

PRIVACY STATEMENT

Last date of revision: 18-05-2018

1. WHO DOES THIS GDPR PRIVACY STATEMENT APPLY TO?

- 1.1 Claey's & Engels cvba ("**We**" or "**Claey's & Engels**") is a specialist law firm offering a full range of legal services in all areas concerning human resources. Claey's & Engels has different establishments in Belgium and is actively participating in a global alliance of leading employment, labour and pension law firms, called "Ius Laboris".
- 1.2 We act as a data controller for all personal data processed by our law firm. We collect, store and process any personal data as safely as reasonably possible and in strict compliance with the applicable data protection legislation among which the General Data Protection Regulation 2016/679 of 27 April 2016 ('GDPR').
- 1.3 Please follow the links below for further information. Where relevant, we have made a distinction between different categories of data subjects:

WHAT IS COVERED BY THIS GDPR PRIVACY STATEMENT?

PROFESSIONAL SECRECY

WHY WE USE YOUR DATA

- **I AM A WEBSITE VISITOR**
- **I AM A CONTACT PERSON RECEIVING LEGAL UPDATES (NEWSFLASHES, NEWSLETTERS, ...) AND INVITATIONS TO EVENTS**
- **I AM A (CONTACT PERSON OF) A CLIENT**
- **I AM A (CONTACT PERSON OF) ANY OTHER PARTY WITH WHOM CLAEYS & ENGELS DOES OR INTENDS DOING BUSINESS (PROSPECTS, SUPPLIERS, OTHER BUSINESS PARTNERS,...)**

THE LEGAL GROUNDS FOR PROCESSING YOUR DATA

- **I AM A WEBSITE VISITOR**
- **I AM A CONTACT PERSON RECEIVING LEGAL UPDATES (NEWSFLASHES, NEWSLETTERS,...) AND INVITATIONS TO EVENTS**
- **I AM A (CONTACT PERSON OF) A CLIENT**

YOUR RIGHTS

HOW WE OBTAIN DATA

- **I AM A WEBSITE VISITOR**
- **I AM A CONTACT PERSON RECEIVING LEGAL UPDATES (NEWSFLASHES, NEWSLETTERS,...) AND INVITATIONS TO EVENTS**
- **I AM A (CONTACT PERSON OF) A CLIENT**

DATA WE COLLECT

- **I AM A WEBSITE VISITOR**

- I AM A CONTACT PERSON RECEIVING LEGAL UPDATES (NEWSFLASHES, NEWSLETTERS, ...) AND INVITATIONS TO EVENTS
- I AM (A CONTACT PERSON OF) A CLIENT

ACCESS AND DISCLOSURES

- I AM A WEBSITE VISITOR
- I AM A CONTACT PERSON RECEIVING LEGAL UPDATES (NEWSFLASHES, NEWSLETTERS, ...) AND INVITATIONS TO EVENTS
- I AM (A CONTACT PERSON OF) A CLIENT

SECURITY OF YOUR DATA

DATA RETENTION

- I AM A WEBSITE VISITOR
- I AM A CONTACT PERSON RECEIVING LEGAL UPDATES (NEWSFLASHES, NEWSLETTERS,...) AND INVITATIONS TO EVENTS
- I AM (A CONTACT PERSON OF) A CLIENT

AUTOMATED DECISION-MAKING

HOW TO CONTACT US?

CHANGES TO THIS PRIVACY STATEMENT

2. What is covered by this GDPR Privacy Statement?

2.1 With this Privacy Statement we would like to inform you about why and how we process your personal data when we perform our activities or when you use our websites (“**the Sites**”) and any of the services we offer through the Sites, who we give that information to, what your rights are and who you can contact for more information or queries.

2.2 This Privacy Statement covers the processing of personal data of:

- website visitors;
- contact persons receiving legal updates (newflashes, newsletters,...) and invitations to events;
- (contact persons of) clients;
- (contact persons of) any other party with whom Claeys & Engels does or intends doing business (prospects, suppliers, other business partners,...)

However, this Privacy Statement does not apply to the processing of personal data which must remain strictly confidential subject to the obligation of professional secrecy of lawyers (see point 3).

2.3 When we refer to “**the Sites**”, we mean the webpages with a URL commencing:

- <https://www.claeysengels.be/>: the general website about our law firm;
- <https://gdprbelgium.be/>: our website dedicated to the GDPR;

- <https://audit.gdprbelgium.be/>: our online data mapping tool (username and password required);
- <http://www.socialelections.be/>: our website dedicated to the social elections;
- <http://www.opzegging.be/>: our website for the calculation of notice periods and indemnities for blue- and white-collar employees;
- <http://www.formuleclaeys.be/>: our website for the calculation of notice periods and indemnities according to the 2011 Claeys formula which was used for dismissals of white-collar employees until 31 December 2013.
- <https://files.claeysengels.be/>: our website used to share large files.

