

# WE ARE COMMITTED TO PROVIDE COMMUNITY DEVELOPMENT

## Privacy Policy

By providing your personal data to us (whether via one of our websites, by email, in person or over the phone), you agree to the processing set out in this Privacy notice. Further notices highlighting certain uses we wish to make of your personal data together with the ability to opt in or out of selected uses may also be provided to you when we collect personal data from you.

Please note: This Privacy notice does not apply to, and Upper Rung Center is not responsible for, any third party websites which may be accessible through links from this website. If you follow a link to any of these third party websites, they will have their own privacy policies and you will need to check these policies before you submit any personal data to such third party websites.

### 1. WHAT PERSONAL DATA WE COLLECT ABOUT YOU

We may collect and process different types of personal data in the course of operating our business and providing our services. These include:

- Basic personal details such as your name and job title;
- Contact data such as your telephone number and postal or email address;
- Financial data such as payment related information or bank account details;
- Demographic data such as your address, preferences or interests;
- Website usage and other technical data such as details of your visits to our website or information collected through cookies and other tracking technologies;
- Personal data provided to us by or on behalf of our clients or generated by us in the course of providing our services, which may, where relevant, include special categories of personal data;
- Identification and other background verification data such as a copy of passports or utility bills or evidence of beneficial ownership or the source of funds to comply with client due diligence/"know your client"/anti-money laundering laws and collected as part of our client acceptance and ongoing monitoring procedures;
- Recruitment related data such as your curriculum vitae, your education and employment history, details of professional memberships and other information relevant to potential recruitment to Upper Rung Center;
- Data that you may provide to us in course of registering for and attending events or meetings, including access and dietary requirements; and
- Any other personal data relating to you that you may provide.

### 2. HOW WE OBTAIN THE PERSONAL DATA ABOUT YOU

We may collect or receive your personal data in a number of different ways:

- Where you provide it to us directly, for example by corresponding with us by email, or via other direct interactions;
- Where we monitor use of, or interactions with, our website, any marketing we may send to you, or other email communications sent from or received by Upper Rung Center;
- Third party sources, for example, where we collect information about you to assist with "know your client" checks as part of our client acceptance procedures or where we receive information about you from recruitment agencies for recruitment purposes; or
- Publicly available sources - we may, for example, use such sources to help us keep the contact details we already hold for you accurate and up to date or for professional networking purposes, e.g. LinkedIn.

### 3. HOW WE USE YOUR PERSONAL DATA

We will only use your personal data where we are permitted to do so by applicable law. Under EU data protection law, the use of personal data must be justified under one of a number of legal grounds. The principal legal grounds that justify our use of your personal data are:

Contract performance: where your information is necessary to enter into or perform our contract with you.

Legal obligation: where we need to use your information to comply with our legal obligations.

Legitimate interests: where we use your information to achieve a legitimate interest and our reasons for using it outweigh any prejudice to your data protection rights.

Legal claims: where your information is necessary for us to defend, prosecute or make a claim against you, us or a third party.

Consent: where you have consented to our use of your information (you will have been presented with a consent form or facility in relation to any such use and may withdraw your consent through an unsubscribe or similar facility).

We may use your personal data in the following ways. In each case, we note the grounds that we rely on to use your personal data.

- To provide our legal and other services to you and to conduct our business – to administer and perform our services, including to carry out our obligations arising from any agreements entered into between you and us (please note that our Standard Terms of Engagement apply where we provide legal services);  
Legal grounds: contract performance, legitimate interests (to enable us to perform our obligations and provide our services to you), consent.
- To facilitate use of our website and to ensure content is relevant – to respond to requests for information or enquiries from visitors to our website and to ensure that content from our website is presented in the most effective manner for you and for your device;

Legal grounds: legitimate interests (to allow us to provide you with the content and services on the websites), consent, contract performance.

