

Sullivan & Worcester UK LLP

Client Data Protection Policy

1. ABOUT SULLIVAN & WORCESTER LLP

- 1.1 Sullivan & Worcester is an international legal practice providing client services worldwide through its member firms Sullivan & Worcester LLP and Sullivan & Worcester UK LLP. Sullivan & Worcester UK LLP is affiliated with Sullivan & Worcester LLP which operates Sullivan & Worcester offices outside of England and Wales (together, our “**Affiliated Firms**”).
- 1.2 The data controller in respect of personal information is Sullivan & Worcester UK LLP, a limited liability partnership registered in England and Wales under number OC381549. Our registered office is at Level 36b Tower 42 25 Old Broad Street, London, EC2N 1HQ.
- 1.3 Sullivan & Worcester UK LLP is registered with the Information Commissioner’s Office (“**ICO**”) with registration number ZA025390.
- 1.4 Sullivan & Worcester UK LLP is authorised and regulated by The Solicitors Regulation Authority.
- 1.5 References in this Policy to “Sullivan & Worcester”, “we”, “our” and “us” are references to Sullivan & Worcester LLP, the UK data controller and its Affiliated Firms.

2. ABOUT THIS POLICY

- 2.1 In the course of our acting for you, we may receive information relating to you, your directors, shareholders, beneficial owners, employees, agents, associates and family members. In this Policy, we refer to this information as "personal information," which is any information relating to an identified or identifiable individual.
- 2.2 This Policy sets out the basis on which we will process this personal information. Please read the Policy carefully to understand our practices regarding personal information and how we will use it. It also explains your rights in relation to your personal information and how to contact us or the supervisory authority in the event you have a complaint.

3. CONTACTING US

- 3.1 We are not required to appoint a formal data protection officer under data protection laws. However, Sullivan & Worcester’s Privacy Officer is Geoffrey Wynne.
- 3.2 If you have any questions about this policy or your information, or to exercise any of your rights as described in this policy or under applicable data protection laws, you can contact us as follows:

Geoffrey Wynne (Partner)
Sullivan & Worcester LLP
Level 36b Tower 42 25 Old Broad Street, London, EC2N 1HQ.

By email: gwynne@sullivanlaw.com
By telephone: +44 (0)20 7448 1001

4. DATA PROTECTION PRINCIPLES

- 4.1 Sullivan & Worcester adheres to the following principles when processing your personal data:
 - 4.1.1 Lawfulness, fairness and transparency – data must be processed lawfully, fairly and in a transparent manner.

- 4.1.2 Purpose limitation - data must be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- 4.1.3 Data minimisation - data must be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- 4.1.4 Accuracy - data must be accurate and, where necessary, kept up to date.
- 4.1.5 Storage limitation - data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal information are processed.
- 4.1.6 Integrity and confidentiality - data must be processed in a manner that ensures appropriate security of the personal information, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage by using appropriate technical or organisational measures.

5. INFORMATION WE COLLECT

- 5.1 We collect personal information as necessary to enable us to carry out your instructions and to manage and operate our business, and to comply with our legal and regulatory obligations.
- 5.2 The personal information that we collect in the course of our acting for you includes, but is not limited to, the following:
- your name;
 - home and business address;
 - contact details (such as telephone numbers and email address);
 - date of birth;
 - gender;
 - marital status;
 - copies of passport, national identity card, driving licence, utility bills, bank statements and similar documents;
 - business and professional qualifications and experience;
 - immigration status and work permits;
 - credit card information;
 - information relating to the matter in which you are seeking our advice or representation;
 - other personal information contained in correspondence and documents which you may provide to us depending on why you have instructed us.
- 5.3 This personal information is required to enable us to provide our service to you. If you do not provide personal information we ask for, it may delay or prevent us from providing services to you.
- 5.4 You confirm that you are authorised to provide to us the personal information which we shall process on your behalf.
- 5.5 Where the personal information relates to your directors, shareholders, beneficial owners, employees, agents, associates or family members it is not reasonably practicable for us to provide to them the information set out in this Policy. Accordingly, where appropriate, you are responsible for providing this information to any such person.

