

PRIVACY POLICY

NYBORG & RØRDAM ADVOKATFIRMA P/S, CVR no. 35471197

("Nyborg & Rørdam")

1. Generally about data processing

- 1.1. The core activity of Nyborg & Rørdam is to provide legal advice and other legal services. In order to provide our clients with such services ("Legal Casework") and to carry on business as a law firm in general ("Law Firm Business"), we need to process personal data.
- 1.2. This Privacy Policy describes how Nyborg & Rørdam collects and processes¹ personal data² about our clients or other persons involved in the matter. This could be the client personally or the client's close relatives, including beneficiaries or, if the client is an enterprise or organisation, the client's employees and other persons involved or the client's owners, and other persons of relevance to the matter, including persons associated with the opponent, contracting parties or business partners and other third parties.
- 1.3. This policy is divided into the following sections:
- Nyborg & Rørdam as data controller, section 2
 - The purpose of processing, section 3
 - The legal basis for processing, section 4
 - The categories of personal data concerned, section 5
 - The sources from which the personal data originate, section 6
 - The categories of recipients, section 7
 - Retention and erasure, section 8
 - Data subject rights, section 9
 - Security of processing and email communication, section 10
 - Effective date and amendments, section 11

¹ The term "processing" covers any operation or set of operations performed on personal data, including collection, receipt, own use, disclosure and erasure.

² Nyborg & Rørdam has adopted a separate privacy policy for board and administrator duties in foundations and trusts etc., to which reference is made.

- 1.4. Persons whose personal data are processed by Nyborg & Rørdam are also referred to as "data subjects".

2. Nyborg & Rørdam as data controller

- 2.1. Nyborg & Rørdam is the data controller of the personal data we collect or otherwise receive in the course of our Legal Casework and Law Firm Business³.

- 2.2. Nyborg & Rørdam's identity and contact details are as follows:

Nyborg & Rørdam Advokatfirma P/S
Business reg. (CVR) no. 35471197
Store Kongensgade 77, 1264 Copenhagen K, Denmark
Tel.: +45 33 12 45 40
www.nrlaw.dk
privacy@nrlaw.dk

- 2.3. Nyborg & Rørdam processes personal data in accordance with the fundamental principles of good data processing practices concerning lawfulness, fairness and transparency⁴.
- 2.4. Nyborg & Rørdam's attorneys and other employees have such access to personal data as is relevant for them, having regard to their areas of responsibility and duties. All legal employees are subject to an obligation of professional secrecy, see the rules of the Danish Bar and Law Society in this regard. Other employees are also subject to strict secrecy.

3. The purpose of processing

- 3.1. Legal assistance, including based on official appointment

³ If we act exclusively or additionally as data processor for our clients in certain types of Legal Casework, a separate data processor agreement will be concluded. By way of example, this could be if we agree to store materials for the client beyond our general record-keeping duties, provide whistleblowing functions or assist with a limited project, etc.

⁴ Article 5(2) of the General Data Protection Regulation ("GDPR") lays down the fundamental principles of good data processing practices, which include the principles of (i) lawfulness, fairness and transparency, (ii) purpose limitation, (iii) data minimisation, (iv) accuracy, (v) storage limitation, (vi) integrity and confidentiality and (vii) accountability.

3.1.1. Nyborg & Rørdam processes personal data to establish the client relationship and to effectively assist and advise the client on the relevant assignment. The purpose and extent of the Legal Casework for each assignment is set out in the agreement to provide legal services concluded by Nyborg & Rørdam and the client and/or through our duties as appointed administrator, receiver or defence counsel.

3.2. Running our Law Firm Business

3.2.1. Nyborg & Rørdam also processes personal data received in the course of performing the Legal Casework and running our Law Firm Business. This is necessary, among other things, for compliance with legal requirements and the obligations we are subject to as attorneys, eg. to conduct conflicts checks and know-your-customer procedures under the Danish Anti-Money Laundering Act prior to starting up the Legal Casework, or for the defence of any legal claims.

3.2.2. In the course of running our Law Firm Business, we also process personal data in connection with analysis, management and optimisation of our website as well as marketing and improvement of our advice and services⁵.

