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# CMS Privacy statement

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This privacy statement (hereinafter: “**Privacy Statement**”) provides information on how CMS Derks Star Busmann N.V. (hereinafter: “**CMS**”), with its statutory seat in Amsterdam and its office at the Parnassusweg 737, 1077DG Amsterdam, handles personal data of clients. CMS processes personal data for the performance of contracts with clients, compliance with legal obligations and the pursuit of its legitimate interests. Within this context, it is also possible that personal data of client’s employees and third parties is processed (for example, of authorised signatories or with regard to an employment-related dispute). CMS is controller for the processing of personal data related to its legal service provision. The internal privacy team of CMS, composed of employees from its legal practice, compliance, IT, and the managing board, (hereinafter: “**Privacy Team**”), is responsible for the implementation and enforcement of this Privacy Statement.

## **1. PRINCIPLES FOR THE PROCESSING OF PERSONAL DATA**

### **1.1** The following principles apply to the processing of personal data:

- (a) CMS collects personal data for well-defined, explicit, and legitimate purposes that have been made known;
- (b) CMS processes personal data only if and insofar as the processing is compatible with these purposes;
- (c) CMS takes reasonable technical and organisational measures to secure personal data and ensure its authenticity, integrity and confidentiality;
- (d) CMS takes measures towards data minimalization. This means that unnecessary collection and excessive processing of personal data is prevented as far as possible;
- (e) personal data is no longer retained than necessary for the purposes for which it is collected or processed;
- (f) CMS takes all reasonable measures to ensure that the personal data being processed is correct and accurate;
- (g) special categories of personal data (“sensitive data”), for example regarding health, is only processed if the specific requirements of applicable laws and regulations are met;
- (h) persons who have access to the personal data are bound to confidentiality by CMS. They are trained and instructed by CMS to handle the personal data in a way compliant with this Privacy Statement. Lawyers and notaries have a legal duty of confidentiality.

## **2. WHAT PERSONAL DATA DOES CMS COLLECT AND ON WHAT GROUNDS?**

### **2.1** CMS collects and processes, among others, the following personal data:

- (a) Identification information:  
Name, address, phone number, e-mail address, birth date, birthplace, country of birth, nationality, gender, title, social security number, marital status, position, copy of checked identity document(s), group structures, trade register excerpt(s), corresponding data on ultimate beneficial owners, authorised signatories and/or other involved employees;
- (b) Information on (performance of) the contract:  
Agreement with client, matter names, e-mail communication relating to performance of the contract, phone calls, (draft) legal documents, (draft) deeds, letters, relevant agreements, memoranda, and metadata about the information (for example, sending confirmations);
- (c) Financial data:  
Rates, worked hours, advance payments, escrow funds, tax information (in case of tax services);
- (d) Data on the use of IT facilities and meetings (at the office):  
Access information and monitoring of data facilities (if applicable), license plate (when visiting the office by car), registration of meetings;
- (e) Communication and events:  
Details on a transaction, dispute, etc. in the context of (joint) PR and communication, announcement of (joint) events and speakers to such events;
- (f) Special categories of personal data:  
Medical information (of an employee, for example in an employment-related dispute), criminal records or wrongful behaviour, political views.

### **2.2** Furthermore, CMS collects personal data insofar as it is obliged to do so based on applicable laws, regulations or professional rules that apply to CMS and its legal professionals (lawyers, notaries, tax lawyers).

### **2.3** Processing of personal data only takes place for lawful purposes, such as explicit consent, compliance with a legal obligation, performance of a contract or if CMS has a legitimate interest.

### **3. HOW DOES CMS COLLECT PERSONAL DATA?**

- 3.1 A substantial part of the abovementioned personal data is received by directly from the client. For example: identification information as part of the client intake or documents to substantiate a claim.
- 3.2 Other personal data is received or collected in the performance by CMS of the contract with the client. This may include matter-related e-mail correspondence, lawsuit correspondence and files related to a due diligence project.
- 3.3 Moreover, CMS receives personal data from third parties, including local and international trade registers, public sources such as the land register and data providers for the performance of CMS' client due diligence.