This Privacy Statement does not apply to other webpages. In particular, this Privacy Statement does not apply to the webpages with a URL commencing <http://jobs.claeysengels.be/> allowing you to apply for job openings.

- 2.4 The Sites may link to other sites provided by other affiliated companies entities or by third parties. Whilst we try to link only to sites that share our high standards and respect for privacy, we are not responsible for the content or the privacy practices of other websites.

When linking to any such sites, we strongly recommend you to review the Privacy Statements on these sites, before disclosing any personal information.

3. **Professional secrecy**

- 3.1 An important principle that Claeys & Engels must take into account - at the level of the firm as a whole, as well as at the level of its individual lawyers and its employees - is the legal professional secrecy.
- 3.2 The legal professional secrecy covers all confidential information that our lawyers receive or discover in the execution of their tasks, such as but not limited to:
- The identity of the client;
 - All types of correspondance between our lawyers and the client or between our lawyers and other lawyers;
 - All annexes to this correspondance, such as draft letters, agreements and procedural documents;
 - All information about the client or about other persons or parties that our lawyers receive or discover, in whatever manner, in the framework of the legal assistance to the client;
 - ...
- 3.3 Confidential information that is covered by the professional secrecy, may only be disclosed to courts, arbitral courts and third parties, to the extent that:
- the disclosure of this information is relevant, and
 - the disclosure of this information is in the interest of the client, and
 - the client agrees with the disclosure of this information, and
 - the disclosure of this information is not legally prohibited.
- 3.4 This Privacy Statement does not apply to the processing of personal data which must remain strictly confidential subject to the obligation of professional secrecy of lawyers, as described above.

4. Why we use your data

4.1 I AM A WEBSITE VISITOR

4.1.1 We only process your personal data for legitimate business reasons. These purposes include, but are not limited to:

- the provision and good organisation of our (online) services;
- dealing with enquiries, requests and complaints (e.g. sent via online contact form);
- gathering statistics about the use of the Sites ("*web audience measuring*");
- improving the Sites' performance and design.

4.2 I AM A CONTACT PERSON RECEIVING LEGAL UPDATES (NEWSFLASHES, NEWSLETTERS, ...) AND INVITATIONS TO EVENTS

4.2.1 We hold a database of our client's details as well as other preferred partners. We process these personal data for legitimate business reasons. These purposes include, but are not limited to:

- the sending of regular legal updates in the field of HR law (including compensation & benefits, pensions, discrimination, privacy and data protection law), as well as invitations to our events and any other news on our firm or the HR law market in general;
- dealing with enquiries, requests and complaints on these communications;
- gathering statistics about these communications.

4.3 I AM A (CONTACT PERSON OF) A CLIENT

4.3.1 We only process your personal data for legitimate business reasons. These purposes include, but are not limited to:

- respecting our legal obligations;
- client management;
- invoicing and accounting;
- the provision of information on our company, services and activities;
- the good organisation of our services;
- direct marketing;
- dealing with enquiries, requests and complaints;
- dispute management;
- statistics and market research;
- security.

4.3.2 As a (contact person of) a client, you will be added to our contact list for legal updates and invitations to events. For more information about the purposes of this processing, see [the legal updates and invitations section \(5.2\)](#).

4.4 I AM A (CONTACT PERSON OF) ANY OTHER PARTY WITH WHOM CLAEYS & ENGELS DOES OR INTENDS DOING BUSINESS (PROSPECTS, SUPPLIERS, OTHER BUSINESS PARTNERS,...)

4.4.1 We only process your personal data for legitimate business reasons. These purposes include, but are not limited to:

- respecting our legal obligations;
- order and supplier management;
- invoicing and accounting;
- the provision of information on our company, services and activities;
- the good organisation of our services;
- direct marketing;
- dealing with enquiries, requests and complaints;
- dispute management;
- public relations and press contacts;
- statistics and market research;
- security.

5. **The legal grounds for processing your data**

5.1 **I AM A WEBSITE VISITOR**

5.1.1 When you send a message via the online contact forms or the contact details mentioned on the Sites, your personal data will in principle be processed for the purposes of our legitimate interests (namely the interest to handle all enquiries, requests and complaints sent via this form in the best possible way).

