

## PRIVACY AND COOKIE STATEMENT FINCH B.V.

Finch B.V., trading under the name Finch Dispute Resolution, (hereinafter "**Finch**" or "we") as a law firm processes personal data in the course of providing our services. The concept of 'personal data' includes all information about an identified or identifiable natural person.

Through this Privacy and Cookie Statement, we would like to inform you about how Finch handles personal data, what your rights are regarding the personal data we collect, how you can exercise those rights and where to direct your questions.

Finch qualifies as as the 'data controller' in the meaning of the [General Data Protection Regulation](#) (EU) 2016/679 ("GDPR") for the processing of your personal data.

Please find our contact details below, including the e-mail address to which you can send your privacy-related questions:

Finch Dispute Resolution  
Tolsteegsingel 2  
3582 AC Utrecht  
The Netherlands  
[info@finch.nl](mailto:info@finch.nl)

### Which personal data do we process?

We may process the following (categories of) personal data of **clients** and their contact persons:

- name and address details (name, first names, initials, titles, gender, address, postal code, residence) as provided by the client;
- other contact details (telephone number, e-mail address and similar data required for communication) and interest areas as provided by the client as well as information about contact moments with us (such as participation in events) as registered by Finch;

- license plate number as provided by the client if the client visits our office and wishes to use our parking facilities;
- data relating to the handling of a case or the settlement of a dispute, including data concerning the counterparty and third parties, as provided by the client, a counterparty and/or a third party or obtained from a public source, see also below under “**third parties**”;
- data for the purpose of calculating and recording fees and expenses, making payments and recovering claims, including the bank account number provided by the client;
- other data of clients of which the processing is required by or necessary to comply with applicable laws or regulations, the Legal Profession Bye-law and the Code of Conduct for Lawyers, such as, under certain circumstances, the processing of certain data relating to proof of identity when this is necessary to comply with the Money Laundering and Terrorist Financing Act and the maintenance of a former client list.

Finch may process the following (categories of) personal data of persons from whom we purchase products or services or who work for these **suppliers**:

- contact details (name, first names, initials, titles, gender, address, postal code, residence) as provided by the supplier;
- other contact details (telephone number, e-mail address and similar data required for communication) as provided by the supplier;
- license plate number as provided by the supplier if the supplier visits our office and wishes to use our parking facilities;
- in certain cases, also depending in the type of service: a certificate of conduct and details regarding an identity document as provided by the supplier;
- data for the purpose of placing orders or purchasing services; calculating and recording fees and expenses and making payments, including the bank account number as provided by the supplier;
- other data of suppliers of which the processing is required by or necessary to comply with applicable laws or regulations.

We may process the following (categories of) personal data of **job applicants**:

- contact details (name, first names, initials, titles, gender, address, post code, city), as provided by the job applicant;
- other contact details (telephone number, e-mail address and similar data required for communications), as provided by the job applicant;
- license plate number as provided by the job applicant if the job applicant visits our office and wishes to use our parking facilities;
- nationality and date of birth, as provided by the job applicant;
- availability, CV and employment history (copies of diplomas, certificates, letters of reference), motivation letter and where relevant for the vacancy: the results of a competence test taken
- references as provided by the job applicant or the referent, data on the position for which the candidate has applied, notes on job interviews and written communications with the job applicant.

Finch, may process the following (categories of) personal data of **third parties** (such as counter parties, website visitors, non-clients whose personal data appearing in our files, lawyers and other advisors with whom we are in touch);

- contact details (name, first names, initials, titles, gender, address, post code, city), if provided;
- other contact details (telephone number, e-mail address and similar data required for communications), if provided;
- information collected on visits to our website <https://finch.nl/>, including IP-address, as specified below under '**Cookies**';
- data regarding electronic messages from or intended for third parties and data required to keep in touch with those third parties;
- other data obtained from public sources or provided by clients or third parties as part of a case that we handle or for dispute resolution;
- license plate number as provided by the third party if the third party visits our office and wishes to use our parking facilities.

