



## PRIVACY POLICY

Advokaadibüroo Derling Primus OÜ (hereinafter referred to as 'Derling Primus') has established the following Privacy Policy, which is also an integral part of the contracts and agreements entered into between you and Derling Primus.

The person receiving legal services, i.e. the client, is any natural or legal person with whom Derling Primus has entered into a contract for the provision of legal services or to whom Derling Primus provides services on another legal basis (hereinafter referred to as the 'Client'). The Client Contract can also be entered into for the benefit of a third party.

The Privacy Policy describes how Derling Primus processes (collects, uses, publishes, keeps, transfers, deletes, etc.) your personal data, and explains your rights as a data subject.

Derling Primus is the controller of personal data. Derling Primus processes personal data in accordance with applicable legislation, including the Bar Association Act and Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (hereinafter referred to as the 'General Data Protection Regulation'). In matters not covered by the Privacy Policy, Derling Primus is governed by applicable law.

Please read the Privacy Policy carefully before transferring data to Derling Primus, using our services or signing contracts with us.

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If you do not find an answer in this Privacy Policy to a question concerning the protection of personal data, please contact Derling Primus using the following contact information:

Name: Advokaadibüroo Derling Primus OÜ  
Address: Liivalaia 45, Tallinn 10145, Estonia  
E-mail: [estonia@derling.ee](mailto:estonia@derling.ee)

### 1. WHAT PERSONAL DATA ARE PROCESSED BY DERLING PRIMUS?

1.1 The following personal data may be processed by Derling Primus:

- (a) identification data – first name and surname, personal identification code and/or date of birth and place of birth, data of an identity document (copy of the document);

- (b) contact details – e-mail, telephone number, postal address, language of communication etc.;
- (c) data relating to the provision of legal services – all data received from the Client or third parties, data generated by the Law Firm, etc., which are related to the provision of legal services to the Client, data of queries made to public registers (such as the Commercial Register, Land Register, Population Register, etc.);
- (d) data obtained and/or generated in the performance of a statutory obligation, such as data arising from inquiries made by investigative bodies, notaries, tax authorities, courts and bailiffs, data of queries made to public registers (such as the Commercial Register, Land Register, Population Register, etc.);
- (e) payment information – the Client's bank account details, information on invoices issued to the Client and on the payment thereof;
- (f) data relating to persons related to you or to the provision of services.

## **2. HOW DOES DERLING PRIMUS COLLECT PERSONAL DATA?**

2.1 Derling Primus collects the personal data that:

- (a) the Client gives to Derling Primus in any way in connection with the provision of legal services to the Client (including data related to a person other than the Client);
- (b) you give to Derling Primus by e-mail, telephone or other means of communication;
- (c) you give to Derling Primus orally at a meeting in the office;
- (d) you otherwise give to Derling Primus in the course of ordinary communication within the scope of the client relationship;
- (e) you give to a partner of Derling Primus or to another third party (such as an IT service provider or credit institution) that has the right to transfer the data to Derling Primus.

## **3. FOR WHAT PURPOSES AND HOW DOES DERLING PRIMUS PROCESS PERSONAL DATA?**

3.1 Derling Primus will process your personal data on the basis of applicable law, contract or consent for specific purposes.

3.2 Derling Primus points out that, in addition to other legal bases, the Bar Association Act provides for the authority of an attorney to process personal data. Among other things, the Bar Association Act entitles an attorney to process the personal data of a person other than the Client, including sensitive personal data, received on the basis of a contract or law, without the consent of the respective persons if such processing is necessary for the provision of legal services (section 41 (1) 4<sup>1</sup> of the Bar Association Act).

3.3 On the basis of your consent, Derling Primus will process your personal data within the exact limits, to the extent and for the purposes that you have determined with your consent. The consent can be given in writing, electronically or as an oral statement. The consent is voluntary and given without a term. You have the right to withdraw the consent at any time. The consent already given is valid until it is withdrawn.

3.4 Derling Primus processes personal data in the preparation, entry into and performance of a contract for the following purposes:

- (a) to conduct pre-contract negotiations with the Client;

- (b) to identify the Client to the extent required by the due diligence of an attorney;
- (c) to communicate with you;
- (d) to ensure that your payment obligation is met;
- (e) to render legal services to the Client;
- (f) to settle disputes arising from the contract.

3.5 Derling Primus processes your personal data for the purpose of complying with statutory obligations. The obligations arise mainly from the General Data Protection Regulation, the Personal Data Protection Act, the Bar Association Act, the Money Laundering and Terrorist Financing Prevention Act, the Law of Obligations Act and other applicable legislation. For example, Derling Primus has a duty to comply with tax reporting and accounting or anti-money laundering rules, and needs to process and use your personal data to comply with these rules. This may include transferring your personal data to tax authorities and other authorities, as well as to an auditor.

