

PERSONAL DATA MANAGEMENT POLICY – PLCJ

1. What data processing operations are involved?

This Personal Data Management Policy (hereinafter the "**Policy**") applies to the processing and operations (hereinafter the "**Processing**") carried out by and under the responsibility of PLCJ (hereinafter the "**Firm**") on the personal data of any person (hereinafter the "**Data Subject**") involved or affected in any way by the provision of these services or by information exchanged with the Firm in the course of providing these services.

For example, the Data Subjects may be clients, prospects, partners, clients' adversaries, third parties involved in the facts or acts dealt with in the context of the services provided by the Firm, etc.

In the context of this Processing, the Firm complies with the following data protection regulations:

- the provisions of the European Union arising from the European General Data Protection Regulation, No. (EU) 2016/679 (hereinafter the "**GDPR**"); and
- the Mauritius provisions of the Data Protection Act 2017 (hereinafter the "**DPA**").

2. Who is the data controller and the data protection officer?

2.1. The controller of the collection, processing and use of personal data is PLCJ (the "**Firm**"). This means that it is the Firm that determines the means and purposes of the relevant Data Processing.

The Firm is a company limited by shares, registered in Mauritius under BRN C 07070250 and is also a Law Firm registered under the Law Practitioners Act 1984 of Mauritius under the reference MLF 1/2020.

Its address is: PLCJ, Nautica Centre, 1st floor, Black River, Mauritius.

Its telephone numbers are: + (230) 483 49 71 or + (230) 483 65 06.

2.2. The Data Protection Officer is Laetitia Bisasur.

Her contact details are the same as those mentioned above.

The two e-mail addresses for any enquiries regarding personal data processed by the Firm are: dpo@plcj.net and plcj@plcj.net.

3. What data are concerned by the Processing?

The data processed by the Firm are of various kinds. They concern identity (surnames, first names), contact details and, where applicable, VAT numbers and/or identity card or passport numbers. It may also be of any other kind, depending on the nature of the services provided, the type of data required and the documents and information to which the Firm is entitled in the course of providing its services.

The provision of data in the context of the Processing is mandatory and not optional. The provision of data in the context of the Processing is a prerequisite for the fulfilment of all the purposes set out below, including the provision of services by the Firm.

4. What are the purposes of the Processing?

The purpose of the Processing is the management and performance of services provided to the Firm's clients, prospects and partners. This includes the following sub-purposes:

- 4.1. To draft the service agreement between the client and the Firm;
- 4.2. Complying with the legal, regulatory and statutory obligations imposed on the Firm by virtue of its status as a legal advisor or its activity;
- 4.3. Checking for potential conflicts of interest between the Firm's prospects, clients and partners;
- 4.4. Performing legal services requested by clients;
- 4.5. Manage the invoicing of clients and ensure that the services are recorded in the Firm's accounts;
- 4.6. Keep records of invoicing data in order to comply with legal, regulatory and/or statutory requirements applicable to the Firm in respect of its activities;
- 4.7. Retain data for evidential purposes in the event of litigation relating to the services offered by the Firm;
- 4.8. Keep the data in order to provide the client on request with a copy of his file and documents relating to the services provided by the Firm;
- 4.9. Occasionally contact clients, prospects or partners of the Firm to inform them of legal news or events organised by the Firm.

5. What are the legal bases for the Processing?

The legal bases for the Processing, i.e. those which enable the Cabinet to justify it in a legal manner, are as follows:

- 5.1. This Processing is based on the consent of the Data Subject, where given by the Data Subject (Article 6, 1. A) of the GDPR and Article 28, (1) (a) of the DPA); and
- 5.2. This Processing enables the implementation of pre-contractual measures and the performance of service contracts of the Firm to which the Data Subject may be party (Article 6, 1. b) of the GDPR and Article 28, (1) (b)(i) of the DPA); and
- 5.3. This Processing enables the pursuit of the legitimate interests of the Firm (Article 6, 1. f) of the GDPR and Article 28, (1) (b) (vii) of the DPA).

