

Data Privacy Policy

Ketterer Kunst GmbH & Co. KG Munich- Privacy Policy

Last revised: January 2023

Scope

The following data privacy rules address not only how your personal data is handled and processed for the services that we offer you when you contact us, but also where data you communicate to us when you log in, when you take advantage of our other services, as well as when you visit our website is then processed.

The Controller:

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

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

Definitions Under the 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” from 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 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 also obligated to do so by law, for instance Sec. 2 (1) no. 16 of the German Money Laundering Act (Geldwäschegesetz, GwG), even prior to entering into a 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.)

Encryption

Strong IT security is extremely important to us. We use TLS (Transport Layer Security) encryption to secure access to our website. You can tell whether individual pages of our website are being transmitted in encrypted form by looking for the key or padlock icon found in the address bar of most browsers.

Server Log Files

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
- Requesting computer's chosen access method/function
- 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.

We have a legitimate interest within the meaning of Art. 6 (1) f) of the GDPR in the improvement of the stability and functionality of our website.

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 by entering the information into the input screen provided; you would do this, for example, if you would like to participate in online auctions and/or are interested in certain works of art, artists, styles, eras, etc., and especially if you want to offer us pieces of art for sale or want to purchase works of art.

When you register on our website via the input screen, we use what is called a double opt-in process, which ensures that your registration is not completed until you first provide express confirmation by means of an e-mail sent to you for this purpose. If you would like to complete your registration, you simply click on the link in the confirmation e-mail. When you activate this confirmation link, you are granting your consent for the use of your personal data pursuant to Art. 6 (1) a) of the GDPR.

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.

We have the right to arrange for this information to be disclosed to one or more external data processors, which will utilize the personal data solely for internal use imputed to the processor's controller. Additionally, your data may be communicated to third-party companies that are closely associated in the art marketplace with our auction house, in particular where such companies are collaborating with us for projects or events.

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 – even when you simply submit a bid – you are allowing us to notify you of services offered by our auction house and companies that are closely associated in the art marketplace with our auction house, and to send you targeted marketing and promotional offers based on 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 honor your preferences once you inform us of these. Based on 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 will 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.).

If you have previously provided your e-mail address to us at another time (return clients; for example when participating in an auction by submitting a bid), we reserve the right to send you e-mails containing information and regular offers that align with the interests you have expressed and your profile regarding services provided by us and companies that are closely associated in the art marketplace with our auction house. We are allowed to do this without obtaining your consent separately (Sec. 7 (3) of the German Act Against Unfair Competition (Gesetz gegen den unlauteren Wettbewerb, UWG)). In this regard, data processing is performed simply on the basis of our legitimate interest in personalized direct marketing as set out in Art. 6 (1) f) of the GDPR.

You have the right to **object** at any time to our contacting you as stated in Art. 21 of the GDPR and/or to withdraw your consent to the use of your personal data in future as per Art. 7 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, Ketterer Kunst employees, 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).

Cookies

Our website uses “cookies” to make your visit to our website more appealing and to make it possible for our visitors to utilize certain functions. Cookies are small text files that are stored on your device. Some of the cookies we use are deleted when you close your browser; these are called “session cookies”. Other cookies remain on your device and make it possible to recognize your

browser the next time you visit the website; these are “permanent cookies”. Depending on the cookie, permanent cookies are automatically deleted after a predetermined period of time, which you can learn by going to the overview of your browser's cookie settings.

Some cookies are necessary from a technical standpoint because certain functions of our website would not work without them; these are “functional cookies” (e.g., saving settings in order to be able to continue a process during a later visit to our website). Other cookies help us evaluate user activity; these are “performance cookies” from our analysis tools (Matomo, for instance), which allow us to continually improve our service (e.g., by counting visits, determining their location). *Our advertising partners (e.g., Facebook, Google Adwords) may set other cookies via our website and these may be used by companies to put together a profile of your interests in order to show you relevant advertising on other websites. These actions may require processing your personal data. These cookies facilitate personalization and advertising.*

Where personal data is also processed by means of cookies set individually by us, the processing may be undertaken either for purposes of performance of the contract (Art. 6 (1) b) of the GDPR), based on the consent you granted (Art. 6 (1) a) of the GDPR), or for purposes of pursuing our legitimate interests in the best possible functionality of our website and in designing a client-friendly and effective visit to our website (Art. 6 (1) f) of the GDPR).