3.6 Derling Primus will process your personal data based on the legitimate interest of Derling Primus. Legitimate interest means Derling Primus' interest in its management and governance, including interest in business and in security (detection and prevention of fraud or malware). In the case of such processing, Derling Primus always considers the overriding importance of its interests in relation to the data subject's interests or fundamental rights and freedoms for which personal data must be protected. The processing of personal data based on the legitimate interest of Derling Primus may consist, for example, in the preparation, filing or defence of claims for the purpose of protecting the rights of Derling Primus.

#### **4. TO WHOM DOES DERLING PRIMUS TRANSFER PERSONAL DATA AND HOW IS PERSONAL DATA STORED?**

4.1 Derling Primus will disclose personal data only to the extent and in the form necessary to fulfil the purposes listed in the Privacy Policy.

4.2 Derling Primus may disclose personal data to data controllers or data processors who need access to the data to provide their services to Derling Primus. Derling Primus cooperates with other data controllers or data processors to whom Derling Primus may transfer your personal data (for example, courts, other law firms, public authorities, advertising and marketing partners, debt collection service providers, payment default registers, IT partners) in the context and for the purpose of cooperation, provided that:

- (a) the processing of the personal data and the purpose of processing are lawful;
- (b) the data processor processes personal data in accordance with the instructions of Derling Primus;
- (c) processing is carried out under a valid contract.

4.3 Derling Primus is also required to disclose personal data in the case that Derling Primus has such an obligation under the law (for example, the obligation to disclose personal data to the authorities upon their lawful request).

4.4 Derling Primus has a statutory right and obligation to keep the personal data collected. Derling Primus will not keep the personal data for longer than is necessary to comply with the obligations of Derling Primus, unless you have consented to the preservation and processing of the data for longer. As a rule, Derling Primus will keep your personal data for 10 years from the performance of the last act related to you. The data contained in accounting records will be kept in accordance with the law for seven years. If Derling Primus transfers personal data to

another data controller (e.g. court, notary, bailiff, public authority), the data retention period is determined by the recipient of the data.

- 4.5 Derling Primus ensures the processing and storage of your data in the territory of the European Union. Derling Primus ensures comprehensive and appropriate protection of your personal data, unless the provision of legal services requires the transfer of the data to a third country (for example due to the place of residence or domicile of the Client, the counterparty or the adverse party). When transferring personal data to third countries, Derling Primus ensures comprehensive security of the personal data based, inter alia, on the EU-US Privacy Shield Framework Agreement or by employing other data protection measures required by legislation (such as the standard contractual clauses provided by the European Commission).

## **5. WHAT ARE YOUR RIGHTS IN RELATION TO THE PROCESSING OF PERSONAL DATA?**

- 5.1 You have the right to be informed of the personal data processed by Derling Primus, the purposes of use of the personal data, and the types and sources of the data. You also have the right to receive copies and extracts of the personal data processed. You have the right to request correction or supplementation of the data if it appears that the personal data to be processed are incorrect or inaccurate. Where appropriate, you have the right to request restriction of processing of personal data or to object to the processing of personal data.
- 5.2 You have the right to request transfer of processed personal data. The data will be sent to you as a machine-readable file via e-mail. You also have the right to request that the data processed be transferred to another data controller.
- 5.3 You have the right to request the deletion of data, unless the right and the obligation to process the data arise from legislation. The processing of personal data will not be terminated if it would be contrary to the obligation to process personal data or there is another basis for continuation of processing. It is also important to note that the termination of the processing of personal data may prevent you from receiving our services. In particular, you have the right to request the termination of the processing of personal data and the deletion of the data if:
- (a) the personal data are no longer required for the purpose for which they were processed by Derling Primus;
  - (b) you withdraw your consent for processing and there is no other legal basis for the processing of the personal data;
  - (c) you object to the processing of the personal data and there are no overriding legitimate reasons for processing;
  - (d) the personal data have been processed unlawfully;
  - (e) the personal data must be deleted in order to meet a legal obligation.
- 5.4 Derling Primus will reply to objections and requests within one month at the latest.
- 5.5 Derling Primus will process your personal data in balance with your rights and freedoms. If you believe that your rights have been violated in the processing of your personal data or if you wish Derling Primus to terminate the processing of your personal data, please contact Derling Primus to resolve the disagreement through negotiations. In the event of a dispute, you have the right to apply to the Data Protection Inspectorate (Väike-Ameerika 19, 10129 Tallinn; website [www.aki.ee](http://www.aki.ee)) or to a court with jurisdiction.

Derling Primus reserves the right to change this Privacy Policy at any time. The Policy will be amended primarily (without limitation) to comply with data protection legislation. A new version of the Privacy Policy will always be made available on the website of Derling Primus at [www.derlingprimus.eu](http://www.derlingprimus.eu).

This Privacy Policy is published on 14 May 2019.