- For marketing and business development purposes –to provide you with details of new services, legal updates and invites to seminars and events where you have chosen to receive these. We will provide an option to unsubscribe or opt-out of further communication on any electronic marketing communication sent to you or you may opt out by contacting us as set out in section 12 below;

Legal grounds: legitimate interests, consent.

- For research and development purposes – analysis in order to better understand your and our clients' services and marketing requirements and to better understand our business and develop our services and offerings;  
Legal grounds: legitimate interests (to allow us to improve our services).

- For recruitment purposes –to enable us to process applications for employment and to assess your suitability for any position for which you may apply at Upper Rung Center;

Legal grounds: legitimate interests (to ensure that we can make the most appropriate recruitment decisions for Upper Rung Center), contract performance (in order for us to take steps at your request to enter into a contract with you).

- To fulfil our legal, regulatory, or risk management obligations – to comply with our legal obligations (performing client due diligence/"know your client", anti-money laundering, anti-bribery, sanctions or reputational risk screening, identifying conflicts of interests); for the

prevention of fraud and/or other relevant background checks as may be required by applicable law and regulation and best practice at any given time (if false or inaccurate information is provided and fraud is identified or suspected, details may be passed to fraud prevention agencies and may be recorded by us or by them); to enforce our legal rights, to comply with our legal or regulatory reporting obligations and/or to protect the rights of third parties;

Legal grounds: legal obligations, legal claims, legitimate interests (to cooperate with law enforcement and regulatory authorities, to ensure that you fall within our acceptable risk profile and to assist with the prevention of crime and fraud). Where we process special categories of personal data we may also rely on substantial public interest (prevention or detection of crime) or legal claims.

- To ensure that we are paid – to recover any payments due to us and where necessary to enforce such recovery through the engagement of debt collection agencies or taking other legal action (including the commencement and carrying out of legal and court proceedings);

Legal grounds: contract performance, legal claims, legitimate interests (to ensure that we are paid for our services).

- To inform you of changes – to notify you about changes to our services or our Standard Terms of Engagement for legal services or this Privacy notice;  
Legal grounds: legitimate interests (to ensure we can notify you about changes to our service, Standard Terms of Engagement etc.).

- To reorganize or make changes to our business -In the event that we are undergo a re-organization (for example if we merge, combine or divest a part of our business), we may need to transfer some or all of your personal data to the relevant third party (or its advisors) as part of any due diligence process or transfer to that re-organized entity or third party your personal data for the same purposes as set out in this Privacy notice or for the purpose of analyzing any proposed re-organization;

Legal grounds: legitimate interests (in order to allow us to change our business).

#### **4. WHO WE SHARE YOUR PERSONAL DATA WITH**

- Our professional advisors (e.g. legal, financial, business, risk management or other advisors), bankers and auditors;
- Our insurers and insurance brokers;
- Third party service providers, to whom we outsource certain functions such as information and document management, office support, technology and IT services, word processing, photocopying and translation services (we have agreements in place with these service providers to protect the confidentiality and security of information (including personal data) shared with them);
- Other third party external advisors or experts engaged in the course of the services we provide to our clients and with their prior consent, such as barristers, local counsel and technology service providers such as eDiscovery and document review platforms.

We may also process your personal data to comply with our regulatory requirements or in the course of dialogue with our regulators as applicable, which may include disclosing your personal data to government, regulatory or law enforcement agencies in connection with enquiries, proceedings or investigations by such parties anywhere in the world or where compelled to do so. Where permitted, or unless to do so would prejudice the prevention or detection of a crime, we will direct any such request to you or notify you before responding.

#### **5. WHICH COUNTRIES WE TRANSFER YOUR PERSONAL DATA TO**

As a law firm with an international practice, we cannot limit our processing of an individual's personal data to the country in which that individual is based. In the course of providing our services, we will likely need to transfer personal data to locations outside the jurisdiction in which you provide it or where you are viewing our website.

Please contact us as directed below if you would like to see a copy of the specific safeguards applied to the export of your personal data.

