

Privacy Shield Privacy Statement

Hughes Hubbard & Reed LLP (“Hughes Hubbard” or the “Firm”) is an international law firm, which handles matters and provides legal services to clients throughout the world, including the European Union (“EU”), the European Economic Area (“EEA”) and Switzerland. In the course of this work, it is often necessary for current and prospective clients, adversaries in litigation, counter-parties in transactional matters, and others to provide the Firm with information that is subject to the data protection laws of the EU, the EEA and Switzerland. This Policy protects personal data that is transferred from the EU, the EEA or Switzerland to the United States.

The Firm adheres to the EU-US Privacy Shield Framework and Swiss-U.S. Privacy Shield Framework as set forth by the United States Department of Commerce regarding the collection, use, and retention of personal information transferred from the EU and Switzerland to the United States. Hughes Hubbard has certified to the Department of Commerce that it adheres to the Privacy Shield Principles (“Principles”). If there is a conflict between this Privacy Shield Policy and the Principles, the Principles shall govern. The Firm’s compliance with the Privacy Shield is subject to the investigatory and enforcement powers of the U.S. Federal Trade Commission and/or the Department of Transportation. To learn more about the Privacy Shield program, and to view our certification, please visit <http://privacyshield.gov>.

Information we collect and use

For purposes of this Policy, personal data refers to any information relating to an identified or identifiable natural person that is transferred from the EU, EEA or Switzerland to or within Hughes Hubbard under the EU-U.S. Privacy Shield or the U.S.-Swiss-U.S. Privacy Shield.

This Policy does not apply to personal data that is transferred to or within Hughes Hubbard pursuant to other derogations or permissions set forth in Article 26 of the Directive EC/95/46 and in Article 49 of the General Data Protection Regulation. Nor does it apply to personal data transferred to or within Hughes Hubbard from any other jurisdiction or source.

Personal data transferred from the EU, the EEA and Switzerland may concern the following data subjects:

- Clients;
- Prospective clients;
- Former clients;
- Adversaries in litigation, mediation or arbitration;
- Co-parties in litigation, mediation or arbitration;
- Third-parties and non-parties involved in litigation, mediation or arbitration;
- Witnesses in litigation, mediation, arbitration or investigations;
- Counter-parties in transactional matters;
- Co-parties, agents, joint venture partners, and others in transactional matters;
- Professional and personal contacts of the Firm’s attorneys and staff members;
- Vendors and suppliers;

- Advisors, consultants, and experts;
- Other persons involved in litigation, mediation, arbitration, investigations or transactional matters; and
- Employees, agents, representatives, affiliated persons, independent contractors, sub-contractors, dependents, associates, or correspondents of any of the above.

The Personal Data transferred may concern the following:

- Personal information, including name, title, address, telephone numbers, business telephone number, business email address, country of residence, employer, employer address, billing information, payment history, job functions, and internal meeting notes;
- Data that reveals racial or ethnic origin, political or religious opinions or beliefs, trade union membership, genetic data, sexual preferences, criminal offenses or convictions, work performance, location or movements of individuals, individual economic information, and anything related to a child or children;
- Financial or banking information;
- Health information;
- Social security numbers and other identifiers;
- Photographs or other likenesses;
- Emails and other communications with third parties;
- Evidence or materials that may potentially contain evidence relating to an actual or potential dispute or investigation;
- Due diligence information and information relating to actual or prospective transactions, including financings, loans, licensing arrangements, restructurings, mergers and acquisitions, asset purchases; and
- Information relating to intellectual property rights, patents, copyrights and trademarks.

Personal data from the EU, EEA or Switzerland may be transferred to or within the Firm for the following purposes:

- The Firm's provision of legal services;
- Consultations with prospective clients;
- Assessments of claims or transactions;
- Conducting due diligence or document reviews;
- Government or regulatory compliance;
- Investigations;
- The Firm's operations and recordkeeping;
- Conflict checks and financial assessments;
- Financial or management forecasts;
- Compliance with the Firm's ethical, professional and legal obligations;
- Compliance with anti-money laundering, risk management, and other compliance protocols;
- Marketing of the Firm's services and attorneys;
- Seminars, presentations, and Firm publications; and
- Storage, backup and administration of client files, HR data, and other data as described above.

