



# PROMARK

AVOCATS À LA COUR

## Data Protection Policy

## TABLE OF CONTENTS

1.	PREAMBLE	4
2.	SUBJECT MATTER	4
3.	SCOPE	4
4.	GENERAL PRINCIPLES AND COMMITMENT	5
5.	DATA COLLECTED	5
6.	DATA ORIGIN	5
7.	PURPOSES OF PROCESSING	6
8.	LEGAL BASIS	6
9.	DATA RECIPIENTS	6
10.	RETENTION PERIOD	7
11.	RIGHT TO OBTAIN CONFIRMATION & RIGHT OF ACCESS	7
12.	UPDATE – ACTUALIZATION & RECTIFICATION	7
13.	RIGHT TO ERASURE	7
14.	RIGHT TO RESTRICTION	8
15.	RIGHT TO PORTABILITY	8
16.	AUTOMATED INDIVIDUAL DECISION	8
17.	POST-MORTEM RIGHT	8
18.	JUSTIFICATION	8
19.	OPTIONAL OR MANDATORY ANSWERS	8

20.	RIGHT TO USE	8
21.	PROCESSORS	9
22.	SECURITY	9
23.	DATA BREACH	9
24.	DATA PROTECTION OFFICER	10
25.	RIGHT TO FILE A COMPLAINT WITH THE CNIL	10
26.	EVOLUTION	10
27.	MORE INFORMATION	10

## 1. PREAMBLE

---

The Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, otherwise known as the General Data Protection Regulation (hereinafter "GDPR") lays down the legal framework applicable to the processing of personal data.

The GDPR strengthens the rights and obligations of the controllers, processors, data subjects and recipients of data.

As far as our activity is concerned, we are required to process personal data.

For a good understanding of this Policy, the Parties acknowledge that:

- the "Controller" means any natural or legal person who determines the means and the purposes of the data processing. In this case, the Controller is PROMARK ;
- the "Processor" means any natural or legal person who processes personal data on behalf of the Controller. Therefore in practice these are the service providers with whom PROMARK works and which deal with the personal data processed;
- the "Data Subjects" mean each person who can be identified, directly or indirectly. In this case, the Data Subjects are the clients and / or contacts of PROMARK;
- the "Recipients" refer to natural or legal persons who receive personal data from PROMARK. Data recipients can therefore be employees of PROMARK as well as external organizations (partners, exhibitors, banks, stakeholders, etc.).

Article 12 of the GDPR requires that data subjects be informed of their rights in a concise, transparent, understandable and easily accessible way.

## 2. SUBJECT MATTER

---

For business purposes, PROMARK implements and processes personal data relating to its clients and contacts.

The purpose of this Policy is to comply with the obligation of information that PROMARK shall implement pursuant to Article 12 of the GDPR and to formalize the rights and obligations of its clients and contacts with regard to the processing of their personal data.

## 3. SCOPE

---

This Policy shall apply when implementing any processing of personal data relating to clients and contacts of PROMARK.

This Policy only deals with the processing for which PROMARK is a Controller and regarding data described as "structured".

Similarly, the Policy shall not apply to the processing implemented by the law firm associates in the relationship with their personal clientele.

The processing of personal data may be handled directly by PROMARK or through a Processor specifically designated by PROMARK.

This Policy remains independent from any other document that may apply in the contractual relationship between PROMARK and its clients or contacts.

#### 4. GENERAL PRINCIPLES AND COMMITMENT

---

No processing shall be implemented by PROMARK regarding clients and contacts data if it does not relate to personal data collected by or for our services or processed in connection with our services and if it does not comply with the general principles of the GDPR.

Any new processing, modification or deletion of an existing processing shall be noticed to clients and contacts through an amendment to this Policy.

#### 5. DATA COLLECTED

---

##### **NON-TECHNICAL DATA (depending on the use):**

- Identification: name, first name, civility, function, pseudonym, pseudo social networks;
- Contact information: telephone, e-mail address, postal address, fax, etc;
- Photo, if you grant us the right to use it;
- Professional life;
- Personal life (family or patrimonial) when it is necessary for the processing of a file;
- Banking data if necessary.

##### **TECHNICAL DATA (depending on the use):**

- Identification data (IP);
- Connection data (e.g. logs);
- Consent data (click).

PROMARK shall not process sensitive data within the meaning of Article 9 of the GDPR, except data included in Article 9.2 f), i.e. data necessary "processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity".

