

## DAVIS POLK PRIVACY NOTICE

Davis Polk & Wardwell LLP and associated entities that are authorized to carry the name Davis Polk (together, “**Davis Polk**”, “**we**”, “**our**” or “**us**”) (a link to all Davis Polk offices is available at <http://www.davispolk.com/offices>) are committed to protecting your privacy and that of your business and employees, while providing you with the opportunity to receive our services. Davis Polk may collect information relating to you as an individual (including certain sensitive personal information, where permitted by law) (your “**personal information**”). See “Data controllers” below for more information on the entities that control and process your personal information.

This privacy notice (the “**Privacy Notice**”) describes the ways in which we collect information from you, including specifically when you use our website (the “**Website**”), and what we may use it for. This Privacy Notice also applies to our collection and use of information in the normal course of business. This Privacy Notice is at all times subject to any applicable requirements of local law and regulation.

This Privacy Notice describes:

- what personal information we collect about you;
- how we obtain your personal information;
- how we use your personal information;
- on what basis we use your personal information;
- how long we keep your personal information;
- who we share your personal information with;
- how we protect your personal information;
- which countries we transfer your personal information to; and
- your rights regarding your personal information.

### Contacts

If you have any questions or comments regarding this Privacy Notice or the processing of your personal information by Davis Polk, please contact [privacy.team@davispolk.com](mailto:privacy.team@davispolk.com).

### What personal information do we collect about you?

We may collect personal information from you in the course of our business, including through your use of our website, by our use of “cookies”, when you contact or request information from us, when you engage our legal or other services or as a result of your relationship with one or more of our staff and clients. Much of that data comprises business information, but some of that data may inevitably comprise your personal information. The personal information we may collect and use includes:

- name and contact details (including addresses, telephone numbers, email addresses, titles and other business information);
- logs of emails and internet use, including your use of the Website;
- financial information, such as payment-related information;
- technical information, such as information from your visits to our website or applications or in relation to materials and communications we send to you electronically;
- information you provide to us for the purposes of attending meetings and events, including access and dietary requirements;

- identification and background information provided by you or collected as part of our business acceptance processes;
- personal information provided to us by or on behalf of our clients or generated by us in the course or providing services to them, which may include special categories of data;
- information submitted through our career or alumni websites or our other digital platforms or applications; and
- any other information relating to you which may be provided to us.

### **How we obtain your personal information**

We collect information or data from you in various ways, including:

- during the course of your use of the Website (this will include any and all material you send or submit either to the Website or to any email address provided on the Website);
- by our use of “cookies” (see “use of cookies” below);
- information which you provide to us and when we request further information from you from time to time;
- as part of our business acceptance processes and about you and others as necessary in the course of providing legal services;
- while monitoring our technology tools and services, including our websites and email communications sent to and from Davis Polk;
- when you provide it to us, or interact with us directly, for instance engaging with our staff or registering on one of our digital platforms or applications;
- from providers of compliance-related information or credit-related information; and
- from other sources, such as keeping the contact details we already hold for you accurate and up to date using publicly available sources.

### **How we use your personal information**

We collect and use data collected from you (however collected), including any personal information, for the following legitimate business purposes of Davis Polk:

- administration of our Website, digital platforms and applications;
- to process your requests and answer your inquiries;
- the continuation of Davis Polk’s business and the provision of legal services;
- provision of information regarding Davis Polk and our offices, and on our services, seminars and publications, our marketing information, and all other information or materials offered by us;
- sending of newsletters, legal updates, and all other information or materials offered by us;
- consolidation of information relating to our clients and vendors among Davis Polk offices;
- for our dedicated careers and alumni services; and
- matters incidental to the purposes of use set out above, where permitted by applicable local law and regulation.

Your personal information may also be used by Davis Polk for compliance with legal, regulatory and other good governance obligations, including responding to requests from legal or regulatory authorities (in any location where such authorities would have jurisdiction over Davis Polk) and dispute resolution and pursuing our legal rights.

