

Client Data Protection Policy – Stephenson Harwood Middle East LLP

This Client Data Protection policy ("**Policy**") applies to personal information about you, any of your employees, officers, directors, agents, contractors or consultants or any of your customers, suppliers or any other relevant individual that you engage with in the ordinary course of business ("**Client Business Personnel**") held by Stephenson Harwood Middle East LLP whose principal place of business is Office 1302, 13th Floor, Burj Daman Building, Al Mustaqbal Street, P.O. Box 482017, Dubai, United Arab Emirates. See "Contacting Us" below for our contact details.

In this Policy:

"**Data Protection Legislation**" means the Data Protection Law (DIFC Law No. 5 of 2020); together with all other applicable legislation relating to privacy or data protection; and where we use the terms "**personal data**", "**data subject**", "**controller**", "**processor**" and "**process**" (and its derivatives), such terms shall have the meanings given to them in the Data Protection Legislation.

"**SH Group**" means Stephenson Harwood Middle East LLP, Stephenson Harwood LLP, and other partnerships, corporations and undertakings which are authorised to carry the name "Stephenson Harwood"; and a "member of the SH Group" has a corresponding meaning.

Using your information

We may collect and process information relating to you and your Client Business Personnel in order to provide our services to you. We shall process any information we collect in accordance with Data Protection Legislation and the provisions of this Policy.

Your information

The information referred to above includes personal data, which means information that can be used to identify a natural person, including (but not limited to) the following categories of personal information:

- contact information, such as an individual's home or work address and contact details (including mobile telephone number);
- date of birth, marital/civil partnership status, details of dependants and next of kin;
- financial information (including bank details, tax rates and information in relation to investments);
- employment status;
- information about an individual's professional qualifications;
- pay records and national insurance number;
- other information about an individual that you or they disclose to us when communicating with us;
- details of any complaints or concerns raised by you or them;

- information we obtain from the instructions you give to us;
- information we collect when you and your Client Business Personnel communicate with us or any other time you or they contact us; and
- information we obtain from third parties, such as information that we obtain when verifying details supplied by you. This information obtained from other third party organisations may include fraud prevention agencies and information which is collected from publicly available sources such as the DIFC Public Register.

Some of the information that we collect about you and your Client Business Personnel may include special categories of personal data (such as information about racial or ethnic origin, criminal or alleged criminal offences, criminal record or health and lifestyle). We will usually seek separate permission from you or them in writing to process these special categories of personal data.

If you fail to provide us with this information, or you or your Client Business Personnel object to us processing such information (see "**General Rights**") for more information about your rights in relation to your information) the consequences are that we may be prevented from providing our services to you, or continuing to manage your matter(s) with us.

Our use of your information

We may collect, record and use information about you and your Client Business Personnel, and the services we provide to you, in physical and electronic form and will hold, use and otherwise process the data in accordance with the Data Protection Legislation and as set out in this Policy. This may include sharing this information with third parties and transferring it abroad. More information about sharing and transferring such information is set out below.

We may process any information we hold about you and your Client Business Personnel for a number of business purposes. Examples of the types of uses of such information are set out below:

- to provide our services to you;
- to administer and operate your client account(s) and matters;
- to monitor and analyse the conduct of your client account(s) and matters;
- to assess any billing matters or credit decisions;
- to enable us to carry out statistical and other analysis and to meet our legal or regulatory obligations;
- for our reasonable commercial purposes (including in connection with our insurance, quality control and administration and assisting us to develop new and improved services);
- to confirm your or their identity and carry out background checks, including as part of our checks in relation to anti-money laundering, compliance screening and to prevent fraud and other crimes;

- to follow up with you or them after you request information to see if we can provide any further assistance;
- to comply with any requirement of applicable laws or regulations;
- to fulfil our obligations under any reporting agreement entered into with any tax authority or revenue service(s) from time to time;
- to check your instructions to us;
- to circulate attendee lists to other attendees of our events;
- to monitor, record and analyse any communications between you or them and us, including phone calls to analyse, assess and improve our services to you, as well as for training and quality purposes;
- to prevent or detect abuse of our services or any of our rights (and attempts to do so), and to enforce or apply this Policy and/or any other agreement and to protect our (or others') property or rights;
- in the context of a sale or potential sale of a relevant part of our business, subject always to confidentiality obligations;
- if instructed to do so by you or them or where you or they give us consent to the use and/or processing involved; and
- to bring to your or their attention (in person or by post, email or telephone) information about additional services offered by us and/or the SH Group, which may be of interest to you or them, unless you or they indicate at any time that you or they do not wish us to do so.

