



## **PRIVACY STATEMENT VAN KAAM IP, MEDIA & PRIVACY**

### **Introduction**

Van Kaam Advocaten ("VKA") is an Amsterdam based, niche law firm (Dutch Chamber of Commerce number: 000034212388) that also acts under the company name "Van Kaam IP - Media – Privacy". The company is driven in the legal form of a partnership and is located at Oosteinde 3, Amsterdam (1017 WT), The Netherlands.

As a law firm, VKA processes personal data. Personal data means any data relating to an identified, or identifiable private individual. Not only data that is directly relatable, but also data that is indirectly relatable to a person qualifies as personal data. VKA respects your privacy and personal data and will see to it that all personal data that is provided to VKA or otherwise is obtained by VKA, is being treated confidentially. In that matter, VKA acts as a controller within the meaning of the General Data Protection Regulation ("GDPR").

This privacy statement implements the obligation to provide information, as described in the GDPR, with regard to the person(s) whose personal data are processed by VKA ('data subjects'). This privacy statement is part of the General Terms and Conditions of VKA, as published on the website [www.van-kaam.nl](http://www.van-kaam.nl) ("the Website") and concerns all people whose personal data is processed in the context of the legal services provided by VKA, as well as those who visit the Website. This concerns, among others:

- (potential) clients;
- (business) relations;
- third parties, not being clients, whose data is, or will be stored in the files of VKA;
- people working for, or with VKA;
- applicants;
- visitors of its Website;
- people who have otherwise come into contact with VKA.

### **I. Purposes of processing personal data by VKA**

VKA processes the personal data mentioned under number II. below explicitly for the following purposes:

- A. the execution of a contract of assignment to provide legal services by the lawyers of VKA;

In this context, contact details are requested. Other personal data may also be necessary for the handling of the case. This differs per individual case. Personal data of involved (other) parties can also be processed.

- B. being able to conduct (judicial) proceedings;



- C. invoicing the provided services;
- D. collecting invoices and making payments;
- E. advising, mediating and referrals;
- F. maintaining contacts and communication with (potential) clients and (business) relations;
- G. marketing activities;
- H. to comply with legal and regulatory obligations;

On the basis of the Act to prevent money laundering and terrorist financing (*Wet ter voorkoming van witwassen en financieren van terrorisme*) ("Wwft"), VKA is obliged to verify and file certain personal data from the clients they represent. Such personal data includes, for example, a copy of an identity card or passport. Besides that, VKA is obliged to process certain personal data pursuant to the General Act Government Taxes (*Algemene Wet Rijksbelastingen*) ("Awr").

- I. analysing the use of the Website for improvements thereof;

The anonymous user statistics of the Website provide an overview of the number of visitors, the duration of their visits, which parts of the Website are being viewed and the click-behaviour resulting from Google Ads campaigns. This concerns completely anonymous information that cannot be traced back to identifiable private individuals.

- J. for the recruitment and selection of new employees (applications).

## II. Personal data processed by VKA

VKA processes the following (categories of) personal data:

- A. personal data provided to VKA by you, for the purpose of providing services or on your own initiative (for example via the Website, calls, meetings or events):
  - contact information (such as telephone numbers, e-mail addresses, names, address data and/or other data as mentioned on business cards);
  - identity details (such as date of birth, nationality, place of birth and gender), amongst others in the form of identity documents, as far as provided to VKA);
  - financial data (such as bank account numbers);
- B. (personal) data that gives insight in the use of the Website:



- IP-address (a unique identification number from a digital device when a connection is set up with the internet) albeit that this data is completely anonymous;

C. personal data revealed by third parties to us, including counterparties:

- contact information (such as telephone numbers, e-mail addresses, names, address information and/or other data as mentioned on business cards);
- identification details (such as date of birth, nationality, place of birth and gender), amongst others in the form of identity documents as far as provided to VKA);
- financial data (such as bank account numbers);

D. personal data that became known via public sources:

- information registered at the Dutch Chamber of Commerce (*Kamer van Koophandel*);
- information registered at the Land Registry (*Kadaster*);
- data as mentioned on business- or personal websites;
- available personal data via social media platforms such as LinkedIn and/or Facebook.

### III. Grounds for the processing of personal data by VKA

VKA processes the personal data as mentioned earlier under number II. in accordance with article 6 of the GDPR. Hereafter follows an enumeration of the different grounds for the processing of the aforementioned personal data:

- you have given consent for processing your personal data for specific purposes: to enter into contact with VKA, further communication, possible application procedures or when you provide information on the Website or via social media (LinkedIn);
- the processing of personal data is necessary for the performance of a contract or pre-contractual actions at which you are party or will become party; in this case the agreement to provide legal services;
- the processing of personal data is necessary for compliance with a legal obligation. In this context attention can be drawn to the obligations under the Wwft: requesting a copy of an identity document, saving and storage of personal details of clients as well as the guidelines that apply from the Dutch Bar Association (*Orde van Advocaten*) and the rules under tax legislation (*Awr*);
- the processing of personal data is necessary for the legitimate interests pursued by VKA.