You can adjust your browser settings to notify you when cookies are set so that you can then accept or decline each one individually, or you can adjust the settings so that cookies are declined either in particular instances or across the board. Different browsers manage cookie settings differently. It is a good idea to review how the particular browser you use allows you to adjust your cookie settings. We would like to point out, however, that if you decline or restrict cookies, this may result in the functions of our website becoming limited, in the website performing poorly, or the advertising shown being of less interest to you.

Google Maps

We provide links to Google Maps services to make it easy and convenient for you to use our shopping cart function. The service provider is Google Ireland Limited, Gordon House, Barrow Street, Dublin 4, Ireland. Once you choose to use Google Maps functions, a connection to Google’s servers is established, allowing Google to learn which pages of our website you have looked at. Google also processes your personal data in the United States. Please be aware that we do not have any control over what data Google collects and processes. To learn more about the reasons for data collection, information on Google’s further processing and utilization of the data, the data privacy options open to you, and your rights regarding the safeguarding of your privacy, please refer to Google’s Privacy Policy at + <https://policies.google.com/privacy>.

ONLINE MARKETING & USE OF SOCIAL MEDIA

Instagram, Facebook, Twitter, LinkedIn

Our website contains links to our online presence on Instagram, Facebook, Twitter, Pinterest, and LinkedIn, or integrates content from those sources. For details regarding data collection, information on the processing and utilization of data by these platforms, the data privacy options open to you, and your rights regarding the safeguarding of your privacy, please refer to their respective privacy policies, which can be found as shown below:

- Instagram is provided by Meta Platforms Ireland Limited, 4 Grand Canal Square, Dublin 2, Ireland – privacy policy at:
+ <https://privacycenter.instagram.com/>
- Facebook is provided by Meta Platforms Ireland Limited, 4 Grand Canal Square, Dublin 2, Ireland – privacy policy at:
+ <https://www.facebook.com/privacy/center>
- Twitter is provided by Twitter International Company, One Cumberland Place, Fenian Street, Dublin 2, D02 AX07, Ireland – privacy policy at:
+ <https://twitter.com/privacy>
- LinkedIn is provided by LinkedIn Ireland Unlimited Company, Wilton Plaza, Wilton Place, Dublin 2, Ireland – privacy policy at:
+ https://linkedin.com/legal/privacy-policy?trk=homepage-basic_footer-privacy-policy

YouTube

There are videos provided by YouTube integrated into our website. The service provider for the YouTube website is Google Ireland Limited, Gordon House, Barrow Street, Dublin 4, Ireland. Where videos are integrated directly into our website, a connection is automatically established with YouTube/Google servers. To learn more about the reasons for data collection, information on YouTube's/Google's further processing and utilization of the data, the data privacy options open to you, and your rights regarding the safeguarding of your privacy, please refer to Google's Privacy Policy at + <https://policies.google.com/privacy>.

Meta Pixel

Our website uses the Meta Pixel from the social network Facebook, which is provided by Meta Platforms Ireland Limited (Meta), 4 Grand Canal Square, Dublin 2, Ireland.

With the Meta Pixel, Meta can track your user activity on our website and compare this with your data from your Facebook account. The Meta Pixel allows Meta to determine what target group you fall into as a visitor to our website for purposes of displaying advertising in the form of Facebook ads. More importantly, our aim in using the Meta Pixel is to be able to tailor our Facebook ads to your potential interests rather than annoy you with them. The process allows us to evaluate the effectivity of Facebook advertising for statistical and market research purposes by tracking whether you are forwarded to our website after clicking on a Facebook advertisement (this is called

“conversion”).

The data is stored and processed by Meta, meaning a connection with the respective user profile is possible, and Meta and its partners can use the data for their own advertising purposes both within and outside of Facebook. You can find the Meta Platforms, Inc. Privacy Policy at: [+_
https://www.facebook.com/privacy/center](https://www.facebook.com/privacy/center).

The data processing that goes hand-in-hand with the use of the Meta Pixel occurs only when you have granted your express consent as per Art. 6 (1) a) of the GDPR. You can withdraw the consent you granted at any time going forward. To exercise your right to withdraw consent, you will need to decline the use of cookies with the “cookie consent tool” integrated into our website.

WEB ANALYSIS SERVICES

Matomo

Our website uses Matomo, which is an open-source web analysis service. Matomo utilizes “cookies”, i.e., text files stored on your computer that allow for an analysis of your use of the website. The information regarding your use of the website generated by these cookies is not disclosed to third parties and is also not transmitted to an external server; instead, it is stored on our server, which is situated within the EU.

