

Data Protection Information for (Sub-)Tenants and the Tenant Portal

The purpose of this Data Protection Information is to brief data subjects (meaning persons whose personal data are processed) about the processing of personal data within the scope of implementing the tenancy, and about the use of the tenant portal by and in collaboration with Trei Real Estate Berlin-Fürstenberger Straße GmbH pursuant to Art. 13, General Data Protection Regulation (GDPR), or Art. 14, GDPR, as the case may be.

1. The responsible entity within the meaning of Art. 4, No. 7, GDPR, is the landlord identified in your lease agreement: Trei Real Estate Berlin-Fürstenberger Straße GmbH, Klaus-Bungert-Str. 5b, D-40468 Düsseldorf. The landlord contracted the associated company Trei Real Estate GmbH, Klaus-Bungert-Str. 5b, D-40468 Düsseldorf, to take care of the property and tenant management.
2. The person to contact in regard to data protection law issues is the data protection officer for both companies, whose contact details are as follows: datenschutz@t-audit.de or via postal mail sent to Tengelmann Audit GmbH, An der Pönt 45, D-40885 Ratingen.
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 tenancy agreement, personal data such as name, address, account details and other information resulting from the lease agreement and tenancy (e. g. consumption data or communication content) as disclosed by the tenant to the landlord or manager are generally processed in accordance with applicable data protection law rules for the purpose of processing/implementing the lease agreement (e. g. processing payment obligations or setting up/accounting for 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 or the Fiscal Code of Germany). On top of that, asserting, exercising or defending legal claims may also necessitate processing of your data. Personal data related to the tenancy may also be processed in conjunction with possible measures involving the internal quality assurance, the internal reporting/management accounting, corporate transactions, IT- and network security, compliance audits and internal audits.

The lawful basis for processing personal data to execute a lease agreement is Art. 6, Sec. 1, Lit. b, GDPR, while the lawful basis for processing personal data to meet legal obligations is principally Art. 6, Sec. 1, Lit. c, GDPR. Another legitimate interest in accordance with Art. 6, Sec. 1, Lit. f, GDPR, is our 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 lawful basis for such measures in accordance with Art. 6, Sec. 1, Lit. c, GDPR, is constituted by certain legal obligations.

In the context of the management, maintenance, repairs and development of the property/apartments or associated facilities, the legal basis is constituted, on the one hand, by the obligation to fulfil the lease agreement in accordance with Art. 6, Sec. 1, Lit. b, GDPR (obligation of continuous provision and maintenance of the leased property). In this context, the landlord's legal obligation to keep the rental property in good repair also comes into play (Art. 6, Sec. 1, Sent. 1, Lit. c, GDPR, i.c.w. Art. 535, Sec. 1, German Civil Code, BGB). 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 at hand. The legitimate interest in the efficient, cost-effective, tenant-oriented administration and operation of the properties according to the division-of-labour principle also constitutes a legal basis for the transfer to, and processing by, affiliated companies and/or third-party service providers.

Whenever key parameters of tenancies (such as e. g. 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 in obtaining business information on the profitability of our properties through the relevant statistics on our assets. If the property you occupy 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.

Whenever units are sub-let, we will generally process the first and last name of the subtenant that the tenant disclosed to us in order to meet the requirements specified in the respective lease agreement. Moreover, the disclosures make it easier for us to coordinate maintenance and repair works for the rental property. These purposes also help to establish our legitimate interest in the processing of your data pursuant to Art. 6, Sec. 1, Lit. f, GDPR.

5. Tenants also have the option to have their user account activated for the tenant online portal on our homepage directly out of the application process. The tenant online portal makes a variety of service available to you within the framework of your tenancy. For example, you can use the tenant online portal

- to quickly gain digital access to important documents,

- to conveniently report technical issues in your apartment,
- to contact your property management the easy way, or
- to get all updates on the Heimelig housing estate.

The personal data processed within the framework of the tenant online portal are taken from your disclosures when registering, from the lease agreement you signed or from optional information you provided, too. The purpose of processing your data is, on the one hand, to enable you to use the portal and, on the other hand, our legitimate interest to provide this added service to you as well as to ensure swift and efficient communication between you and us or the property management, and to process any requests you may have. Another purpose of processing your data is to initiate, prepare, implement or dissolve your lease agreement and/or possibly to provide other services and deliverables. Processing of such data is therefore based on Art. 6, Sec. 1, Lit. b and f, GDPR. If you provide optional disclosures within the framework of the tenant portal, you consent to the processing of these data by us pursuant to Art. 6, Sec. 1, Sent. 1, Lit. a, GDPR. You may retract your consent with effect to the future any time, either by deleting your disclosures (if possible) or by writing to wohnen@treirealestate.com directly.

Once you, in your role as tenant, grant another person (e. g. a subtenant) user access (“additional tenant logins”) to your rental unit in the tenant portal, you will thereby grant us permission (Art. 6, Sec. 1, Sent. 1, Lit. a, GDPR) to make all the information on your rental unit as posted in the tenant portal—including personal data of you—available to that person. You, in your role as tenant, may retract this permission with effect to the future at any time by suspending access or deleting the login details, preventing the user from logging into the tenant portal in order to access your rental unit details.