3.3. Other purposes

3.3.1. We may also process personal data for other purposes which are not incompatible with the purposes described above. By way of example, we may do so if such processing is deemed necessary or appropriate to the Legal Casework and/or deemed necessary in order to pursue our legitimate interest in running our Law Firm Business and our interests are not overridden by the data subject's interests or fundamental rights and freedoms.

4. The legal basis for processing

4.1. The agreement to provide legal services and official appointment

4.1.1. When you are a client with us, Nyborg & Rørdam will process your personal data on the following basis:

⁵ See our Privacy Policy for use of www.nrlaw.dk and our Cookie Policy.

- to perform **our agreement to provide legal services**, see article 6(1)(b) of the GDPR, and/or
- in the course of our duties as **appointed administrator, receiver, trustee or defence counsel**, see article 6(1)(c) of the GDPR.

4.2. Other legal basis for processing

4.2.1. In addition, in the course of the Legal Casework and the running of our Law Firm Business, Nyborg & Rørdam may process personal data about clients⁶, employees, owners, beneficiaries, relatives or other of the client's related parties and about the opponent and other third parties, see clause 1.2, on the following basis:

- Based on **explicit consent** from the data subject to process the data for one or more specific purposes, see articles 6(1)(a) and 9(2)(a) of the GDPR;
- If necessary for **compliance with a legal obligation** to which Nyborg & Rørdam is subject, see article 6(1)(c) of the GDPR;
- If necessary in order to **safeguard and protect the vital interests of the data subject or of another natural person**, see articles 6(1)(d) and 9(2)(c) of the GDPR and section 7(1) of the Danish Data Protection Act (*datubeskyttelsesloven*), eg. as an appointed guardian;
- If necessary for the **performance of a task carried out in the public interest** which Nyborg & Rørdam has been appointed to carry out, see article 6(1)(e) of the GDPR, eg. duties on boards and commissions of inquiry;
- If necessary for purposes of the **legitimate interests pursued by the client or Nyborg & Rørdam**, provided that such interests are not overridden by the interests or fundamental rights and freedoms of the data subject, see article 6(1)(f) of the GDPR. By way of example, this may include:
 - the legitimate interests of Nyborg & Rørdam mentioned in section 3.2.1;
 - the client's or our own legitimate interest in defending, establishing or exercising a legal claim;
 - the legitimate interest of the client, including beneficiaries, in

⁶ With regard to administration of estates of deceased persons, this will include data about the deceased person.

other respects in establishing or securing a given legal position in connection with the subject-matter, including the administration of an estate or a legal dispute.

- If processing is necessary for compliance with the **employment or labour law obligations and the exercise of specific rights** of Nyborg & Rørdam or the data subject, see article 9(2)(b) of the GDPR and sections 7(2) and 12(1) and (2) of the Danish Data Protection Act;
- If processing is necessary for the **establishment, exercise or defence of a legal claim**, see article 9(2)(f) of the GDPR.

4.3. Civil registration (CPR) numbers

4.3.1. Nyborg & Rørdam may process data about **civil registration (CPR) numbers**:

- if permitted to do so under the law;
- if the data subject's consent has been obtained;
- if the processing is in the form of disclosure where the disclosure is a natural element in the course of running our Law Firm Business and the disclosure is of crucial importance to uniquely identifying the data subject or the disclosure is required by a public authority; or
- if the conditions in section 7 of the Danish Data Protection Act are satisfied, see section 11(2) of the Danish Data Protection Act.

4.4. Personal data relating to criminal convictions and offences

4.5. Nyborg & Rørdam may process personal data relating to **criminal convictions and offences**:

- if necessary for the establishment, exercise or defence of a legal claim, see article 9(2)(f) of the GDPR;
- if necessary to safeguard a legitimate interest which clearly overrides the data subject's interests, see section 8(3) of the Danish Data Protection Act;
- if the data subject's consent has been obtained, see section 8(3) of the Danish Data Protection Act; or
- pursuant to section 8 of the Danish Anti-Money Laundering Act.

5. The categories of personal data concerned

5.1. In the course of our Legal Casework and Law Firm Business, Nyborg & Rørdam processes both general personal data, special categories of personal data⁷ and personal data relating to criminal convictions and offences as well as civil registration (CPR) numbers.

