



ESCH Privacy Notice Clients and Related Third Parties

A client, prospective client, someone who has signed up to receive marketing communications from Eversheds Sutherland, related third parties

In summary...

- We use your personal data to provide legal advice and related services (including marketing communications, where you have requested them), manage our business and comply with our legal obligations
- We have measures in place to safeguard your personal data when we transfer it outside the European Union
- We take steps to keep personal data secure
- We delete your personal data when we no longer need it, and we have policies in place to govern when that is
- You have a number of rights in relation to your personal data
- We are happy to answer your questions about any of the above – please send them to **dataprotection-switzerland@eversheds-sutherland.ch**

About this notice

This privacy notice explains how and why Eversheds Sutherland Ltd., with registered office in Zurich and branches in Berne and Geneva ("**Eversheds Sutherland Ltd.**" or "**we**", "**our**" or "**us**"), processes Personal Data in order to provide legal or related services (together "**Legal Services**") to its clients ("**Client**") and to send marketing communications. This notice does not form part of any contract between you and us.

You should read this privacy notice if you are or intend to become a Client of Eversheds Sutherland Ltd. or if you are a third party related to the subject matter of the Legal Services provided by Eversheds Sutherland Ltd., like for example an opposite party or an employee of the Client (so-called "**Related Third Party**"). This privacy notice informs you about what Personal Data we collect, what we do with it and how you can exercise your rights in connection with it. If you have any queries about how Eversheds Sutherland Ltd. process your Personal Data, please contact **dataprotection-switzerland@eversheds-sutherland.ch**.

Introduction

"**Personal Data**" means any information that relates to identifiable natural persons and legal entities (together the "**Data Subjects**").

The term "**Process**" means any activity relating to Personal Data, including, by way of example, collection, storage, use, consultation and transmission.

The processing of Personal Data by Eversheds Sutherland Ltd. is subject to the "**Data Protection Legislation**", meaning the Swiss Federal Act on Data Protection of 19 June 1992 ("**FADP**") and the Swiss Ordinance to the Federal Act on Data Protection of 14 June 1993 and any other law, if any, applicable to Eversheds Sutherland Ltd. in the specific case that relates to data protection and privacy, which may also include the General Data Protection Regulation (EU) 2016/679 ("**GDPR**").

If the Legal Services include attorney work, Eversheds Sutherland Ltd. may process Personal Data (and other information) related to the Client and the Client's affairs, which Eversheds Sutherland Ltd., as a law firm, has to keep confidential as matter of Swiss Professional Law, unless the Client instructs Eversheds Sutherland Ltd. to disclose the Client's information or Eversheds Sutherland Ltd. is compelled or allowed to disclose it by law ("**Confidential Client Information**"). "**Swiss Professional Law**" means in particular the Swiss Lawyers Act of 23 June 2000 and Art. 321 of the Swiss Criminal Code of 21 December 1937.

Eversheds Sutherland Ltd. will usually process the Personal Data as data controller in terms of art. 4 paragraph 7 GDPR. However, in some cases we act as a data processor on the Client's behalf, depending on the type of Legal Service provided. To the extent that the Client provides (directly or via another person on the Client's behalf) Personal Data relating to other Data Subjects, the Client does so as data controller.

Eversheds Sutherland Ltd. does not use automated decision-making in terms of art. 22 GDPR.

What types of personal data do we collect and where do we get it from?

On the one hand, Eversheds Sutherland Ltd. processes Personal Data related to the business relationship between Eversheds Sutherland Ltd. and the Client ("**Relationship Related Personal Data**"). Depending on the client, this may include, without being limited to:

- personal information such as name, address, contact details, nationality, company ID;
- personal information about the Client's representative (in particular if the Client is a company), such as name, job title, contact details, signatory power;
- financial related information such as bank account details, credit ratings;
- billing information (which includes details on the Legal Services provided, such as the time spent, applicable rates, description of the performed work), payment and turnover history of the Client;

- communication with the Client;
- marketing preference information such as legal practice area interests or marketing communications preferences

First and foremost, Eversheds Sutherland Ltd. receives the Relationship Related Personal Data from the Client (either directly or by another person on the Client's behalf). To the extent permitted by law, Eversheds Sutherland Ltd. may also procure the Personal Data from other sources, in particular publicly available sources such as for example commercial register, debt enforcement register, webpages or internet search engines.

On the other hand, Eversheds Sutherland Ltd. processes Personal Data about the Client and/or Related Third Parties in order to provide the Legal Services ("**Service Related Personal Data**") or other Eversheds Sutherland entities. This may include various types of Personal Data, depending on the content of the Legal Services provided to the Client and on the instructions given by the Client, such as (without being limited to):

- personal information such as name, address, contact details, nationality, date of birth, passport information;
- professional information such as education, professional experience, professional activities, job titles, performance and behaviour at work, employment history, CVs;
- financial related information such as details of accounting and financial situation, income, debts, receivables, cash flows and origins, credit ratings, bank account details;
- information about private or business relationships with other individuals, companies, authorities, etc., and opinions relating to them;
- business related information such as the organisation of a business, company or group of companies, business plans or (intended) business transactions;
- information about adverse events like for example accidents, disputes, data breaches, harassments, etc.;
- information regarding legal proceedings before a court, an arbitral tribunal or another authority;
- "sensitive personal data" or "special categories of personal data" (as defined in the Data Protection Legislation), including for example health and intimate sphere information, information on political or trade union related views or activities, information related to criminal prosecution or to criminal convictions or insurance or social insurance related information.