You may use the Website without providing us with your personal information. However, some features on the Website allow you to provide us voluntarily with personal information. All practicable steps will be taken to ensure that you are informed at the time of asking for your personal information as to whether the

provision/collection of the personal information (including sensitive personal information, subject to applicable local laws and regulations) is mandatory or voluntary. If the provision of your personal information is mandatory for a specified purpose, we will let you know that this is the case and inform you of the consequences of failure to provide such personal information.

### ***Subscriptions to newsletters***

In order to subscribe to a newsletter or view webcasts the following information must be provided: first name; last name; email address; company name, title, city and country. If the required data is not supplied, the newsletter or webcast will not be made available to you.

### ***Meetings, events and seminars***

We will collect and process personal information about you in relation to your attendance at our offices or at an event or seminar organized by Davis Polk or its business partners. We will only process and use special categories of personal information about your dietary or access requirements in order to cater for your needs and to meet any other legal or regulatory obligations we may have. We may share your information with IT and other service providers or business partners involved in organizing or hosting the relevant event.

### ***Legal and other services***

We collect, create, hold and use personal information in the course of and in connection with the services we provide to our clients. We will process identification and background information as part of our business acceptance, finance, administration and marketing processes, including anti-money laundering, conflict, reputational and financial checks. We will also process personal information provided to us by or on behalf of our clients for the purposes of the work we do for them. The information may be disclosed to third parties to the extent we think it is reasonably necessary in connection with that work. Please also see “Who we share your personal information with” and “Which countries we transfer your personal information to” below.

### ***Marketing***

If you have already registered to receive any materials from us, we may use your personal information in order to send you in electronic or paper form marketing and other materials relating to Davis Polk, our products and services and to update records held by us. If you are not already registered to receive marketing information from us and wish to do so please click <https://alerts.davispolk.com/5/14/landing-pages/website-subscription-form.asp>.

You may withdraw your consent to the receipt of marketing materials at any time and free of charge by clicking on the “unsubscribe” link in the email, or by sending an e-mail to [client.communications@davispolk.com](mailto:client.communications@davispolk.com).

### ***Recruitment***

If you submit personal information to us via the [Careers section](#) of the Website or to an e-mail address specified in the Careers section for applying for a position at Davis Polk, we will process such personal information solely for the purposes of considering applications and recruitment, not for marketing purposes. If you commence work for Davis Polk, your personal information will be processed according to the terms of Davis Polk’s Employee Privacy Notice.

### ***Business re-organization***

Davis Polk may in the future re-organize or transfer all or part of its business which may result in the transfer of your personal information to new entities (which will be subsidiaries or affiliates of Davis Polk) or third parties through which the whole or part of the business of Davis Polk will be carried out. If Davis Polk ceases to trade, or becomes insolvent, enters into receivership or any similar or equivalent event occurs, those acting on behalf of Davis Polk may sell the business or parts of it to a third party, in fulfillment of legal or business requirements. This may result in the transfer of your personal information to a third party through which the business or parts of it will be carried out.

### *Use of cookies*

We may also collect data that may include your personal information by sending “cookies” to your browser, which will store them in your device (e.g., computer, phone, etc.) in order to facilitate your browsing. By continuing to use the Website without changing your privacy settings, you are agreeing to our use of cookies. You can change your cookie settings and withdraw your consent to the use of cookies at any time, although if you disable cookies it may result in certain features of the Website not working.

All Davis Polk servers and computer systems are designed to be protected from outside intrusions. As a result, all data that may be collected about site viewers through the use of cookies should be protected from unauthorized access.

A cookie is a small chunk of information sent by our web server to the web browser software that you are using to access the Website. A cookie enables our web server to collect information from your web browser software. If you want to know more about cookies and how to disable them please go to [http://www.cookiecentral.com/c\\_concept.htm](http://www.cookiecentral.com/c_concept.htm) (an independent website).

A cookie primarily stores information concerning your visits and preferences as to your browsing on the Website. This means your device will be recognized by the site on your return to the Website, which in turn allows the server to make downloading of pages faster than on first viewing.

