

**Eversheds Sutherland (Belgium) Privacy Notice – Clients**

**A client, prospective client, someone who has signed up to receive marketing communications from Eversheds Sutherland or just browsing the Eversheds Sutherland website**

**About this notice**

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This notice explains how and why your personal data is processed by Eversheds Sutherland (Belgium) CV hereinafter referred to as “**Eversheds Sutherland**”, “**we**”, “**our**” and “**us**”) when we provide you with legal and related services, when you use our websites and other digital platforms, and when we send you marketing communications.

For the purposes of the processing activities set out in this notice, Eversheds Sutherland is a “**controller**” in relation to its use of your personal data. This is a legal term – it means that we make decisions about how and why we use your personal data and, because of this, we are responsible for making sure it is used in accordance with applicable data protection laws, in particular with the provisions of the General Data Protection Regulation (“**GDPR**”) and the Belgian Act of 30 July 2018 on the protection of individuals with regard to the processing of personal data. The controller in respect of personal data processed in connection with the www.eversheds-sutherland.com website is Eversheds Sutherland (International) LLP.

In this notice, when we talk about **personal data** we mean any information that relates to an identifiable natural person. Your name, address, contact details, details relating to your matters and billing details are all examples of your 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.

You should read this notice, so you know what personal data we collect about you, what we do with it and how you can exercise your rights in connection with it.

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

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We collect your personal information from various sources. The table below sets out the different types of personal information that we collect and the sources we collect it from.

Category	Types of personal data	Collected from
<b>Contact information</b>	<ul style="list-style-type: none"> <li>• First Name, Last Name</li> <li>• Address</li> <li>• Telephone number</li> <li>• E-mail address</li> <li>• Organisation details (e.g. your place of work, job title and organisation contact information)</li> <li>• Your signature</li> </ul>	<ul style="list-style-type: none"> <li>• You</li> <li>• Publicly available resources</li> </ul>
<b>Identity and Other Regulatory Information</b>	<ul style="list-style-type: none"> <li>• Date of birth</li> <li>• Identification information (e.g. passport, utility bill and/or bank statement)</li> <li>• Details of your ultimate beneficiary owner (UBO)</li> <li>• Details of whether you are a politically exposed person (PEP)</li> </ul>	<ul style="list-style-type: none"> <li>• You</li> <li>• Third party systems used for our regulatory checks</li> </ul>

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**Matter and Billing Information**

- Details relating to your matters or enquiries, including matter related communications with you
  - Information about other people (e.g. your customers/suppliers and/or staff) that you share with us in connection with your matters
  - Information you provide to us when you come into an Eversheds Sutherland office (e.g. for a meeting)
  - User IDs and passwords used by you in relation to our platforms and services
  - You/your organisation’s billing, payment and banking details
- You
  - Advisors and other third parties working on your matters on our/your behalf, or those on the other side of the transaction or litigation

**Marketing Preferences**

- Legal practice area interests
  - Business industry sector interests
  - Marketing communications preferences
- You
  - Publicly available information from online resources such as LinkedIn

**Browsing and Device Usage Information**

- Information automatically generated through your use of our website and other digital platforms
  - IP address
  - Information revealing the location of your electronic device
- You and your use of our digital platforms

**Please note** that if you do not provide us with your contact information we may not be able to provide you with any information you request, and if you do not provide us with your Contact Information, Identity and Other Regulatory Information or certain Matter and Billing Information, we will not be able to act for you.

**What do we do with your personal data, and why?**

We use your personal data for a number of different purposes. We are required by law to always have a “lawful basis” (i.e. a reason, prescribed by law) for processing your personal data. The table below sets out the different purposes for which we process your personal data and the relevant lawful basis on which we rely for that processing.

Purposes of processing	Lawful basis			
	Your consent	To perform a contract with you	To comply with a legal obligation	For our legitimate interests
<b>Providing legal advice and related services</b>				
Responding to your enquiries		✓	✓	✓ (It is important that we can respond to your enquiries)
Establishing you/your organisation as a client on our systems		✓	✓	