6. HOW YOUR INFORMATION IS COLLECTED

- 6.1 We collect most of this information from you directly, however, we also collect information:
- 6.1.1 from publicly accessible sources, e.g. Companies House;
- 6.1.2 directly from a third party, e.g. client due diligence providers;

- 6.1.3 from a third party with your consent, e.g.:
- your bank or building society, another financial institution or advisor;
 - consultants and other professionals you may engage in relation to your matters.

7. SPECIAL CATEGORIES OF (“SENSITIVE”) PERSONAL INFORMATION

- 7.1 You may also supply us with, or we may receive, special categories of (or “sensitive”) personal information, which includes information relating to racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, health or sex life, sexual orientation, genetic data or biometric data.
- 7.2 We process these special categories of personal information on the basis of one or more of the following:
- 7.2.1 where you have given explicit consent to the processing of the personal information for one or more specified purposes;
 - 7.2.2 where the processing relates to personal information which is manifestly made public by you;
 - 7.2.3 where the processing is necessary for the establishment, exercise or defence of legal claims;
 - 7.2.4 where the processing is necessary for reasons of substantial public interest, in accordance with applicable law. Such reasons include where the processing is necessary:
 - for the purposes of the prevention or detection of an unlawful act or for preventing fraud;
 - for the provision of confidential advice.

8. DATA RELATING TO CRIMINAL CONVICTIONS & OFFENCES

- 8.1 We collect and store personal information relating to criminal convictions and offences (including the alleged commission of offences) only where necessary for the purposes of:
- 8.1.1 the prevention or detection of an unlawful act and is necessary for reasons of substantial public interest;
 - 8.1.2 providing or obtaining legal advice; or
 - 8.1.3 establishing, exercising or defending legal rights.

9. HOW AND WHY WE USE YOUR INFORMATION

- 9.1 Our use of your personal information is subject to your instructions, data protection laws and our professional duty of confidentiality.
- 9.2 We will only process your personal information if we have a legal basis for doing so, including where:
- 9.2.1 processing is necessary for the performance of our contractual engagement with you: this relates to all personal information we reasonably need to process to carry out your instructions;
 - 9.2.2 processing is necessary for compliance with a legal obligation to which we are subject: this relates to our legal obligations in relation to, for example, anti-money laundering; and

9.2.3 processing is necessary for the purposes of the legitimate interests pursued by us or by a third party, except where such interests are overridden by your interests or fundamental rights and freedoms: this relates to our processing for marketing purposes, for our management, accounting and administration purposes and for data security.

9.3 The table below further explains the purposes for which Sullivan & Worcester will use your personal information (excluding sensitive personal information) and our legal basis for doing so:

Purposes for which we will process the information	Legal Basis for the processing
To provide legal professional services to you in connection with your matters.	For the performance of our contract with you or to take steps at your request before entering into a contract.
To carry out associated administration and accounting in connection with your matters and other processing necessary to comply with our professional, legal and regulatory obligations.	For the performance of our contract with you or to take steps at your request before entering into a contract. To comply with our legal and regulatory obligations.
To comply with our anti-money laundering requirements.	To comply with our legal and regulatory obligations.
To comply with our internal business policies.	It is in our legitimate interests or those of a third party to adhere to our own internal procedures so that we can deliver an efficient service to you. We consider this use to be necessary for our legitimate interests and proportionate.
For operational reasons, such as improving efficiency, training and quality control.	It is in our legitimate interests to be as efficient as we can so we deliver the best service for you.
To prevent unauthorised access and modifications to our systems.	It is in our legitimate interests to prevent and detect criminal activity that could be damaging for Sullivan & Worcester and for you. To comply with our legal and regulatory obligations
For updating client records.	For the performance of our contract with you or to take steps at your request before entering into a contract. To comply with our legal and regulatory obligations.
For marketing our services.	It is in our legitimate interests to market our services. We consider this use to be proportionate and will not be prejudicial or detrimental to you.
To carry out credit reference checks.	It is in our legitimate interests to carry out credit control and to ensure our clients are likely to be able to pay for our services.
External audits and quality checks and the audit of our accounts	It is in our legitimate interests to maintain our professional accreditations so we can demonstrate we operate at the highest standards To comply with our legal and regulatory obligations.

- 9.4 Where we request personal information to identify you for compliance with anti-money laundering regulations, we shall process such information only for the purposes of preventing money laundering or terrorist financing, or as otherwise set out in this Policy or permitted by law.