5.2. The types of general personal data we collect and process may include:

- name and contact details, including address, email address, telephone number, IP address and the name of your employer, etc.;
- other identification data, including civil registration (CPR) number, passport number, the data mentioned in the Danish Anti-Money Laundering Act, date of birth and photos;
- financial information, including bank account and, if relevant, safe custody number;
- factual information or assessments relating to an assignment carried out by Nyborg & Rørdam (i) under the agreement to provide legal services with a client, (ii) in the course of the conclusion and performance of other contracts or (iii) in the course of our duties under an official appointment or otherwise in the course of our Law Firm Business;
- any other personal data we have collected or received from the client or other third parties in order for an assignment to be carried out efficiently and properly by Nyborg & Rørdam or in the course of the Legal Casework.

5.3. Certain types of assignments may render it necessary for us to also process personal data relating to criminal convictions and offences, civil registration (CPR) numbers or special categories of personal data⁷, including for example:

- Health data
- Data about racial or ethnic origin
- Trade union membership

⁷ Special categories of personal data are defined in article 9 of the GDPR and include data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

- 5.4. The categories of personal data mentioned in section 5.3 enjoy stricter protection and we comply with such higher standard of protection by having implemented appropriate organisational and technical measures, see section 10.

6. The sources from which the personal data originate

- 6.1. We may receive and collect personal data from you yourself on an ongoing basis from emails, letters, interviews or telephone conversations.
- 6.2. It is also often necessary and relevant for us to receive or obtain personal data and other information from external sources. This could be sources such as the opponent's attorney or other advisers, public authorities, courts and other third parties as well as from public registers and media. Such processing will be based on an agreement with the data subject (if you are our client) or other authority, see section 4.2.
- 6.3. As a general rule, we assume that the personal data you provide to us are accurate at the time of receipt. We encourage you to notify Nyborg & Rørdam of any changes to your data to allow us to update them.

7. The categories of recipients

- 7.1. All non-public personal data which are collected, received, recorded and stored by us are treated confidentially by Nyborg & Rørdam. We generally do not disclose personal data to third parties, unless in accordance with the below provisions.
- 7.2. In some cases, it will be necessary and relevant to disclose personal data to third parties such as:
- courts, including minretssag.dk, as well as arbitration tribunals and mediators;
 - public authorities or agencies as well as public boards and councils, etc.;
 - public registers, including virk.dk and tinglysning.dk;
 - other attorneys of relevance to the assignment;
 - other advisers, including accountants and auditors, of relevance to the assignment;
 - specialist experts and valuation experts;
 - banks;

- contracting parties or other third parties directly or indirectly associated with the assignment;
 - next of kin or other family members.
- 7.3. We may also disclose personal data to third parties if such disclosure is permitted under the agreement to provide legal services or under applicable national or EU law or if the data subject's consent has been obtained.
- 7.4. We may transfer personal data to third parties, including to non-EU/EEA countries or international organisations, if so agreed between Nyborg & Rørdam and the client or if implied by the purpose of the agreement to provide legal services, eg. because the client or the opponent resides in a non-EU/EEA country or the matter has other ties to such countries.
- 7.5. In addition, international data transfers may be made, including to non-EU/EEA countries or international organisations, to the extent that Nyborg & Rørdam is required to make such transfers under applicable national or EU law.
- 7.6. Personal data may be disclosed to our external service providers for processing, including data processor(s) assisting us in the running of our Law Firm Business.
- 7.7. Disclosure pursuant to the Danish Anti-Money Laundering Act
- 7.7.1. Nyborg & Rørdam is required to submit identification data to banks in order to comply with the requirements of the Danish Anti-Money Laundering Act concerning identification of beneficial owners of sums deposited in Nyborg & Rørdam's general client account or any separate client account opened by Nyborg & Rørdam with the bank in question concerning the client.
- 7.7.2. In certain situations, Nyborg & Rørdam is required to notify the Danish Bar and Law Society, the State Prosecutor for Serious Economic and International Crime or the Danish Financial Supervisory Authority if we suspect or have reason to believe that any funds, transaction or activity involve or have involved money-laundering or financing of terrorism. In connection with such notification, any identification and verification data and other information required under the provisions of the Danish Anti-Money Laundering Act may be disclosed to the Danish Bar and Law Society, the State Prosecutor for Serious Economic and International Crime and/or the Danish Financial Supervisory Authority.