Providing you/your organisation with legal advice, training and other services and/or products you may have requested from us	✓		
Producing reports and narratives to cover how we have spent our time in relation to your matter(s)	✓	✓	(We need to be able to properly record and account for our service-related activities as part of our general business planning and management)
Taking payment from you in respect of our services	✓		
Hosting you at our offices and providing hospitality services			(We need to be able to host our clients and prospective clients effectively)
Sharing relevant know-how and solicited legal updates with you and sending you service-related communications	✓		(As part of providing a high quality legal service, we need to keep our clients updated with the latest relevant legal developments)
Sending you electronic direct marketing communications	✓		
For our general record-keeping and client relationship management	✓	✓	(As a law firm, we need to store client related files so we can refer back to them)
Managing our business relationship with you resolving any complaints from or disputes with you	✓		(We need to be able to try and maintain our position of being your trusted advisor and resolve any complaint or dispute you might raise with us)
Resolving any complaints from or disputes with you			(We need to be able to try and resolve any complaint or dispute you might raise with us)
<b>Legal and regulatory compliance and reporting</b>			
Performing identity, financial and credit searches, screening and checks against third party sources for anti-money laundering, identity verification, client conflicts and anti-trust purposes		✓	
Conducting client conflict checks (not required by law) to confirm we can provide services to you			(We need to make sure that it is appropriate for us to act for you, taking account of our other clients)
Monitoring our systems and processes to identify, record and prevent fraudulent, criminal and/or otherwise illegal activity		✓	(We need to be able to monitor our systems in this way to help protect them, us and you from illegal activity)
Complying with instructions, orders and requests from law enforcement agencies, any court or otherwise as required by law		✓	

Complying with our general regulatory and statutory obligations (including our responsibilities under codes of conduct and anti-bribery laws)



**General business requirements**

Managing, planning and delivering our global business and marketing strategies (including recording and reporting on our business development activities)



(As a global law firm, we need to implement effective business development and marketing strategies)

Purchasing, maintaining and claiming against our insurance policies



(It is in our interests to protect our business against specified losses)

Training our staff



(Sometimes, it is appropriate for us to use your personal information so that we can provide our staff with training to manage risk and improve the quality of our services)

Continuously reviewing and improving our products and services (including by seeking and obtaining your feedback) and developing new ones



(We have a legitimate interest in making sure that we are continuously improving our service offering)

Complying with instructions from our clients in relation to their regulatory obligations



Obtaining legal advice, establishing, defending and enforcing our legal rights and obligations in connection with, any legal proceedings (including prospective legal proceedings)



(We must be able to establish and defend our legal rights and understand our obligations, and seek legal advice in connection with them)

Managing the proposed sale, restructuring, transfer or merging of any or all part(s) of our business, including to respond to queries from the prospective buyer or merging organisation



(We have a legitimate interest in being able to sell any part of our business)

Maintaining the security and integrity of our systems, platforms, premises and communications (and detecting and preventing actual or potential threats to the same)



(We need to make sure that our business processes are secure)

Managing, publicising and participating in corporate social responsibility initiatives



(We need to ensure our CSR initiatives are properly managed)

**Note that** where we have indicated in the schedule above that our processing of your personal data is either:

- necessary for us to comply with a legal obligation; or
- necessary for us to take steps, at your request, to potentially enter into a contract with you, or to perform it,

and you choose not to provide the relevant personal data to us, we may not be able to enter into our contract with you.

## Sensitive Personal Data

We also process certain special categories of personal data (which might include details relating to your health when you visit our premises) and information relating to your criminal record (referred to as “**Sensitive Personal Data**”). We are required by law to treat such personal data with even more care than usual. For these categories of personal data, different lawful bases apply. The table below sets out the different purposes for which we process Sensitive Personal Data about you and the relevant lawful basis on which we rely for that processing.

Purposes of processing	Sensitive Personal Data lawful basis We are permitted to process your personal data because...			
	1. You have given your explicit consent to the processing	2. It is necessary to protect somebody’s vital interests or they are incapable of giving consent	3. It is necessary for the establishment, exercise or defence of legal claims	4. It is necessary for reasons of substantial public interest
Hosting you at our offices and providing hospitality services	✓ (for your dietary and access requirements)	✓ (in case of accidents or emergencies at our offices)		
Providing legal advice to our clients			✓	✓
Investigating, evaluating, demonstrating, monitoring, improving and reporting on our compliance with relevant legal and regulatory requirements (such as anti-money laundering and client verification checks)				✓
Complying with (or assisting others’ compliance with) regulatory requirements involving steps being taken to establish the existence of any unlawful act, dishonesty, malpractice or other seriously improper conduct				✓
Complying with our general regulatory and statutory obligations				✓
Responding to binding requests or			✓	✓

search warrants or orders from courts, governmental, regulatory and/or enforcement bodies and authorities or sharing information (on a voluntary basis) with the same

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Obtaining legal advice, establishing, defending and enforcing our legal rights and obligations in connection with, any legal proceedings (including prospective legal proceedings)

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The Sensitive Personal Data are only accessible to a limited category of persons appointed by us.