10. DATA PROCESSING

- 10.1 Sullivan & Worcester acts as a data controller in relation to the processing of personal information as set in this Policy. However, in some circumstances we may process personal information on your behalf as a data processor for the purposes of data protection laws. Where we process any personal information on your behalf as your data processor, the terms set out in our data processing addendum, a copy of which is available on request from our Privacy Officer, shall apply.

11. MARKETING

- 11.1 We also use your personal information to notify you by email, telephone, SMS or post about important legal developments and services which we think might be of interest to you, including newsletters, invitations to seminars and similar marketing.
- 11.2 For marketing purposes, we may disclose personal information to our affiliated international offices or to third parties providing marketing services to us, or with whom we are conducting joint marketing exercises.
- 11.3 You have the right to opt out of receiving direct marketing communications from us at any time by:
- contacting the Privacy Officer using the contact details set out above; or
 - contacting the Firm’s marketing department via email at market@sullivanlaw.com ; or
 - using the “unsubscribe” link in emails.

12. EMAIL MONITORING

- 12.1 Email which you send to us or which we send to you may be monitored by us to ensure compliance with professional standards and our internal compliance policies. Monitoring is not continuous or routine, but may be undertaken on the instruction of a partner where there are reasonable grounds for doing so.

13. THIRD PARTY PROCESSORS

- 13.1 Our information technology systems are operated by us but some data processing is carried out on our behalf by third parties. Details regarding these third party data processors can be obtained from our Privacy Officer whose details are given above.
- 13.2 Where processing of personal information is carried out by a third party data processor on our behalf we endeavour to ensure that appropriate security measures are in place to prevent unauthorised access to or use of your data.

14. DISCLOSURE OF PERSONAL INFORMATION

- 14.1 Personal information will be retained by us and will not be shared, transferred or otherwise disclosed to any third party, except as set out in this Policy.
- 14.2 If we are working with other professional advisers on your behalf we shall assume that we may disclose your information to them, unless you instruct us otherwise.
- 14.3 We may disclose and share personal information
- 14.3.1 with Sullivan & Worcester partners, staff and consultants;
 - 14.3.2 with our Affiliated Firms;

- 14.3.3 to other professional advisers, expert witnesses and third parties in accordance with your instructions;
- 14.3.4 to our professional indemnity insurers, brokers or advisers, and auditors, lawyers or risk managers who we or they may appoint;
- 14.3.5 third party processors, service providers, representatives and agents that we use to make our business more efficient, e.g. document collation or analysis suppliers;
- 14.3.6 if we, acting in good faith, consider disclosure to be required by law or the rules of any applicable governmental, regulatory or professional body.
- 14.4 We may disclose your identity to our Affiliated Firms for the purpose of undertaking a conflict of interest check and where necessary for the purposes of providing our services to you.
- 14.5 Should we be requested by certain authorities to provide them with access to your information in connection with the work we have done, or are doing, for you, we will comply with that request only to the extent that we are bound by law to do so and, in so far as it is allowed, we will notify you of that request or provision of information.
- 14.6 In certain circumstances, solicitors are required by statute to make a disclosure to the National Crime Agency where they know or suspect that a transaction may involve a crime including money laundering, drug trafficking or terrorist financing. If we make a disclosure in relation to your matter(s), we may not be able to tell you that a disclosure has been made.
- 14.7 We only allow our service providers to handle your personal information if we are satisfied they take appropriate measures to protect your personal information. We also impose contractual obligations on service providers relating to ensure they can only use your personal information to provide services to us and to you.
- 14.8 We may also need to share some personal information with other parties, such as potential buyers of some or all of our business or during a re-structuring. Usually, information will be anonymised but this may not always be possible. The recipient of the information will be bound by confidentiality obligations.
- 15. YOUR RIGHTS**
- 15.1 *Access to your information and updating your information*
 - 15.1.1 You have the right to access information which we hold about you. If you so request, we shall provide you with a copy of your personal information which we are processing ("*subject access request*");
 - 15.1.2 You also have the right to receive your personal information in a structured and commonly used format so that it can be transferred to another data controller ("*data portability*").
 - 15.1.3 We endeavour to ensure that your personal information is accurate and up to date and you may ask us to correct or remove any information you think is inaccurate.
- 15.2 *Right to object*
 - 15.2.1 You have the right to object at any time to our processing of your personal information used for direct marketing purposes.
- 15.3 *Where we process your information based on our legitimate interests*
 - 15.3.1 You also have the right to object, on grounds relating to your particular situation, at any time, to processing of your personal information which is based on our legitimate interests. Where you object on this ground, we shall no longer process your personal

information unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

15.4 Your other rights

15.4.1 You also have the following rights under data protection laws to request that we rectify your personal information which is inaccurate or incomplete.

