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## CREATEiQ PRIVACY NOTICE

Effective from 22 February 2021

**Linklaters > nakhoda**

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Ref Nakhoda

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## 1 Introduction

- 1.1** This privacy notice ("**notice**") applies to the processing of personal data by Linklaters Nakhoda in connection with any:
- 1.1.1** "**client services**": provision of products and services by Linklaters Nakhoda to actual and prospective clients; and
  - 1.1.2** "**supplier services**": provision of products and services to Linklaters Nakhoda by suppliers or service providers.
- 1.2** References in this notice to "**you**" or "**your**" are references to individuals whose personal data Linklaters Nakhoda processes in connection with client services, supplier services, or visitor services. For the avoidance of doubt:
- 1.2.1** any reference in this policy to our "**clients**" or "**suppliers**" includes their employees or other staff whose personal details we process;
  - 1.2.2** this privacy notice also applies to Linklaters' processing of personal data of individuals who could be (or could be the employees or staff of) transaction counterparties or litigants in legal proceedings involving, our actual or prospective clients; and
- 1.3** References in this notice to "**Linklaters**", "**Linklaters Nakhoda**", "**we**", "**us**" or "**our**" are references to Linklaters LLP and the other "**Linklaters BCR Group Entities**" (as defined in and listed in schedule 2 of our Binding Corporate Rules ("**BCRs**"), which can be found on the Linklaters website at [www.linklaters.com/en/legal-notices/privacy-portal](http://www.linklaters.com/en/legal-notices/privacy-portal)). Linklaters LLP, which is the sole owner of Linklaters Nakhoda, is a limited liability partnership established under English law whose registered office is at One Silk Street, London EC2Y 8HQ, England.

## 2 Importance of personal data protection

- 2.1** We recognise that the use and disclosure of personal data has important implications for us and for the individuals whose personal data we process. Most of our offices operate in countries which regulate the use, and impose restrictions on overseas transfers, of personal data. To ensure that we handle personal data properly, we have adopted a global approach to privacy compliance, as evidenced by our BCRs. A copy of our BCRs is available on our website at the address provided above. Alternatively, you can request a copy of our BCRs at any time by contacting us at [data.protection@linklaters.com](mailto:data.protection@linklaters.com).
- 2.2** A copy of this notice can be downloaded from [app.createiq.tech/privacy](http://app.createiq.tech/privacy). Alternatively, you can request a copy of this notice at any time by contacting us at [support@createiq.tech](mailto:support@createiq.tech) or [data.protection@linklaters.com](mailto:data.protection@linklaters.com).

## 3 Purpose of this notice

- 3.1** This notice aims to give you information about how Linklaters Nakhoda collects and processes your personal data. It is important that you read this notice together with any other notices we may provide on specific occasions when we are collecting or processing your personal data, so that you are fully aware of how and why we are using your personal data. This notice supplements the other notices and is not intended to override them.

- 3.2** This notice can be accessed on our website but is not our website privacy notice or cookie policy. Our website privacy notice and cookie policy are accessible from the cookie section of our website at [app.createiq.tech/cookie](https://app.createiq.tech/cookie).

## **4 Who is the controller for the personal data processed?**

- 4.1** A “**controller**” is a person or organisation who alone or jointly determines the purposes for which, and the manner in which, any personal data is, or is likely to be, processed. This notice is issued on behalf of Linklaters LLP as controller. Unless we notify you otherwise Linklaters LLP is the controller for your personal data.
- 4.2** Our Global Head of Regulatory Compliance oversees compliance with data protection within Linklaters. If you have any questions about this notice, including any requests to exercise your rights, please contact our Global Head of Regulatory using the contact details set out below:

### **The Global Head of Regulatory Compliance**

Linklaters LLP  
25 Rue de Marignan  
Paris  
75008  
Email address: [data.protection@linklaters.com](mailto:data.protection@linklaters.com)  
Telephone: +44 207 456 4444

