



ESCH Privacy Notice – Recruitment

Applying for or considering applying for an employment or traineeship at Eversheds Sutherland Ltd.

In summary...

- We use your Personal Data to process your application, to evaluate your suitability for the position you are applying for and – if your application is successful – to enter into an employment relationship with you.
- We take steps to minimise the amount of Personal Data we hold about you and to keep it 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**

What is this document and why should you read it?

This 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**"), uses Personal Data about individuals who apply (or enquire about applying) to become our employee or trainee (referred to as "**Applicants**" or "**you**").

You should read this notice, so you know what we are doing with your Personal Data. This privacy notice only applies to Applicants. Please also read any other privacy notices that we give you, which might apply to our use of your Personal Data in specific circumstances in the future. For example, if you are successful in your application you should read our HR Privacy Notice when you join us, which is applicable to Eversheds Sutherland Ltd.'s employees.

This notice does not form part of any contract between you and us (including any contract of employment that may be offered or any other services contract).

Eversheds Sutherland Ltd.'s data protection responsibilities

"**Personal Data**" is any information that relates to an identified or identifiable person. Your name, address, contact details and CV are all examples of Personal Data, if they identify you.

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

Eversheds Sutherland Ltd. is a "**Controller**" of your Personal Data if you are applying for a role with us. This is a legal term – it means that we make decisions about how and why we process your Personal Data and, because of this, we are responsible for making sure it is used in accordance with Data Protection Legislation.

Eversheds Sutherland Ltd. processes your Personal Data in accordance with the applicable "**Data Protection Legislation**", which means the Swiss Federal Act on Data Protection of 19 June 1992 ("**FADP**"), the Ordinance on the FADP of 14 June 1993 ("**OFADP**") and article 328b of the Swiss Code of Obligations of 30 March 1911.

What do we do with your Personal Data, and why?

We process your Personal Data for particular purposes in connection with your application or engagement with us – such as to evaluate your suitability for the position you are applying for and/or to enter into an employment contract relationship with you – and in connection with the management and administration of recruitment activities and strategies. Without your Personal Data we cannot process and administer your application for a position at Eversheds Sutherland Ltd.

Furthermore, we may process your Personal Data in order to defend and protect Eversheds Sutherland Ltd.'s interests in an actual or threatened claim, legal proceedings or regulatory proceedings under the applicable laws and regulations, or in order to ensure the security and integrity of Eversheds Sutherland Ltd.'s IT systems, communications systems, premises and staff.

If you would like more information on any of the purposes for which we process your Personal Data, please contact us for more information.

What types of Personal Data do we collect and where do we get it from?

We collect many different types of Personal Data about you for the purposes indicated above.

In principle, we only collect Personal Data that we consider to be necessary and appropriate to evaluate your suitability for the position you are applying for and/or to enter into an employment contract relationship with you. The categories of Personal Data we need to collect about you

depends on the position at Eversheds Sutherland Ltd. you are applying for. Further details of the Personal Data we collect and where we get it from are set out in **Schedule 1**.

If any of the Personal Data you have given to us changes, such as your contact details, please inform us without delay.

Anonymised and aggregated data

We may also convert your Personal Data into statistical or aggregated form to better protect your privacy, so that you are not identified or identifiable from it. Anonymised data cannot be linked back to you and is therefore not anymore a Personal Data. We may use it to conduct research and analysis, including to produce statistical research and reports, and to support our contextual recruitment and diversity initiatives.

Sensitive Personal Data and personality profiles

We are required by law to treat certain categories of Personal Data with even more care than usual. These so-called **Sensitive Personal Data**". Depending on the job for which you apply, we may collect and process some Sensitive Personal Data. Further details of the Sensitive Personal Data we collect and where we get it from are set out in **Schedule 1**.

In the course of assessing the Applicant's suitability for the position he/she applies for, a so-called personality profile may result from the aggregation of Personal Data. A personality profiles means a collection of Personal Data that permits an assessment of essential personal characteristics of the Applicant.

Who do we share your Personal Data with, and why?

Sometimes we need to disclose your Personal Data to other people.

Inside the Eversheds Sutherland network

Eversheds Sutherland Ltd. is part of the Eversheds Sutherland network of law firms. Therefore, we may share your Personal Data with other entities in the Eversheds Sutherland network ("**Eversheds Sutherland Entities**") for general recruitment analysis and workforce management purposes. This includes for example Personal Data like your name and contact details, gender, date of birth, picture, education, work experience, career history or other information about your qualification.

Access rights between members of the Eversheds Sutherland network are limited and granted only on a need to know basis, depending – for example – jurisdictions, departments, job functions and roles.

Where any Eversheds Sutherland Entity processes your Personal Data on our behalf , we will make sure that they have appropriate security standards in place to make sure your Personal Data is protected and we will enter into a written contract imposing appropriate security standards on them.

Outside the Eversheds Sutherland network

From time to time we may ask service providers to carry out certain business functions for us, like for example IT-services and support for our IT-infrastructure (including e.g. data server and e-mail-servers), communication services, payroll administration, banking services, etc., which may include the disclosure of certain Personal Data. We may have to disclose your Personal Data to these parties so that they can perform those functions. Before we disclose your Personal Data to other people, we will make sure that they have appropriate security standards in place to make sure your Personal Data is protected and we will enter into a written contract imposing appropriate security standards on them. It can, however, not be entirely excluded that such Personal Data may be accessible by law enforcement agencies or other authorities.

Furthermore, we may have to share your Personal Data with recruitment consultants and agencies appointed by us or you, with insurers, pension plan providers and social insurance carriers. Depending on the position you are applying for, we may also have to share some of your Personal Data with regulatory bodies, in particular with the lawyers supervisory association.

