

## Privacy Statement

### 1 Introduction

- 1 Brinkhof is an internationally oriented specialist law firm based in Amsterdam, the Netherlands. The firm conducts its business in the legal form of a public limited liability company under Dutch law ("naamloze vennootschap") under the name Brinkhof N.V. (hereinafter "Brinkhof" or "we").
- 2 As a law firm, Brinkhof processes personal data ("personal data"). In doing so, it generally acts as a controller within the meaning of the General Data Protection Regulation ("GDPR"). Data processed by Brinkhof includes data relating to:
  - Job applicants or persons who are looking for a job at Brinkhof (hereinafter "applicants");
  - Persons who are clients or are employed by our clients (hereinafter: "clients");
  - Persons from whom we purchase products or services or are employed by our suppliers (hereinafter: "suppliers");
  - third parties, like persons, not being clients, whose details are present in the files we deal with, other attorneys with whom we maintain contact or visitors to our website (hereinafter "third parties").
- 3 Suppliers may have a contractual relationship with Brinkhof Services B.V., a company in the form of a privacy limited liability company under Dutch law ("besloten vennootschap met beperkte aansprakelijkheid"). For these suppliers, all references in this Privacy Statement should therefore be understood as referring to Brinkhof Services B.V.
- 4 In this Privacy Statement we will explain, among other things:
  - what personal data we process with regard to these categories of persons;
  - for which purposes we process them and on which legal basis;
  - what rights these people have with regard to the data we process;
  - whom you can contact about this Privacy Statement and the manner in which Brinkhof processes personal data about you.

### 2 What personal data do we process

- 5 With regard to job applicants we process the following data:

- i) contact details (name and address details, titles, telephone numbers and similar data required for communication), date of birth, nationality, place of birth, gender;
  - ii) data on training programmes, courses and internships taken or to be taken;
  - iii) data on the job applied for;
  - iv) data on the nature and content of the current employment, and the possible termination hereof;
  - v) other data with regard to the position to be held, provided by the data subject or known to him (such as curriculum vitae data, or results of a competency test);
  - vi) other data whose processing is required pursuant to or is necessary in view of the application of any laws or regulations.
- 6 With regard to clients we process the following data:
- i) contact details (name and address details, titles, telephone numbers and similar data required for communication), date of birth, gender, bank account number, identity document;
  - ii) data under i) concerning the counterparty or third parties (see paragraph 7 below);
  - iii) data in view of the handling of the case or the settlement of the dispute;
  - iv) data for calculating and recording fees and expenses, making payments and collecting amounts due;
  - v) other data of which the processing is required pursuant to or is necessary in view of the application of laws or regulations.
- 7 With regard to suppliers we process the following data:
- i) contact details (name and address details, titles, telephone numbers and similar data required for communication), date of birth, gender, bank account number;
  - ii) in some cases: a statement of conduct and data on an identity document;
  - iii) data with regard to ordering or purchasing services;
  - iv) data for calculating and recording expenses and making payments;
  - v) other data of which the processing is required pursuant to or is necessary in view of the application of laws or regulations.
- 8 With regard to third parties we process the following data:
- i) contact details (name and address details, titles, telephone numbers and similar data required for communication), date of birth and gender if and insofar as made known to us;

- ii) data in connection with a visit to our website, such as data for the purpose of identifying and communicating with the visitors to the website or data recorded to collect visitor statistics with regard to our website (see chapter 6);
- iii) data with regard to electronic messages originating from or destined for third parties and data that are necessary for the purpose of maintaining contact with these third parties;
- iv) other data provided to us by clients or third parties or that are obtained from public sources in the context of our handling of a case.

### 3 For what purposes do we process these data and on what legal basis

- 9 We may only process personal data if a valid legal basis exists. We therefore only process the abovementioned data if:
- i) the processing is necessary for the performance of an agreement with the data subject or in order to take steps at the request of the data subject prior to entering into an agreement, for example when we process data in order to maintain a file for the client or to handle a job application (“fulfilment of agreement”);
  - ii) the processing is necessary to comply with a legal obligation to which Brinkhof is subject, such as, for example, our obligation to verify the identity of our clients (hereinafter “legal obligation”);
  - iii) the processing is necessary for the purposes of the legitimate interests pursued by Brinkhof or by another person, and those interests outweigh the interests or fundamental rights of the person whose data are concerned, as is the case, for example, when we use contact details for sending unsolicited commercial messages for maintaining our business relationships (hereinafter “legitimate interest”); or
  - iv) the data subject has given his consent to the processing (“consent”).
- 10 The table below states for which purposes we process personal data on job applicants and on what legal basis:

