

## Privacy Notice

This privacy notice (**Privacy Notice**) informs our website visitors, newsletter subscribers, event participants, current and prospective clients as well as business partners, job applicants and any other party (or persons acting on behalf of such party) (**you**) about how Schellenberg Wittmer Ltd (**we**) treats personal data (**Data**) in accordance with the Swiss Federal Act on Data Protection (**FADP**) and the EU and UK General Data Protection Regulations (collectively **GDPR**), as applicable, when using our website, communicating with us, subscribing to our newsletters, registering for and participating in events, using our legal services (including legal advice and representation) (**Services**), visiting our offices, applying for a job vacancy or in any of the other situations set out in Section 3 below. In this Privacy Notice, specific references to the GDPR are only relevant to the extent the GDPR applies.

### 1. Controller, Representative and Contact Details

The controller is **Schellenberg Wittmer Ltd**, Löwenstrasse 19, P.O. Box 2201, 8021 Zurich, Switzerland, and 15bis, rue des Alpes, P.O. Box 2088, 1211 Geneva, Switzerland (e-mail address: [dataprotection@swlegal.ch](mailto:dataprotection@swlegal.ch)).

Individuals from the EEA may also contact *DataRep, 3rd and 4th floor, Altmarkt 10 B/D, Dresden, 01067, Germany* and individuals from the UK *DataRep, 107-111 Fleet Street, London, EC4A 2AB, United Kingdom*. Please make sure to mark your letters for "DataRep" and refer to Schellenberg Wittmer Ltd. only within your inquiry.

Please note that communications relating to data protection, in particular when addressed to an EEA/UK representative, may not be subject to Swiss attorney-client privilege.

### 2. Our Collection of Data and Your Sharing of Third-Party Data

You are in general under no obligation to provide us with any Data. However, if you do not provide the required information regarding certain use cases set out in Section 3, we may not be able to process your corresponding request, get in contact with you, send you our newsletter, invite you to our events, enter into or negotiate a contract with you, provide you with our Services, process your application, etc.

In order to provide you with our Services, we collect Data related to our Services from you, your or our business partners (e.g. correspondent law firms) and other parties involved in the Services (including counterparties, courts and other authorities). We may also use Data from further third-party or public sources, such as fraud prevention agencies and government registries.

If you share with us Data regarding any other individual (e.g. your employees, colleagues, ultimate beneficial owners, relatives, etc.), we assume that this Data is correct. By sharing such Data with us, you confirm that you are authorized to do so and that you have informed the affected individuals about this Privacy Notice and our processing of their Data.

### **3. Processed Data, Purpose and Legal Basis**

#### **3.1 Website Use**

The processing related to your use of our website is limited to Data that is required to operate, provide and secure the website and the services provided thereon (**Website Use Data**) and for web analysis purposes (**Website Analysis Data**).

Categories of Data: When accessing our website, the following information about your access and device may be collected automatically: IP address, operating system, type of device, browser name and version, date and time of access, address of the website from which you were redirected to our website (if applicable), etc. We may analyze your use of our website with web analysis tools, including Google Analytics (with IP anonymization activated). Further information on the use of data by Google and configuration options can be found here: <https://www.google.com/intl/en/policies/privacy/partners>.

Purpose and legal basis: The processing regarding website use is based on our legitimate interest to operate and secure our website and our services, in particular for security reasons to ensure the stability and integrity of our systems (Art. 6 para. 1 lit. f GDPR). In addition, we may perform basic web analysis based on our legitimate interest (Art. 6 para. 1 lit. f GDPR) to optimize the website regarding usability and to gain insights about the use of our website and services. The collected data will not be merged with other personal data or disclosed to third parties. Enhanced web analysis using cookies is, within the scope of applicability of the GDPR, based on your consent (Art. 6 para. 1 lit. a GDPR), cf. below Section 3.2.

#### **3.2 Cookies**

Website Analysis Data may also be collected via the use of cookies. Cookies are small files that are managed by your browser and are directly stored on your device whenever you visit our website. You can disable the use of cookies in the preferences of your browser, but this might result in some functions of our website or some services being unavailable to you or not functioning properly anymore.

Categories of Data: Website Use Data, Website Analysis Data and such further Data as specified in the [Cookie Policy](#).