We also use cookies to identify users when they visit the Website which enables us to build up a personalized profile of the users of the Website, and to tailor the content to individual users of the Website. In addition, cookies may also be used by us to establish statistics about the use of the Website by Internet users by gathering and analyzing data such as: most visited pages, time spent by users on each page, site performance, etc. By collecting and using such data, we hope to improve the quality of the Website. We may provide anonymous statistics about our users and related usage information to reputable third parties, but these statistics will not enable any third party to identify individuals or individual businesses.

The data collected by our servers or through cookies that may be placed on your device will not be kept for longer than is necessary to fulfill the purposes mentioned above; in particular, cookies that we place automatically deactivate after no more than thirteen months. Cookies are placed and navigation data automatically collected and if you do not wish to have this navigation data collected, we recommend that you do not use the Website. You can also set your browser to block the recording of cookies on your hard drive to minimize the amount of data that may be collected about your navigating on the Website. The procedure for blocking cookies may vary for different software products. Please check your internet browser software or with your software supplier if you wish to block cookies. However, for optimal use of the Website, we recommend that you do not block the recording of cookies on your device.

### **On what basis we use your personal information**

We use your personal information on the following bases:

- to perform a contract, such as engaging with an individual to provide legal or other services;
- for the establishment, exercise or defense of legal claims or proceedings;
- to comply with legal and regulatory obligations; and
- for legitimate business purposes. Please see “How we use your personal information” for more details.

### **How long we keep your personal information**

Davis Polk endeavors to ensure that personal information is kept up-to-date and that irrelevant, excessive or out of date personal information is updated or deleted. To determine the appropriate retention period for your personal information, we will consider the amount, nature and sensitivity of the personal information, the potential risk of harm from unauthorized use or disclosure of your personal information, the purposes for which we process the personal information and whether we can achieve such purposes through other means, the applicable legal and regulatory requirements (including requirements to retain the personal information for a minimum period), limitation periods for taking legal action, good practice and Davis Polk’s business purposes.

### **Who we share your personal information with**

#### *Transfers of data to other Davis Polk offices and to third parties*

We are an international law firm, and we may disclose and transfer data, including your personal information, relating to you to other Davis Polk offices or entities (a link to all Davis Polk offices is available at <http://www.davispolk.com/offices>) and all Davis Polk offices or entities may hold, process, use, and disclose and transfer to other Davis Polk offices, such personal information for purposes set out in this Privacy Notice. The Davis Polk office which collects such personal information is the responsible party to administer and manage such personal information.

personal information may be shared with other non-affiliated third parties, including:

- service providers which perform certain services on behalf of Davis Polk, pursuant to our direction, or as directed or consented to by you), including providers of word processing, translation, photocopying and document review;
- third parties engaged in the course of the services we provide to clients, such as barristers, local counsel and technology service providers like data room and case management services;
- third parties involved in hosting events or seminars;
- auditors and professional advisors; and
- regulatory authorities, courts and tribunals, government agencies and law enforcement agencies (such as the police).

We will share personal information with these third parties where permitted by applicable laws and regulations:

- for the purposes set out in this Policy;
- as may be required by applicable law or regulation;
- as provided for by any contractual arrangement; or

- in connection with Davis Polk’s business and our operations (including where disclosure is necessary or desirable in order to facilitate the conduct of a specific matter, including transactions, cases or other matters).

Davis Polk may use social media sites such as Facebook, LinkedIn and Twitter. If you use these services, you should review their privacy policy for more information on how they deal with your personal information.

We will not sell, rent, distribute or otherwise make personal information commercially available to any third party except with your prior permission.

We do not sell, rent or otherwise make personal information commercially available to any third party, except with your prior permission.

### **How we protect your personal information**

We use a variety of technical and organizational measures to help protect your personal information from unauthorized access, use, disclosure, alteration or destruction consistent with applicable data protection laws.

Davis Polk & Wardwell LLP holds the internationally recognized security standard BS ISO/IEC 27001:2013 in respect of its document management and email systems and the supporting infrastructure for Davis Polk’s offices globally. This is an independently verified certification that information security is managed in line with international best practice.