	Purpose	Legal basis
i)	The assessment of the suitability of the data subject for a position that is or may become vacant	<ul style="list-style-type: none"> <li>- Fulfilment of agreement</li> <li>- Legal obligation</li> <li>- Legitimate interest</li> </ul>
ii)	Internal control and company security	<ul style="list-style-type: none"> <li>- Fulfilment of agreement</li> <li>- Legal obligation</li> <li>- Legitimate interest</li> </ul>

iii)	The implementation or application of laws or regulations	<ul style="list-style-type: none"> <li>- Legal obligation</li> <li>- Legitimate interest</li> </ul>
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Table 3.1

- 11 The table below states for which purposes we process personal data on clients and on what legal basis:

	Purpose	Legal basis
i)	Legal services and advice to a client	<ul style="list-style-type: none"> <li>- Fulfilment of agreement</li> <li>- Legitimate interest</li> </ul>
ii)	Calculating or recording fees or payments	<ul style="list-style-type: none"> <li>- Fulfilment of agreement</li> <li>- Legitimate interest</li> </ul>
iii)	Making payments and collecting amounts due, including the use of other parties for debt collection	<ul style="list-style-type: none"> <li>- Fulfilment of agreement</li> <li>- Legitimate interest</li> </ul>
iv)	The handling of disputes, including the conduct of legal proceedings	<ul style="list-style-type: none"> <li>- Fulfilment of agreement</li> <li>- Legal obligation</li> </ul>
v)	The exercise of an audit or other types of verification	<ul style="list-style-type: none"> <li>- Fulfilment of agreement</li> <li>- Legal obligation</li> </ul>
vi)	The implementation or application of laws or regulations	<ul style="list-style-type: none"> <li>- Legal obligation</li> <li>- Legitimate interest</li> </ul>

Table 3.2

- 12 The table below states for which purposes we process personal data of suppliers and on what legal basis:

	Purpose	Legal basis
i)	Ordering or purchasing services	<ul style="list-style-type: none"> <li>- Fulfilment of agreement</li> <li>- Legitimate interest</li> </ul>
ii)	Calculating and recording income and expenses and making payments	<ul style="list-style-type: none"> <li>- Fulfilment of agreement</li> <li>- Legitimate interest</li> </ul>
iii)	Internal management activities	<ul style="list-style-type: none"> <li>- Fulfilment of agreement</li> <li>- Legal obligation</li> <li>- Legitimate interest</li> </ul>
iv)	Maintaining contacts	<ul style="list-style-type: none"> <li>- Fulfilment of agreement</li> <li>- Legitimate interest</li> </ul>
v)	The handling of disputes and exercising audits	<ul style="list-style-type: none"> <li>- Legal obligation</li> </ul>

		- Legitimate interest
vi)	The implementation or application of laws or regulations	- Legal obligation - Legitimate interest

Table 3.3

- 13 The table below states for which purposes we process personal data of third parties and on what legal basis:

	Purpose	Legal basis
i)	Legal services and advice to a client	- Legal obligation - Legitimate interest
ii)	The communication with the data subject	- Fulfilment of agreement - Legitimate interest
iii)	Internal management activities	- Legal obligation - Legitimate interest
iv)	The granting of access to our office or our website or for the security thereof	- Legal obligation - Legitimate interest
v)	Maintaining contacts and sending information about the services of Brinkhof	- Consent - Legitimate interest
vi)	The implementation or application of laws or regulations	- Legal obligation - Legitimate interest

Table 3.4

## 4 With whom may we share personal data

- 14 We may share personal data on job applicants with:
- i) persons who work for us (in particular those who are involved in the job application procedure at our firm);
  - ii) suppliers (for example, the external supplier that provides our competency evaluation testing);
  - iii) others who are in charge of or manage the activities represented in table 3.1 or are necessarily involved therein;
  - iv) others, with the consent of the data subject, or in the case of a legal obligation.
- 15 We may share personal data on clients with:
- i) persons who work for us (i.e. those involved in handling the case);
  - ii) suppliers (for example external translation agencies);
  - iii) parties such as counterparties, or other attorneys, in the context of the provision of our services;

- iv) others who are in charge of or manage the activities represented in table 3.2 or are necessarily involved therein;
- v) others, with the consent of the data subject, or in the case of a legal obligation.

16 We may share personal data on suppliers with:

- i) persons who work for us (involved in the ordering or delivery process of the supplier);
- ii) others who are in charge of or manage the activities represented in table 3.3 or are involved therein;
- iii) others, with the consent of the data subject, or in the case of a legal obligation.