Purpose and legal basis: We may use cookies on our website to ensure a user-friendly website visitor experience (e.g. session cookies), based on our legitimate interest (Art. 6 para. 1 lit. f GDPR). Enhanced web analysis using cookies is, within the scope of applicability of the GDPR, based on your consent (Art. 6 para. 1 lit. a GDPR). For further information, please see our [Cookie Policy](#).

### 3.3 Communication

We may be in contact with you by use of different channels, e.g. if you fill in contact or similar forms on our website, send us e-mails or by using other electronic (or hardcopy) communication means, whereby Data may be exchanged (**Communication Data**).

Categories of Data: If you fill in our contact forms, send us an e-mail or another form of electronic message (or a hardcopy message, e.g. a letter), we may collect such information as your name, e-mail address (or other form of communication identifier, e.g. messenger nickname), phone number, subject matter, message content, related metadata and any other information you choose to disclose in your communication to us.

Purpose and legal basis: We use Communication Data to process your inquiry and any possible further questions you might have in relation to the performance of our services (Art. 6 para. 1 lit. b GDPR) and any other related questions and matters based on the content of your communication with us (Art. 6 para. 1 lit. a GDPR). We may keep this data to document our communication with you, for training purposes, for quality assurance, for follow-up inquiries (Art. 6 para. 1 lit. f GDPR) and for regulatory purposes (Art. 6 para. 1 lit. c GDPR).

### 3.4 Marketing, Events and Newsletters

We may process your Data for marketing purposes and relationship management, including events and newsletters (**Marketing Data**).

Categories of Data: Marketing Data may in particular include your contact information (e.g. name, company type and name, business function / title, e-mail, address, etc.) and further data categories such as your preferences (e.g. your areas of interest), information relating to your participation in events (including photos) and to your use of our newsletters, references provided by you (e.g. for legal directories) as well as Communication Data.

Purpose and Legal Basis: We process Marketing Data for marketing purposes and relationship management, for example to send personalized advertising for our services and products, e.g. in the form of newsletters or other regular contacts either in person, via e-mail or other electronic form, by phone or any other communication channel for which we have contact information from you and by any other marketing means (e.g. through events, fairs, etc.), or to publish photos of events on our website and in other media. We do so based on our legitimate interest to keep you and other interested parties informed about our products and services (Art. 6 para. 1 lit. f GDPR), to the extent permitted by applicable marketing regulations, or, where required, based upon your consent in this regard (Art. 6 para. 1 lit. a GDPR). In either case, you can object at any time, or refuse or withdraw your consent to be contacted for marketing purposes.

### 3.5 Services

Categories of Data: In connection with the provision of our Services, we may collect and further process Data related to such Services. This includes any information that we require or obtain from you in order to be able to provide our Services, such as Contract Data (as described in Section 3.6), date of birth, nationality, identity document details, title, profession, role and function, financial details (including shareholdings), client history, sanctions, your feedback, etc. Furthermore, when providing our Services, we may process emails, text messages, letters and other communications (including image data in video

conferences, related metadata, etc.), information relating to transactions (dates, currencies, branches, payer and payee details) and any further information contained in case files or related otherwise to the Services (collectively **Services Data**).

Purpose and legal basis: In general, Services Data will be used for the provision of our Services, including legal advice and representation, conducting investigations, operating data rooms and invoicing (Art. 6 para. 1 lit. b GDPR), and to comply with the applicable legal requirements and our internal regulations, including for conflict checking, know-your-customer procedures and compliance with anti-money laundering and fraud prevention obligations (Art. 6 para. 1 lit. c and f GDPR). We may also process Services Data to document our Services delivery and communication with you, for training purposes or for quality assurance as well as for market research to improve our Services and operations and for product and service development, based on our legitimate interest (Art. 6 para. 1 lit. f GDPR).

### 3.6 **Contracts**

Categories of Data: If we enter into or negotiate a contract with you, we may collect Data in relation to the conclusion and performance of such contract. This may include your name, contact details (including address, phone number, email address), information about your employer (collectively **Contract Data**) and Services Data (as described in Section 3.5).

Purpose and legal basis: We use Contract Data for the preparation, conclusion, performance and administration of our contractual relationships and any questions or inquiries that might arise in that relation (Art. 6 para. 1 lit. b GDPR). Such processing may be required to comply with legal requirements and internal regulations (Art. 6 para. 1 lit. c and f GDPR; cf. Section 3.5). We may also process Contract Data to document our communication with you, for training purposes, for quality assurance and for follow-up inquiries (Art. 6 para. 1 lit. f GDPR).

