

## Privacy Notice for Clients and Business Partners

This privacy notice for clients and business partners (**Privacy Notice**) informs our clients, prospective clients and any other party (or persons acting on behalf of such party) about how Schellenberg Wittmer Ltd (**we, us**) treats personal data (**Data**) in accordance with the Swiss Federal Act on Data Protection (**FADP**) and the EU and UK General Data Protection Regulation (collectively **GDPR**), as applicable, in connection with the provision of our legal services, including legal advice and representation (**Services**), and 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.

As regards the processing of Data for marketing purposes and relationship management (including events and newsletters), please refer to our [General Privacy Notice](#).

### 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 and the UK may also contact our representative VGS Datenschutzpartner GmbH, Am Kaiser Kai 69, 20457 Hamburg, Germany (contact form: <https://www.datenschutzpartner.eu/anfragen-betroffene-personen/>).

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

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

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 request, enter into or negotiate a contract with you and provide you with our Services.

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, to the extent necessary, 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 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 3.2), 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 (**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).

#### 3.2 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 3.1).

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 3.1). 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).

### 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) external service providers (e.g. IT and communication services providers, business information 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; etc.);
- c) 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);
- d) 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.);
- e) competent authorities, including courts, arbitral tribunals, supervisory authorities, tax authorities and bar associations (in Switzerland and abroad, if it is necessary to provide our Services or if we are legally obliged or entitled to such disclosure);
- f) legal and professional advisors, including accountants and auditors;
- g) transaction partners and advisors (e.g. in relation to mergers, acquisitions or other business transactions involving us or our group companies).

#### **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. 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 to 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 of Data**

In general, we process and retain Data for as long as the 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.

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.

## 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. right 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.
- 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 your 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: 1 September 2023