

## PRIVACY and COOKIE POLICY

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As a law firm Florent B.V. (hereinafter: '**Florent**' or '**we**') processes personal data, always with your privacy in mind. The concept of 'personal data' includes all information about an identified or identifiable natural person.

This Privacy and Cookie Policy explains how Florent handles your personal data, what your rights are regarding the personal data we collect, how you can exercise those rights and where to direct your questions. This Privacy and Cookie Policy applies to all forms of data processing by or on behalf of Florent, including the situation in which one of our staff members is appointed as a receiver.

EU Regulation 2016/679 ([General Data Protection Regulation](#)) qualifies us as a data controller in respect of the processing of your personal data. If one of our staff members is appointed as a receiver, this receiver will qualify as a data controller.

Please find our contact details below, including the e-mail address to which you can send your privacy-related questions:

Florent B.V.  
Gustav Mahlerlaan 1236  
1081 LA Amsterdam  
[privacy@florent.nl](mailto:privacy@florent.nl)

### Which personal data do we process?

We may process the following (categories of) personal data of **clients** and their contact persons:

- name and address details (name, first names, initials, titles, gender, address, postal code, residence) as provided by the (contact persons of the) client;
- other contact details (telephone number, e-mail address and similar data required for communication) and interest areas as provided by the (contact persons of the) client as well as information about contact moments (such as participation in events) as registered by Florent;
- license plate number as provided by the (contact persons of the) client if the client visits our office and wishes to use our parking facilities;
- data relating to the handling of a case or the settlement of a dispute, including data concerning the counterparty and third parties, as provided by the (contact persons of the) client, a counterparty and/or a third party or obtained from a public source, see also below under '**third parties**';
- data for the purpose of calculating and recording fees and expenses, making payments and recovering claims, including the bank account number provided by the (contact persons of the) client;

- other data of clients of which the processing is required by or necessary to comply with applicable laws or regulations, the Legal Profession Bye-law and the Code of Conduct for Lawyers, such as, under certain circumstances, the processing of certain data relating to proof of identity when this is necessary to comply with the Money Laundering and Terrorist Financing Act and the maintenance of a former client list.

Florent or the appointed receiver may process the following (categories of) personal data of persons from whom we purchase products or services or who work for these **suppliers**:

- contact details (name, first names, initials, titles, gender, address, postal code, residence) as provided by the (contact persons of the) supplier;
- other contact details (telephone number, e-mail address and similar data required for communication) as provided by the (contact persons of the) supplier;
- license plate number as provided by the (contact persons of the) supplier if the supplier visits our office and wishes to use our parking facilities;
- in certain cases, also depending in the type of service: a certificate of conduct and details regarding an identity document as provided by the (contact persons of the) supplier;
- data for the purpose of placing orders or purchasing services; calculating and recording fees and expenses and making payments and collecting receivables, including the bank account number as provided by the (contact persons of the) supplier;
- other data of suppliers of which the processing is required by or necessary to comply with applicable laws or regulations, as provided by (the contact persons of the) supplier or obtained from public sources, such as the Trade Register.

We may process the following (categories of) personal data of **job applicants**:

- contact details (name, first names, initials, titles, gender, address, post code, city), as provided by the job applicant;
- other contact details (telephone number, e-mail address and similar data required for communications), as provided by the job applicant;
- license plate number as provided by the job applicant if the job applicant visits our office and wishes to use our parking facilities;
- bank account numbers and travelling expenses (commuting distance), as provided by the job applicant;
- nationality and date of birth, as provided by the job applicant;
- availability, CV and employment history (copies of diplomas, certificates, letters of reference), motivation letter and where relevant for the vacancy: the results of a competence test taken;
- references as provided by the job applicant or the referent, data on the position for which the candidate has applied, notes on job interviews and written communications with the job applicant;

Florent or the appointed receiver, may process the following (categories of) personal data of **third parties** (such as counter parties, website visitors, non-clients whose personal data appearing in our files, persons whose personal data are contained in an estate which needs to be wound up, persons who are involved in winding up an estate, lawyers and other advisors with whom we are in touch);

- contact details (name, first names, initials, titles, gender, address, post code, city), if provided;
- other contact details (telephone number, e-mail address and similar data required for communications), if provided;
- information collected on visits to our websites [www.florent.nl](http://www.florent.nl) and [www.werkenbijflorent.nl](http://www.werkenbijflorent.nl), including your IP-address;
- data regarding electronic messages from or intended for third parties and data required to keep in touch with those third parties;
- other data obtained from public sources or provided by clients or third parties as part of a case that we handle, dispute resolution or for winding up an estate.
- license plate number as provided by the third party if the third party visits our office and wishes to use our parking facilities.

