

Personal data processing
POLICY OF ÉTUDE GABRIELA SCHMIT

The present personal data processing policy is developed in accordance with the Regulation EU 2016/679 of the European Parliament and the Council of 27 April 2016, entered into force on May 25th 2018.

The Regulation EU 2016/679 and the personal data processing policy of Étude Gabriela SCHMIT applies only to the processing of personal data relating to natural persons, excluding legal persons

1 - Controller

The controller is the Étude Gabriela SCHMIT, based in L-1724 Luxembourg, 45, boulevard Prince Henri, consisting of its different partners.

2 - Collection and processing of personal data (PD), means of processing and purpose of processing

a) If you entrust Étude Gabriela SCHMIT with the defense of your interests, the following PD will always be collected:

- Name
- Surname
- Private and professional address
- E-mail address
- Phone and mobile phone number

b) According to the nature of the case, the following PD may be collected:

- Date of birth
- Personal status
- Copy of identity card or passport
- VAT number
- National identification number
- Information regarding social security affiliation (CNS, CNP, AAA, dependency insurance,...), ADEM or other social services
- Information regarding your private life (habits, hobbies, family situation)
- Patrimonial situation
- Professional situation
- Incomes
- Bank accounts
- Health data
- Data relating to criminal convictions
- And every information necessary for the fulfillment of the mandate entrusted to Étude Gabriela SCHMIT by their client

Étude Gabriela SCHMIT is going to restrict itself to collecting only the data that is necessary and/or helpful for the processing of the particular file.

We are collecting and processing this data:

- To help us identify you as our client

- In order to identify possible conflicts of interest
- In accordance with our legal obligations regarding the prevention of money laundering and terrorist financing
- In order to provide you with useful advice and defend your interests in court or in any other place
- To communicate with you
- In order to issue our bills of costs and expenses
- If need be, in order to recover our costs and expenses and to engage your liability

The data is used by Étude Gabriela SCHMIT, its partners, collaborators, trainees and staff in the context of the fulfilment of the mandate that you have entrusted Étude Gabriela SCHMIT with.

As a law firm, Étude Gabriela SCHMIT is of course bound to observe the professional secret.

However, your personal data may be passed, on the basis of the cases' requirements, in particular to processors of Étude Gabriela SCHMIT, corresponding lawyers, third party lawyers representing its interests, bailiffs, courts, opposing lawyers in the context of communication of evidence, opposing lawyers in the context of consultation files, negotiations, amicable settlements, accountants, bankers, public authorities, insurance companies and to every other person necessary or helpful to the proper management of the case.

3 - Location of data storage

Your personal data (name, surname, e-mail address, telephone number) will be stored in the client inventory of Étude Gabriela SCHMIT.

Your identification data and PD relating to your case will be stored particularly, entirely or partially, in a computer file specially dedicated to your case. This data will also be stored, entirely or partially, in a paper file specially dedicated to your case.

4 - Duration of the data processing

Étude Gabriela SCHMIT will store your PD during the contractual relationship, increased by the duration during which Étude Gabriela SCHMIT may be held liable (5 years after completion of the case) or as long as required by any other legal obligation or purposes of proof in the context of litigation.

5 - Your rights

a) Right of information

You have the right to know who is processing your data and why and for which purpose it is processed.

In case of a security breach resulting in an infringement of PD that may lead to a significant risk for your rights and freedoms, the controller is obliged to inform you without undue delay.

b) Right of access

At request, the controller is obliged to communicate the entirety of the PD relating to you.

c) Right to rectification

You have the right to request the controller to rectify your PD.

d) Right to erasure ('right to be forgotten')

If there are no longer legitimate grounds for the processing, the controller is obliged to erase your PD upon your request without delay within a reasonable period.

e) Right to data portability

You have the right to receive the data you have provided to Étude Gabriela SCHMIT in a structured, commonly used and machine-readable format and the right to transmit those data to a third party, provided that the processing is carried out by automated means and based on your consent or on a contract between you and Étude Gabriela SCHMIT.

f) Right to object

You have the right to object at any time to processing of your PD for the future. Your objection only applies for the future without any retroactive effect. In case of opposition, your PD will immediately be deleted.

However, your right to object shall not apply when the processing is expressly laid down by law.

g) Right to restriction of processing

You have the right to request the restriction of processing of your PD:

- If you contest the accuracy of a personal data, for a period enabling the controller to verify the accuracy of the personal data,
- If the processing is unlawful and you oppose the erasure of the personal data and request the restriction of their use instead,
- If you require the data for the establishment, exercise or defence of legal claims.

When processing has been restricted, your PD shall no longer be processed.

h) Right to complain

You have the right to exercise your rights before the controller.

If your complaint remained unanswered, you have the right to lodge a complaint with the CNPD (www.cnpd.lu)

Furthermore, you have the right to seize a court.

The present personal data processing policy may be modified at any time and may never be deemed a client's vested right.

This policy may be changed at any time and does never constitute an acquired right for the client.

Should this English version be in contradiction with the French version, the French version shall prevail.