Eversheds Sutherland Ltd. normally receives the Service Related Personal Data either from the Client (either directly or by another person on the Client's behalf) or from the concerned Data Subject. In addition, Service Related Personal Data may be provided to Eversheds Sutherland Ltd. from third parties, like for example courts, authorities, counterparties or insurance companies or from other Eversheds Sutherland entities. To the extent permitted by law, Eversheds Sutherland Ltd. may also procure Personal Data from other sources, in particular publicly available sources such as for example commercial register, land register, debt enforcement register, press, webpages or internet search engines.

Please note that Eversheds Sutherland Ltd. may not be able to provide the Legal Services and/or enter into or continue the business relationship with the Client if the Client does not provide the necessary Personal Data.

Why do we process the personal data?

In connection with Eversheds Sutherland Ltd.'s engagement by the Client, Eversheds Sutherland Ltd. will process the Personal Data for various purposes related to the provision of the Legal Services and to the management of the relationship with the Client. This includes in particular:

- establish and administer the relationship between Eversheds Sutherland and the Client, which includes typically, but is not limited to, conflict checks, verification of representations, billing, receiving payments, case file management and general record-keeping;
- provision of the Legal Services to the Client and to deal with enquiries that the Client may make or authorise;

- communication with the Client or appropriate persons within the Client's organisation or with Related Third Parties, authorities or other persons in order to provide the Legal Services and to manage the relationship between Eversheds Sutherland Ltd. and the Client;
- procure third party services or the service of foreign Eversheds Sutherland entities in relation to the Legal Services, which may happen on the Client's behalf;
- compliance with applicable laws and regulations, which may include, but is not limited to, screening and checks for anti-money laundering, anti-bribery or identity verification purposes;
- defend and protect Eversheds Sutherland Ltd.'s interests in any actual or threatened claims, legal proceedings or regulatory proceedings under the applicable laws and regulations, or exercise and enforce Eversheds Sutherland Ltd.'s legitimate interests, which may include, but is not limited to, financial and credit rating research, debt enforcement proceedings, court proceedings or seeking for legal or other professional advice and assistance;
- ensuring the security and integrity of Eversheds Sutherland Ltd.'s IT systems, communication systems and premises;
- marketing and business development, which may include, but is not limited to, newsletters and invitations for events;
- submissions for legal directories and law firm rankings.

Eversheds Sutherland Ltd. may also process Personal Data for other internal legal, administrative and management purposes such as audits and researches and for internal education purposes.

Who do we share your personal data with, and why?

Since Eversheds Sutherland Ltd. is a member of Eversheds Sutherland (Europe) Ltd., whose members provide together with the members of Eversheds Sutherland Limited (Eversheds Sutherland (International) LLP and Eversheds Sutherland (US) LLP) and their respective controlled, managed and affiliated firms legal and other services around the world under the name and brand *Eversheds Sutherland*, Eversheds Sutherland Ltd. will sometimes share Relationship Related Personal Data with other Eversheds Sutherland offices abroad for:

- administrative purposes, like for example international billing and invoicing;
- conflict checks;
- joint business development and/or marketing purposes;
- protecting and/or defending Eversheds Sutherland's legitimate interests, for example in the event of actual or threatened legal disputes or regulatory proceedings or to enforce outstanding invoices.

Eversheds Sutherland Ltd. may also share Service Related Personal Data with Eversheds Sutherland offices abroad or with external professional advisors (such as other law firms, auditors, tax advisors, etc.), experts, translation services provider, investigative agencies, insurers, banks or other financial services providers, courts or other authorities, or other involved third parties in order to

- provide the Legal Services requested by the Client, which may also involve other jurisdictions than Switzerland and may include submission to court or other authorities containing Personal Data;
- protect and/or defend Eversheds Sutherland Ltd.'s legitimate interests, for example in the event of actual or threatened legal disputes or regulatory proceedings.

Furthermore, Eversheds Sutherland Ltd. may ask service providers to carry out certain business functions for Eversheds Sutherland Ltd., like for example IT-services and support for Eversheds Sutherland Ltd.'s IT-infrastructure (including e.g. data servers and e-mail-servers), communication services, banking services, office cleaning services, audits, etc., which may include the disclosure of certain Personal Data or Confidential Client Information, provided in all cases that Eversheds Sutherland Ltd. imposes the duties of confidentiality required by the Data Protection Legislation and Swiss Professional Law upon them to the extent possible.

Please note that the recipient of the Personal Data may process the Personal Data as a “controller” and may have its own privacy notices and its own responsibilities to comply with applicable data protection laws.