Lawful grounds for using your information

We have described the purposes for which we may use information about you and your Client Business Personnel. We are permitted to process such information in this way, in compliance with the Data Protection Legislation, by relying on one or more of the following lawful grounds:

- you or they have explicitly agreed to us processing such information for a specific reason;
- the processing is necessary to perform the agreement we have with you or them or to take steps to enter into an agreement with you or them;
- the processing is necessary for compliance with a legal obligation we have;
or
- the processing is necessary for the purposes of a legitimate interest pursued by us, which might be:
 - (i) to ensure that our matters are well-managed;
 - (ii) to prevent fraud;
 - (iii) to protect our business interests;

- (iv) to ensure that complaints are investigated;
- (v) to evaluate, develop or improve our services; or
- (vi) to keep our clients informed about relevant services.

In relation to any processing of special categories of personal data, we will generally rely on obtaining specific consent in order to process such information, although it may be necessary for us to use certain information in order to comply with our legal obligations as a regulated entity (such as in relation to an alleged offence). Where you or your Client Business Personnel have consented to our processing of such information (including special categories of personal data) you or they may withdraw such consent at any time, by contacting us using the contact details set out in "Contacting Us" below. Please note, however, that in certain circumstances it may be still lawful for us to continue processing this information even where consent has been withdrawn, if one of the other legal bases described above is applicable.

Automated processing

We do not carry out automated decision-making or profiling in relation to our clients.

Information sharing

Sharing your information with others

We keep all client information confidential. However, in order to be able to service our clients' needs to the best of our ability, we may share any information you provide to us with SH Group entities and their agents, counterparties and support service or data providers, wherever located.

We may also provide third party service providers access to client information where they support or provide services to us. We will ensure that if we share information with, or provide access to, third party service providers, any such disclosure or access is at all times in compliance with Data Protection Legislation.

If you or your Client Business Personnel have provided information to SH Group entities those entities may also share that information with us.

The recipients, or categories of recipients, of your information, or information relating to your Client Business Personnel, may be:

- any revenue service or tax authority, if obliged to do so under applicable regulations. For Common Reporting Standards and FATCA, we may also have to report your account(s) to the necessary tax authorities;
- your other advisers (including, but not limited to, accountants or other professional advisers) where authorised to do so by you;
- DIFC and overseas regulators, courts and authorities in connection with their duties (such as crime prevention);
- fraud prevention agencies who will use it to prevent fraud and money-laundering and to verify your identity. We and fraud prevention agencies may also enable law enforcement agencies to access and use your information to detect, investigate and prevent crime;

- third party service providers who support or provide services to us;
- attendees of our events where we circulate names, corporate names and corporate email addresses on an attendee list for our events;
- anyone to whom we may transfer our rights and/or obligations under this Policy; and
- any other person or organisation after a restructure, sale or acquisition.

If we, or a fraud prevention agency, determine that you and/or your Client Business Personnel pose a fraud or money laundering risk:

- we may refuse to provide the services you have requested, or we may stop providing existing services to you; and
- a record of any fraud or money laundering risk will be retained by the fraud prevention agencies, and may result in others refusing to provide services, financing or employment to you or them.

Sharing third party information with us

If any information which you, your Client Business Personnel provide to us relates to any third party, by providing us with such information you or they confirm that you or they have obtained any necessary permissions from such persons to the reasonable use of their information in accordance with this Policy, or are otherwise permitted to give us this information on their behalf.

Transferring your information outside the difc

Information about you and your Client Business Personnel in our possession may be transferred to other countries (particularly to the entities in the SH Group and their agents in different countries which may include countries outside the DIFC) for any of the purposes described in this Policy.