### **4. HOW DOES CMS USE PERSONAL DATA?**

- 4.1 CMS uses the personal data it collects for the following purposes:
  - a) Performance of contracts with clients or to be able to take measures on request of a (future) client before entering a contract, including defending a client in court;
  - b) Compliance with laws and regulations, for example:
    - i. collecting and making available personal data based on a legal obligation;
    - ii. to comply with registration requirements, such as our identification obligation and the rules regarding anti-money laundering and terrorist financing;
    - iii. to pass and register notarial deeds and related information in the relevant (public) registers;
    - iv. to check for possible conflicts of interest;
  - c) Operational management, such as:
    - i. general management (planning and budgeting), financial reporting;
    - ii. promotional activities and (CMS-wide) marketing documentation;
    - iii. pitches;
    - iv. protection by CMS of its rights or defence against claims;
  - d) Security, for example:
    - i. security of and access to CMS offices;
    - ii. security of and access to (digital) (matter) information;
  - e) Statistical analyses for, inter alia, internal process improvements and future pitches.

### **5. THIRD PARTIES**

- 5.1 CMS may share personal data with third parties if it is necessary for the performance of a contract (for example, with an expert, translator or our bank), due to the outsourcing of certain activities by CMS to a processor (for example, our data room software) or because CMS is required by law to do so (for example, as part of our annual account audit).
- 5.2 CMS may also share or transfer personal data:
  - a) with other CMS member firms for the purposes defined in this Privacy Statement;
  - b) with external advisors to establish its rights or to defend itself against legal claims.
- 5.3 Sharing, as defined in clause 5.2, with parties outside of the European Union only takes place if it complies with the specific legal obligations for such transfers (as laid down in the GDPR, e.g., through standard contractual clauses). CMS has established written agreements with all processors on the manner in which they handle personal data on behalf of CMS. CMS (periodically) oversees the adherence of these obligations by its processors.
- 5.4 In some instances, when sharing personal data with other firms within the CMS organisation, CMS may act as a joint controller of this personal data alongside the other CMS firms. We may share data including, but not limited to, names, job titles, contact information and identity documentation for the purposes of centralised client administration and conducting legally required checks, such as anti-money laundering or KYC. Our lawful bases for sharing this data as a joint controller are performance of a contract, the pursuit of our legitimate interests as a business to centralise client administration and share learnings within our wider organisation, and our compliance with relevant legal obligations.

5.5 Insofar as CMS is acting as a joint controller of personal data CMS shall be the point of contact for data subjects whose personal data is gathered by CMS and shall continue to comply with all applicable data protection legislation working together with all other CMS firms. Should you have any questions about how CMS uses personal data as a joint controller or your rights in relation to this processing, please contact your point of contact at CMS or the Privacy Team (refer to clause 9).

## 6. ADJUSTMENTS OF PERSONAL DATA

Adjustments of personal data must be submitted to your contact person at CMS as soon as possible.

## 7. RETENTION OF PERSONAL DATA

CMS stores your personal not longer than necessary for the purposes for which they have been collected, for the performance of legal tasks, for compliance with legal obligations or for the performance of contracts. Legal retention periods, such as laid down in the Dutch Law on notaries (“Wet op het notarisambt”) and the Archiving Act (“Archiefwet”) apply. Notarial deeds are retained eternally.

## 8. QUESTIONS AND REQUESTS

8.1 You may get in touch with your contact person at CMS (or directly with the Privacy Team) if you have any questions about this Privacy Statement or the processing of your personal data.

8.2 You have the right to access the personal data that we process, the right to have your personal data rectified or removed, the right to have the processing restricted, the right to data portability, as well as the right to object the processing. Most of these rights are not absolute. Hereinafter, we set out your rights in more detail and inform you on how to invoke these rights. We will answer your requests within one month, but under certain circumstances we have the right to extend this period by two months. In case the period is extended, we will inform you within one month after having received the request.

8.2.1 **Right of access:** You may ask us to confirm if we process any of your personal data. If we process your personal data, you may request access to it. In such case, and to the extent no restrictions of this right apply, we will also inform you about:

- the purpose of the processing;
- the categories of personal data that we process;
- any third parties with whom we share your data;
- the expected retention period of your personal data or, if that is not possible, the criteria that we use to determine the retention period;
- your right to request rectification, removal or restriction of the processing of your personal data;
- your right to file a complaint with the supervisory authority;
- if we have not received the personal data from you, all available information on the sources of the personal data.

8.2.2 **Right to rectification:** You may request rectification of your personal data if it is incorrect. With due consideration to the purpose of the processing, you may also ask us to supplement incomplete data. If the request concerns a notarial deed, rectification is not possible, and a new notarial deed will have to be drawn up as an addition to the original one.