### **Which countries we transfer your personal information to**

The Internet is a global environment and Davis Polk’s headquarters are in the United States of America. In order to provide our services we may need to transfer personal information to locations outside the local jurisdiction in which you are viewing the Website and process personal information outside that jurisdiction for the purposes set out in this Privacy Notice.

#### *International transfers between Davis Polk offices*

The Davis Polk office or entity which collects such personal information is the responsible party to administer and manage such personal information although it may transfer personal information to other Davis Polk offices or entities for the purposes described above. Please note that personal information sent to us or submitted via the Website may therefore be controlled and processed by any of Davis Polk’s offices, some of which are outside your local jurisdiction and specifically outside the European Economic Area (the “EEA”). The location of our offices or entities may change from time to time and we may establish offices or entities in any number of countries or territories at any time, any one or more of which may act as controllers of, or processors of, such personal information. (A link to all current Davis Polk offices is available at <http://www.davispolk.com/offices>.)

Please be aware that the data protection and privacy laws in those jurisdictions may not provide for the same level of protection of your personal information as exists in your home country or in the EEA. To ensure a sufficient level of personal information protection, Davis Polk and our various offices and entities have entered into an agreement containing the model clauses as published by the European Commission. For the purposes of our Paris office, the French Data Protection Authority (*La Commission nationale de l’informatique et des libertés*, or the “CNIL”) authorised the transfer of personal information pursuant to decision No. 2009-558 of September 24, 2009.

#### *International transfers to third parties*

In addition to transfers to other Davis Polk offices or entities, some of the third parties to whom we may transfer your personal information for the purposes described above may also be located in countries or territories which are outside your local jurisdiction and specifically outside the EEA. The data protection and privacy laws in those jurisdictions may not provide for the same level of protection of your personal information as exists in your home country or in the EEA. Where this is the case, Davis Polk will take reasonable steps to ensure that your personal information is treated securely and in accordance with the requirements of applicable data protection laws and regulations.

These measures include data transfer agreements containing the model clauses as published by the European Commission (as for transfers to other Davis Polk offices and entities). For the purposes of our Paris office, the CNIL authorised the transfer of personal information pursuant to decision No. 2009-558 of September 24, 2009. You can find more information about data transfer agreements applicable to transfers from EEA countries [here](#) (an independent website).

### *Security of electronic communications*

Please note that any electronic communication made between you and us, including via the Website, may not be secure and, unless you are already a client, may not be treated as privileged or confidential. While we welcome your enquiries, please do not send us any electronic communication that contains any confidential or sensitive personal information or data.

### **Your rights regarding your personal information**

Subject to the provisions of local laws and regulations from time to time, you may be entitled:

- to object, on grounds relating to your particular situation and subject to certain conditions, to the processing of your personal information;
- to request confirmation as to whether Davis Polk has personal information relating to you;
- to access the personal information about you being processed by Davis Polk and to certain information about the processing of that personal information;
- to require Davis Polk to rectify any inaccurate or incomplete personal information about you;
- to require Davis Polk to erase personal information about you in certain circumstances, subject to compliance with any applicable data retention obligation;
- to restrict Davis Polk from processing personal information about you in certain circumstances;
- to receive personal information relating to you in a format that can be processed by a device and the right to have personal information relating to you transferred to another data controller in certain circumstances;
- to stop unauthorized transfers of your personal information to a third party; and
- if you are subject to French data protection laws, to establish guidelines for the preservation, the deletion and the transmission of your personal information after your death.

Should you wish to discuss your entitlement to, or exercise of any such rights, please contact [privacy.team@davispolk.com](mailto:privacy.team@davispolk.com).

You may also have the right to lodge a complaint in relation to Davis Polk's processing of your personal information with a local supervisory authority.

### **Data controllers**

There are a number of entities through which Davis Polk provides legal services. Our main IT systems are located in the United States of America and controlled by Davis Polk & Wardwell LLP. Depending on the location where legal or other services are provided, another office or entity in the Davis Polk group may be the data controller in relation to your personal information. Please visit <http://www.davispolk.com/disclaimer> for details of the Davis Polk entities through which we practice law in each jurisdiction.