The data processing that goes hand-in-hand with the use of Matomo cookies occurs only when you have granted your express consent as per Art. 6 (1) a) of the GDPR. You can withdraw the consent you granted at any time going forward. To exercise your right to withdraw consent, you will need to decline the use of cookies with the “cookie consent tool” integrated into our website.

Google Ads

Our website uses Google Ads Remarketing functions, which are provided by Google Ireland Limited, Gordon House, 4 Barrow St, Dublin, D04 E5W5, Ireland. We use these to promote our website in Google search results and advertise on third-party websites. To facilitate this, Google sets a cookie in your device’s browser, making it possible to show you advertising tailored to your interests, which occurs automatically via a cookie ID and on the basis of the pages you visited. This process makes it possible for us to display advertising when you enter certain search terms into Google (this is called “keyword targeting”). Additionally, targeted advertising can be displayed based on Google user data already available (e.g., location data and interests (this is called “ad group targeting”). As a website operator, we are able to evaluate this data quantitatively, for example, by analyzing which search terms resulted in our advertising being displayed, or how many times the display of advertising led to corresponding clicks. Processing is performed on the basis of our legitimate interest in the optimal marketing of our website as set out in Art. 6 (1) f) of the GDPR.

The use of Google Ads Remarketing may also result in the transmission of personal data to the Google LLC servers in the United States.

If you would like to permanently prevent Google Ads Remarketing from setting cookies, you can

download and install the browser plug-in from Google available at the following URL:

+ <https://www.google.com/settings/ads/onweb/>

You can find more information on Google Ads Remarketing and how user data is handled at

+ <https://policies.google.com/technologies/partner-sites>

+ <https://www.google.com/policies/technologies/ads/>

as well as in the Google Privacy Policy at the following URL: +

<https://policies.google.com/privacy>.

Online Dispute Resolution

The Legal Notice section of our website contains a link to a European Commission website for resolving online disputes. You can find this website's privacy statement at

+ <https://ec.europa.eu/consumers/odr/main/?event=main.privacy.show>.

Job Application Process

If you apply for a job with us, the following apply:

- What is the reason that we process personal data and what is the legal basis? We process your personal data for purposes of your application for a present or future employment relationship insofar as doing so is necessary in order to make a decision regarding establishing a current or future employment relationship with us. The legal basis for this is found in both Art. 6 (1) sentence 1 b) of the GDPR and Sec. 26 (1) and (8) sentence 2 of the German Federal Data Protection Act (Bundesdatenschutzgesetz, BDSG).
- Furthermore, we may process your personal data insofar as doing so is necessary for us to raise a defense against any legal claims asserted against us relating to the application process. The legal basis for this is Art. 6 (1) sentence 1 f) of the GDPR. Where an employment relationship is established between you and us, pursuant to Art. 6 (1) sentence 1 b) of the GDPR and Sec. 26 (1) of the BDSG, we can continue to process personal data we already received from you for employment relationship purposes, including (among other reasons) where doing so is necessary to manage or terminate the employment relationship.
- What categories of personal data do we process?
- We process data relating to your application. This may be general data regarding who you are (name, address, and contact information), information regarding your professional qualifications and education, information regarding advanced training in your field, or other information that you communicate to us with your application. In other respects, we may process professional information that you have made public, such as via a profile on professional social media networks.
- Do we intend to transmit data to a third country?

- There is no intention to transmit data to a third country.
- How long will your data be stored?
- If we are not able to offer you a job or if an employment relationship does not materialize, we will keep the data you communicated to us for as long as it is absolutely essential to do so, however, for no less than six months for the purpose of being able to answer questions relating to your application, or for six months after we have chosen someone else to fill the position, in case we are nevertheless able to consider establishing an employment relationship with you during that time.
- What about data security?
- Having the greatest possible security for our system is extremely important to us, so we utilize state-of-the-art data storage and security technologies to ensure that your data is optimally protected. Once we receive your information, it is saved in a database. Hard copy applications are also stored securely.

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 in Bavaria, the Data Protection Authority of Bavaria (BayLDA), Promenade 27 (Schloss), D-91522 Ansbach.

Data Security

Strong IT security – through the use of an elaborate security architecture, among other things – is extremely 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 Fiscal Code of Germany (Abgabenordnung, AO), Sec. 14b (1) of the German VAT Act (Umsatzsteuergesetz, UStG)) 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, KGSG) 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 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)

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