### 3.7 **Video Surveillance**

Categories of Data: When you enter or exit our offices in Zurich or Geneva, we may collect and process images of you through a video surveillance system (**Video Surveillance Data**).

Purpose and legal basis: We collect and process Video Surveillance Data to provide security and access control to our offices, specifically to act as a deterrent security measure and to minimize the risk of office intrusions as well as to provide evidence and to investigate in the event of security incidents (Art. 6 para. 1 lit. f GDPR).

### 3.8 **Job Applications**

We may process Data you provide to us in connection with an application for a job vacancy (**Application Data**).

Categories of Data: Application Data may in particular include your name, photo, contact information, information about your work permit situation, your education and professional experience and any other information you choose to provide to us in connection with your application.

Purpose and legal basis: We process Application Data for the assessment of your application and potential negotiation, preparation, conclusion and performance of an employment contract with you (Art. 6 para. 1 lit. b GDPR). In case no employment contract is concluded, we may retain your application for further job vacancies if you have provided us with your consent to do so (Art. 6 para. 1 lit. a GDPR).

#### **4. Disclosure and Transfer of Data**

We may disclose your Data to recipients as set out in Section 4.1, which may include cross-border data transfers as further described in Section 4.2.

##### **4.1 Categories of Recipients**

We may make your Data available to the following recipients (in compliance with the applicable legal requirements):

- a) our subsidiaries, including but not limited to our office in Singapore, and correspondent law firms;
- b) contractual partners (to the extent the disclosure results from such contracts, e.g. if you use our Services under a contract that we have with your employer);
- c) other involved parties (where relevant, e.g. if a person has power of attorney over your affairs or if the Services require the disclosure of certain Data to counterparties, legal representatives, insurance companies, etc.);
- d) external service providers (e.g. IT and communication services providers, business information providers, newsletter services providers, marketing and event management services providers, compliance services providers, administrative services providers, including providers of digital signature services and document destruction services, providers of data rooms and forensic services, financial institutions, debt collection agencies, etc.);
- e) legal and professional advisors, including accountants and auditors;
- f) competent authorities, including supervisory, tax, debt collection and bankruptcy authorities, courts, arbitral tribunals or bar associations (if it is necessary to provide our Services, if we are legally obliged or entitled to such disclosure or if it appears necessary to protect our interests);
- g) transaction partners and advisors (e.g. in relation to mergers, acquisitions or other business transactions involving us or our subsidiaries).

Under specific circumstances, certain Data may be published on our website or in other media (in compliance with the applicable legal requirements, e.g. based on your consent). Such Data may include, for example, photos (if you have participated in an event) or references provided by you (e.g. for legal directories).

##### **4.2 Cross-Border Transfer of Data**

In connection with the disclosures described in Section 4.1, we may transfer Data to the following countries that offer adequate protection pursuant to the FADP and GDPR: EEA member states and UK.

Under certain circumstances, we may also transfer Data to the following countries, which do not offer adequate protection pursuant to the FADP and/or GDPR: Singapore (e.g. to our Singapore office), US (e.g. for certain communication services) and potentially other countries (if necessary for the respective processing purpose, e.g. for IT services or in connection with international legal proceedings). To the extent such countries do not offer adequate protection, the transfer is secured by appropriate safeguards (such as Standard Contractual Clauses) or based on a statutory exemption (e.g. if you have given your consent to the transfer, if the transfer is directly connected with the conclusion or performance of a contract with you or if the transfer is necessary for the establishment, exercise or enforcement of legal claims before a foreign authority). Within the scope of the GDPR, you may ask us for a copy of the relevant safeguards by contacting us as indicated in Section 1.

## 5. Storage Periods and Erasure

We process and retain Data for as long as our processing purposes, the legal retention periods and our legitimate interests regarding documentation require it. Except in case of contrary legal or contractual obligations, we will erase or anonymize your Data once the storage or processing period has expired. Regarding specific Data categories, we will in general retain your Data as follows:

- **Website Use Data:** Website Use Data will be processed for as long as required to enable the requested access and secure the stability and integrity of the relevant systems.
- **Website Analysis Data:** Website Analysis Data will be stored for as long as required to perform the analysis and will thereafter be deleted or anonymized.
- **Cookies:** Cookies will be stored on your device for the time period required to achieve the related purpose and as further set out in the [Cookie Policy](#) and will thereafter be deleted by your browser.
- **Communication Data:** Communication Data will be deleted after responding to / completing your inquiry if and to the extent (a) we are not legally obliged to retain such Data (e.g. for accounting or document retention purposes) and (b) we do not have an overriding or legitimate interest to retain such Data for documentation, quality assurance or similar business purposes or for the assessment or exercise of, or defense against, legal claims.
- **Marketing Data:** We generally keep Marketing Data for as long as necessary to achieve the respective purposes. Such Data will be deleted thereafter if and to the extent (a) we are not legally obliged to retain such Data (e.g. for accounting or document retention purposes) and (b) we do not have an overriding or legitimate interest to retain such Data for documentation, quality assurance or similar business purposes or for the assessment or exercise of, or defense against, legal claims.
- **Services Data and Contract Data:** We keep Services Data and Contract Data for the duration of the statute of limitations regarding contractual claims, as calculated from the end of the contractual relationship if and to the extent (a) we are not legally obliged to retain such Data for a longer period (e.g. for accounting or document retention

purposes) and (b) we do not have an overriding or legitimate interest to retain such Data for documentation, quality assurance or similar business purposes or for the assessment or exercise of, or defense against, legal claims.

- **Video Surveillance Data:** We generally keep Video Surveillance Data for 30 days after recording. Such Data will be deleted thereafter if and to the extent (a) we are not legally obliged to retain such Data (e.g. in connection with requests from law enforcement agencies) and (b) we do not have an overriding or legitimate interest to retain such Data for the assessment or exercise of, or defense against, legal claims (e.g. following a security incident and/or in connection with an ongoing incident investigation).
- **Application Data:** We generally keep Application Data for the duration of the application process and three months thereafter, unless you ask or allow us to retain your application for a longer time. Where relevant, we may retain Application Data for longer for the assessment or exercise of, or defense against, legal claims.

## 6. Your Rights as Affected Data Subject

You have the right to request information about your Data we process and further rights regarding such data processing. In particular, you have – or may have, depending on the circumstances – the right to:

- a) **Information**, i.e. to ask us whether we are processing Data about you and, if so, to provide you with further information related thereto.
- b) **Correction**, i.e. to ask us to correct or complement your Data if it is incorrect or incomplete.
- c) **Deletion**, i.e. to delete your Data (to the extent we are not under a legal obligation or have an overriding or legitimate interest to retain such Data).
- d) **Object**, i.e. to dissent to the processing of your Data based on our legitimate interest (Art. 6 para. 1 lit. f GDPR) by explaining your particular reasons and specific circumstances on which your objection is based. Regarding cookies through which certain Data may be collected, you can block the setting of such cookies at any time by changing the settings in your browser accordingly. A deactivation of cookies may result in a limited user experience and you may not be able to use every function of our website or services or to access the services in an appropriate manner altogether.
- e) **Restrict processing**, i.e. to ask us to temporarily restrict our processing of your Data.
- f) **Data portability**, i.e. to ask us to provide you or another controller in electronic form with the Data you have provided to us (to the extent technically feasible).
- g) **Withdraw your consent**, i.e. to revoke your consent to the extent you have previously given such consent to any specific purpose of processing of your Data. This will not affect the lawfulness of any processing carried out before you have withdrawn your consent (or any processing based on any legal basis other than your consent) and it may mean that we will no longer be able to provide our Services to you.

In case you wish to exercise any of these rights, please contact us as specified in Section 1. Before responding to your request, we may ask for proof of identity. This helps us to ensure that your Data is not disclosed to any unauthorized person.

## **7. Data Security**

We have put appropriate technical and organizational security policies and procedures in place to protect your Data from loss, misuse, alteration or destruction. Despite these security measures, we cannot completely eliminate the security risks associated with data processing.

## **8. Complaints / Regulatory Authority**

If you believe that our processing of your Data contradicts the applicable data protection laws, you have the possibility to lodge a complaint with the appropriate data protection authority.

The data protection authority in Switzerland is the Federal Data Protection and Information Commissioner, Feldeggweg 1, 3003 Berne, Switzerland (<https://www.edoeb.admin.ch>). Based on your residence, you may have the possibility to lodge a complaint with the appropriate data protection authority of your place of residence.

## **9. Changes to this Privacy Notice**

This Privacy Notice does not form part of any contract with you and we may amend it at any time. The version published on our website is the version that currently applies.

Last update: 23 November 2023