

## PRIVACY AND DATA PROTECTION POLICY

### Preamble

The purpose of this policy is to inform clients and employees of 1204 Legal, Conseil & Tax (hereinafter referred to as "the Firm") of their rights and obligations with regard to the protection of their personal data.

### Chapter 1 - General provisions

#### **Article 1 - Purpose**

The present policy aims to protect the personality and fundamental rights of individuals whose personal data is processed by the Firm.

#### **Article 2 - Definitions**

- "Personal Data" means any information relating to an identified or identifiable natural person.
- "Data Subject" means the natural person whose personal data is being processed (also referred to as the Client or Employee).
- "Sensitive Personal Data » means ;
  - data on religious, philosophical, political or trade union opinions or activities;
  - data on health, intimacy or racial or ethnic origin;
  - genetic data ;
  - biometric data uniquely identifying a natural person;
  - data on criminal or administrative proceedings or sanctions ;
  - data on social assistance measures.

#### **Article 3 - Material and territorial scope of application**

This policy applies to the processing of personal data held by the Firm.

The European Data Protection Regulation (GDPR) applies if the conditions of art. 3 GDPR are met.

### Chapter 2 - Consent of Data Subjects

#### **Article 4 - Client consent**

The Client consents to the processing of his/her personal data when he/she entrusts the Firm with the execution of the mandate.

Such consent is deemed express and voluntary, including for the processing of sensitive data.

The Client expressly accepts that personal and sensitive data concerning him/her may be the subject of internet searches for the purposes of translations and/or obtaining freely accessible data (e.g. commercial register, official notice sheet, official trade sheet and any other Internet sites that may contain information useful for the execution of the entrusted mandate).

Subject to legal exceptions, Clients may revoke their consent to the processing of their data at any time and without justification.

#### **Article 5 - Employee consent**

Employees of the Firm consent to the processing of personal and sensitive data from the time of first contact, throughout the duration of the employment contract and at the end of the employment relationship, so that the Firm can fulfil its obligations in connection with the employment relationship.

Firm employees also consent to their personal data being used by the Firm in its dealings with third parties (website, letterhead, business cards, etc.).

Subject to legal exceptions, once the employment relationship has ended, the Employee may revoke his or her consent to the processing of his or her data at any time and without justification, by means of a written declaration.

### **Chapter 3 - Data processing**

#### **Article 6 - Collected data**

As part of the contractual relationship with the Data Subject, the Firm may collect the following data:

- surname, first name, date of birth, postal or e-mail address, telephone number, profession, employer, bank details and any other data of this type at the start of the contractual relationship (e.g. first contact, opening of the Client or Employee file, etc.);
- any information transmitted in the course of carrying out the mandate.

The Firm endeavors at all times to collect only the data necessary for the proper execution of the mandate.

#### **Article 7 - Data processing**

The purpose of processing personal or sensitive data is :

- communicate with the Client or the Employee;
- ensure there is no conflict of interest ;
- ensure the proper execution of the mandate and the employment relationship;
- to meet legal obligations that the Firm cannot avoid.

## **Article 8 - Data sharing**

In the performance of its duties, the Firm may share the Data Subject's data with the following persons in particular:

- its IT service providers;
- its external service providers ;
- the various authorities within the framework of the mandate entrusted to it or in the performance of its legal or regulatory obligations;
- the opposing parties, or their legal counsel, within the scope of the mandate entrusted to them.

The Client and/or the Employee hereby accepts that the Firm may use, in a non-exhaustive manner, any computer program useful to its activity, any communication channel, any file transfer platform such as Swisstransfer, any invoicing software to transmit personal or sensitive data concerning him/her to the aforementioned persons.

The Client releases the Firm from any liability for problems that may arise from the use of postal and computer correspondence.

The Firm may use subcontractors or external computer programs. The latter must provide sufficient guarantees as to the implementation of data protection measures.

## **Article 9 - Place of storage and data retention**

The Firm's servers are located in Switzerland. The Firm has taken precautions to preserve the availability, security and integrity of the data and information stored on these servers.

If the execution of the mandate so requires, the Data Subject's data may be transmitted abroad after consultation with the Data Subject.

In all cases, the Firm reserves the right to allow its Employees to access the server from a country that is a member of the European Union or that benefits from the same data protection standards<sup>1</sup>.

In principle, data is kept for 10 years.

## **Chapter 4 - Rights of the Data Subject**

### **Article 10 - Right to information**

The Data Subject may, at any time, request information and access to his/her personal and sensitive data by sending a written request to the Firm. Legal provisions, in particular those relating to professional secrecy, are reserved.

---

<sup>1</sup> to date: Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom (England, Wales, Scotland and Northern Ireland).

### **Article 11 - Right to rectification**

The Data Subject may, at any time, request the rectification of inaccurate or incomplete data by writing to the Firm. The request may be made by e-mail with acknowledgement of receipt or by post with acknowledgement of receipt.

### **Article 12 - Right of deletion**

The Firm retains the data of the Data Subject for as long as the mandate lasts. At the end of the mandate, the Data Subject's data is retained by the Firm in accordance with its legal obligations.

For all data that is not subject to a legal obligation to be retained, the Data Subject may, upon written request, ask the Firm to delete it.

## **Chapter 5 - Obligations of the data controller**

### **Article 13 - Technical and organizational measures**

The Firm undertakes to take technical and organizational measures to protect the Client's or Employee's data as effectively as possible.

### **Article 14 - Controls and training**

Where necessary, the Firm carries out checks to ensure that the security of processed data is not compromised.

If necessary, the Firm commissions internal or external reports to detect any shortcomings and propose measures for improvement.

The Firm makes its employees aware of the issue of data protection and the measures to be adopted to improve data protection.

### **Article 15 - Communications**

The Firm undertakes to make the necessary communications to the Client or Employee as well as to the Federal Data Protection Commissioner if circumstances so require.

## **Chapter 6 - Final provisions**

### **Article 16 - Updates**

The present policy may be regularly updated by the Firm. The Client undertakes to consult it regularly. Updates will be communicated to the Employees. The French version of this policy takes precedence over any other version.

### **Article 17 - Coming into force**

The present policy adopted by the Firm comes into force on 01.09.2023.