## **Legal processing grounds**

Florent or the appointed receiver processes your personal data on the basis of one or more of the following legal processing grounds:

- a) If this is necessary for the performance of an agreement to which you are a party or to perform precontractual acts at your request;
- b) If this is necessary to comply with statutory or regulatory obligations;
- c) If this is necessary to justify our legitimate interests or the interests of a third party;
- d) Your consent.

If Florent or the appointed receiver processes your personal data on the basis of your consent, Florent or the appointed receiver will ask you for it separately. You may withdraw your consent at any time. Please note that the withdrawal of your consent does not affect the lawfulness of the processing of your personal data prior to the withdrawal of your consent.

## **For which purposes do we process personal data?**

We or the appointed receiver may process the above personal data for the purposes stated below, in respect of which we have indicated for each purpose on the basis of which of the abovementioned legal processing grounds (a through d) Florent or the appointed receiver does so. If the processing is based on the principle of 'legitimate interest', we briefly explain

this interest. If you have any specific questions in this respect, please do not hesitate to contact us.

*Purposes with corresponding processing grounds:*

- to provide the requested legal services, including identifying the client and performing a conflict check to avoid a conflict of interest (*a, b and c: being able to offer and improve our services, compliance with the Legal Profession Bye-law and the Code of Conduct for Lawyers*);
- for our administration, including the calculation or recording of fees or benefits, income and expenses, the payment and collection of claims (including the use of collection agencies or bailiffs) (*a, b and c: the importance of keeping proper records*);
- to be able to deal with any complaints and disputes about the service (*a, b and c: to defend our rights, to maintain and improve existing relationships by means of proper handling of complaints, to improve the quality of the service and to comply with the Legal Profession Bye-law*);
- to maintain contact and communicate with you; also including communications for marketing and related activities such as seminars and sending newsletters (*a, b, c: the interest in bringing Florent's services to the attention of existing clients, d*);
- to handle your job application (*a, b, c: our legitimate interest in assessing whether you are suitable for the job opening and d: consent if you wish to remain in our portfolio, see the header: "How long do we retain your personal data?"*);
- for placing orders or purchasing services (*a, b and c: our interest in being able to keep proper records*);
- for conducting audits and other internal controls (*a, b and c: our interest in being able to keep proper records*);
- to provide you access to our office and where applicable: to reserve a parking spot for you and for the benefit of company security; (*a, b and c: our interest our interest in being able to keep proper records and to protect our property, our staff members and the data we have at our disposal*);
- to provide you access to our websites, for the security of our websites - including the secure sharing of personal data when you complete a web form on our website - and to generate statistics regarding the use of our websites; (*a, b and c: our interest to offer properly functioning and secure websites*);
- to settle the bankruptcy in which one of the staff members of Florent has been appointed as the receiver (*a, b, c: the interest to wind up the estate, d*);
- to comply with our legal and statutory obligations including the Legal Profession Bye-law and the Code of Conduct for Lawyers (*b, c: the interest of being able to meet these obligations*).

