

## NOTICE OF PROCESSING OF INFORMATION WHEN PROVIDING LEGAL ASSISTANCE IN GENERAL

### 1. Introduction

1.1 At Schjødt, we protect the personal data we hold. This notice outlines how we process personal data when providing legal assistance in general. In other words, the notice covers any situations where we provide legal assistance that does not concern legal investigations and inquiries as well as investigation processes of a similar nature, litigation and arbitration proceedings, transfers of undertaking/M&A or administration of whistleblowing solutions, as we have separate notices concerning such scenarios and situations.

1.2 Examples of legal services that are considered "legal assistance in general":

- General advice on labour and employment law issues, such as drafting of employment contracts or advice on specific employment-related issues, collective bargaining issues, issues related to tax law, etc.
- Advice on cross-border activities, including immigration, tax and social security
- Advice on public law
- Advice on data protection issues
- Advice on working environment matters and industrial injuries
- Advice and assistance in connection with transfers of undertaking/M&A

1.3 This notice has been produced in order to comply with the duty to provide information under Article 13 (personal data is collected from individuals, *i.e.*, "data subjects") as well as Article 14 (personal data is collected from other persons than data subjects) of the General Data Protection Regulation (GDPR).

### 2. Data controller

2.1 Schjødt processes personal data in accordance with the relevant rules of the data protection legislation, including in particular the rules of the GDPR (Regulation (EU) 2016/679 of 27 April 2016) and the Danish Data Protection Act (Act No. 502 of 23 May 2018).

Schjødt is controller of the data we process, and we are thus responsible for ensuring that personal data is processed in accordance with the data protection legislation.

Schjødt Advokatpartnerselskab, Reg. no. 43604252

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London office: Becket House, 36 Old Jewry, London EC2R 8DD, United Kingdom

Stavanger office: Kongsgårdbakken 3, P.O. Box 440, NO-4002 Stavanger, Norway

Bergen office: C. Sundts gate 17, P.O. Box 2022 Nordnes, NO-5817 Bergen, Norway

Ålesund office: Notenesgata 14, P.O. Box 996 Sentrum, NO-6001 Ålesund, Norway

2.2 Schjødt's contact information is as follows:

Schjødt Advokatpartnerselskab  
Göteborg Plads 1, 9. sal  
2150 Nordhavn  
Reg. no. 43 60 42 52  
Telephone: +45 70 70 75 72  
Email: post@schjodt.com

### **3. Purpose, categories of information, legal bases and retention**

#### 3.1 Purpose

The purpose of processing personal data is to enable us to provide legal advice in the form of legal assistance in general to our clients and, in that context, protect the interests of our clients.

#### 3.2 Categories of personal data

When Schjødt provides legal assistance to clients, the following categories of personal data may – depending on the subject matter of the assistance – be processed:

- Information identifying individuals such as name, date of birth, address, email and telephone number
- Information relating to the relevant employment relationship, including employment contract and any documents relating to the employment
- Employment history, including any disciplinary action under employment law
- Information on education and work experience, specific functions and areas of responsibility as well as specific duties and responsibilities
- Information on, involvement in and relevant knowledge of the matters which are the subject of – or relevant to – the specific legal assistance, such as information on performance, salary, sickness absence, pregnancy and childbirth, secondary/parallel employment, etc., information on, involvement in and relevant knowledge of dealings (including actions, behaviour, expressions, statements, etc.), events, etc., information on possible breach of guidelines/policies/instructions/legislation as well as information on dealings in the employment relationship in general
- Information or registrations from Danish or foreign authorities relevant to the specific legal assistance, such as information on citizenship, passport, tax residence, social security, receipt of social security benefits, etc.

- Depending on the nature and subject matter of the specific case or matter, data on identification numbers may be processed
- Information on, for example, tenancy matters, financial matters, contractual matters, or matters relating to compensation or damages

If it is necessary in order to assist the client in connection with a specific case or matter, Schjødt may also process special categories of personal data defined in Article 9(1) of the GDPR, such as personal data concerning racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health information (e.g., in the form of medical certificates or medical records) including genetic data and biometric data for the purpose of identification, or data concerning sex life or sexual orientation.

If it is necessary in order to assist the client in connection with a specific case or matter, Schjødt may also process personal data concerning criminal convictions and offences as defined in section 8 of the Danish Data Protection Act and Article 10 of the GDPR.

These are examples only, and the list is not exhaustive.

### 3.3 Legal bases for processing

Schjødt's processing of personal data is based on point (f) of Article 6(1) of the GDPR, and in this regard our legitimate interest is the ability, as a law firm, to provide the legal assistance to the client that is relevant in relation to the client's inquiry to us. The legal basis may also be point c of Article 6(1), see part 3 of the Danish Money Laundering Act.

If we in connection with the legal assistance process special categories of personal data defined in Article 9(1) of the GDPR, such processing will be based on point (f) of Article 9(2) as the processing is necessary for the establishment, exercise or defence of legal claims. Depending on the circumstances, the legal basis may also be point (e) of Article 9(2) with regard to information which is manifestly made public by the data subject. Finally, the legal basis may be point (g) of Article 9(2), see point c of Article 6(1) as well as part 3 of the Danish Money Laundering Act.

If we, in connection with the legal assistance, process data on criminal offences, such processing will be based on section 8(3)-(5) of the Danish Data Protection Act.

If we, in connection with the legal assistance, process data on identification numbers, the legal basis will be section 11(2) of the Danish Data Protection Act.