If Eversheds Sutherlands Ltd. acts as a data controller, the Data Protection Legislation imposes on Eversheds Sutherland Ltd. the obligation to put in place appropriate safeguards if the Personal Data is transferred outside Switzerland and the European Economic Area. Hence, we will only make such transfer if:

- the recipient country ensures an adequate level of protection of the Personal Data;
- the recipient or recipient country is subject to an approved certification mechanism or code of conduct with binding and enforceable commitments which amount to appropriate safeguards for your personal data – this includes for example, the EU-US Privacy Shield or the Swiss-US Privacy Shield which enables the secure transfer of personal data to the United States;
- we have put in place appropriate safeguards to protect the Personal Data, such as a contract with the person or entity receiving the personal data which incorporates specific provisions as directed by the European Commission;
- the transfer is permitted by applicable laws; or
- the Data Subject explicitly consents to the transfer.

On which legal basis do we process the personal data?

Eversheds Sutherland Ltd. processes the Personal Data and Confidential Client Information in accordance with the Data Protection Legislation and the Swiss Professional Law. The lawful basis for the processing depends on the specific circumstances. Typically, the processing is based on:

- the consent of the Data Subject (for example if the procurement of third party services or the submission for legal directories and law firm rankings requires the disclosure of Confidential Client Information or if we send newsletters);
- the necessity for the performance of a contract with the Data Subject or to take steps prior to enter into a contract at the request of the Data Subject (for example when we conduct a conflict check);
- the necessity for the establishment, exercise or defence of legal claims;
- the necessity for compliance with legal obligations;
- Eversheds Sutherland Ltd.’s, the Client’s or a third party’s legitimate interests.

How do we keep your personal data secure?

Eversheds Sutherland Ltd. has in place appropriate security measures to protect the Personal Data and Confidential Client Information from unlawful or unauthorised access, processing and accidental loss, destruction or damage.

However, please note that, in relation to any Personal Data or Confidential Client Information you submit to us by e-mail or otherwise online, we cannot guarantee the security of data sent to us in this way. Transmission of data over the internet respectively by e-mail is at your own risk. Furthermore, you are responsible for keeping any passwords you use to access Eversheds Sutherland platforms or to open password protected documents safe. Documents sent to the Client by e-mail (whether or not containing Confidential Client Information or Personal Data) and the e-mail correspondence with the Client will not be encrypted unless this has been agreed with the Client.

How long do we keep your personal data for?

Eversheds Sutherland Ltd. will store and file any physical or electronic documents relating to the Client's respective matters and any further Service Related Personal Data (whether or not containing Confidential Client Information; together the “Case File”) electronically and/or physically. Generally, Eversheds Sutherland Ltd. will retain the Case File for ten years after the date of its final invoice or for such longer period as Eversheds Sutherland Ltd. is required by law or

due to Legal Service related issues (for example follow-up request from the Client, legal disputes concerning the Legal Services, etc.). Thereafter, the Case File will be destroyed.

Relationship Related Personal Data will be kept for a limited period of time, and for no longer than is necessary for the purpose for which Eversheds Sutherland Ltd. is processing it. This depends on various factors, including, but not limited to, laws and regulations that Eversheds Sutherland Ltd. is required to observe, the type of Personal Data, whether Eversheds Sutherland Ltd. is involved in a legal dispute for which the Personal Data may be relevant, etc. (for example, Eversheds Sutherland needs to keep Personal Data about the existence and content of a business relationship with current and former Clients in order to conduct conflict checks, which requires the storage of certain Personal Data for several years after the end of the business relationship between Eversheds Sutherland Ltd. and the Client).

What are your privacy rights and how can you exercise them?

To the extent that the Eversheds Sutherland Ltd. processes Personal Data relating to a Data Subject, depending on the applicable Data Protection Legislation, the Data Subject may have the following data subject rights:

- Right to access the Data Subject's Personal Data and to be provided with certain information in relation to such Personal Data, such as the purpose for which it is processed, the recipients or categories of recipients to whom it is disclosed and the period for which it will be stored;
- Right to have rectified any inaccuracies in the Data Subject's Personal Data;
- Right to have the Data Subject's Personal Data erased;
- Right to restrict the processing of the Data Subject's Personal Data;
- Right to object to the processing of the Data Subject's Personal Data by Eversheds Sutherland Ltd.;
- Right to withdraw the consent, if the processing of the Personal Data is based on the Data Subject's consent;
- Right to object to a decision that Eversheds Sutherland makes, which is based solely on automated processing of the Data Subject's Personal Data (not applicable under the FADP);
- Right to object to processing of the Data Subject's Personal Data for direct marketing purposes;
- Right to lodge a complaint with the competent data protection authority.

The exercise of such rights has only effect for future Personal Data processing. Based on the applicable Data Protection Legislation, such Data Subject rights may be limited, for example because of an overriding legitimate interests.

Please contact us at dataprotectionoffice@eversheds-sutherland.com if you would like to exercise any of your privacy rights.