1. Privacy Notice

**(for answering to prospective clients’ inquiries and for the engagement agreement)**

This is a privacy notice pursuant to Article 13, Regulation (EU) 2016/679 (hereafter “GDPR”), when applicable, with regard to personal data that the we obtained by reason of the contact initiated by you or on your behalf and by reason of the engagement or possible engagement of our firm.

Please notice that if you share with us data of other people, it is your responsibility to collect such data in compliance with local legal requirements. For instance, you should inform such other people whose data you provide to us about the content of this notice and obtain their consent, if necessary.

**Data Controller**

The controller is [NAME OF FIRM]represented by [RESPONSIBLE LAWYER] Esq., with headquarters at [FULL CONTACT INFORMATION] (hereinafter also referred to as “Law Firm”). The controller can be contacted by email at the following address: …

**Representative in The EU**

Pursuant to GDPR Article 27, the controller’s representative in the EU is \_\_\_\_\_\_\_\_\_\_\_\_\_\_, contacts:][[1]](#footnote-1)

**Purposes of The Data Processing**

The processing of data will be carried out to answer your inquiry and/or to be able to perform our professional engagement (preparation of petitions, visa applications, issuance of opinions, etc.). The data will also be processed for the purposes that follow:

* To comply with tax, accounting, ethical obligations, or with other legal obligations imposed on us;
* To obtain and maintain insurance coverage (in the unlikely case that the insurer requires a list of our clients or in other cases where the disclosure of client data to the insurer is required);
* For LAW FIRMto be able to establish, exercise, or defend legal claims if necessary;
* To analyze the profitability of our practice or one of more areas of practice;
* To improve our services with the use of technology (e.g., cloud computing, electronic databases, etc.);
* To process personal data when that processing is strictly necessary for the purposes of preventing fraud;
* To maintain contacts with you and to inform you of important legal developments and news about our firm.

We may process special categories of data (data revealing a data subject’s racial origin, political opinions, religious beliefs, health status, or sexual orientation) but only when necessary for the establishment, exercise, or defence of legal claims in your interest or when authorized by you. We may process personal data relating to criminal convictions and offences or related security measures but only when the processing is authorised by EU or Member State law in compliance with Article 10 of the GDPR.

Personal data is processed in a variety of paper and electronic formats, including databases and will be processed only insofar as it is necessary to carry out the above-mentioned purposes.

**Legal Basis for The Processing**

LAW FIRM processes the data subject’s personal data lawfully where the processing is:

* necessary for the performance of the engagement agreement or for the taking of steps at your request prior to possibly entering into an engagement agreement;
* necessary to fulfill a legal obligation incumbent on LAW FIRM(e.g., the duty of keeping tax and accounting records);
* necessary for the legitimate interests (professional, corporate, organizational, and business) pursued by LAW FIRMor by a third party. Learn more about our legitimate purposes by contacting us at: EMAIL; OR
* based on the legitimate interest of keeping contact with you and to inform you of important legal developments and news about our firm.

**Consequences of The Failure To Communicate Personal Data**

With regard to personal data necessary for the performance of the engagement agreement or the taking of steps at your request prior to entering into such contract, the failure to disclose personal data prevents the execution and the performance of the contractual relationship itself**.**

**Data Retention**

Personal data will be stored for the duration of the engagement agreement and, subsequently (and also if no engagement agreement is concluded) for the period that LAW FIRMis subject to a duty to keep data for tax, accounting, and ethical purposes or for other purposes provided by law or necessary for the purposes of the legitimate interests pursued by LAW FIRMor by a third party, as above listed.

**Communication of The Data**

In the limit permitted by our ethics rules, your personal data may be transmitted to:

1. consultants (e.g., accountants) or other third parties that provide services functional to the purposes above indicated (e.g., developers);

2. banks and insurers that provide services functional for the purposes above indicated;

3. other subjects that process data due to specific legal obligations;

4.judicial, governmental and administrative authorities, for the fulfillment of legal and ethical obligations.

**Profiling and data dissemination**

Your personal data is not subject to fully automated decision-making processing, including profiling. Your data is not subject to dissemination and we do not sell your data to third parties.

**Processing of data in the United States of America /Transfer**

You acknowledge that LAW FIRMis based in the United States of America and that personal data provided to us by you will be processed therefore in the United States of America.

Some of the personal data that we process may be transferred to and stored in another country (e.g., for administrative purposes such as accounting).

In these circumstances, the Personal Data will only be transferred on one of the following bases:

* where the transfer is subject to one or more of the “appropriate safeguards” for international transfers (e.g. standard data protection clauses adopted by the European Commission);
* the country or territory to which the transfer is made ensures an adequate level of protection; or
* there is another situation where the transfer is permitted (e.g., where we have your explicit consent or one of the other exceptions provided in Article 49 of the GDPR applies).

**Right of The Data Subject**

Data subjects have the following rights:

* *Right of access*, i.e. the right to obtain confirmation as to whether we process personal data concerning the data subject, and, where that is the case, access to the personal data and the other information provided in Article 15 of the GDPR;
* *Right to rectification* (Article 16 of the GDPR), i.e. to have inaccurate data rectified or to have incomplete data completed;
* *Right to erasure*, i.e. the right to have your personal data deleted. Right to erasure is only upon the occurrence of one of the conditions indicated in Article 17(1) of the GDPR and in compliance with the exceptions provided for by 17(3));
* *Right to restriction of processing*, i.e. the right to obtain the restriction of processing of your personal data. Right to restriction of processing applies only if one of the situations indicated in Article 18(1) of the GDPR arises;
* Where applicable, *right of portability*, i.e., where the processing takes place on the basis of contract or consent and it is carried out by automated means. The right of portability is the right to obtain from LAW FIRM your personal data in a machine-readable format, also in order to communicate such data to another data controller. Read GDPR Article 20 for more information.
* *Right to object* at any time to the processing of your personal data in certain specific situations as provided in Article 21. In particular, for communications from us with which we inform you of important legal developments and news about our firm, you have the right to object at any time to processing of personal data concerning you pursuant to Article 21(2).
* *Withdrawal of consent* at any time (if processing is based on consent). The processing based on consent and carried out prior to the withdrawal of the consent remains lawful.
* *Right to lodge a complaint* with a supervisory authority.

If you have any doubts or questions, please contact me: … Esq., EMAIL

ACKNOWLEDGMENT BY CLIENT OR PROSPECTIVE CLIENT:

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1. **NOTE FOR DRAFTING**: the law firm needs to evaluate, in light of Article 27 of the GDPR whether it must appoint a representative in the EU. Article 27.1 provides that “Where Article 3(2) applies, the controller or the processor shall designate in writing a representative in the Union.”, i.e., when the law firm is subject for reasons different from having an establishment in the EU, then the law firm must appoint a EU representative which “shall be established in one of the Member States where the data subjects, whose personal data are processed in relation to the offering of goods or services to them, or whose behaviour is monitored, are”. GDPR 27.3. The law firm can avoid the appointment in the cases of Article 27.2 when the “processing which is occasional, does not include, on a large scale, processing of special categories of data as referred to in Article 9(1) or processing of personal data relating to criminal convictions and offences referred to in Article 10, and is unlikely to result in a risk to the rights and freedoms of natural persons, taking into account the nature, context, scope and purposes of the processing”. GDPR Article 27.2(a). The other case of exemption (being a “public authority or body”) does not apply to a law firm. [↑](#footnote-ref-1)