### **Legal processing grounds**

Finch processes your personal data on the basis of one or more of the following legal processing grounds:

- a. If this is necessary for the performance of an agreement to which you are a party or to perform precontractual acts at your request;
- b. If this is necessary to comply with statutory obligations;
- c. If this is necessary to justify our legitimate interests or the interests of a third party;
- d. Your consent.

If Finch processes your personal data on the basis of your consent, Finch will ask you for it separately. You may withdraw your consent at any time. Finch draws your attention to the fact that the withdrawal of your consent does not affect the lawfulness of the processing of your personal data prior to the withdrawal of your consent.

### **For which purposes do we process personal data?**

Finch may process the above personal data for the purposes stated below, in respect of which we have indicated for each purpose on the basis of which of the abovementioned legal processing grounds (a through d) we do so. If the processing is based on the principle of 'legitimate interest', we briefly explain this interest. If you have any specific questions in this respect, please do not hesitate to contact us.

#### *Purposes with corresponding processing grounds:*

- to provide the requested legal services, including identifying the client and performing a conflict check to avoid a conflict of interest (*a, b and c: being able to offer and improve our services, compliance with the Legal Profession Bye-law and the Code of Conduct for Lawyers*);
- for our administration, including the calculation or recording of fees or benefits, income and expenses, the payment and collection of claims (including the use of collection agencies or bailiffs) (*a, b and c: the importance of keeping proper records*);

- to be able to deal with any complaints and disputes about our services (*a, b and c: to defend our rights, to maintain and improve existing relationships by means of proper handling of complaints, to improve the quality of the service and to comply with the Legal Profession Bye-law*);
- to maintain contact and communicate with you; also including communications for marketing and related activities such as seminars and sending newsletters (*a, b, c: the interest in bringing our services to the attention of existing clients, d*);
- to handle your job application (*a, b, c: our legitimate interest in assessing whether you are suitable for the job opening and d: consent if you wish to remain in our portfolio, see the header: "How long do we retain your personal data?"*);
- for placing orders or purchasing services (*a, b and c: our interest in being able to keep proper records*);
- for conducting audits and other internal controls (*a, b and c: our interest in being able to keep proper records*);
- to provide you access to our office and where applicable: to reserve a parking spot for you and for the benefit of company security; (*a, b and c: our interest our interest in being able to keep proper records and to protect our property, our staff members and the data we have at our disposal*);
- to generate statistics regarding the use of our website and to determine in which language the website should be displayed (*c: the importance of offering an optimized website*);
- to comply with our legal and statutory obligations including the Legal Profession Bye-law and the Code of Conduct for Lawyers (*b, c: the interest of being able to meet these obligations*).

### **How long do we retain your personal data?**

We do not retain your personal data in an identifiable form for longer than is necessary to achieve the purposes in conjunction with the legal processing grounds as set out in this Privacy and Cookie Statement. More specifically, the following retention periods are applied:

- The personal data provided to us with regard to your application will be stored for up to four weeks after the end of the application procedure. We can keep your

personal data on file for up to one year after the end of the application procedure if you consent to this. This gives us with the option to approach you for any future vacancies at Finch. When you enter into the employment of Finch, the personal data you provided with regard to your application will become part of your personnel file.

- The files of the cases handled by Finch will be kept in accordance with the [Archiving Manual of the Netherlands Bar Association](#) for at least five years and at most twenty years after our involvement in the case has ended;
- The personal data that are processed in the context of the Office Complaints Procedure will be deleted no later than two years after the complaint and/or the legal proceedings arising from it have been dealt with.
- Personal data that must be kept on the basis of [Article 52 of the Dutch State Taxes Act](#) will be kept for 7 years (from the end of the year in which the data in question have lost their current value for the (tax-) related business operations) in connection with the tax retention obligation incumbent on us pursuant to Article 52(4) of the Dutch State Taxes Act.