These legitimate interests are closely related to the very need to perform the Firm's legal services. Indeed, the provision of these services, if they are to be carried out properly, necessarily requires the collection, use, classification and storage over time of the personal data of any person involved in these services, or of the personal data contained in the documents exchanged in the course of these services.

Furthermore, the Firm also has a legitimate interest in retaining data over time, in particular for evidential purposes, in the event of litigation, given the sensitive and contestable nature of its activities.

Finally, the Firm has another legitimate interest in keeping and using the data for commercial purposes, in the service of its activities, in order to contact its clients, prospects or partners about legal news or events organised by it, this type of correspondence being conceivable and reasonably expected from the Firm's clients, prospects or partners.

- 5.4. Where the Processing operations are necessary to comply with a legal obligation to which the Law Firm is subject, the legal basis for the processing is that of art. 6. 1. c) of the GDPR and art. 28. (1) to (b) (ii) of the DPA.

6. Where is the data transferred to?

Data will be transferred to multiple recipients in multiple locations.

Where such transfers are to countries outside the European Union (where the Processing is subject to the GDPR) or to countries outside Mauritius (where the Processing is subject to the DPA), the GDPR and the DPA provide that such transfers are made in accordance with the following conditions:

- the transfer must be to countries with legislation providing equivalent protection to that of the European Union (for transfers outside the EU); or
- the transfer must be subject to appropriate safeguards in accordance with the provisions of the GDPR and/or the DPA (for transfers outside the EU and Mauritius); or
- the transfer must be made on an exempt basis in accordance with the provisions of the GDPR and/or the DPA (for transfers outside the EU and Mauritius).

Where the transfer is made on a derogatory basis (and not under legislation with equivalent protection to that of the European Union or an appropriate guarantee that complies with the GDPR and/or the DPA), this means that the conditions of protection, security and confidentiality of the data are not optimally ensured with respect to those provided by the GDPR and/or the DPA.

Despite this lack of equivalent protection, subcontractors and third party recipients will only have access to the data for the purposes specified in Article 4 of this Policy, to the exclusion of any other use, in particular commercial.

Details of the terms and conditions of the transfers carried out in the context of the Processing are presented in the table below:

Recipient	Description of the transfer	Country	Terms and conditions for making the transfer (if outside the EU or Mauritius)
The Firm	The data is transmitted by the client to the Firm at its Mauritian premises.	Mauritius	<p><u>Derogatory bases outside the EU:</u></p> <ul style="list-style-type: none"> - Where the Data Subject has given explicit consent to this transfer of data to the Firm, the derogatory basis is that consent (Article 49, 1. A) of the GDPR). - Where the Data Subject has not given explicit consent, the derogatory bases are: <ul style="list-style-type: none"> • the necessity of the transfer for the performance of the service contract and the implementation of pre-contractual measures (Article 49, 1. b) GDPR); or • the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the Data Subject between the Firm and another natural or legal person (Article 49, 1. c) of the GDPR); or • the transfer is necessary for the establishment, exercise or defence of legal claims (Article 49, 1. e) GDPR).
IT providers and subcontractors	These subcontractors are responsible for hosting the data themselves.	European Union (Austria, Finland, France, Ireland and the Netherlands)	<p><u>For processing under the DPA and transfers outside Mauritius:</u> These transfers are made to countries in the European Union, where the GDPR is applicable. As such, these transfers are made to countries whose legislation is considered equivalent to that of the DPA in terms of data protection, which presents appropriate guarantees.</p>
The Firm's Accountants	These accountants are responsible for the accounting and tax returns required of the Firm.	Mauritius	<p><u>Derogatory bases outside the EU:</u></p> <ul style="list-style-type: none"> - Where the Data Subject has given his or her explicit consent to this data transfer, the derogatory basis is that consent (Article 49, 1. A) of the GDPR). - In the absence of explicit consent being given, the derogatory basis which allows this transfer to Mauritius is the existence of important public interest grounds (Article 49, 1. d) of the GDPR).
Public Authorities	These authorities may be required to transfer certain data in order to comply with certain rules relating to the fight against money laundering and the financing of terrorism.	Mauritius and others	<p><u>Derogatory bases outside the EU and outside Mauritius:</u></p> <ul style="list-style-type: none"> - The transfer is necessary for the performance of the service