You and they understand and accept that these countries may have differing (and potentially less stringent) laws relating to the degree of confidentiality afforded to the information they hold and that such information can become subject to the laws and disclosure requirements of such countries, including disclosure to governmental bodies, courts regulatory agencies and private persons, as a result of applicable governmental or regulatory inquiry, court order or other similar process. In addition, a number of countries have agreements with other countries providing for exchange of information for law enforcement, tax and other purposes.

When we, or our permitted third parties, transfer information outside the DIFC, we or they will impose contractual obligations on the recipients of that data to protect such information to the standard required in the DIFC. In the case of transfers by us, we may also transfer your information where:

- the transfer is to a country deemed by the Commissioner of Data Protection (as appointed by the President of the DIFC) to provide adequate protection of your information;
- you, your Client Business Personnel and Client Business Personnel have consented to the transfer, or

- such transfer is otherwise permissible under Data Protection Legislation (for example if we are required to provide such information by law).

2 **Your rights in relation to your information**

General rights

You and your Client Business Personnel have a number of rights concerning the way that we use your information. You are responsible for ensuring that your Client Business Personnel are aware of these rights, which comprise:

- to request access to, or a copy of, any personal data we hold about you or them;
- to request the rectification of your or their personal data, if you or they consider that it is inaccurate;
- to request the erasure of your or their personal data, if you or they consider that we do not have the right to hold it;
- to object to your or their personal data being processed for a particular purpose or to request that we stop using your or their information;
- to request not to be subject to a decision based on automated processing and to have safeguards put in place if you or they are being profiled based on their personal data;
- to ask us to transfer a copy of your or their personal data to another party where technically feasible and otherwise required by applicable regulations;
- to withdraw, at any time, any consent that you or they have previously given to us for our use of your or their personal data;
- to ask us to stop or start sending them marketing messages at any time; or
- the right not to be discriminated against for choosing to exercise your or their data protection rights as set out in this section of the Policy.

Any request for access to or a copy of personal data must be in writing and we will endeavour to respond within a reasonable period and in any event within one month in compliance with Data Protection Legislation. We will comply with our legal obligations as regards any individual's rights as a data subject.

If you would like to contact us in relation to any of the rights set out above please contact us using the contact details in the "Contacting Us" section below.

Retaining your information

We will only keep the information we collect about you and your Client Business Personnel on our systems or with third parties for as long as required for the purposes set out above or as required to comply with any legal obligations to which we are subject. This will involve us regularly reviewing our files to check that information is accurate and up-to-date and still required.

If you terminate your relationship with us, a matter comes to an end, we decline to act on a matter, or you decide not to go ahead with a matter, we may still keep your information.

Sending you marketing information

We and the SH Group may use your information from time to time to inform you and your Client Business Personnel by letter, telephone, text (or similar) messages, email or other electronic means, about similar services (including those of third parties) which may be of interest to you or them.

You and your Client Business Personnel may, at any time, request that we cease or do not send such information by one, some or all channels, by contacting us using the contact details set out below or by clicking "unsubscribe" for the relevant communication.

Contacting us

If you or any of your Client Business Personnel wish to exercise any of the rights relating to your information set out above, or if you have any questions or comments about data protection, or you wish to raise a complaint about how we are using your information you can contact us using the following details, or any other details notified to you from time to time:

- Write to Stephenson Harwood Middle East LLP at Office 1302, 13th Floor, Burj Daman Building, Al Mustaqbal Street, P.O. Box 482017, Dubai or call +971 4 407 3900. Please note calls may be recorded or monitored for training purposes; and
- Details of all our other offices are available on our website, www.shlegal.com.

If you and/or your Client Business Personnel have any concerns about our use of your or their information, you and they also have the right to make a complaint to the Commissioner of Data Protection (as appointed by the President of the DIFC), which regulates and supervises the use of personal data in the DIFC: e-mail: commissioner@dp.difc.ae, telephone number +971 4 362 2222.

We may make changes to this Policy and how we use your information in the future. If we do this, we will ensure that the version available on our website (www.shlegal.com) is the current version

Stephenson Harwood Middle East LLP - September 2020