The abovementioned specific retention periods can be extended if statutory retention obligations apply or will become applicable. Finch may also retain the personal data for a longer period of time if this is necessary for the handling of incidents and/or legal disputes. For more information regarding the retention periods related to the use of cookies, we kindly refer you to the section “**Cookies**” in this Privacy and Cookie Statement.

### **Cookies**

Our website [www.finch.nl](http://www.finch.nl) uses cookies and similar techniques (hereinafter jointly referred to as “cookies”).

Cookies are small data files that are stored by your browser on your computer, tablet or mobile phone and read out when you use our website. Below we will explain the different types of cookies used by our website.

### Functional cookies

Finch uses a number of functional cookies, also known as necessary cookies. These cookies ensure that our website works properly and, for example, allow us to determine which language our website is displayed in.

We use the following functional cookies:

Name	Provider	Type	Purpose	Duration
wp-wpml_current_language	finch.nl	HTTP	Designates the country code that is calculated based on the website visitor's IP address, to determine what language should be used for the visitor.	Session
privacy_embeds	finch.nl	HTTP	This cookie tracks whether the cookie banner has previously been shown to the website visitor	1 month

### Analytical cookies

We use analytical cookies to properly adjust our website to the preferences and interests of our website visitors and to offer you a desirable website experience.

These cookies channel back information to our data analytics tool, Google Analytics from Google LLC ('Google'). Through Google Analytics, we are provided insight into the way in which our website is used. This regards user statistics, such as the number of individual visitors, the frequently used pages and the average duration of a visit. To this end, personal data such as your IP address, information about the device you used (device identifiers), cookie identifiers and client identifiers are processed. We use Google Tag Manager to place and manage cookies and scripts.

We have followed the [Manual for Privacy Friendly Google Analytics Settings of the Dutch Data Protection Authority](#) for the use of Google Analytics. This means, among other things, that we have instructed Google to delete the last three digits of your IP address (making it difficult to

trace the IP address to a specific visitor) and that we have disabled the default settings for sharing data with Google. In addition, we have entered into a data processing agreement with Google. We do not use any other Google services in combination with the Google Analytics cookies. The limited information that is shared with Google through the use of Google Analytics can be transferred to and stored by Google on servers in the United States.

We use the following analytical cookies on our website:

Name	Provider	Type	Purpose	Duration
_ga	finch.nl	HTTP	This cookie is placed in order to collect statistics about the website to enhance user experience.	2 years
_gid	finch.nl	HTTP	This cookie is used in order to distinguish different visitors to the website.	1 day
_gat	finch.nl	HTTP	This cookie is used for throttling requests to Google Analytics to increase the efficiency of network calls.	1 day
_ga_#	finch.nl	HTTP	This cookie is used by Google Analytics to collect data on the number of times a visitor has visited the website as well as the dates for the first and the most recent visit.	2 years

#### *Deletion of cookies*

You can delete cookies and/or refuse to place new cookies through your browser settings. The steps to take in order to do this differ per browser. See the cookie settings available in your web browser(s) for more information. Please find below the instructions for different frequently-used browsers:

[Google Chrome](#)

[Firefox](#)

[Edge](#)

[Safari](#) and more specific information for Apple devices can be found [here](#)

[Opera](#)



Furthermore, if you do not want Google compiling and using Google Analytics data, you can download and install the browser plug-in available under:

<https://tools.google.com/dlpage/gaoptout>.

More information on cookies and deleting cookies can be found at the [Dutch Consumer's Association](#), through [Consuwijzer](#) and through <http://www.youonlinechoices.eu/>.