## **5 How to make a complaint about the use of your personal data by us**

If you have any concerns or would like to make a complaint about our processing of your personal data, please refer to our Global Data Protection Complaints Procedure, which is available on the privacy section of the Linklaters website at [www.linklaters.com/en/legal-notices/privacy-portal](https://www.linklaters.com/en/legal-notices/privacy-portal). You may raise your concerns with your local data protection authority directly, without going through our Global Data Protection Complaints Procedure. However, we would encourage you to contact us in the first instance as we aim to promptly, efficiently and satisfactorily resolve any concerns or complaints you may have in relation to Linklaters’ processing of your personal data.

## **6 Changes to the notice or to your personal data**

- 6.1** The first version of this notice was issued on 28 January 2019 and this notice was last updated on the “as amended on” date (if any) on this website. Any prior versions of this notice can be obtained by contacting us at [support@createiq.tech](mailto:support@createiq.tech).
- 6.2** It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us. If you wish to update your personal data, please contact [support@createiq.tech](mailto:support@createiq.tech) or our Law & Compliance team at [data.protection@linklaters.com](mailto:data.protection@linklaters.com).

## **7 The personal data we collect about you**

- 7.1** Personal data includes any information about an individual from which that person can be identified. It does not include personal data where the identity has been removed (anonymous data).

**7.2** Special categories of personal data include details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data. We do not collect special categories of personal data about you. We collect, use, store and transfer different kinds of personal data about you. We have grouped together the following categories of personal data to explain how this type of information is used by us. These terms are used throughout this notice:

**7.2.1 “Identity Data”:** including your first name, middle names, maiden name, last name, marital status, title, date of birth, passport number, photographic identification and gender;

**7.2.2 “Contact Data”:** including your billing address, delivery address, email address and telephone number;

**7.2.3 “Financial Data”:** including your bank account and payment card details;

**7.2.4 “Services Data”:** including details about payments to and from you and other details of services you have purchased from us or we have purchased from you;

**7.2.5 “Profile Data”:** including your usernames and passwords, purchases or orders made by you, your interests, feedback and survey responses;

**7.2.6 “Usage Data”:** includes information about your use of our website, our client knowledge portal, our local area networking facilities (including WiFi) and similar electronic services. Additional information about personal data we process based on your usage of our website is available in the privacy notice for our website (which can be accessed from the privacy section of our website at [app.createiq.tech/privacy](http://app.createiq.tech/privacy));

**7.2.7 “Technical Data”:** includes information collected when you access our website or client knowledge portal, your internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you are using;

**7.2.8 “Marketing and Communications Data”:** including your marketing and communication preferences. We also track when you receive and read marketing communications from us, which information we use to improve our marketing services, provide you with more relevant information and improve the quality of our marketing materials. Additional information about the personal data we process in connection with marketing is included with the marketing communications we send you; and

**7.2.9 “Professional Information”:** including your job title, email address, phone number and addresses.

**7.3** Our services are neither aimed at nor intended for children.

## **8 If you fail to provide personal data to us**

Where we need to collect personal data by law (for instance, in relation to anti-money laundering or other “*know your customer*” checks) or under the terms of a contract we have with you and you fail to provide the personal data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you

with services). In this case, we may have to decline to provide or receive the relevant services, but we will notify you if this is the case at the time the personal data is collected.

## 9 How your personal data is collected

We use different methods to collect personal data from and about you, including through the channels set out below.

- 9.1 Direct interactions:** You give us your personal data in your direct interactions with us. Such personal data includes Identity Data, Contact Data, Financial Data, Services Data, Profile Data, Usage Data, Technical Data, Marketing and Communications Data, and/or Professional Information which you give us from time to time (i) by filling in forms on our website or our client knowledge portal; (ii) through other electronic platforms which we offer or which we have agreed with you to use, (iii) by corresponding with us by email or post, (iv) by speaking to us in person or over the telephone, or (v) whilst visiting our offices.