In this respect, we will always determine case by case whether our interests are not overridden by your interests, fundamental rights and freedoms. Please **contact us** if you would like to obtain more information about this.

5.2 **I AM A CONTACT PERSON RECEIVING LEGAL UPDATES (NEWSFLASHES, NEWSLETTERS,...) AND INVITATIONS TO EVENTS**

5.2.1 If you are a client, we send our updates and invitations in the context of our existing client relationship, which is in our legitimate interest. Given the existing client relationship, we consider that you are happy with this service we deliver to you to keep you updated.

5.2.2 If you are not a client or not related to it, we will send our updates and invitations based on your consent.

5.3 **I AM A (CONTACT PERSON OF) A CLIENT**

OR

I AM A (CONTACT PERSON OF) ANY OTHER PARTY WITH WHOM CLAEYS & ENGELS DOES OR INTENDS DOING BUSINESS (PROSPECTS, SUPPLIERS, OTHER BUSINESS PARTNERS,...)

5.3.1 We process your personal data for the purposes mentioned above:

- when necessary for the performance of contracts to which you are party or in order to take steps at your request prior to entering into a contract;
- when necessary for compliance with our legal obligations;
- for the purposes of the legitimate interests of Claeys & Engels, and/or of a third party, including (but not limited to) our activities, client / prospect / supplier management etc.

5.3.2 If we have the legal obligation to obtain your free, informed, specific and unambiguous consent to process your personal data for certain purposes (e.g. specific direct marketing or market research activities), we will only process your data for such purposes to the extent that we have obtained such consent from you.

5.3.3 If you are a (contact person of) a client, you will be added to our contact list for legal updates and invitations to events. For more information about the legal ground of this processing, see [the legal updates and invitations section \(5.2\)](#).

6. Your Rights

6.1 You have several rights concerning the information we hold about you. We would like to inform you that you have the right to:

- obtain confirmation that we are processing your personal data and request a copy of the personal data we hold about you;
- ask that we update the personal data we hold about you, or correct such personal data that you think is incorrect or incomplete;
- ask that we delete personal data that we hold about you, or restrict the way in which we use such personal data if you believe that there is no (longer a) lawful ground for us to process it;
- withdraw consent to our processing of your personal data (to the extent such processing is based on consent);
- receive a copy of the personal data concerning you, which you have provided to us, in a structured, commonly used and machine-readable format and to transmit such personal data to another party (to the extent the processing is based on consent or a contract);
- object to our processing of your personal data for which we use legitimate interest as a legal basis, in which case we will cease the processing unless we have compelling legitimate grounds for the processing.

You have also the right to object at any time to the processing of personal data for direct marketing. If you do not want to continue receiving any direct marketing from us, you can contact us (see below) or click on the unsubscribe function in any such communication. In that event, the personal data shall no longer be processed for such purposes.

6.2 In order to exercise any of your rights, you can send us a request, indicating the right you wish to exercise:

- by e-mailing us at privacy@claeysengels.be; or
- by addressing your query to Olivier Wouters, Managing Partner, Claeys & Engels cvba, Boulevard du Souverain 280, 1160 Brussels.

You may also use these contact details if you wish to make a complaint to us relating to your privacy.

6.3 If you are unhappy with the way we have handled your personal data or any privacy query or request that you have raised with us, you have a right to complain to the Data Protection Authority (“DPA”) in your jurisdiction. If you would like to be directed to the appropriate DPA, please contact us.

7. How we obtain DATA

7.1 I AM A WEBSITE VISITOR

7.1.1 We may obtain your personal data when you use the Site and its services. This may be for instance the case when you fill in the contact forms on the Sites, when you contact us through the contact details on the Sites or when you use our online service.

7.2 I AM A CONTACT PERSON RECEIVING LEGAL UPDATES (NEWSFLASHES, NEWSLETTERS,...) AND INVITATIONS TO EVENTS

7.2.1 The personal data we hold in our database were provided to us by you.

7.3 I AM A (CONTACT PERSON OF) A CLIENT

OR

I AM A (CONTACT PERSON OF) ANY OTHER PARTY WITH WHOM CLAEYS & ENGELS DOES OR INTENDS DOING BUSINESS (PROSPECTS, SUPPLIERS, OTHER BUSINESS PARTNERS,...)

- 7.3.1 We may obtain your personal data in the framework of the execution of our business activities.
- 7.3.2 We may obtain such personal data because you give them to us (e.g. by contacting us), because others give them to us (e.g. your employer or third party service providers that we use in the framework of our activities) or because they are publicly available.
- 7.3.3 When we obtain personal data from external parties, we make reasonable efforts to enter into contractual clauses with these parties obliging them to respect the data protection legislation. This can be done by obliging this party to provide you with all necessary information or - if necessary - to obtain your consent for processing the personal data as described in this GDPR Privacy Statement.