In certain circumstances, we will also disclose your Personal Data to third parties who will receive it as controllers of your Personal Data in their own right for the purposes set out above, in particular:

- if we transfer, purchase, reorganise, merge or sell any part of our business or the business of a third party, and we may disclose or transfer your Personal Data to the prospective seller, buyer or other third party involved in a business transfer, reorganisation or merger arrangement (and their advisors); and
- if we need to disclose your Personal Data in order to comply with a legal obligation, to enforce a contract or to protect the rights, property or safety of our employees, clients or others.

Where in the world is your Personal Data transferred to?

We do normally not transfer Personal Data of our Applicants outside Switzerland. However, depending on the position you are applying for, we may transfer some of your Personal Data to other Eversheds Sutherland Entities as mentioned above. Such Eversheds Sutherland Entities can be located within the European Economic Area or in third countries which may not provide the same level of protection to your Personal Data as provided in Switzerland. If any disclosures of Personal Data referred to above require us to transfer your Personal Data to outside the European Economic Area, we will only make that transfer if:

- the country to which the Personal Data is to be transferred ensures an adequate level of protection for Personal Data;
- we have put in place appropriate safeguards to protect your Personal Data, such as an appropriate contract with the recipient. Please contact us if you wish to obtain more information;
- the transfer is necessary for one of the reasons specified in the Data Protection Legislation, such as the performance of a contract between us and you; or
- you explicitly consent to the transfer.

How long do we keep your Personal Data for?

If you are our employee we will keep your Personal Data during the period of your employment and then, after your employment with us ends, for as long as is necessary in connection with both our and your legal rights and obligations. This may mean that we keep some types of Personal Data for longer than others.

We will only retain your Personal Data for a limited period of time. If your application was not successful, we will normally keep your Personal Data for a period of 5 months following the date we have notified you about our decision. However, under certain circumstances we may retain some of your Personal Data for a longer period, which depends on a number of factors, including:

- any laws or regulations that we are required to follow;
- whether we are in a legal or other type of dispute with each other or any third party;
- the type of information that we hold about you; and
- whether we are asked by you or a regulatory authority to keep your Personal Data for a valid reason.

What are your rights in relation to your Personal Data and how can you exercise them?

Under the Data Protection Legislation, you may have the legal rights in relation to your Personal Data processed by or on behalf of Eversheds Sutherland Ltd.:

- Right to access to your Personal Data;

- Right to have rectified any inaccuracies in your Personal Data;
- Right to have your Personal Data erased;
- Right to restrict or to object to the processing of your Personal Data;
- Right to withdraw the consent, if the processing of your Personal Data is based on your consent.

Please note that the exercise of such rights has only effect for future Personal Data processing and that your rights may be limited, for example because of overriding legitimate interests. Also, please be aware that we may not be able to continue to process or administer your application or to enter into an employment contract with you if you make use of such rights.

If you wish to exercise any of these rights please contact **dataprotection-switzerland@eversheds-sutherland.ch** in the first instance.

Updates to this notice

We may update this notice from time to time to reflect changes to the type of Personal Data that we process and/or the way in which it is processed and or changes in the Data Protection Legislation. We will publish revised versions of this notice on our website

<https://www.eversheds-sutherland.com/global/en/where/europe/switzerland/index.page>. A revised version of this notice will be valid as from the date on which it has been published on that website. Please check regularly on our website whether a revised version of this notice has been published.

Where can you find out more?

If you have any queries about how Eversheds Sutherland Ltd. process your Personal Data, please contact **dataprotection-switzerland@eversheds-sutherland.ch**.

Schedule 1 – Categories of Personal Data

The table below sets out the different categories of Personal Data we may collect and where we get it from (we have sorted them into groups, to make it more clear for you). As you can see, we collect your personal information from you directly, and sometimes we obtain it from other people and organisations, such as recruitment consultants or agencies, or from some public sources, such as publically available registers, your use of Eversheds Sutherland Ltd. provided assets, systems and platforms, or third party benefits providers. With your consent, we may also ask your previous employers to provide us information about your previous employment relationships. We also may ask you to provide us additional Personal Data upon request.

Type of Personal Data	Collected from
a) Contact Information	
Name(s) Address(es) E-mail address(es) Contact details including mobile telephone number(s)	You or recruitment consultants and agencies
b) Personal Information	
Date of birth Gender Next of kin or other dependants Marital or relationship status Emergency contact information Identity information If successful:, social security number and bank account details	You or recruitment consultants and agencies
c) Background Information	

Career history, experience and skills	You or recruitment consultants and agencies or your previous employers or publicly available registers
Citizenship, right to work, residency and/or other visa information	
Curriculum Vitae (CV) or resume	
Details of education, qualifications, results, admissions and/or licences, including certificates and other evidence of the same	
Images	
Application form or letter	
Evaluative notes and decisions from job interviews	
Preferences relating to job content, work place, salary and other benefits	
Conflicts of interests (including where related to family networks)	
Contractual obligations or court orders or other kind of legally binding obligations that may prevent you from entering into an employment contract with Eversheds Sutherland Ltd.	
Background checks relating to credit history and criminal records (see also Sensitive Personal Data below)	

d) Sensitive Personal Data (see section 5 for further information)

Health-related information, such as for example disabilities or restrictions	You
Information about to political or trade union-related activities	
Information relating to social security measures	
Information relating to criminal or administrative proceedings and sanctions	

e) Recruitment Administration Information

Offered terms and conditions of employment	You
Working preferences and feedback in relation to Eversheds Sutherland Ltd. and our staff	
Interview notes and associated feedback	