## How long do we retain your personal data?

We do not retain your personal data in an identifiable form for longer than is necessary to achieve the purposes included in this Privacy and Cookie Policy. More specifically, the following retention periods are applied:

- The personal data provided to us with regard to your application will be stored for up to four weeks after the end of the application procedure. We can keep your personal data on file for up to one year after the end of the application procedure if you consent to this. This gives us with the option to approach you for any future vacancies at Florent. When you enter into the employment of Florent, the personal data you provided with regard to your application will become part of your personnel file.
- The files of the cases handled by Florent will be kept in accordance with [the Archiving Manual of the Netherlands Bar Association](#) for at least five years and at most twenty years after our involvement in the case has ended;
- The personal data that are processed in the context of the Office Complaints Procedure will be deleted no later than two years after the complaint and/or the legal proceedings arising from it have been dealt with.
- Personal data that must be kept on the basis of Article 52 of [the Dutch State Taxes Act](#) will be kept for 7 years (from the end of the year in which the data in question have lost their current value for the (tax-) related business operations) in connection with the tax retention obligation incumbent on us pursuant to Article 52(4) of the Dutch State Taxes Act.
- IP log files and e-mail files from web forms are kept for 45 days for spam filtering purposes.
- Personal data which are processed on the basis of the obligations pursuant to the Money Laundering and Terrorist Financing Act (MLTFA) shall, pursuant to [Article 33 paragraph 3 of the MLTFA](#), be retained for five years after the time at which the business relationship was terminated or for five years after the performance of the transaction in question. With respect to reports of unusual transactions, the personal data processed for this purpose shall, pursuant to [Article 34 paragraph 2 of the MLTFA](#), be retained for five years after the time at which the report was made or the time at which the message was received from the Financial Intelligence Unit (FIU) Netherlands.
- It follows from the Dutch Bankruptcy Act that the books and records found by a receiver in the estate are handed over to the debtor. This will generally mean that once the legal entity has ceased to exist, the books, records and other data carriers will be retained by the keeper in the meaning of Article 2:24 of the Dutch Civil Code.

The abovementioned specific retention periods can be extended if statutory retention obligations apply or will become applicable. Florent or the appointed receiver may also retain the personal data for a longer period of time if this is necessary in light of our legitimate interests, e.g. for the handling of incidents and/or legal disputes.

## With whom do we share your personal data?

Florent or the appointed receiver does not provide your personal data to third parties ('recipients' within the meaning of the applicable privacy legislation), unless this is necessary for the proper performance of the purposes set out in this Privacy and Cookie Policy, if the law requires us to do so or if you have provided your consent to this end. For example, we may share your personal data with another lawyer engaged to handle your matter during absence or leave, with an expert in order to obtain an expert opinion, or if we engage a third party to provide services to Florent or the appointed receiver, such as an IT-provider. We may also (be required to) provide your personal data in the context of any (judicial or other) proceedings or in relation to correspondence with the counterparty. Finally, Florent or the appointed receiver may also be required by law to provide personal data to a supervisory authority or other public body.

The third parties to whom the personal data are made available are obliged to handle your personal data confidentially. If these parties qualify as a 'data processor' within the meaning of the applicable privacy legislation, Florent or the appointed receiver will ensure that a data processing agreement is concluded with these parties, which complies with the requirements included in the GDPR. Third parties which offer services to Florent or the appointed receiver as an independent data controller, such as accountants, civil law notaries experts engaged to provide an opinion or export report, are themselves responsible for the (further) processing of your personal data in accordance with the applicable privacy legislation.

Florent or the appointed receiver can share personal data with:

- staff members of Florent;
- suppliers (for example software suppliers such as the supplier of our competency test and CleanTalk Inc., for securely sending information via web forms), bailiffs, courier services, translation agencies, accountants, etc);
- counterparties, other lawyers (e.g. an acting lawyer in case of prolonged absence) or advisors in the context of the provision of services;
- with all of our legal successors if Florent is acquired by or merged with another company, and also with third parties involved in such proposed or actual business transaction;
- courts and government institutions;
- other parties, such as regulators (e.g. reporting of unusual transactions to the Financial Intelligence Unit (FIU) Netherlands pursuant to [Article 16 MLTFA](#)) and other authorities where required by law or with your consent.

In order to provide our services, personal data may be transferred to a recipient in a country outside the European Economic Area with a lower degree of protection of personal data than the European law offers. In that case, Florent or the appointed receiver will ensure that such a transfer of personal data is in accordance with the applicable laws and regulations, for example by concluding a model contract prepared and approved for that purpose by

the European Commission and will assess whether any additional measures are necessary to guarantee an appropriate level of protection of your personal data. Please do not hesitate to reach out if you wish to receive more information about the appropriate or suitable safeguards in place for data transfers outside of the European Economic Area or if you would like to obtain a copy of them.