Such direct interactions include, for example, instances when you:

- 9.1.1 enquire about or apply for our client services;
- 9.1.2 market or provide your supplier services to us;
- 9.1.3 give us your business card at an event or a meeting, or otherwise personally give us your personal data (for example, by leaving your contact details at the reception of one of our offices or with our switchboard);
- 9.1.4 give us your personal data via an electronic platform which we make available or which we have agreed with you to use in connection with our client services (for instance, any e-billing system which you require us to use) or in connection with your supplier services (for example, an electronic platform that you supply to us);
- 9.1.5 subscribe to our publications or otherwise ask for our marketing;
- 9.1.6 participate in our marketing, recruitment or other promotional events;
- 9.1.7 participate in our client seminars and similar events; or
- 9.1.8 give us feedback (for example, by completing a survey).

- 9.2 Website, cookies and marketing:** You give us your personal data, which includes Profile Data, Usage Data, Technical Data, Professional Information and/or Marketing and Communications Data, when you use our website, our client knowledge portal or review the publications or marketing we send you. Please refer to the privacy notice for our website (which can be accessed from the cookie section of our website at [app.createiq.tech/cookie](https://app.createiq.tech/cookie)) for further information about the use of your personal data on our website.

- 9.3 Third-party sources:** We receive Identity Data, Contact Data, Financial Data, Professional Information and Special Categories of Personal Data about you from third parties, when we:
- 9.3.1 provide our client services or other parties send us your personal data to enable the provision of those services; and
  - 9.3.2 we interact with governmental or regulatory bodies or other authorities (for instance, HM Revenue and Customs) in relation to you or on your behalf.

**9.4 Publicly available sources.** We collect Identity Data, Contact Data, Financial Data, Professional Information, Professional History from publicly available sources, including from:

- 9.4.1 public registers of individuals (for instance, electoral registers);
- 9.4.2 public registers of companies, charities, law firms, chartered accountants, stock or commodities exchange participants, mutuals and other entities (for instance, Companies House in the United Kingdom);
- 9.4.3 public registers of sanctioned persons and entities (such as, HM Treasury in the United Kingdom or the Office of Foreign Assets Control of the United States department of the Treasury); and
- 9.4.4 other public sources including any services accessible on the Internet which you are using for professional networking purposes for example Linked-In.

## **10 How we use your personal data**

**10.1** We will only process (i.e. use) your personal data when the law allows us to, that is, when we have a legal basis for processing. Clause 11 (*Purposes and legal basis for which we will use your personal data*) below sets out further information about the legal bases that we rely on to process your personal data.

**10.2** We use your personal data in the following circumstances:

- 10.2.1 “**performance of services**”: where we need to provide you with services, to which you have subscribed, on the Website;
- 10.2.2 “**legal or regulatory obligation**”: where we need to comply with a legal or regulatory obligation that we are subject to;
- 10.2.3 “**legitimate interests**”: where necessary for our interests (or those of a third party), provided that your fundamental rights do not override such interests. This can mean, for instance, that it is in our interest, to monitor how you are using any client portals or access to systems to ensure that the security of such portals or systems is maintained. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests; and
- 10.2.4 “**consent and explicit consent**”: where you have provided your consent or explicit consent to processing your personal data.

**10.3** We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us at [data.protection@linklaters.com](mailto:data.protection@linklaters.com).

**10.4** With limited exceptions (for instance, in relation to some of our electronic marketing), generally we do not rely on consent as the legal basis for processing your personal data. You have the right to withdraw consent to electronic marketing at any time by following the unsubscribe instructions in such marketing materials or by contacting us at [support@createiq.tech](mailto:support@createiq.tech). Please refer to Clause 14 (*Marketing and exercising your right to*

*opt-out of marketing*) for more information about how we use your personal data for marketing purposes and your rights.

