

## NOTICE OF PROCESSING OF PERSONAL DATA IN CONNECTION WITH FOLLOW-UP TO AND ADVICE ON REPORTS RECEIVED THROUGH WHISTLEBLOWER SYSTEMS

### 1. Introduction

- 1.1 At Schjødt, we protect the personal data we hold. In this notice, we provide further information on how we generally process personal data in connection with follow-up to and advice on reports received through whistleblower systems.
- 1.2 This may involve processing of personal data on persons submitting a report in a whistleblower system (*i.e.*, “whistleblowers”), persons whose circumstances are affected by the report (including persons who have been reported on), or other persons with knowledge of or a relation to the circumstances that have been reported on.
- 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) insofar as the situation is one of the situations where Schjødt is an independent data controller and not just a data processor, cf. paragraph 2 below.
- 1.4 Under special circumstances, this notice may, if the situation so requires, be supplemented by a specific notice drafted in connection with a concrete whistleblower report to ensure that data subjects have access to information on how Schjødt processes their personal data in the specific context. If your personal data is processed in the context of our follow-up to a specific whistleblower report, we therefore ask you also to read the specific notice applicable for the concrete follow-up process, if such a notice has been drafted. If so, you will have received, or in another way been given access to, the specific notice as part of the specific follow-up.

### 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 General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679 of 27 April 2016) and the Danish Data Protection Act (Act No. 502 of 23 May 2018).
- 2.2 Schjødt administers two types of whistleblower system.
- 2.3 1) Whistleblower systems where we, as a starting point, are considered a **data processor**, as we only suggest whether a report should be considered to fall within or outside the scope of the whistleblower system, whilst it is the client that makes the final decision in this regard.

In connection with this type of whistleblower system, we generally consider ourselves a data processor in relation to the actual receipt and retention of information in the reports submitted through the IT solution provided by us – via one of our subcontractors – to the individual client. In this context, a data processing agreement has been entered into in each individual case between us and the relevant client in this regard.

However, in the situations where we, in the context of this type of whistleblower system, conduct follow-up in accordance with the Danish Whistleblower Act and/or advise a client in relation to whistleblower reports, we consider ourselves to be an independent data controller.

- 2.4 2) Whistleblower systems where Schjødt is considered an **independent data controller**, as we independently assess and decide how to handle reports, including whether a report falls within or outside the scope of the whistleblower system.

In this type of whistleblower system, Schjødt is considered a data controller – also in relation to the actual receipt and retention of data in the reports submitted through the IT solution provided by us – via one of our subcontractors – to the individual client. Also for this type of whistleblower system, we use an IT solution provided by us – via one of our subcontractors – to the individual client.

- 2.5 It will be stated in the whistleblower policy for the relevant client's whistleblower system whether Schjødt is the data controller or data processor in connection with the processing of personal data that takes place when screening reports as part of the client's whistleblower system.

- 2.6 This notice concerns situations where Schjødt is the data controller. In such situations, we are thus – together with the client – responsible for ensuring that the personal data is processed in accordance with the data protection legislation.

- 2.7 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 data, legal basis and retention**

#### 3.1 Purpose

The purpose of the processing of personal data is to enable Schjødt to follow up and advise our clients on whistleblower reports.

#### 3.2 Categories of personal data

The categories of personal data that will be processed during follow-up to reports under the Danish Whistleblower Act as well as advice to clients can be information defined in Article 6 (general personal data) or Article 9 (special categories of personal data) of the GDPR, or information defined in section 8 (data on criminal offences) or section 11 (data on identification numbers (in Danish: “*personnummer*”)) of the Danish Data Protection Act.

The concrete categories of personal data will depend on the subject matter of the specific whistleblower report as well as the subsequent follow-up/advice. Examples of categories of personal data concerning the whistleblower (unless the whistleblower makes an anonymous report) include:

- Information identifying the whistleblower, such as name, date of birth, address, email and telephone number
- Information on the connection or relation to a specific employer or organisation, including function/position
- Other information that is included in the report or is otherwise provided in connection with the follow-up to the report, such as information on education and experience, specific functions and areas of responsibility, specific duties and responsibilities, involvement in or knowledge of dealings (including actions, behaviour, expressions, statements, etc.), events, etc.

Examples of categories of personal data about the person(s) that the report is about and any other persons to whom the report relates or who have knowledge of the circumstances of the report include:

- Information identifying individuals, such as name, date of birth, address, email and telephone number
- Information on the connection or relation to a specific employer or organisation, including function/position
- Other information that is included in the report or is otherwise provided in connection with the follow-up to the report, such as information on education, experience, specific functions and areas of responsibility, specific duties and responsibilities, involvement in or knowledge of dealings (including actions, behaviour, expressions, statements, etc.), events, etc., or possible breaches of guidelines, policies, instructions, legislation, etc.
- Depending on the nature and subject matter of the report as well as the subsequent follow-up and/or advice, special categories of personal data defined in Article 9(1) of the GDPR may be processed, 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

- Depending on the nature and subject matter of the report as well as the subsequent follow-up and/or advice, personal data concerning criminal convictions and offences as defined in section 8 of the Danish Data Protection Act and Article 10 of the GDPR may be processed if, in connection with the follow-up/advice, information is received giving grounds for assuming that a criminal offence has been or may have been committed
- Depending on the nature and subject matter of the report as well as the subsequent follow-up and/or advice, data on identification numbers may be processed

The above are examples only, and the list is not exhaustive.

