

PRIVACY POLICY

1. In order to comply with the European *General Data Protection Regulation* (GDPR), Wiggers Ross N.V. has adopted some basic principles and rules of conduct to protect personal data. These basic principles and rules are set out and explained below.

Basic principles: authorities and their legal basis

2. Wiggers Ross N.V. and its affiliated lawyers, receivers and administrators collect personal data which is required in order to perform their tasks arising from the Dutch Act on Lawyers (*Advocatenwet*), the Dutch Insolvency Act (*Faillissementswet*) and the Dutch Natural Persons Debt Restructuring Act (*Wet schuldsanering natuurlijke personen*) and other legislation in which authorities are granted to them.
3. Where Wiggers Ross N.V. lawyers act on behalf of their clients, both in their advisory capacity and in their capacity as legal representatives, they do so pursuant to a client's assignment. Such an assignment authorises Wiggers Ross N.V. to collect and process all the personal data required for the performance of the assignment in connection with activities arising from statutory tasks.
4. It may be inherent in the nature of a case that personal data of a very intimate nature is also collected and processed. For example, this may concern data relating to minor children in family law cases, or information about mental and physical health and/or genetic traits in health law cases.
5. The statutory authorities associated with the functions performed by Wiggers Ross N.V. and its lawyers mean that the personal data of third parties, in particular opposing parties, is also collected. The authority to collect and process their personal data arises from the legal basis underlying those functions.
6. Pursuant to the Dutch Act on Lawyers and other laws that apply to the performance of the functions listed above, a far-reaching duty of confidentiality applies. This duty is not unlimited. Personal data that concerns a client and/or an opposing party will be used in court proceedings and this personal data can be disclosed through an oral hearing of a case or when the court ruling is published. Another example of a restriction of the duty of confidentiality is the obligation on the part of receivers in bankruptcy or administrators appointed in suspension of payment cases to present periodic reports to the court, which will eventually be published.

7. Anyone who works for or at Wiggers Ross N.V. is under the obligation to comply with the same duty of confidentiality as the lawyers of Wiggers Ross N.V. This concerns both Wiggers Ross N.V. employees (e.g. secretaries) and third parties who provide services to Wiggers Ross N.V., such as cleaning staff, IT specialists etc. These people can have access to information containing personal data and they have to observe the same duty of confidentiality in this regard.

Collecting and processing personal data

8. Personal data is collected and processed both in automated and in physical systems. The automated system concerns some modules provided by Basenet Internet Projects B.V. which also makes server capacity available for storing and processing information, including personal data. A data processing agreement within the meaning of the General Data Protection Regulation of the European Union has been entered into with Basenet and this service provider fulfils the requirements that arise from the Regulation.
9. Many physical, i.e. paper, files are created outside the Basenet system and information for each file is stored on 'USB sticks' specific for the file in question. The files and the corresponding USB sticks are kept in separate storage facilities. Some files are kept in filing cabinets in a lawyer's room and some are kept in a common room of Wiggers Ross N.V. with filing cabinets. A file storage system, owned by the lessor, in the building at Mercurion 20 I is also used. Furthermore, the building in which Wiggers Ross N.V. has its offices is protected by a security system which is connected to an incident room.
10. Files of cases that are no longer active are kept in secure rooms in Archive-IT's business premises at Charles Ruysstraat 12, 5953 NM Reuver, the Netherlands. The active and inactive files stored in the company's building are kept in secure storage because the rooms which contain those files are locked at the end of each day or can only be accessed by directors.
11. Any files that are archived are kept in a secured room in the building.
12. There are incidental occasions where lawyers take physical files home for work purposes. The lawyer in question will then ensure that the contents of such files are not disclosed to third parties. This also applies when files are taken away, for example for the purpose of a meeting or court proceedings. The above also applies to electronic data carriers.

Retention, recording of collection and processing, access and correction

13. Wiggers Ross N.V. retains files for ten years after the completion of a case (i.e. an assignment in actual practice). The retention time limits resulting from the Dutch Natural Persons Debt Restructuring Act apply to files concerning bankruptcies, suspensions of payment and receiverships under such Act.
14. The data is retained in the interest of both the client and/or the former party who was granted a suspension of payments* (if this party needs information and no longer has it themselves), and of Wiggers Ross N.V. Wiggers Ross N.V. and its affiliated lawyers have

a particular interest in the long-term retention of the information in view of possible claims for liability or disciplinary action. This is a ground for long-term retention recognised by the GDPR.