## 11 Purposes and legal basis for which we will use your personal data

**11.1** We set out below, in a table format, a description of the ways in which we use your personal data and the legal bases we rely on to do so. Where appropriate, we have also identified our legitimate interests in processing your personal data.

**11.2** We may process your personal data for more than one legal basis depending on the specific purpose for which we are using your personal data. Please contact us at [data.protection@linklaters.com](mailto:data.protection@linklaters.com) if you need details about the specific legal basis we are relying on to process your personal data where more than one ground has been set out in the table below.

**11.2.1** In relation to our client services or visitor services:

Purpose and/or activity	Type of data	Legal basis for processing
If you are our (actual or prospective) client	<ul style="list-style-type: none"><li>• Identity Data</li><li>• Contact Data</li><li>• Financial Data</li><li>• Services Data</li><li>• Professional Information</li><li>• Professional History</li><li>• Special Categories of Personal Data</li></ul>	<ul style="list-style-type: none"><li>• Performance of a contract</li><li>• Legal or regulatory obligation</li><li>• Legitimate interests: ensuring we (and all other parties concerned) understand any conflict of interest which may arise for us in a matter</li></ul>
To take you on as a new client	<ul style="list-style-type: none"><li>• Identity Data</li><li>• Contact Data</li><li>• Financial Data</li><li>• Services Data</li><li>• Professional Information</li><li>• Professional History</li><li>• Special Categories of Personal Data</li></ul>	<ul style="list-style-type: none"><li>• Performance of a contract</li><li>• Legal or regulatory obligation</li><li>• Legitimate interests: ensuring we do not deal with proceeds of criminal activities or assist in any other unlawful or fraudulent activities for example terrorism</li><li>• Public interest</li></ul>



Purpose and/or activity	Type of data	Legal basis for processing
To deliver client services and visitor services to you, including (among others) to provide you client services, technology solutions, access to our website,	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> <li>• Financial Data</li> <li>• Services Data</li> <li>• Profile Data</li> <li>• Usage Data</li> <li>• Technical Data</li> <li>• Marketing and Communications Data</li> <li>• Professional Information</li> </ul>	<ul style="list-style-type: none"> <li>• Performance of a contract</li> <li>• Legal or regulatory obligation</li> <li>• Legitimate interests: ensuring that you are provided with the best client services and visitor services we can offer, and securing a prompt payment of any fees, costs and debts in respect of our services</li> </ul>
To manage payments, fees and charges and to collect and recover money owed to us	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> <li>• Financial Data</li> <li>• Professional Information</li> </ul>	<ul style="list-style-type: none"> <li>• Performance of a contract</li> <li>• Legitimate interests: ensuring we can manage payments, fees and charges and to collect and recover money owed to us</li> </ul>
To manage our relationship with you which will include notifying you about changes to our terms of business or this notice	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> <li>• Profile Data</li> <li>• Marketing and Communications Data</li> <li>• Professional Information</li> </ul>	<ul style="list-style-type: none"> <li>• Performance of a contract</li> <li>• Legal or regulatory obligation</li> <li>• Legitimate interests: ensuring we can notify you about changes to our terms of business or this notice</li> </ul>
To interact with governmental or regulatory bodies or other authorities in relation to you	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> <li>• Financial Data</li> <li>• Services Data</li> <li>• Professional Information</li> </ul>	<ul style="list-style-type: none"> <li>• Performance of a contract</li> <li>• Legal or regulatory obligation</li> <li>• Public interest</li> </ul>