The Personal Data transferred from the EU, EEA or Switzerland may be disclosed to the following persons:

- The Firm’s attorneys and staff who need to have access to such information;
- Records management personnel, data center providers, document management professionals, IT personnel, file clerks, and archivists;
- Adversaries, co-parties, non-parties, third-parties, experts, vendors and consultants in litigation, mediation and arbitration;
- Counter-parties, agents, joint venture partners, stakeholders, and other who need to have access to the information in transactional matters;
- Vendors, contractors, and others supporting or assisting the Firm in providing legal services;
- Law enforcement agencies and other governmental authorities; and
- The courts, governmental authorities, tribunals, and other parties as required by law, by court, governmental or other authorized orders, or by applicable rules or regulations.

Hughes Hubbard may remain responsible and liable under the Principles for onward transfers to third parties involving the personal information of EU and Swiss individuals. This does not, however, apply to links to third party sites. This policy does not apply to the information practices of such third-party companies and organizations, and Hughes Hubbard is not responsible for their compliance with data privacy laws or the content of their sites.

Compliance

The Firm has security and confidentiality policies that govern all information that the Firm receives, retains and transfers. These policies are available and apply to all attorneys and personnel, and the Firm periodically conducts training to ensure that all attorneys and personnel comply with these policies. Failure to adhere to the Firm’s policies for the security and confidentiality of these policies can result in breaches of legal and ethical requirements, and be subject to discipline, including dismissal. The Firm has also instituted procedures to review periodically its compliance with this Privacy Shield Policy.

Compliance with this Privacy Shield Policy will be verified through self-assessment. The Firm’s Chief Information Officer shall be responsible for ensuring compliance and shall make a written report to Firm management on at least an annual basis concerning the Firm’s compliance with the Policy and the Principles.

Right of access

EU and Swiss individuals subject to the Privacy Shield may request confirmation regarding whether Hughes Hubbard is processing their personal data, request access to their personal data, and/or request that Hughes Hubbard rectify, delete, or limit the use of their personal data if it is inaccurate or has been processed in violation of the Principles.

Persons who have consented to Hughes Hubbard’s collection, storage, transfer, disclosure to a third party, or other use of their personal information may withdraw that consent at any time and “opt out” from any future processing.

Prior to processing any sensitive personal information (e.g., information relating to racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union memberships, personal health data, or information concerning the sex life or sexual orientation of the individual), Hughes Hubbard will obtain any required consent from the individual.

To request access to your personal data and for other questions, comments, requests, or inquiries regarding the processing of your personal data by Hughes Hubbard, please contact us via e-mail at:

privacy@hugheshubbard.com

or in writing to:

Hughes Hubbard & Reed LLP
Attn.: Office of the General Counsel
Michael Salzman, Esq.
One Battery Park Plaza
New York, New York 10004
United States of America

Questions, comments, requests, or inquiries may also be submitted by email to the representative for our office in Paris:

Stefan.Naumann@hugheshubbard.com

All such requests will be handled in accordance with the Principles and applicable laws, including applicable data protection and privacy laws. Hughes Hubbard will make good faith efforts to comply with such requests, but there may be circumstances in which Hughes Hubbard is not able to allow access to such information; comply with a request to rectify, delete, or amend such information; and/or limit the use of their information. This may occur where complying with the request would: (i) violate a privilege or protection (such as the attorney-client privilege); (ii) compromise confidentiality obligations or the privacy, proprietary, or other legitimate rights of Hughes Hubbard, its clients, or other third parties; (iii) involve a burden or expense that would be disproportionate to the risks to the individual's privacy; or (iv) violate applicable rules of professional responsibility or other applicable laws, regulations, court orders or other directives from a tribunal. If Hughes Hubbard determines that a request cannot be complied with for such a reason or reasons, we will endeavor to provide you with an explanation of why that determination was made. To protect your privacy, Hughes Hubbard will take commercially reasonable steps to verify your identity before granting access to or making any changes to your personal information.

Independent dispute resolution

If Hughes Hubbard is unable to resolve a complaint regarding this Privacy Shield Policy or the processing of personal data covered by this Policy, it will make available, at no cost to the data subject, an independent recourse mechanism.

Unresolved Privacy Shield complaints may be submitted to the American Arbitration Association in the United States. If the data subject does not receive timely acknowledgement of their complaint from Hughes Hubbard, or if Hughes Hubbard has not resolved the complaint, the data subject may contact or visit the American Arbitration Association at <http://go.adr.org/privacyshield.html> for more information or to file a complaint.

In certain circumstances, individuals may invoke binding arbitration.

(Effective date: May 11, 2018)