## **Security measures**

In our opinion it is important that your personal data are safe. For that reason, we will ensure that appropriate technical and organisational measures are taken to protect your personal data against unauthorised use as much as reasonably possible. Our staff members are bound by a duty of confidentiality and must comply with specific instructions to adequately protect your personal data.

Regrettably, sending information via the Internet is never completely secure. We make every effort to protect and secure your personal data, but as we cannot guarantee that transmitting your data to us is completely secure, you always do so at your own risk

When sending data to you and others, we use secure connections. Our websites use SSL certificates. If you have more questions about the protection of your personal data or suspect abuse, please send an e-mail to [privacy@florent.nl](mailto:privacy@florent.nl).

We will reply to your message as soon as possible and take appropriate action if necessary.

## **Cookies**

Our websites ([www.florent.nl](http://www.florent.nl) and [www.werkenbij.florent.nl](http://www.werkenbij.florent.nl)) use cookies. Cookies are small data files that are stored by your browser on your computer, tablet or mobile phone and read out when you use our websites. Through the cookie tool (the cookie logo displayed to the left of our web pages) on our website [www.florent.nl](http://www.florent.nl), you can always see which cookies we place on this website and change your cookie preferences.

### **Functional cookies**

Florent uses several functional cookies, a that ensure that our websites work properly, and remember your preferences, such as your chosen language.

### **Analytical cookies**

We use analytical cookies to properly adjust our website to the preferences and interests of our website visitors and to offer you a desirable website experience.

### **Marketing cookies**

Marketing cookies are used to track visitors across websites. The intention is to show ads that are relevant and attractive to the individual user and therefore more valuable to publishers and third-party advertisers.

## *Deletion of cookies*

You can delete cookies and/or refuse to place new cookies through your browser settings. The steps to take in order to do this differ per browser. See the cookie settings available in your web browser(s) for more information. Please find below the instructions for different frequently-used browsers:

[Google Chrome](#)

[Firefox](#)

[Edge](#)

[Safari](#) and more specific information for Apple devices can be found [here](#).

[Opera](#)

More information on cookies and deleting cookies can be found at the [Consumers' Association](#) and through [Consuwijzer](#).

## **Your privacy rights**

You have the following rights in respect of the processing of your personal data by Florent or the appointed receiver:

- the right to request whether we process your personal data and if so, the right to access your personal data and to receive information about the processing of your personal data;
- the right to rectification of your personal data if these are incorrect or incomplete;
- the right to have your personal data deleted ('right to be forgotten');
- the right to object to the processing of your personal data or to limit the processing of your personal data;
- the right to withdraw your consent for the processing of your personal data, if the processing is based on your consent;
- the right to receive or surrender your personal data to a third party appointed by you in a structured, customary and machine-readable form ('right to data portability');
- the right to file a complaint with the competent supervisory authority. In the Netherlands this is the [Dutch Data Protection Authority](#). If you live or work in another country in the European Economic Area, you can file a complaint with the competent authority of that country.

Florent and the appointed receiver do not use automated decision-making within the meaning of Article 22 GDPR.

You can file requests to exercise your rights by post or e-mail using the contact details stated above. In order to prevent Florent disclosing information to the wrong person, Florent or the appointed receiver may ask you for additional information to verify your identity.



In principle, Florent or the appointed receiver will inform you of whether Florent or the appointed receiver can comply with your request, within one month after receipt. In specific cases, for example when it concerns a complex request, this term may be extended by two months. Florent or the appointed receiver will inform you of such an extension within one month after receiving your request. On the basis of the applicable privacy legislation, Florent or the appointed receiver can refuse your request under certain circumstances. If this is the case, we will explain to you why. You can find more information about your privacy rights on the website of the [Dutch Data Protection Authority](#).

## **Amendments**

This Privacy and Cookie Policy was amended most recently on **22 November 2023**. We reserve the right to change this Privacy and Cookie Policy and will always publish the most recent version on our website, stating the effective date of the changes. If there are substantial changes that could have a major impact on one or more data subjects, we seek to inform the data subjects concerned directly.