If you are invited by the tenant to share the use of the tenant portal access of a given rental unit (e. g. as subtenant), we use the so-called “double-opt-in procedure.” Within the scope of the invitation, we will process your first and last name as well as the respective e-mail address after these details have been transmitted to us by the tenant via the corresponding function within the tenant portal. After you have been invited to the tenant portal, you will receive an e-mail from us, asking you to confirm your e-mail address by clicking a link. If you fail to click our confirmation link within a 7-day period, all your data will be deleted and the invitation will expire. Processing your master data related to the “guest login” (first and last name, e-mail address) is based on the consent you granted within the scope of the double-opt-in procedure pursuant to Art. 6, Sec. 1, Sent. 1, Lit. a, GDPR. If you make optional disclosures within the framework of the tenant portal, you consent to the processing of these data by us pursuant to Art. 6, Sec. 1, Sent. 1, Lit. a, GDPR. You may retract your consent with effect to the future at any time, either by deleting your disclosures (if possible) or by deleting your account.

Using the progressive web app (PWA) function on your end device as a tenant portal user will provide you with a quick and convenient way to access the tenant portal directly. No other data regarding your endpoint or your connectivity will be processed, while the provisions of the Data Protection Statement governing the use of the Heimelig homepage and the portal for tenant lead/applicants, which you will find at www.heimelig-berlin.de/datenschutz, continue to apply.

6. If a subtenant or another person authorised by the tenant gets in touch with us or our manager in

regard to a given rental unit (regardless of the communication channel, such as e. g. via the tenant portal or by phone) to report damages to the unit, for instance, the personal data disclosed in this context could obviously be processed within the scope of said communication. The lawful basis for processing the data is our legitimate interest pursuant to Art. 6, Sec. 1, Sent. 1, Lit. f, GDPR, to process your request swiftly and efficiently. This may also be in the legitimate interest of the tenant.

7. The personal data provided are required for implementing the tenancy and related services and to process the request at hand. Without the disclosure of the relevant data, it would be impossible for the landlord or manager to process your request or to implement and dissolve a tenancy, including the associated ancillary services and obligations.
8. 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 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. transfer to countries with effective adequacy decisions in place or conclusion of EU standard contractual clauses).

Personal data may be processed within the scope of a lease signing, its implementation and in line with the follow-up processing of terminated leases by companies associated with the responsible entity, especially Trei Real Estate GmbH, Klaus-Bungert-Straße 5b in D-40468 Düsseldorf, as well as by third-party service providers. Relevant entities in this context include, for example, property managers (in particular Apleona Real Estate GmbH in Düsseldorf), tradesmen, utility infrastructure providers, 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, third parties may count either as commissioned data processor pursuant to Art. 4, No. 8, GDPR, or as responsible entity 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).

9. The personal data processed within the framework of the tenancy 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 may still assert claims against the landlord (or vice versa; 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.

10. Any person whose personal data are processed has the right to request at any time from the responsible entity
- disclosure of any stored data about that person (Art. 15, GDPR),
 - the correction of inaccurate data (Art. 16, GDPR),
 - that processing of personal data be restricted (Art. 18, GDPR),
 - the deletion of personal data (Art. 17, GDPR) and/or
 - the transfer of data (Art. 20, GDPR)

To the extent that personal data are processed on the basis of legitimate interests (Art. 6, Sec. 1, Lit. f, GDPR), the data subjects concerned have the right to object to the processing of their personal data at any time for reasons arising from their specific circumstances. In this case, we will cease to process your personal data for this purpose/these purposes unless rights of the responsible entity worthy of protection outweigh the interests of the data subjects, or unless the processing serves the assertion, exercise or defence of legal claims. Notwithstanding the foregoing, you may object as a data subject to the processing of your personal data in the context of direct marketing at any time without stating your reasons.

Whenever consent constitutes the legal basis for processing personal data, you can retract your consent at any time without stating your reasons. Principally, retracting your consent is only effective for the future. This means that retracting your declaration of consent will not render prior processing unlawful that preceded our receipt of the revocation of your consent.

To submit your inquiries regarding data subject rights, please use the following contact details:

Trei Real Estate Berlin-Fürstenberger Straße GmbH
Klaus-Bungert-Str. 5b
D-40468 Düsseldorf

Tel.: +49 211 54011-000
E-mail: wohnen@treirealestate.com

Whenever data subject rights are asserted, personal data will also be processed in this context in order to respond to the respective inquiry. The processing of personal data is done to fulfil a legal obligation on the basis of Art. 6, Sec. 1, Sent. 1, Lit. c, GDPR.

If data subjects have reason to complain about the entity responsible with respect to a data protection issue, they have the right to complain to the competent supervisory authority without prejudice to the aforementioned rights, ideally to the supervisory authority at the responsible entity's place of business.

11. In the execution of the aforementioned activities, no automated decision-making procedures within the meaning of Art. 22, GDPR, are used.

12. The landlord reserves the right to change or amend this Data Protection Information. Check the Internet page www.heimelig-berlin.de/datenschutz for the latest version of the Data Protection Information. In addition, you may ask the landlord to send you the latest version as hard copy or in electronic form.