### 3.3 Legal bases for processing

Schjødt's processing of personal data is based on section 22 of the Danish Whistleblower Act and/or point (f) of Article 6(1) of the GDPR. In this regard, our legitimate interest is the ability, as a law firm, to process a whistleblower report in full or in part and/or advise our clients in this context.

If we, in connection with the processing of the whistleblower report and/or advice, process special categories of personal data defined in Article 9(1) of the GDPR, such processing will be based on section 22 of the Danish Whistleblower Act and/or 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.

If we, in connection with the processing of the whistleblower report and/or advice, process data on criminal offences, such processing will be based on section 22 of the Danish Whistleblower Act and/or section 8(3)-(5) of the Danish Data Protection Act.

If we, in connection with the processing of the whistleblower report and/or advice, process data on identification numbers, the legal basis will be section 22 of the Danish Whistleblower Act and/or section 11(2) of the Danish Data Protection Act.

### 3.4 Retention

Schjødt does not store personal data collected and processed in connection with the follow-up to a whistleblower report and/or advice to a client in that context longer than necessary. When it is no longer necessary to store the personal data, the data will be deleted.

The question of how long the personal data will be stored depends on a concrete assessment of the course and duration of the specific follow-up and/or advice, any subsequent circumstances and the nature of the data. However, the data will generally not be stored longer than 10 years after finalising the relevant matter or process.

## **4. Recipients and sources of data**

### 4.1 Recipients

Personal data collected by Schjødt in connection with the follow-up to whistleblower report and/or advice to a client in that context may be passed on to the commissioning party/client in accordance with the assignment to be performed for the client.

Any information collected in connection with the follow-up or advice to the client regarding a whistleblower report will be treated confidentially and only the relevant employees of Schjødt who specifically perform tasks in relation to the concrete follow-up or advice have access to the information. In accordance with the Code of Conduct of the Danish Bar and Law Society, all our employees are bound by professional secrecy, cf. paragraph 6 below.

Depending on the course and nature of the follow-up/advice, it may further be necessary to pass on information to public authorities, including the police, or other involved parties such as representatives or other companions brought to meetings etc.

### 4.2 Sources of data

Depending on the content of the whistleblower report and the subsequent follow-up and/or advice, the personal data processed may originate from several sources. In addition to the information that comes from the report itself and the information received from other data subjects as part of the follow-up/subsequent advice, the data will typically originate from material provided by the commissioning party/client or persons who have knowledge about matters relevant to the follow-up/advice.

Further, the personal data may originate from publicly available sources, including social media.

If a specific notice is issued in relation to the follow-up to a concrete whistleblower report, cf. paragraph 1.4 above, the notice may elaborate on where the information processed during the follow-up originates from.

## **5. Right to withdraw consent**

5.1 Processing of personal data in the context of follow-up to and/or advice on a whistleblower report will generally take place on the grounds of the legal bases specified in paragraph 3.3 above.

5.2 If Schjødt processes personal data based on consent, the data subject will have the right to withdraw their consent at any time.

Should the data subject decide to withdraw their consent, it will not affect the lawfulness of Schjødt's processing of personal data based on consent before its withdrawal. In other words, withdrawal of consent takes effect from the time the consent is withdrawn.

- 5.3 Consent can be withdrawn by contacting Schjødt at the contact information set out above in paragraph 2 "Controller".

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

- 6.1 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.

- 6.2 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. Depending on the concrete whistleblower report as well as the follow-up to and advice on such report, the personal data processed in this context may to the relevant extent be presented to other persons in connection with the follow-up.

- 6.3 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.

## **7. Security**

- 7.1 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.

- 7.2 In our work, we always focus on protecting the personal data we hold in the best possible way.

- 7.3 To prevent data loss, we carry out daily backup of the data processed in our IT systems – including, of course, personal data.

- 7.4 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.

- 7.5 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)

## 8. Data subject rights

### 8.1 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 or otherwise. However, special rules on professional secrecy apply under the Danish Whistleblower Act, and this may preclude Schjødt from granting access.

### 8.2 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.

### 8.3 Right to erasure

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

### 8.4 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.

### 8.5 Right to object

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

### 8.6 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.

### 8.7 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.

## **9. Duty to provide information**

9.1 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.

9.2 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. Further the duty to provide information may be limited under the special duty of confidentiality that applies under the Danish Whistleblower Act.

9.3 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.

9.4 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.

## **10. Further information**

10.1 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".

10.2 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://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.