8.2.3 **Right to object:** You have the right to object our processing of your personal data. However, you may only invoke this right if we process your personal data based on the necessity to pursue our legitimate interests (purpose). We will honour your request, unless we:

- have compelling legitimate grounds to continue the processing and these grounds outweigh your interests, rights or freedoms; or
- need the personal data in connection with the establishment, exercise or defence of legal claims.

8.2.4 **Right to object direct marketing:** If we process your personal data for direct marketing purposes, you have the right to object such processing. If you choose to invoke this right, we will stop processing your personal data for this purpose and you will no longer receive our newsletter(s). In this regard, please also refer to our “*Privacy Statement Client Services*.”

- 8.2.5 Right to restrict processing:** You may request the restriction of our processing of your personal data. If we honour your request, we will, with the exception of storage, only process your personal data with your consent; for the establishment, exercise or defence of legal claims; for the protection of the rights of another natural or legal person; or for reasons of important public interest of the European Union or one of its Member States. We will honour your request if:
- you dispute the correctness of your data, for the period of time to verify this;
  - the processing is unlawful, and you object the removal of your personal data, and request restriction of the processing instead;
  - we do not longer need the personal data, but you may need them for the establishment, exercise, or support of a legal claim;
  - you object our processing of your personal data, for the period of time that we need to assess if we have legitimate grounds that outweigh your interests. In case we restrict the processing of your personal data, we will inform you before lifting the restriction.
- 8.2.6 Right to be forgotten:** You have the right to request the removal of your personal data. This right is not absolute; we are only obliged to honour it under certain conditions. For example, if the personal data is part of a notarial deed, the notary is not allowed to remove it. We will remove your personal data in the following cases:
- your personal data is no longer necessary for the purposes for which it was collected or processed;
  - you revoke your consent and there is no other lawful purpose to continue processing (only applicable if we process your personal data on the basis of consent);
  - you object our processing of your personal data and we have no prevailing compelling legitimate ground for the processing;
  - we have processed your personal data in an unlawful manner; or
  - we must remove your personal data to comply with a legal obligation based on EU or Dutch law.
- We are not obliged to honour your request, if the processing of your personal data is needed for:
- the exercise of the right to freedom of expression and information;
  - compliance with a legal obligation to which we are subject based on EU or Dutch law; or
  - the establishment, exercise, or support of a legal claim.
- 8.2.7 Right to data portability:** You may request a copy of your personal data. You may also ask to transfer your personal data to a third party, as far as possible. You may only exercise this last right in case the processing is based on your consent or because it is necessary for the performance of a contract between CMS and you, and the processing is conducted through automated procedures. If we honour your request, we will provide your personal data to you in a structured, common, and machine-readable format. If we believe that honouring your request would undermine the rights and freedoms of others, we have the right to not honour it.
- 8.2.8 Right to file a complaint with the supervisory authority:** We always strive to meet your requests and complaints. You may contact our Privacy Team in this regard. Additionally, you have the right to file requests and complaints with the Dutch data protection authority ("Autoriteit Persoonsgegevens"). If you are not a resident of the Netherlands, you may also contact your local data protection authority. The contact details of the Autoriteit Persoonsgegevens are:
- Autoriteit Persoonsgegevens  
Postbus 93374  
2509 AJ DEN HAAG  
0900-2001 201  
[www.autoriteitpersoonsgegevens.nl](http://www.autoriteitpersoonsgegevens.nl)
- 8.3** Requests, as mentioned above in clause 8.2, may be directed to our Privacy Team.
- 8.4** CMS is obligated to establish your identity before responding to a request. If we believe that a third party may have concerns about honouring your request, such third party will be given the opportunity to react. Requests made towards CMS may not always be honoured; for example, because we are restricted by legal obligations (e.g., notarial tasks) or conflict with the privacy rights of others.

## **9. GENERAL PROVISIONS**

- 9.1** In case of deviation from this Privacy Statement or in case of the processing of special categories of personal data, we will inform you as soon as possible and preferably before the start of the processing.
- 9.2** Naturally, CMS strives for optimal safety of your personal data. However, we cannot give an absolute assurance that - despite of all security measures taken - your (electronic) personal data will not be accessed by unauthorised persons.
- 9.3** CMS' managing board and the Privacy team will regularly evaluate this Privacy Statement and its implementation.
- 9.4** The Privacy Team can be contacted via [compliance@cms-dsb.com](mailto:compliance@cms-dsb.com), +31 20 3016 301 and per mail: CMS Derks Star Busmann N.V. to the attention of the Compliance department, P.O. Box 94700, 1090 GS Amsterdam.