8. Data we collect

8.1 I AM A WEBSITE VISITOR

8.1.1 The main personal data we process through the use of the Sites are the following:

○ **Contact form**

We will collect your data when you contract us through the online contact forms on the Sites. The following contact forms can be found on the Sites:

➤ <https://gdprbelgium.be/>

The following data are collected through the contact form on our GDPR website: name, company, function, e-mail address and the content of your message.

➤ <https://opzegging.be/>

The following data are collected through the contact form on our GDPR website: name, company, , e-mail address and the content of your message.

○ **Services**

We may process your personal data in order to provide the online services on the Sites, such as:

➤ **Calculation tools**

When you use the calculation tools on the websites <https://opzegging.be/> and <http://www.formuleclaeys.be>, you are asked to enter several data such as:

- The name of the employee;
- The date of entry into service;
- The date of dismissal / the date on which the notice starts;
- Whether the notice is given by the employee or by the employer;
- The status of the employee (white-collar or blue-collar employee);
- The salary and benefits;
- Whether the employee works part-time because of parental leave;
- Whether the white-collar worker has the function of sales representative.

These data will only be processed in order to deliver the requested online services (i.e. the calculation of the notice period, the remuneration of the employee, the amount and cost of the termination indemnity etc.) and will not be stored by Claeys & Engels in any way.

➤ **Social elections**

On our social elections website (<http://www.socialelections.be/>), you have the possibility to create a social elections calendar based on the election data within your company and to export this calendar.

We will only use the data you enter on the social elections website in order to deliver the requested services and we will not store these data in any way.

➤ **Transfer of large files**

In order to transfer large files to you through our website <https://files.claeysengels.be>, we will always need your e-mail address.

The files that we transfer may contain personal data as well and will only be placed on the server for transfer purposes. Dependent on the sensitivity of these data, we may use additional security measures (e.g. usernames and passwords) to protect these data.

8.2 I AM A CONTACT PERSON RECEIVING LEGAL UPDATES (NEWSFLASHES, NEWSLETTERS, ...) AND INVITATIONS TO EVENTS

8.2.1 The personal data we hold in our database consist of:

- Your name and surname
- Your e-mail address
- The company you work
- Your job title

8.3 I AM (A CONTACT PERSON OF) A CLIENT

OR

I AM A (CONTACT PERSON OF) ANY OTHER PARTY WITH WHOM CLAEYS & ENGELS DOES OR INTENDS DOING BUSINESS (PROSPECTS, SUPPLIERS, OTHER BUSINESS PARTNERS, ...)

8.3.1 The personal data that we collect or obtain may, among other things, include:

- Identification data (e.g. name, address (private/work), phone number (private / work), e-mail address (private / work), country of residence), national identification number, passports etc.
- electronic identification data (e.g. IP addresses, browser type, cookie identifiers, ...);
- personal characteristics (e.g. age, gender, date of birth, place of birth, nationality, language, family composition, hobby's etc.);
- financial specifics (e.g. bank account number, creditworthiness...);
- life style and social circumstances;
- family circumstances (e.g. marital status);
- employment and educational data (e.g. organization you work for, job title, current responsibilities, projects, qualifications, trainings, work scheme...);
- data about the services you request from us;
- data about how you interact with us (e.g. when you contact us) and other similar information

9. ACCESS AND Disclosures

9.1 I AM A WEBSITE VISITOR

9.1.1 Our staff members will have access to your personal data on a strict 'need-to-know' basis for the purposes described above.

9.1.2 Your data are not transferred outside of the EEA.

9.2 **I AM A CONTACT PERSON RECEIVING LEGAL UPDATES (NEWSFLASHES, NEWSLETTERS, ...) AND INVITATIONS TO EVENTS**

9.2.1 Your personal data may be disclosed to our partners and their assistants, and staff working in our marketing department or our IT department as well as to any service provider who helps us sending out our updates or provides IT assistance with regard to our database.

9.2.2 Your data are not transferred outside of the EEA.

9.3 **I AM (A CONTACT PERSON OF) A CLIENT**

OR

I AM A (CONTACT PERSON OF) ANY OTHER PARTY WITH WHOM CLAEYS & ENGELS DOES OR INTENDS DOING BUSINESS (PROSPECTS, SUPPLIERS, OTHER BUSINESS PARTNERS,...)