Purpose and/or activity	Type of data	Legal basis for processing
To manage and protect our business, including improving data security, troubleshooting data and systems, system maintenance and testing, data hosting, managing our offices and other facilities	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> <li>• Profile Data</li> <li>• Usage Data</li> <li>• Technical Data</li> <li>• Marketing and Communications Data</li> <li>• Professional Information</li> </ul>	<ul style="list-style-type: none"> <li>• Legal or regulatory obligation</li> <li>• Legitimate interests: ensuring the efficient and secure running of our business, including through office and facilities administration, maintaining information technology services, network and data security, fraud prevention and improving or reorganising our infrastructure or the Linklaters group</li> </ul>
To invite you to take part in marketing or other promotional events, or seminars or similar events, and to manage your participation in them	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> <li>• Profile Data</li> <li>• Usage Data</li> <li>• Technical Data</li> <li>• Marketing and Communications Data</li> <li>• Professional Information</li> <li>• Professional History</li> </ul>	<ul style="list-style-type: none"> <li>• Legitimate interests: ensuring our client records are up-to-date, promoting our client services and visitor services, receiving feedback, improving our services and identifying ways to grow our business</li> </ul>
To send you marketing (including paper and electronic marketing communications) or to contact you by other means to offer you our client services or visitor services	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> <li>• Profile Data</li> <li>• Usage Data</li> <li>• Technical Data</li> <li>• Marketing and Communications Data</li> <li>• Professional Information</li> <li>• Professional History</li> </ul>	<ul style="list-style-type: none"> <li>• Legitimate interests: promoting our client services and visitor services, identifying ways to grow our business</li> </ul>
To ask you for feedback (for instance, in a survey) about our client services or visitor services, and to manage, review and act on the feedback we are getting	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> <li>• Profile Data</li> <li>• Marketing and Communications Data</li> <li>• Professional Information</li> </ul>	<ul style="list-style-type: none"> <li>• Legitimate interests: reviewing how clients use, and what they think of, our client services and visitor services, improving them and identifying ways to grow our business</li> </ul>

## **12 Change of purpose**

- 12.1** We will only use your personal data for the purposes for which we collected it as detailed in Clause 10 (*How we use your personal data*) and Clause 11 (*Purposes and legal basis for which we will use your personal data*), unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to receive an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us at [data.protection@linklaters.com](mailto:data.protection@linklaters.com).
- 12.2** If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.
- 12.3** Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## **13 Processing your personal data if you are not our client**

- 13.1** If you are not our client, we may need to process your personal data in order to provide client services to our client, including the provision of legal advice. This personal data may be provided to us through the course of the matter for example, provided to us as part of a disclosure process or provided by another third party. Where this is the case your personal data may be used in legal proceedings on behalf of our client.
- 13.2** We will process your personal data in these circumstances as:
- 13.2.1** this is in our legitimate interests, our client's legitimate interests or those of another third party; and/or
  - 13.2.2** we may be required to process that personal data to comply with our legal or regulatory obligations.
- 13.3** If you have any questions about how we will process your personal data please contact us at [data.protection@linklaters.com](mailto:data.protection@linklaters.com) or using the contact details in Clause 4.2.

## **14 Marketing and exercising your right to opt-out of marketing**

- 14.1** We will not use your personal data to send you marketing materials if you have requested not to receive them. If you request that we stop processing your personal data for marketing purposes, we shall stop processing your personal data for those purposes.
- 14.2** We would encourage you to make such requests via the forms and links provided for that purpose in the marketing materials we send you or by contacting our Marketing team at [support@createiq.tech](mailto:support@createiq.tech). You may alternatively make any such request to your usual contact at the firm or to the Global Head of Regulatory Compliance (using the contact details set out in Clause 4.2). In any event, such request can be made at any time free of charge.

## **15 Third-party marketing**

- 15.1** We do not share your personal data with any organisations outside of Linklaters for marketing purposes.

## **16 Disclosures of your personal data**

- 16.1** We may have to share your personal data with the entities and persons set out below for the purposes for which we collected the personal data, as detailed in Clause 10 (*How we use*

*your personal data*) and Clause 11 (*Purposes and legal basis for which we will use your personal data*).