### 3.4 Retention

Schjødt does not store personal data collected and processed in connection with our legal assistance longer than necessary. When it is no longer necessary to store the personal data, the data will be deleted in accordance with the data protection legislation.

Personal data processed as part of our legal assistance to clients will generally not be stored longer than 10 years after finalising the relevant matter or process.

## **4. Assignment and disclosure of information**

- 4.1 Schjødt uses processors and suppliers to carry out work on our behalf, such as work relating to IT maintenance, backup and email accounts. Processors and suppliers may be granted access to the data necessary for such work but will be under a contractual obligation to treat such data as confidential. In pursuance of the data protection legislation, Schjødt has entered into data processor agreements with our processors.
- 4.2 When providing legal assistance, Schjødt is subject to an obligation of professional secrecy under the Code of Conduct of the Danish Bar and Law Society. Regardless of their job function, all employees of Schjødt are bound by professional secrecy. Thus, as a general rule, we are neither entitled nor obligated to assign or disclose information – including personal data which comes to our knowledge in the context of a client relationship – to third parties. However, we may disclose information to public authorities, financial institutions or courts, opposing parties in legal proceedings as well as clients if we are obligated to do so or in the course of performing assignments for clients.
- 4.3 Generally, Schjødt does not transfer personal data to countries outside the EU/EEA, but if we do make such a transfer, for example to a court in a third country, it will be based on points (b)-(g) of Article 49(1) of the GDPR.

## **5. Security**

- 5.1 To ensure that the personal data we hold does not come to the knowledge of third parties, we have internal rules regarding handling of personal data, IT security and confidentiality, etc. which contribute to ensuring our compliance with the data protection legislation.
- 5.2 In our work, we always focus on protecting the personal data we hold in the best possible way.
- 5.3 To prevent data loss, we carry out daily backup of the data processed in our IT systems – including, of course, personal data.
- 5.4 In case of a personal data breach resulting in a high risk that personal data may be accessed by a third party, we will communicate the breach to the affected data subjects without undue delay, as prescribed by the data protection legislation.
- 5.5 If you become aware that a personal data breach may have occurred, or that personal data may have been accessed by a third party, please contact us as quickly as possible. You can send an email to [dpo@schjodt.com](mailto:dpo@schjodt.com).

## **6. Data subject rights**

### **6.1 Right to receive a copy of data (right of access)**

Data subjects have a right to know what information Schjødt holds about them. Likewise, data subjects are entitled to see such information, provided the right of access does not conflict with the rules on professional secrecy applicable to law firms and is not covered by other exceptions in the data protection legislation.

### **6.2 Right to rectification**

Data subjects are entitled to request Schjødt to rectify personal data if they believe that the data is incorrect, gives the wrong impression, etc., and we are obligated to assess such a request.

### **6.3 Right to erasure**

In certain situations, data subjects are entitled to have their personal data erased before the usual time of erasure.

### **6.4 Right to restriction of processing**

Data subjects are in some situations entitled to obtain restriction of processing of their personal data. In such case, Schjødt may only process – except for retention – such information subject to consent or in order to establish, raise or defend legal claims, or in order to protect another natural or legal person, or for reasons of important public interest.

### **6.5 Right to object**

In some situations, data subjects are entitled to object to Schjødt's lawful processing of their personal data.

### **6.6 Right to transmit (data portability)**

In some situations, data subjects have a right to receive their personal data, which they have provided to Schjødt, in a structured, commonly used and machine-readable format and to have such data transmitted from Schjødt to another data controller without hindrance.

### **6.7 Right to withdraw consent**

To the extent that Schjødt uses consent as legal basis for processing personal data, the relevant data subject can always withdraw their consent. Personal data that is processed on another legal basis than consent may, however, continue to be processed by us.

## **7. Duty to provide information**

7.1 As a starting point, Schjødt must inform any data subject about the processing of personal data that Schjødt carries out about the data subject, regardless of whether the personal data is processed on the basis of an unsolicited request from the data subject themselves, or a direct inquiry to the data subject from Schjødt, or whether the personal data on the data subject has been collected from another person than the data subject.

7.2 However, the duty to provide information is restricted by the rules of the Danish Administration of Justice Act as well as the obligation of professional secrecy under the Code of Conduct of the Danish Bar and Law Society, which means that Schjødt cannot provide information on the processing of personal data if this would be contrary to the obligation of professional secrecy.

7.3 In accordance with the data protection legislation, Schjødt may omit to comply with the duty to provide information vis-à-vis a data subject on the grounds of overriding private interests, including the data subject's interests, or on the grounds of overriding private or public interests if these interests are deemed to outweigh the data subject's interests in receiving the information. This exception is relevant if the duty to provide information is deemed to have a negative impact on the protection of our clients' interests, for example in connection with the prosecution and enforcement of civil claims or criminal offences, control or supervisory functions and similar situations.

7.4 Finally, Schjødt may omit to comply with the duty to provide information if the data subject must be assumed to be aware of the information, or if providing the information to the data subject is impossible or would involve a disproportionate effort or would hinder the achievement of the purposes of the processing.

## **8. Further information**

8.1 If you have any questions concerning this notice or your legal rights under the applicable legislation, please contact us. Our contact details are set out above in paragraph 2 "Data controller".

8.2 You can find further information about the data protection legislation and your legal rights on the website of the Danish Data Protection Agency: [English \(datatilsynet.dk\)](https://www.datatilsynet.dk). The Agency is the authority which ultimately can decide if data has been processed lawfully, for instance as part of a complaint process. All data subjects may file a complaint to the Danish Data Protection Agency.