15. The GDPR does not impose any obligation on Wiggers Ross N.V. to keep records of processing activities within the meaning of Article 30. Wiggers Ross N.V. has fewer than 250 employees and the restrictions on this exception in paragraph 5 do not apply. However, in actual practice, the collection and processing of personal data is registered when personal data is entered in Basenet's customer relationship management system and when it is entered in documents concerning a client's assignment, an insolvency, a suspension of payments, or a receivership. Each processing operation is recorded by the automated system and this system also offers various search functions that enable easy identification of the personal data relating to a particular person that has been collected and processed, and when and where this was done.
16. The physical file can be retrieved by means of the file name and file reference. Often the contents of the physical file will not exceed the contents of the automated system, except for any documents that have not yet been scanned into the automated system, such as authentic notarial deeds, photographs, etc. Their receipt, inclusion in a file, and possible processing are usually not recorded separately but are stated or confirmed in correspondence which can be retrieved from Basenet.
17. No personal data is transferred, except for the situation where there is correspondence with parties outside the European Union or where there are court proceedings outside the European Union. Any correspondence with a third party outside the European Union will be with a third party with whom a client has some form of relationship which means that the transfer of personal data will be based on the instruction given by Wiggers Ross N.V.'s client. Insofar as this concerns Wiggers Ross N.V.'s contacts with third parties in bankruptcy, suspension of payment, or administration cases, this authority to transfer personal data arises from the statutory task and the legal basis found for this in legislation.
18. It follows from the above that neither clients, nor parties who have been granted a suspension of payments, nor third parties (in particular opposing parties) have the authority to demand that personal data relating to them be deleted or destroyed, not even after an assignment has ended, or a bankruptcy or suspension of payments or administration has been completed. Third parties are not authorised to request or verify which information that concerns them has been collected and processed by Wiggers Ross N.V. This complies with the GDPR.
19. The actual clients and the actual parties who have been granted a suspension of payments are authorised to correct or supplement any incorrect or incomplete information. It is then up to the Wiggers Ross N.V. lawyer concerned to enter a correction or addition as such into the system or to replace an existing entry that is considered to be incorrect or incomplete by a correct or supplemented entry.

20. Clients are authorised to know which personal data is stored. In practice this occurs as standard practice, and immediately, because copies of all information both received and sent are provided to the client.

Accounts database for marketing purposes

21. Wiggers Ross N.V. is creating a separate accounts database in Basenet, the sole intention of which is to send clients and some other parties newsletters to inform them about legal developments, or to invite them to information meetings about legal subjects that may be relevant to them. Accounts here means clients, former clients or third parties, such as auditors, accountants and other service providers relevant to lawyers.
22. Clients are considered to have given permission for their inclusion in this accounts database, also for the time after the assignment has ended. This permission can always be revoked, regardless of unregistering as referred to in marginal number 24 below.
23. Only the following data is recorded for these accounts: name of legal entity where applicable, name of natural person, business address, home address if no separate business address is available, business e-mail address, private e-mail address if that is also used for business purposes, telephone numbers (business and mobile phone numbers).
24. Every newsletter or invitation will state that the addressee is included in this accounts database and it will explicitly offer the possibility to unsubscribe, preferably by means of a simple electronic link.

Destruction or erasure of information containing personal data

25. Archive-IT destroys physical files ten years after the files were closed; this destruction is supervised. This is done once a year, which means that the oldest files will have been closed for more than ten years. The same happens to physical files that are kept in the company's buildings.
26. Digital data will be similarly erased by removing it from Basenet on a file-by-file basis or – if digital information has been recorded onto DVDs or other data carriers – by erasing it from such data carriers, again: ten years after closing the file.
27. Any paper documents that have become redundant (e.g. duplicates), drafts that are not relevant, or bad copies are collected at the secretariat in a closed container which is collected by the Sita Recycling Services Zuid B.V. waste collector, trading under the name of SUEZ Recycling and Recovery Netherlands, located at Waalhavenweg 50 in 3089 JJ Rotterdam, at regular intervals after which its contents are shredded.

Obligation to report incidents

28. Any lawyer or other employee of Wiggers Ross N.V. who is aware of an incident in which personal data has been disclosed or could have been disclosed to third parties who were

not authorised to access such information shall report such incidents to the company's board. The board will confirm the date, time and content of the report to the person who has reported the incident. This will be done within a secure environment, normally within Basenet or otherwise by means of a letter on paper. The board will assess whether the incident gives cause to notify one or more parties involved and/or the Dutch Data Protection Authority. The person who reported the incident will receive an electronic or paper message regarding the outcome of this assessment.

Publication, enforcement and legal status

29. These personal data protection rules are published separately in pdf format on the Wiggers Ross N.V. website. They are also referred to in the menu and they can be downloaded from the website by any visitor.
30. Wiggers Ross N.V. has incorporated the above rules in full in its Office Manual and reviews them with all employees once a year in order to check whether the rules still comply with the statutory provisions and to promote their application in practice.
31. These data protection rules are also an integral part of the general terms and conditions of Wiggers Ross N.V. under which assignments from clients are accepted.

Note *: in this text 'party who was granted a suspension of payments' or 'parties who have been granted a suspension of payments' also refers to a party which has been declared bankrupt or placed under administration for debt restructuring purposes.