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

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Sometimes we share your personal data with third parties where permitted by law, including the following:

- other companies in or branches or offices of the Eversheds Sutherland network of law firms in connection with our business strategy and client targeting programmes and where necessary for us to provide you with multi-jurisdictional legal advice. For example, if you are a client or prospective client, we may add your personal data to our global client contact database which is available to lawyers across the Eversheds Sutherland network;
- other law firms and courts/clerks, as applicable in the context of the legal services we provide to you;
- courts and other judicial bodies, where we are asked to respond to an order or other binding requests;
- Bailiffs;
- regulatory bodies and law enforcement agencies, where necessary for any investigations or to respond to enquiries in relation to our compliance with applicable law or regulations or in connection with criminal investigations, or where otherwise permitted or required by applicable law; and
- professional advisors (such as third party law firms and accountants) and other third parties in connection with our legitimate business activities.

These organisations may use your personal data as a “controller” – they will have their own privacy notices which you should read, and they have their own responsibilities to comply with applicable data protection laws.

We also ask third party service providers to carry out certain business functions for us. These include:

- IT support, cloud platform and data hosting providers who help us with the operation of our websites, mobile applications, data rooms, document and workflow management systems and other systems and applications;
- third party debt recovery organisations where we need to recover any money owed to us.

We will have in place an agreement with our service providers which will restrict how they are able to process your personal data and impose appropriate security standards on them.

### **Where is your personal data transferred to?**

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Since Eversheds Sutherland is a network of different law firms operating globally, we will sometimes need to transfer your personal data to recipients in jurisdictions other than your own. Some of these jurisdictions may not provide the same level of protection to your personal data as provided in your jurisdiction.

If we transfer your personal data outside the European Union (including to the United Kingdom), we will only make that transfer if:

- that country ensures an adequate level of protection for your 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;
- we have put in place appropriate safeguards to protect your personal data, such as a contract with the person or entity receiving your personal data which incorporates specific provisions as directed by the European Commission;
- the transfer is permitted by applicable laws;
- you explicitly consent to the transfer; or
- another exception applies (for occasional transfers).

If you would like to see a copy of any relevant safeguards used by us to protect the transfer of your personal data, please contact **dataprotectionoffice@eversheds-sutherland.be**.

### **How do we keep your personal data secure?**

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We will put in place appropriate security measures to protect your personal data from unlawful or unauthorised processing and accidental loss, destruction or damage.

However please note that, in relation to any personal data you submit to us online or via e-mail, we cannot guarantee the security of data sent to us in this way. Transmission of data over the Internet is at your own risk.

### **How long do we keep your personal data for?**

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We will only retain your personal data for a limited period of time, and for no longer than is necessary for the purposes for which we are processing it for. This will depend 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 privacy rights and how can you exercise them?**

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Depending on the circumstances, you may have the right to:

- access your personal data and to be provided with certain information in relation to it, 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;
- require us to correct any inaccuracies in your personal data without undue delay;
- require us to erase your personal data;
- require us to restrict processing of your personal data;
- receive the personal data which you have provided to us, in a machine readable format, where we are processing it on the basis of your consent or because it is necessary for your contract with us and where the processing is automated; and
- object to a decision that we make which is based solely on automated processing of your personal data.

If the processing of personal data is based solely on consent, you shall have the right to withdraw your consent at any time, without this affecting the lawfulness of processing based on consent before its withdrawal.

Where our processing of your personal data is based on the **legitimate interests** lawful basis, you can object to this processing at any time. If you do this, we will need to show either a compelling reason why our processing should continue, which overrides your interests, rights and freedoms or that the processing is necessary for us to establish, exercise or defend a legal claim.

Where we are processing your personal data for direct marketing purposes, you have the right to object to that processing.

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

If you consider that we are in breach of our obligations under data protection laws, you are always entitled to submit a complaint with your data protection supervisory authority. For Belgium, this is the Belgian Data Protection Authority ('Gegevensbeschermingsautoriteit'/'l'authorité de protection des données').

### **Cookies and similar technologies**

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For more information regarding how we use cookies and similar technologies in connection with your use of our platforms, please read our **Cookies Policy**.

### **Updates to this notice**

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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. We will publish revised versions of this notice on **www.eversheds-sutherland.be**.

### **Contact**

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Eversheds Sutherland (Belgium) CV

De Kleetlaan 12A

1831 Diegem

Belgium

Registered with the Crossroads Bank for Enterprises under company number 0817.550.246.

If you have any queries about how we process your personal data, please contact us by sending an e-mail to **dataprotection@eversheds-sutherland.be**.

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