	<p>They also intervene in the context of services provided by the Firm when these services in themselves require the transmission of data (administrative procedures, legal proceedings, etc.).</p>		<p>contract and the implementation of pre-contractual measures between the Data Subject and the Firm (Article 49, 1, b) of the GDPR AND Article 36. (1) (c) (i) of the DPA); or</p> <ul style="list-style-type: none"> - The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the Data Subject between the Law Firm and another natural or legal person (Article 49, 1. c) of the GDPR AND 36, (1) (c) (ii) of the DPA); or - There are important public interest reasons (Article 49, 1. d) GDPR AND Article 36, (c) (iii) DPA); or - The transfer is necessary for the establishment, exercise or defence of legal claims (Article 49, 1. e) GDPR AND 36. (1) (c) (iv) of the DPA).
<p>The Firm's partners</p>	<p>These partners may act as professionals in the context of the provision of the Firm's services: either to assist the Firm in its mission, or to assist a person involved in the services provided by the Firm.</p>	<p>Mauritius and others</p>	<p><u>Derogatory bases outside the EU and outside Mauritius:</u></p> <ul style="list-style-type: none"> - The transfer is necessary for the performance of the service contract and the implementation of pre-contractual measures between the Data Subject and the Firm (Article 49, 1, b) of the GDPR AND Article 36. (1) (c) (i) of the DPA); or - The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the Data Subject between the Law Firm and another natural or legal person (Article 49, 1. c) of the GDPR AND 36, (1) (c) (ii) of the DPA); or - The transfer is necessary for the establishment, exercise or defence of legal claims (Article 49, 1. e) GDPR AND 36. (1) (c) (iv) of the DPA).

The precise list of recipients of the data can be communicated to the Person concerned on request.

7. How long is the processing carried out?

Personal data is kept for as long as necessary for the provision of the services for which the data was collected.

After the end of the services, the personal data are kept for twenty years from the date of the invoicing of the services for which they were collected.

This retention period is explained by the need for evidence (in the event of litigation) and the existence of legal and regulatory provisions applicable to the Firm regarding the retention of certain data.

In addition, certain data may be retained for longer periods by some of the Firm's subcontractors where they are obliged to do so by virtue of a legal or regulatory obligation of their own, and such additional retention period shall not exceed the period required by such legal or regulatory obligation.

The retention period indicated above shall apply unless the Data Subject exercises, under the conditions set out in Article 8 below, the rights recognised by the standards in force and which would result in a reduction of this period.

8. What are the rights of the Data Subjects?

In accordance with the applicable legal and regulatory provisions, Data Subjects have the following rights with respect to this Processing:

- To exercise their right of access, to know the personal data concerning them;
- To request the updating or rectification of the data, if it is inaccurate;
- Request the portability of data;
- Request the deletion of data;
- Request the limitation of data processing;
- To object, on legitimate grounds, to the Data Processing;
- Define directives concerning the fate of the data after the death of the Data Subject.

These various rights may be exercised directly by post to the following address PLCJ, Data Protection Officer, Nautica Centre, 1st floor, Black River, Mauritius; or by e-mail to the following two e-mail addresses: dpo@plcj.net and plcj@plcj.net

For security reasons and in order to avoid any fraudulent request, the request may give rise to a request to send a proof of identity. The proof of identity will be immediately destroyed once the request has been processed.

Data Subjects have the right to lodge a complaint with a European supervisory authority, such as the CNIL (*Commission National de l'Informatique et des Libertés*) in France or with the Data Protection Commissioner of the Data Protection Office in Mauritius, in relation to the Data Processing carried out.