#### 6. DATA ORIGIN

---

PROMARK collects its clients and contacts data from:

- data provided by the client in the context of a file entrusted to the law firm (client file);
- business cards ;
- forms filled by the client (sign-off sheet, post-conference satisfaction sheet);
- registration or subscription to our online services and, in particular, to the client page;
- registration for events organized by the law firm;
- lists communicated by the organizers of events or conferences in which we participate;
- exchanges via social networks.

Exceptionally we can rent databases.

## 7. PURPOSES OF PROCESSING

---

Depending on the case, PROMARK processes your data for the following purposes:

- processing of cases entrusted to the law firm;
- Customer Relationship Management (CRM);
- management of events organized by PROMARK (conferences, breakfasts, etc.);
- answer to questions (by phone or online);
- management of your client page;
- answer to public or private tenders;
- sending greetings and other congratulations from PROMARK;
- improvement of our services;
- fulfilment of our administrative obligations;
- production of statistics.

## 8. LEGAL BASIS

---

The processing purposes mentioned hereinabove are based on the following legal conditions:

**Clients:** pre-contractual or contractual performance;

**Contacts:** legitimate interest and where required by law, consent.

## 9. DATA RECIPIENTS

---

PROMARK ensures that the data is accessible to authorized internal or external recipients only.

### **INTERNAL RECIPIENTS:**

- Lawyers;
- Non-lawyer staff;
- Interns;
- Head of Communications;
- IT Department.

### **EXTERNAL RECIPIENTS:**

- Providers or support services (e.g. translation service, IT service provider, reprography, etc.);
- Judicial administration, judicial auxiliaries, colleagues, experts, agents, bailiffs, investigators, etc;
- ordinal instances;
- Administration.

## 10. RETENTION PERIOD

---

The data retention period is defined by PROMARK with regard to the legally and contractually binding constraints. The data retention period is fixed pursuant to its data retention period policy.

Upon expiry of the time periods fixed in this Policy, the data shall either be deleted or retained after being anonymized, especially for reasons of statistical use.

Clients and contacts are reminded that deletion or anonymization are irreversible operations and that PROMARK is not able to restore it thereafter.

## 11. RIGHT TO OBTAIN CONFIRMATION & RIGHT OF ACCESS

---

Clients and contacts shall have the right to ask PROMARK for confirmation that data relating to them is or is not being processed.

Clients and contacts shall also have a right of access, subject to compliance with the following rules:

- the request shall be issued by the person itself, together with a copy of an up-to-date identity document;
- the request shall be made to the following address: PROMARK, 69 avenue des Champs Elysées, 75008, or by e-mail: [contact@promark.fr](mailto:contact@promark.fr).

Clients and contacts have the right to request a copy of their personal data processed by PROMARK. However, in the event of a request for an additional copy, PROMARK may require the payment of this cost by the clients and contacts.

Clients and contacts are informed that this right of access cannot relate to confidential data or information, or data for which communication is not authorized by law. This right shall not in any case provide access to documents entrusted to the law firm and which are subject to business confidentiality.

The right of access shall not be overused, i.e. carried out regularly for the sole purpose of destabilizing the service concerned.

## 12. UPDATE – ACTUALIZATION & RECTIFICATION

---

In order to regularly update the personal data collected by PROMARK, it may request its clients and contacts who will have the opportunity to meet its requests.

The law firm cannot be blamed for a lack of update if the client or contact does not update its data.

## 13. RIGHT TO ERASURE

---

The right to be forgotten for clients and contacts shall not apply in cases where the processing is implemented to meet a legal obligation.

Apart from this situation, clients and contacts may request the removal of their data in the following limiting cases:

- personal data is no longer necessary for the purposes for which it has been collected or otherwise processed;
- where the data subject withdraws the consent on which the processing is based and there is no other legal basis for processing;

- the data subject objects to the processing necessary for the legitimate interests pursued by PROMARK and that there is no compelling legitimate reason for the processing;
- the data subject objects to the processing of its personal data for the purposes of prospecting, including profiling;
- personal data has been subject to unlawful processing.

#### 14. RIGHT TO RESTRICTION

---

Clients and contacts are informed that this right is not intended to apply insofar as the processing operated by PROMARK is lawful and all the personal data collected is necessary for the performance of its services.

#### 15. RIGHT TO PORTABILITY

---

PROMARK allows data portability in the specific case concerning data communicated by clients and contacts themselves, for online services offered by PROMARK itself and for the purposes based on the sole consent of the persons. In this case data will be communicated in a commonly used, structured and machine-readable format.