15.4.2 In certain circumstances, you have the right to:

- request the erasure of your personal information ("*right to be forgotten*");
- restrict the processing of your personal information to which you have given us your consent or used for the establishment, exercise or defence of legal claims or used for the protection of the rights of others.

15.5 Please note that the above rights are not absolute, and we may be entitled to refuse requests, wholly or partly, where exceptions under applicable law apply.

16. EXERCISING YOUR RIGHTS

16.1 You can exercise any of your rights as described in this policy and under data protection laws by contacting the Privacy Officer.

16.2 Except as described in this policy or provided for under applicable data protection laws, there is no charge for the exercise of your legal rights. However, if your requests are manifestly unfounded or excessive, in particular because of their repetitive character, we may either: (a) charge a reasonable fee taking into account the administrative costs of providing the information or taking the action requested; or (b) refuse to act on the request.

16.3 Where we have reasonable doubts concerning the identity of the person making the request, we may request additional information necessary to confirm their identity.

17. SECURITY OF YOUR INFORMATION

17.1 We store your information in hard copy and in electronic format. Information may be held at our offices in the UK or the USA. We use industry standard technical and organisational measures to protect information from the point of collection to the point of destruction.

17.2 We will only transfer personal information to a third party if they agree to comply with those procedures and policies, or if they put in place adequate measures themselves.

17.3 Unfortunately, the transmission of information via the internet is not completely secure. Although we will endeavour to protect your personal information, we cannot guarantee the security of your data transmitted over the internet. In most, if not all instances, we would expect to use a secure transfer site for this purpose.

18. TRANSFERRING YOUR PERSONAL INFORMATION OUTSIDE OF THE EEA

18.1 Sullivan & Worcester is an international legal practice with offices in London UK and the Boston, New York and Washington, DC USA. To deliver services to you, it is necessary for us to transfer and store your personal information outside the European Economic Area ("**EEA**") so that authorised personnel may access your information from any of our offices.

18.2 The USA does not have the same data protection laws as the United Kingdom and EEA. We will, however, ensure that we take appropriate or suitable safeguards in connection with any transfers of personal information to the USA by implementing standard data protection clauses adopted by the European Commission.

- 18.3 If you want further information on the mechanism used by us when transferring your personal information out of the EEA, or to obtain a copy of the standard data protection clauses, please contact our Privacy Officer using the details set out above.

19. INFORMATION RETENTION PERIODS

- 19.1 Personal information received by us will only be retained for as long as necessary to fulfil our engagement. Following the end of our engagement we will retain your information:
- 19.1.1 to enable us to respond to any queries, complaints or claims made by you or on your behalf; and
 - 19.1.2 to the extent permitted for legal, regulatory, fraud and other financial crime prevention and legitimate business purposes.
- 19.2 After this period, when it is no longer necessary to retain your personal information, we will securely delete or anonymise it in accordance with our Data Retention Policy. Further details regarding our data retention policy can be obtained from our Privacy Officer whose details are given above.

20. COMPLAINTS

- 20.1 The Privacy Officer is Geoffrey Wynne who can be contacted as set out in “Contacting Us” above and to whom complaints should be addressed.
- 20.2 In addition, you have the right to complain to ICO (<https://ico.org.uk/>) about our data processing activities in relation to your personal information if you think they infringe applicable data protection laws (ICO helpline on 0303 123 1113).

21. CHANGES TO THIS POLICY

- 21.1 We may change this Policy from time to time. The current version will always be available from us in hard copy or on our website. We will post a prominent notice on the website to notify you of any significant changes to our privacy policy, or update you by other appropriate means.
- 21.2 This Policy was last updated on **22 May 2018**.