9.3.1 Our staff members and our lawyers will have access to your personal data on a strict need-to-know basis. We may disclose your personal data to affiliated companies, third parties that provide services to us that reasonably require access to personal data relating to you for one or more of the purposes outlined in the "Why we use your data" section above. The following external parties may for instance be involved:

- external service providers we rely on for various business services;
- other law firms;
- law enforcement authorities in accordance with the relevant legislation;
- external professional advisors (e.g. consultants of the company).

We reserve the right to disclose your personal information as required by law, or when we believe that disclosure is necessary to protect our rights and/or comply with a judicial proceeding, court order, request from a regulator or any other legal process served on us.

9.3.2 Your data are not transferred outside of the EEA.

10. **Security of your data**

10.1 We employ strict technical and organizational (security) measures to protect your information from access by unauthorised persons and against unlawful processing, accidental loss, destruction and damage both online and offline.

These measures include:

- training to relevant staff to ensure they are aware of our privacy obligations when handling personal data;
- administrative and technical controls to restrict access to personal data on a 'need to know' basis (passwords);
- technological security measures, including fire walls, encryption and anti-virus software;
- login access blocks in case of loss or theft of devices ;
- e-monitoring
- physical security measures, such as security badges to access our premises.

10.2 Although we use appropriate security measures once we have received your personal data, the transmission of data - especially over the internet (including by e-mail) - is never completely secure. We endeavor to protect personal data, but we cannot guarantee the security of data transmitted to us or by us.

We limit access to your personal information to those who we believe reasonably need to come into contact with that information in order to carry out their jobs.

11. **data retention**

11.1 **I AM A WEBSITE VISITOR**

11.1.1 Your personal data will not be retained longer than necessary for the purposes described above.

11.1.2 As a general rule, personal data obtained through the contact form on our website are stored for a period of 5 years.

Depending on the specific situation and the applicable national legislation, we may however retain your personal data for a longer period. This will in particular be the case if any of the following periods is longer : (i) as long as is necessary for our daily business; (ii) any retention period that is required by law; or (iii) the end of the period in which litigation or investigations might arise.

11.2 **I AM A CONTACT PERSON RECEIVING LEGAL UPDATES (NEWSFLASHES, NEWSLETTERS,...) AND INVITATIONS TO EVENTS**

11.2.1 Your personal data will not be retained longer than necessary for the purposes described above.

11.2.2 We will keep your data as long as you are working in a company that is a client of Claeys & Engels. We consider any company we have worked for as a client. If we have not received any assignments during a period of 3 years starting of our last professional contact, your company will no longer be considered to be a Claeys & Engels client.

11.3 **I AM (A CONTACT PERSON OF) A CLIENT**

OR

I AM A (CONTACT PERSON OF) ANY OTHER PARTY WITH WHOM CLAEYS & ENGELS DOES OR INTENDS DOING BUSINESS (PROSPECTS, SUPPLIERS, OTHER BUSINESS PARTNERS,...)

11.3.1 Your personal data will not be retained longer than necessary for the purposes described above.

11.3.2 As a general rule, records in the framework of a contractual relationship are stored for a period of 10 years as from the end of the contractual relationship.

11.3.3 We may however retain your personal data for another period, depending on one of the following periods: (i) as long as is necessary for our daily business; (ii) any retention period that is required by law; or (iii) the end of the period in which litigation or investigations might arise.

12. **Automated Decision-making**

12.1 Automated decisions are defined as decisions about individuals that are based solely on the automated processing of data and that produce legal effects that significantly affect the individuals involved.

12.2 As a rule, your personal data will not be used for automated decision-making. We do not base any decisions about you solely on automated processing of your personal data.

13. **How to contact us?**

13.1 We hope that this GDPR Privacy Statement helps you understand, and feel more confident about, the way we process your data. If you have any further queries about this GDPR Privacy Statement and this Site in general, please contact us:

- by e-mailing us at privacy@claeysengels.be; or
- by calling us at +32 2 761 46 00; or

- by addressing your query to Olivier Wouters, Managing Partner, Claeys & Engels cvba, Boulevard du Souverain 280, 1160 Brussels.

14. **CHANGES TO this PRIVACY STATEMENT**

- 14.1 We may modify or amend this Privacy Statement from time to time. Any changes we may make to this Privacy Statement in the future will be posted on this page. To let you know when we make changes to this Privacy Statement, we will amend the revision date at the top of this page. The new modified or amended Privacy Statement will apply from that revision date. Please check back periodically to see changes and additions.

If we are in the possession of your e-mail address and we are still processing your personal data, we will also inform you electronically about all changes to this GDPR Privacy Statement.