#### 16. AUTOMATED INDIVIDUAL DECISION

---

PROMARK does not make automated individual decisions.

#### 17. POST-MORTEM RIGHT

---

Clients and contacts acknowledge that they have a right to provide guidelines regarding the retention, deletion and communication of their data post-mortem. Communication of specific post-mortem instructions and the exercise of their rights shall be provided by e-mail to [contact@promark.fr](mailto:contact@promark.fr) or by post to the following address: PROMARK, 69 avenue des Champs Elysées, 75008, Paris, along with a copy of a signed identity document.

#### 18. JUSTIFICATION

---

For all the rights to which the client or contact are entitled and in accordance with the law on personal data protection, clients and contacts are informed that they are rights of individual nature which shall be exercised only by the person concerned in relation to his own information. To that extent, PROMARK verifies the identity of the person concerned.

#### 19. OPTIONAL OR MANDATORY ANSWERS

---

Clients and contacts are informed that an asterisk specifies on each collection of personal data form the mandatory or optional nature of the answers.

In the case where answers are mandatory, PROMARK shall explain to clients and contacts the consequences of an absence of answer.

#### 20. RIGHT TO USE

---

Clients and contacts grant PROMARK the right to use and process their personal data for the purposes set out hereinabove.



However, enriched data arising from a processing and analysis work performed by PROMARK, otherwise known as enriched data, remains the exclusive property of PROMARK (use analysis, statistics, etc.).

## 21. PROCESSORS

---

PROMARK informs its clients and contacts that it can involve any processor of its choice in the processing of their personal data.

In this case, PROMARK shall ensure compliance by the processor with its obligations under the GDPR.

PROMARK undertakes to enter into a written agreement with all its processors and imposes on the processors the same data protection obligations as itself. Furthermore, PROMARK reserves the right to audit its processors to ensure compliance with the provisions of the GDPR.

## 22. SECURITY

---

PROMARK shall define and implement technical security measures, physical or logical, that it considers appropriate against the destruction, loss, alteration or unauthorized disclosure of data in an accidental or unlawful manner.

These measures include mainly:

- the use of security measures for access to premises (closing of offices, badges, etc.);
- security of access to our computers and smartphones (access code regularly changed);
- login and password for all our business applications;
- management of authorizations for access to data;
- VPN in connection with remote connections;
- password for WiFi.

To that extent, PROMARK may require assistance from any third party of its choice to proceed, at the frequencies it considers necessary, to vulnerability audits or intrusion tests.

PROMARK undertakes, in the event of any change in the means to ensure the security and confidentiality of personal data, to replace them by means of superior performance. No evolution can lead to a regression of the security level.

In the case where all or part of the processing of personal data is entrusted to a processor, PROMARK undertakes to contractually impose on its subcontractors security guarantees through technical protection measures of data and the appropriate human resources.

## 23. DATA BREACH

---

In case of personal data breach, PROMARK undertakes to notify the CNIL in the conditions provided in the GDPR.

If this breach constitutes a high risk for clients and contacts and that data has not been protected, PROMARK shall:

- notify the relevant clients and contacts;
- communicate the necessary information and recommendations to the clients and contacts concerned.

## 24. DATA PROTECTION OFFICER

---

PROMARK has appointed a Data Protection Officer.

The contact details for the Data Protection Officer are as follows:

- Name:
- Email address:
- Tel:

## 25. RIGHT TO FILE A COMPLAINT WITH THE CNIL

---

Clients and contacts concerned by the processing of their personal data are informed of their right file a complaint with a supervisory authority, namely the CNIL in France, if they consider that the processing of personal data does not comply with the European Data Protection Regulation, to the following address:

**CNIL** – Service des plaintes

3 Place de Fontenoy - TSA 80715 - 75334 PARIS CEDEX 07

Tel : +33 1 53 73 22 22

## 26. EVOLUTION

---

This Policy may be modified or amended at any time in the event of legal or case law developments, of the decisions and recommendations of the CNIL or uses.

Clients and contacts will be informed of any new version of this Policy by any means defined by PROMARK, including the electronic way (broadcasting by email or online for example).

## 27. MORE INFORMATION

---

For any further information, please contact the following service: [contact@promark.fr](mailto:contact@promark.fr)

For any other more general information on personal data protection, please visit the CNIL website at the following address: [www.cnil.fr](http://www.cnil.fr).