17 We may share personal information about third parties with:

- i) persons who work for us (i.e. those involved in handling the case);
- ii) suppliers (for example external translation agencies, bailiffs or the provider that collects the usage statistics for our website, see chapter 6);
- iii) clients, parties like counterparties, or other attorneys, in the context of the provision of our services;
- iv) others who are in charge of or manage the activities represented in table 3.4 or are necessarily involved therein;
- v) others, with the consent of the data subject, or in the case of a legal obligation.

18 "Persons who work for us" refers to employees of Brinkhof Services B.V. and other persons associated with Brinkhof (such as partners, consultants and student trainees).

## 5 How we protect your personal data

19 Brinkhof applies various technical and organisational measures to protect your personal data against destruction, loss, alteration or unauthorised disclosure or access. These comprise administrative, physical and technological measures. Persons who work for us are bound to secrecy and must abide by our instructions aimed at the adequate protection of your data.

## 6 Cookies on our website

20 Cookies are small text files placed by websites on the computer or terminal equipment with which you visit the website. Cookies may be used to collect (per-

sonal) data about you. Our website also applies cookies, as we use Google Analytics, a service that provides us insight into the manner in which our website is used. This relates to statistics of use like the number of unique visitors, the pages visited and the average duration of a visit. We have concluded a processing agreement with Google to ascertain that personal data that are collected for us in the context of Google Analytics, are only used to give us insight into the manner in which our website is used. We have also adapted the settings of the service in such a way that the data may not be deployed by other Google services, and that the last digits of all the IP-addresses collected in this scope are immediately erased. This makes it more difficult to link data to a specific visitor.

## **7 Transfer to countries outside the EEA**

- 21 Your personal data may be transferred to a country outside the European Economic Area (EEA) that provides a lower level of protection to personal data than the legislation in the EEA. For example, Brinkhof may use a supplier of online services which is established outside the EEA (for example in the United States of America), and the use of these services may involve a transfer of personal data to the supplier.
- 22 If such situation presents itself, and personal data are transferred to a country outside the EEA that provides less legal protection to personal data, we will provide for appropriate safeguards in order for the transfer to take place in accordance with the privacy laws here. We may do this by concluding a contract with the recipient in accordance with a format that the European Commission or a national supervisory authority has approved for this purpose.

## **8 How long do we retain personal data**

- 23 We do not retain personal data any longer than necessary:
  - i) for the purposes for which the personal data are processed (as described in chapter 3): for example, data on job applicants are removed four weeks after the end of the selection procedure, unless the data subject is employed by us or consents to an extended retention hereof (and ultimately for a year);
  - ii) to comply with laws or regulations: for example, data required for our bookkeeping are retained for seven years; or
  - iii) for archiving purposes: in conformity with the recommendation by the Dutch Bar Association we retain the files we have handled for a period of twenty years.

## 9 Your rights with regard to your personal data

- 24 The laws on the protection of personal data give you the following rights with regard to personal data relating to you:
- i) The right to request whether or not personal data concerning them are processed, and, if this is the case, to get access to these;
  - ii) The right to request rectification and erasure of these data;
  - iii) The right to object the processing or to ask for a restriction of the processing;
  - iv) The right to withdraw the consent to the processing, if the processing is based on your consent;
  - v) The right to receive your data or have this transmitted to an organisation designated by you, in a structured, commonly used and machine-readable format;
  - vi) Depending on the country where you live, the right to file a complaint with a supervisory authority that monitors the compliance with the rules for the protection of personal data. In the Netherlands, this is the *Autoriteit Persoonsgegevens* in The Hague ([www.autoriteitpersoonsgegevens.nl](http://www.autoriteitpersoonsgegevens.nl)).
- 25 Brinkhof will deal with a request in connection with the exercise of these right in the manner as prescribed by law. However, these rights are not absolute; they do not apply under all circumstances and the applicable rules provide for exceptions. If we do not grant your request, we will explain to you why.

## 10 Contact details

- 26 In order to exercise the rights described above, you can send an email to [privacy@brinkhof.com](mailto:privacy@brinkhof.com). You may also use this email address if you wish to file a complaint about the manner in which your personal data have been processed by Brinkhof. If you are dissatisfied with the manner in which we dealt with your complaint, you can file a complaint with the Autoriteit Persoonsgegevens or, if you reside or work in another country of the EEA, with the supervisory authority in that country.

## 11 Amendments

- 27 This statement was amended on 5 June 2018 for the last time.
- 28 If we amend this statement in the future, we will publish the amended statement on our website, stating the data on which the amendments will take effect. If there are amendments that affect one or more data subjects to a considerable degree, we will do our best to also directly inform these data subjects about this.