### **With whom do we share your personal data?**

Finch does not provide your personal data to third parties ('recipients' within the meaning of the applicable privacy legislation), unless this is necessary for the proper performance of the purposes set out in this Privacy and Cookie Statement, if the law requires us to do so or if you have provided your consent to this end. For example, we may share your personal data with another lawyer engaged to handle your matter during absence or leave, with an expert in order to obtain an expert opinion, or if we engage a third party to provide services to Finch, such as an IT-provider. We may also (be required to) provide your personal data in the context of any (judicial or other) proceedings or in relation to correspondence with the counterparty. Finally, Finch may also be required by law to provide personal data to a supervisory authority or other public body.

The third parties to whom the personal data are made available are obliged to handle your personal data confidentially. If these parties qualify as a 'data processor' within the meaning of the applicable privacy legislation, Finch will ensure that a data processing agreement is concluded with these parties, which complies with the requirements included in the GDPR. Third parties which offer services to Finch as an independent data controller, such as accountants, civil law notaries experts engaged to provide an opinion or expert report, are themselves responsible for the (further) processing of your personal data in accordance with the applicable privacy legislation.

Personal data can be shared with:

- staff members of Finch;
- suppliers (for example software suppliers, bailiffs, courier services, translation agencies, accountants, etc);

- counterparties, other lawyers or advisors in the context of the provision of services;
- with all of our legal successors if Finch is acquired by or merged with another company, and also with third parties involved in such proposed or actual business transaction;
- courts and government institutions;
- other parties, such as regulators and other authorities where required by law or with your consent.

In order to provide our services, Finch might need to transfer your personal data to a recipient in a country outside the European Economic Area with a lower degree of protection of personal data than the European law offers. In that case, Finch will ensure that such a transfer of personal data is in accordance with the applicable laws and regulations, for example by concluding a model contract prepared and approved for that purpose by the European Commission and will assess whether any additional measures are necessary to guarantee an appropriate level of protection of your personal data. Please do not hesitate to reach out to Finch if you wish to receive more information about the appropriate or suitable safeguards in place for data transfers outside of the European Economic Area or if you would like to obtain a copy of them.

### **Security measures**

Finch has taken appropriate technical and organisational measures to secure your personal data against unauthorised or unlawful processing and against loss, destruction, damage, modification or publication. If you have any questions about the security of your personal data, or if you suspect or see signs of misuse, please contact us [via info@finch.nl](mailto:info@finch.nl).

### **Your privacy rights**

You have the following rights in respect of the processing of your personal data by Finch:

- the right to request whether Finch processes your personal data and if so, the right to access your personal data and to receive information about the processing of your personal data;
- the right to rectification of your personal data if these are incorrect or incomplete;
- the right to have your personal data deleted ('right to be forgotten');

- the right to object to the processing of your personal data or to limit the processing of your personal data;
- the right to withdraw your consent for the processing of your personal data, if the processing is based on your consent;
- the right to receive or surrender your personal data to a third party appointed by you in a structured, customary and machine-readable form ('right to data portability').
- the right to file a complaint with the competent supervisory authority. In the Netherlands this is the [Dutch Data Protection Authority](#). If you live or work in another country in the European Economic Area, you can file a complaint with the competent authority of that country.

Finch does not use automated decision-making within the meaning of Article 22 GDPR.

You can file requests to exercise your rights by post or e-mail using the contact details stated above. In order to prevent that Finch discloses information to the wrong person, Finch can ask you for additional information to verify your identity.

In principle, Finch will inform you whether Finch can comply with your request, within one month after receipt. In specific cases, for example when it concerns a complex request, this term may be extended by two months. Finch will inform you of such an extension within one month after receiving your request. On the basis of the applicable privacy legislation, Finch can refuse your request under certain circumstances. If this is the case, Finch will explain to you why. You can find more information about your privacy rights on the website of the [Dutch Data Protection Authority](#).

### **Amendments**

This Privacy and Cookie Statement was last amended on **8 November 2022**. We reserve the right to amend this Privacy and Cookie Statement. The most recent version of this Privacy and Cookie Statement will always be posted on our website, stating the effective date of the changes. If substantial amendments are made that could have a significant impact on one or more of the data subjects involved, we seek to inform those data subjects directly.