**16.1.1** Your personal data will be shared within Linklaters between the Linklaters BCR Group Entities (which are listed in schedule 2 of our BCRs, accessible on the Linklaters website at [www.linklaters.com/en/legal-notice/data-protection-standards](http://www.linklaters.com/en/legal-notice/data-protection-standards)). As an international firm, we share your personal data between Linklaters offices to ensure the efficient operation of the CreateiQ product (for instance, to ensure that adequate customer support is available when needed) and to provide the highest quality of client services. Your personal data is shared in accordance with our BCRs.

**16.1.2** Where required, we will (subject to our professional obligations and any terms of business which we may enter into with you) disclose your personal data to:

- (i) any person or entity to whom we are required or requested to make such disclosure by any court of competent jurisdiction or by any governmental, taxation or other regulatory authority, law enforcement agency or similar body (for example, the Solicitors Regulation Authority or the Law Society in the United Kingdom);
- (ii) our professional advisers or consultants, including lawyers, bankers, auditors, accountants and insurers providing consultancy, legal, banking, audit, accounting or insurance services to us;
- (iii) any financial institutions providing finance to us;
- (iv) service providers who provide information technology and system administration services to us; and
- (v) any external auditors who may carry out independent checks of your file as part of our accreditations.

**16.1.3** If you ask us to do so in relation to the client services or visitor services we are providing, we may disclose your personal data to other persons or entities as instructed (for example, if you ask us to disclose your data to another service provider you may be using).

**16.1.4** We may share your personal data with persons or entities outside of Linklaters to whom we may sell or transfer parts of our business or assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, the part of our business that is (as the case may be) sold, acquired or is the merged entity may use your personal data in the same way as set out in this notice. If applicable, we will update our BCRs to reflect any such changes to the Linklaters BCR Group Entities.

**16.1.5** We may share your personal data with persons or entities outside of Linklaters for the purposes of obtaining feedback or references in relation to client services provided to you. For example, we may share your corporate contact details with directories for the purpose of obtaining a reference in relation to client services provided to you. Where appropriate, we will confirm with you that you are willing to be contacted for this purpose

**16.2** We require any person or entity to whom we disclose personal data pursuant to this Clause 16 to respect the confidentiality and security of your personal data and to treat it in

accordance with applicable laws and regulations. We do not allow such recipients of your personal data to use it for their own purposes, and we only permit them to process your personal data for specified purposes and in accordance with our instructions.

## **17 International transfers**

- 17.1** When we share your personal data within Linklaters LLP, this involves transferring your personal data outside the European Economic Area (“**EEA**”). The personal data is shared in accordance with our BCRs, which require all Linklaters entities to follow the same rules when processing your personal data. A copy of our BCRs is accessible on our website at [data.protection@linklaters.com](#). Alternatively, you can request a copy of our BCRs at any time by contacting us at [data.protection@linklaters.com](mailto:data.protection@linklaters.com).
- 17.2** In some cases, the parties who we use to process personal data on our behalf are based outside the EEA, therefore their processing of your personal data will involve a transfer of such data outside the EEA. Where this is the case we will only share the minimal amount of personal data necessary for the purpose of processing and, where possible, we will share the personal data in an anonymised form.
- 17.3** Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:
- 17.3.1** we will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission;
  - 17.3.2** where we use certain service providers, we may use specific contracts approved by the European Commission which gives personal data the same protection it has within the EEA; and
  - 17.3.3** Where we use providers based in the US, we may transfer personal data to them if they are certified under the EU-US Privacy Shield which requires certified providers to have in place and maintain a similar level of protection to the personal data as if it was processed within the EEA.
- 17.4** Please contact us at [data.protection@linklaters.com](mailto:data.protection@linklaters.com) if you would like further information about the specific mechanism used by us when transferring your personal data out of the EEA.