8. Retention and erasure

8.1. Generally

8.1.1. Nyborg & Rørdam will retain personal data as long as is necessary to fulfil the purpose of our processing and to comply with rules governing limitation of claims arising from the law of obligations and property. We will thus erase your personal data when they are no longer necessary for us to retain having regard to the purpose(s) of processing and the legal basis for processing. If the data are to be stored longer than that, an agreement to this effect must be entered into.

8.1.2. As a general rule, the following retention periods apply, unless we are allowed to store the data for a longer time on another basis. Time begins to run on completion of the client relationship or the individual transaction:

- For data which fall within the scope of our obligations under the Danish Anti-Money Laundering Act, the retention period is five (5) years.
- For other data which are processed on an ongoing basis in the course of the client relationship or the individual assignment, the retention period is up to 10 years.
- For certain data, the retention period may be up to 30 years.

9. Data subject rights

9.1. Persons whose data Nyborg & Rørdam processes in connection with the purposes set out in section 3 (the "data subject") have a number of rights under the GDPR.

9.2. Our obligation to provide information

9.2.1. We comply with our obligation to provide information in connection with the agreement to provide legal services, to which reference is made, and via this Privacy Policy.

9.2.2. We also comply with our obligation when providing information about the assignment in the course of the Legal Casework. However, some exemptions may apply to our obligation to provide information due to our obligation of professional secrecy and the data protection rules, see below.

9.2.3. If, in the course of providing our services, we receive personal data about other data subjects than the client, we will inform the data subject(s) as soon as possible, unless we are exempt from the obligation to provide information under article 14(5) of the GDPR or section 22 of the Danish Data Protection Act, eg. as a result of our obligation of professional secrecy or if the data subject's interests are deemed to be overridden by the client's or other parties' compelling interests.

9.3. Other rights

9.3.1. As a data subject, you also have the following rights in respect of Nyborg & Rørdam:

- You have the right to request access to and rectification or erasure of your personal data;
- You have the right to withdraw your consent to our processing of your personal data at any time. If consent is withdrawn, this will affect Nyborg & Rørdam's future processing of the relevant personal data;
- You have the right to object to the processing of your personal data and to restrict such processing;
- You have the right to receive in a structured, commonly used and machine-readable format the personal data which you yourself have provided to us (data portability);
- In some cases, you have the right to object to our otherwise lawful processing of your personal data. However, you always have an unconditional right to object to direct marketing.

9.3.2. In some cases, your above rights may be subject to specific limitations. If you as a data subject wish to exercise your rights, please use our contact details in section 2.2.

9.3.3. You have the right to lodge a complaint with the Danish Data Protection Agency regarding Nyborg & Rørdam's processing of your personal data. The Agency's address is Borgergade 28, 5., 1300 Copenhagen K, Denmark, www.datatilsynet.dk, T +45 33 19 32 00, email: dt@datatilsynet.dk.

10. Security of processing and email communication

- 10.1. Nyborg & Rørdam has implemented an internal information security policy containing instructions and measures which, based on a risk assessment, are designed to protect personal data from accidental or unlawful destruction, loss, alteration and unauthorised disclosure or access.
- 10.2. We primarily communicate by ordinary (non-encrypted) email when sending and receiving emails, documents and other materials in the course of our Legal Casework.
- 10.3. With effect from 1 January 2019, the Danish Data Protection Agency enforces a stricter practice with regard to private enterprises sending confidential and special categories of personal data by email via the internet, the Agency taking the view that it would usually be an appropriate security measure for such data to be sent by encrypted email (secure email). Therefore, civil registration (CPR) numbers and special categories of personal data⁷ as well as other personal data which are deemed to be confidential based on an assessment in each case will, based on a risk assessment, be sent by us by secure email or by ordinary mail, where relevant as agreed with the client or other data subjects, or communicated verbally.
- 10.4. Nyborg & Rørdam is unable to guarantee the security of any personal data sent to us by ordinary email, before the data in question have been received by us. Any personal data sent to Nyborg & Rørdam by ordinary email are therefore sent at the sender's risk.

11. Effective date and amendments

- 11.1. This Privacy Policy is effective from November 2018.
- 11.2. The Policy may be subject to change. Any changes will be posted on our website.

--oo0oo--