### IV. Sharing personal data with third parties

VKA only shares personal data with third parties to the extent necessary for providing legal services, taking into account the aforementioned purposes under number I. This includes involving and/or hiring a third (expert) party on behalf of VKA, such as IT-suppliers, but also providing your personal data regarding (judicial) proceedings or correspondence with the counterparty or other third parties with your prior consent.



VKA may also provide your personal data to third parties such as a supervisory authorities or other bodies with public authority, insofar as there is a legal obligation to do so.

The protection and security of personal data that is processed by third parties on behalf of VKA, who therefore are to be regarded as processors as meant in the GDPR (amongst others IT-suppliers), is guaranteed by means of a processing agreement and optional other additional agreements. These parties are also obliged to comply with the GDPR.

Parties involved by or on behalf of VKA, offering services as a controller, are responsible for compliance with the GDPR themselves. This includes by VKA involved accountants, lawyers, notaries, third parties for the purpose of a second opinion or other experts. VKA is not involved in the way these third parties process personal data. We suggest to request and read the privacy statements of these parties carefully.

#### **V. Transfer of personal data by VKA**

VKA only processes personal data within the European Economic Area ("EEA").

It may happen that personal data is being transferred to a country outside of the EEA, offering a lower degree of protection of personal data than the legislation within the EEA. If such a situation occurs, VKA sees to it that appropriate safeguards will be adopted in order to ensure as much as possible that the transfer takes place in accordance with the privacy legislation applicable in the EEA. This can be done, for example, by concluding a contract with the recipient that corresponds to the approved model agreements as drawn up and made available by the European Commission.

#### **VI. Retention period by VKA**

VKA does not retain personal data longer than necessary for the purposes as described under number I. and in order to be able to comply with applicable laws and regulations. Pursuant to the Awr, administrative and accounting data should be retained for seven (7) years. With regard to the archiving of files which are or have been handled by VKA, according to the advice of the Dutch Bar Association, these files will be kept for twenty (20) years after the end of the assignment, because of the (legal) validity of certain documents and liability of lawyers for possible professional errors.

#### **VII. Security of personal data by VKA**

VKA attaches great value to the security and protection of personal data. VKA shall, taking in account the state of the art, take the appropriate technical and organisational measures that will protect personal data from being destroyed, lost, modified or accessed and/or transferred without authorization.



If VKA uses services from third parties (such as IT-suppliers), VKA will, in the context of the protection and security of personal data, conclude a processing agreement in which the arrangements regarding the offering of appropriate and adequate security measures by those third parties is determined.

Furthermore, the employees of VKA are bounded by their confidentiality, if not by virtue of their profession as a lawyer, then on the basis of a contractual confidentiality obligation derived therefrom.

## **VIII. Statistics and cookies**

VKA keeps track of the user data of the Website for statistic purposes. This personal data is fully anonymous and VKA will not sell any of this personal data to third parties.

The Website uses Google Analytics and installs cookies on your device. Cookies are small text files that are placed on your (mobile) device (e.g. PC, smartphone, tablet) during your visit to the Website. The Google Analytics cookies are used to monitor the user's behaviour in general and to obtain reports. This helps to improve the use, operation and findability of the Website.

VKA offers a freely accessible blog on the Website. All information placed hereon can be read, gathered and used by anyone, including third parties. No personal data of third parties, clients or opposing parties will be processed in these blogposts. Should this be the case, a request to delete any personal data contained therein can be submitted via the contact details as mentioned under number IX. below.

## **IX. Rights of persons whose personal data is processed by VKA**

As a data subject whose personal data is processed by VKA, you have the following rights:

- right to information;
- right of access;
- right to rectification, completion, erasure or restriction;
- right to object;
- right to data portability;
- right to be forgotten;
- right to restriction of processing;
- right to withdraw earlier given consent;

Please send your request of access, rectification, completion, erasure or restriction, data portability or revoking earlier given consent to [info@van-kaam.nl](mailto:info@van-kaam.nl). You will receive further notice within four (4) weeks after your request is received.

Circumstances may occur whereby VKA cannot give (full) effect to your request. If your request is denied or not completely executed, a further explanation will be given.



VKA only accepts a request regarding your own personal data. To make sure that VKA provides the relevant personal data to the right person, VKA requests a copy of a valid identity card or passport or a driver's license for verification. If desired, you are permitted to make the photo and social security number (*BSN-nummer*) unreadable.

#### **X. Changes and amendments**

VKA reserves the right to change this privacy statement at any given time, without giving prior notice. The latest updated privacy statement is published on the Website. Therefore, please consult the Website regularly. If any changes to the privacy statement affect one or more persons or organisations directly, they will be informed.

#### **XI. Questions and contact information**

If you have any questions regarding this privacy statement or the processing of your personal data by VKA or you wish to exercise your rights as stated under number XI., please address your request to:

[info@van-kaam.nl](mailto:info@van-kaam.nl).

*[August 28th, 2018]*