## **6. HOW LONG WE KEEP YOUR PERSONAL DATA**

We will retain your personal data for as long as is necessary to fulfil the purpose for which this data was collected and any other permitted linked purpose (for example certain transaction details and correspondence related to any legal services we provide may be retained until the time limit for claims in respect of the transaction has expired or in order to comply with regulatory requirements regarding the retention of such data). If your personal data is used for two purposes, we will retain it until the purpose with the latest period expires; but we will stop using it for the purpose with a shorter period once that period expires. Our retention periods are also based on our business needs and good practice.

## **7. HOW WE PROTECT YOUR PERSONAL DATA**

We recognize that information security is an integral element of data privacy. While no data transmission (including over the Internet or any website) can be guaranteed to be secure from intrusion, we implement a range of commercially reasonable physical, technical and procedural measures to help protect personal data from unauthorized access, use, disclosure, alteration or destruction in accordance with data protection law requirements.

Information that you provide to us is stored on our or our service providers' secure servers and accessed and used subject to our security policies and standards, or those agreed with our service providers.

Everyone at Upper Rung Center and any third party service providers we may engage that process personal data on our behalf (for the purposes listed above) are also contractually obligated to respect the confidentiality of personal data.

## **8. WHAT RIGHTS YOU HAVE IN RELATION TO YOUR PERSONAL DATA**

If you have any questions about our use of your personal data, you should first contact us via the details provided in section 12 below. Under certain circumstances or other applicable data protection laws, you may have the right to require us to:

- provide you with further details on the use we make of your information
- provide you with a copy of information that we hold about you;
- update any inaccuracies in the personal data we hold;
- delete any personal data that we no longer have a lawful ground to use;
- where processing is based on consent, to withdraw your consent so that we stop that particular processing;
- object to any processing based on the legitimate interests ground unless our reasons for undertaking that processing outweigh any prejudice to your data protection rights; and
- restrict how we use your information whilst a complaint is being investigated.

You may also ask us not to process your personal data for marketing purposes. We will inform you if we intend to disclose your information to any third party service provider for this purpose. As indicated in section 4 above, you can exercise your right to prevent such processing at any time by using an unsubscribe facility or contacting us at [juanita@amjs-nj.com](mailto:juanita@amjs-nj.com).

We are also required to take reasonable steps to ensure that your personal data remains accurate. In order to assist us with this, please let us know of any changes to the personal data that you have provided to us by contacting us at [juanita@amjs-nj.com](mailto:juanita@amjs-nj.com)

While it is our policy to respect the rights of individuals, please be aware that your exercise of these rights is subject to certain exemptions to safeguard the public interest (e.g. the prevention or detection of crime), our interests (e.g. the maintenance of legal privilege) and some of these rights may be limited (for example the right to withdraw consent) where we are required or permitted by law to continue processing your personal data to defend our legal rights or meet our legal and regulatory obligations.

If you contact us to exercise any of these rights we will check your entitlement and respond in most cases within a month.

If you are not satisfied with our use of your personal data or our response to any exercise of these rights, you have the right to complain to the relevant Supervisory Authority (data protection regulator).

## **9. HOW WE USE COOKIES AND SIMILAR TECHNOLOGIES**

When you visit our websites we may send a cookie to your computer. This is a small data file stored by your computer to help improve functionality or tailor information to provide visitors with more relevant pages. For details of the cookies employed by us, please see our Cookie Policy, which forms part of this Privacy notice. We may also analyze website traffic to identify what visitors find most interesting so we can tailor our websites accordingly.

## **10. HOW YOU CAN CONTACT US**

If you have any questions about this Privacy notice or how we process your personal data, please contact us by sending an email to: [juanita@amjs-nj.com](mailto:juanita@amjs-nj.com).

## **11. How we may update this Privacy notice**

We may change the content of our websites and how we use cookies without notice and consequently our Privacy notice and Cookie Policy may change from time to time in the future. We therefore encourage you to review them when you visit the website to stay informed of how we are using personal data.

This Privacy notice was last updated in August 2020.