yahoo searching or "indexing" websites, North Data indexes mandatory corporate publications. See, for example, here: [https://en.wikipedia.org/wiki/Subject\\_indexing](https://en.wikipedia.org/wiki/Subject_indexing).)

The publications are processed fully automatically on our servers by extracting information from the documents, such as the company's CEO or financial figures. This information is summarized when a company or person entry is called up and displayed as a website.

## Masking and Automatic Redaction of Data

On North Data's public website, the following data is automatically blocked:

1. Details of Birth
2. Former addresses that are no longer used as business addresses
3. Activities dating back to a longer period
  - a. Legal representation or equivalent activity: 10 years after resignation/retirement
  - b. Procuration or equivalent activity: Two years after resignation/retirement

This blocking process is automated. It cannot be excluded that they are nevertheless visible in individual cases. In this case, we will come to your blockage request immediately after (see next section).

## Blocking of Data

Under the following conditions and upon request, we will block data.

### Conditions for blocking entries on persons

1. Obsolete data: The person is no longer acting as a legal representative (in any company), and his function(s) as a legal representative(s) are at least in the past:
  - a. Managing directors, board members, and equivalent positions: 5 years after resignation/retirement
  - b. Liquidators: 5 years after the expiry of the function,
  - c. Authorized signatories: One year after leaving their position
  - d. Personal liability as a registered merchant: One year after the expiry of the Commercial Registry entry
  - e. Legal representatives in registered associations: after leaving the association their position
2. Special need for protection. Please explain in your request the special interest in blocking your data, or provide suitable evidence to this.

### Requirements for Blocking Entries for Companies

1. Outdated data with personal reference
  - a. Company has been terminated for five years (associations, merchants: one year) (the means that the liquidation phase has been completed), **and**
  - b. the request is made by the liquidator or last managing director; or a survivor/heir of the same, **and**
  - c. the name of the company has a direct personal reference, **and**
  - d. the company was an association, a company in the category of German "Kleinstkapitalgesellschaft" or equivalent
2. Please explain these in your request, or provide appropriate evidence thereof.

### Procedure for Requesting Blockings

Please make your request in writing (ideally by e-mail to [info@northdata.com](mailto:info@northdata.com)).

The following information is required:

1. The specification of the web address (URL) or the web addresses to which the lock request relates
2. A justification for the blocking, i.e., which of the above requirements are met
3. Authorization of the applicant (legal representative in companies)
4. Legitimation (the applicant's e-Mail address is, in most cases, sufficient) or presentation of your power of attorney

We reserve the right to refuse requests - especially if a particular public interest in the entries prevails, if the request is incomplete, does not meet the above requirements, or contains false information.

## Google and Other Search Engines

Search engines such as Google or Bing update their entries regularly, and the blockage of an entry with us usually becomes visible on the search engines after about 2-3 weeks.

You can also contact Google directly using the following form:

[https://www.google.com/webmasters/tools/legal-removal-request?complaint\\_type=rtbf](https://www.google.com/webmasters/tools/legal-removal-request?complaint_type=rtbf)

## Faulty Data and Corrections

Our objective is to provide complete and faulty-free data. This is not always possible since errors occur during automated processing as well as in the underlying sources may be available, or the sources may not be historically complete.

We kindly ask you to inform us of any errors, ideally by e-Mail to [info@northdata.com](mailto:info@northdata.com), and to describe the error to us. (An overall reference to the faultiness of a company or personal entry is not sufficient: we must know exactly which information is incorrect.)

We then initiate a correction procedure, consisting of the following steps:

1. Temporary blocking of the affected entry/entries
2. Clarification: Examination of the faults and limitation of the fault's root cause
3. Depending on the outcome of the clarification:
  - a. If the error lies in the automated processing and could be corrected, the blockage is removed,
  - b. If the error is in the automated processing and not (yet) has been resolved, the blockage is maintained,
  - c. If there is an error in the original publications, the blockage will be maintained unless the person concerned wishes the blocking to be removed. In this case, it is not possible to correct the data, as North Data does not process data separately, but as a dependent extract of the respective original publications (see section Saving and Processing of Data). We cannot alter the original publications as they are public documents.
  - d. If there is no error, the blockage is removed

The data entered in the public registries are the relevant reference for us. Any change requires a corresponding entry and publication in the commercial Business Register. Only substantial errors lead to the initiation of a correction procedure (not substantial are, e.g., upper/lower case letters).

## Answers to frequently asked questions

*Which of my personal data do you actually store or process??*

We only process that personal data contained in public publications, and thus the personal identification information mentioned in those publications (usually the date of birth and place of residence). We will gladly send you a self-disclosure form. Please contact us by e-Mail at [info@northdata.com](mailto:info@northdata.com).

*To whom do you pass on the data?*

The data is public and freely available on our website. The date of birth is redacted in the public part of our website but is accessible to our premium service and data service customers.

*The company is registered at my home address. How can I protect my private address?*

An active business address is always public - even if it matches the private address. However, you can make a change of address at the commercial Business Register. We will list the new address as soon as possible, and the old address will no longer be displayed.

*Why is no proof of data legitimacy for the users of the website required?*

The EU Court of Justice has laid down, in a landmark decision, that in the case of Business Register data, proof of a right or interest in need of protection is not required (ECJ, the ruling of 09.03.2017, file number C-398/15).

*Where are your servers located?*

Our servers are located in Frankfurt am Main, Germany.

*Does automated decision making or profiling take place according to Art. 22 GDPR?*

No.

*Is my "right to be forgotten" being violated?*

Business Register data is not subject to the "right to be forgotten". Under certain conditions we will block your data completely (see section Blocking of Data).

*What right do I have to file a complaint as the person concerned?*

You are welcome to contact us at any time. According to Article 77 of the GDPR, you have the right to complain to a responsible data protection authority, which is the Hamburg Commissioner for Data Protection and Freedom of Information (<https://datenschutz-hamburg.de>).

*How long is the data stored?*

Our objective is to build up a permanent historical archive. Therefore, we store the data permanently. Under certain conditions, we block data after a certain period (see the section Blocking of Data).

*Why is the data to be blocked and not deleted?*

North Data works according to the principle of a search engine (see section Storage and Processing of Data). There is a regular comparison of North Data's stock of documents with the various public data sources (see section Origin of Data), and a regular re-analysis of the stock as part of the automatic processing. The reconciliation or re-analysis would recover deleted data. Therefore - as with all search engines - a blockage is the only reasonable procedure. For the same reason, companies/persons can only be blocked as a whole and not in part.

*How long does it take to process my revocation request?*

It usually takes about one week..

Hamburg, January 01, 2020

North Data GmbH

Hermannstrasse 22, D-20095 Hamburg/Germany

e-Mail: [info@northdata.com](mailto:info@northdata.com)

Web: <https://www.northdata.com>