## **18 Data security**

- 18.1** Taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of processing as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons, we implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk of processing, including:
- 18.1.1** the pseudonymisation and encryption of personal data;
  - 18.1.2** the ability to ensure the ongoing confidentiality, integrity, availability and resilience of processing systems and services;
  - 18.1.3** the ability to restore the availability and access to personal data in a timely manner in the event of a physical or technical incident; and

18.1.4 a process for regularly testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring the security of the processing.

18.2 We ensure that those who have permanent or regular access to personal data, or that are involved in the processing of personal data, or in the development of tools used to process personal data, are trained and informed of their rights and responsibilities in when processing personal data.

## 19 Data retention

19.1 We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for. This includes for example the purposes of satisfying any legal, regulatory, accounting, reporting requirements, to provide our services, for the establishment or defence of legal claims.

19.2 To determine the appropriate retention period for personal data, we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

19.3 If you would like to know more about the retention periods we apply to your personal data, please contact us at [data.protection@linklaters.com](mailto:data.protection@linklaters.com).

19.4 In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

## 20 Your legal rights

20.1 Under certain circumstances, you have rights under data protection laws in relation to your personal data. It is Linklaters policy to respect your rights and Linklaters will act promptly and in accordance with any applicable law, rule or regulation relating to the processing of your personal data.

20.2 Details of your rights are set out below:

20.2.1 **right to be informed about how personal data is used** – you have a right to be informed about how we will use and share your personal data. This explanation will be provided to you in a concise, transparent, intelligible and easily accessible format and will be written in clear and plain language;

20.2.2 **right to access personal data** – you have a right to obtain confirmation of whether we are processing your personal data, access to your personal data and information regarding how your personal data is being used by us;

20.2.3 **right to have inaccurate personal data rectified** – you have a right to have any inaccurate or incomplete personal data rectified. If we have disclosed the relevant personal data to any third parties, we will take reasonable steps to inform those third parties of the rectification where possible;

20.2.4 **right to have personal data erased in certain circumstances** – you have a right to request that certain personal data held by us is erased. This is also known as the right to be forgotten. This is not a blanket right to require all personal data to be

deleted. We will consider each request carefully in accordance with the requirements of any laws relating to the processing of your personal data;

- 20.2.5 right to restrict processing of personal data in certain circumstances** – you have a right to block the processing of your personal data in certain circumstances. This right arises if you are disputing the accuracy of personal data, if you have raised an objection to processing, if processing of personal data is unlawful and you oppose erasure and request restriction instead or if the personal data is no longer required by us but you require the personal data to be retained to establish, exercise or defend a legal claim;
- 20.2.6 right to data portability** – in certain circumstances you can request to receive a copy of your personal data in a commonly used electronic format. This right only applies to personal data that you have provided to us (for example by completing a form or providing information through a website). Information about you which has been gathered by monitoring your behaviour will also be subject to the right to data portability. The right to data portability only applies if the processing is based on your consent or if the personal data must be processed for the performance of a contract and the processing is carried out by automated means (i.e. electronically);
- 20.2.7 right to object to processing of personal data in certain circumstances, including where personal data is used for marketing purposes** – you have a right to object to processing being carried out by us if (a) we are processing personal data based on legitimate interests or for the performance of a task in the public interest (including profiling), (b) if we are using personal data for direct marketing purposes, or (c) if information is being processed for scientific or historical research or statistical purposes. You will be informed that you have a right to object at the point of data collection and the right to object will be explicitly brought to your attention and be presented clearly and separately from any other information; and
- 20.2.8 right not to be subject to automated decisions where the decision produces a legal effect or a similarly significant effect** – you have a right not to be subject to a decision which is based on automated processing where the decision will produce a legal effect or a similarly significant effect on you.
- 20.3** You may exercise any of your rights at any using the contact details set out in Clause 4.2. You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.
- 20.4** We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.
- 20.5** We try to respond to all legitimate requests within one calendar month. Occasionally it may take us longer than one calendar month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.