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Registered with the  
Bar of the Canton of Bern, Switzerland

Bern, 25. Mai 2024

## Data protection Policy

### Information on the collection and processing of personal data

#### A. Introduction

In accordance with Art. 19 and 20 of the Federal Act on Data Protection (FADP) of 25 September 2020, this data protection declaration informs affected and potentially affected persons about the collection and processing of personal data by Nordwand Law LLC (hereinafter also: **the law firm**).

The consent of data subjects and potential data subjects, i.e. clients, their employees or other contact persons, persons making enquiries or users of the website [www.nordwand-law.com](http://www.nordwand-law.com), to the data protection declaration is not required. The privacy policy is merely an information about the type, scope and purpose of the use of personal data.

The law firm reserves the right to unilaterally change the content of this privacy policy at any time and without notice. It is therefore recommended that you regularly consult the privacy policy on the website ([www.nordwand-law.com/dataprotection](http://www.nordwand-law.com/dataprotection)).

#### B. Processing of personal data for contractual relationships

The law firm processes personal data (data that directly or indirectly identifies natural persons) that the law firm receives or collects itself from clients, parties to proceedings or third parties involved in the context of the contractual relationship, i.e. for example in the case of assignments in the advisory and/or forensic legal field, in the case of expert opinions or expert witness assignments and/or in the arbitration field.

Some of this personal data is provided to the law firm by the data subjects themselves when they contact the law firm by email or telephone or via social media such as WhatsApp, Threema, Instagram, Facebook, Signal, Telegram, Strava etc. and by post to request services. This includes, for example, name and contact details as well as information about the role of the person concerned at the company or organisation for which the

respective contact persons work or on whose behalf they contact the law firm. The law firm also processes personal data that the law firm receives in correspondence with third parties (namely clients, counterparties, parties to proceedings, authorities and courts and their employees or other contact persons) in the context of the contractual relationship (e.g. name, contact details, date of birth, information on employment, income situation, family circumstances, state of health, ongoing criminal, civil and administrative proceedings). In addition, the law firm collects some personal data itself, e.g. from public registers or websites.

The law firm processes the aforementioned types of personal data primarily in order to provide, document and invoice legal services (e.g. legal advice, legal opinions, legal documents, arbitration proceedings, correspondence).

In addition, the law firm may use the contact details of clients and their employees or other contact persons for marketing purposes (using any means of communication such as email, social media, post or telephone) to inform you about publications, events, news, services or products that may be of interest. You can object to the sending of marketing information at any time, in which case the law firm will place you on a blacklist.

In order to fulfil the purposes described in this Privacy Policy, it may be necessary for the law firm to disclose personal data to the following categories of recipients: External service providers, clients, opposing parties and their legal representatives, parties to proceedings, business partners with whom the provision of legal services may need to be coordinated (including legal expenses insurance companies), experts as well as authorities and courts. Which personal data the law firm discloses to the authorities and courts involved in the context of legal services is at the discretion of the acting lawyer according to the case law of the Swiss Federal Supreme Court.

We process the personal data in our area of responsibility in Switzerland. However, we may transfer the personal data to recipients (namely clients, counterparties or authorities) who in turn process the personal data in other countries, including those that do not guarantee a level of data protection comparable to Swiss law.

We would like to point out that we may use external IT service providers and cloud providers with servers in Switzerland in the course of our mandate. We then use certain IT services and means of communication that may be associated with data security risks (e.g. WhatsApp, SMS, e-mail, video conferencing, etc.; see also section D below). It is your responsibility to inform us of any special security measures you wish to take

The law firm has an overriding private interest in the processing of personal data as part of the fulfilment of the client's mandate, which justifies this processing (Art. 31 para. 2 let. a FADP).

The law firm retains (stores, archives) the personal data only for as long as this is necessary for the processing of the contractual relationship, a statutory retention and documentation obligation exists or the law firm has an overriding private or public interest (e.g. for the defence of liability claims until the absolute limitation period)

The following legal provisions, among others, are decisive for the duration of the retention of personal data:

- Pursuant to Art. 11 of the Cantonal Lawyers Act (KAG) of the Canton of Bern, lawyers' files (client dossiers) must be retained for ten years.
- According to Art. 958 f. of the Swiss Code of Obligations, account books and accounting documents (e.g. invoices to clients) must be kept for ten years.

- In accordance with Art. 127 of the Swiss Code of Obligations, claims arising from a breach of contractual obligations expire after ten years.

If clients provide the law firm with personal data via a third party (e.g. via their employees or other contact persons), it is up to the client to inform them in a general manner about the processing by legal service providers (such as the law firm) or other external service providers (e.g. in a data protection declaration for employees).

### **C. Processing of personal data for enquiries**

In the case of enquiries to the law firm of a general nature or regarding the execution of orders or the acceptance of legal mandates, the principles of processing personal data in the case of contractual relationships (see section B above) apply to the processing of personal data, even if no contractual relationship is established.

### **D. Correspondence by e-mail, SMS and social media**

Email and social media are not secure means of communication. In particular, the protection of particularly sensitive personal data cannot be guaranteed for correspondence via social media or e-mail. Anyone who communicates with the law firm by e-mail or social media does so at their own risk. Any claims for damages against Nordwand Law GmbH or its auxiliary persons caused by insecurity in data traffic via e-mail or social media are excluded.

The law firm assumes that persons who communicate with the law firm and its auxiliary persons by e-mail or social media agree to this type of communication and thus consent to the use of e-mails and social media by the law firm and waive any resulting claims for damages.

### **E. Website, apps and other technical applications**

As the operator of the website [www.nordwand-law.com](http://www.nordwand-law.com), the law firm accepts no responsibility for the data protection compliance of third-party websites linked to its website. The use of external links from the website is at the user's own risk.

When operating the website, apps and other applications, the law firm may receive data from their users (including cookies or Google Analytics).

In particular, the firm may use cookies and similar technologies on the website to identify your browser or device. A cookie is a small file that is sent to your computer or automatically stored on your computer or mobile device by the web browser you use when you visit our website. In addition to cookies that are only used during a session and are deleted after your visit to the website ("session cookies"), cookies can also be used to store user settings and other information for a certain period of time (e.g. two years) ("permanent cookies"). However, you can set your browser so that it rejects cookies, only saves them for one session or otherwise deletes them prematurely. Most browsers are preset to accept cookies. Permanent cookies can be used to better understand how offers and content are used.

Other technologies such as Google Analytics may also be used on the law firm's website. These are services provided by third parties with which the use of the website (not personalised) can be measured and analysed. Permanent cookies are also used for this purpose, which are set by the service providers. The service providers do not receive any personal data from the law firm (and do not store any IP addresses), but can

track your use of the website, combine this information with data from other websites that you have visited and which are also tracked by service providers, and use these findings for their own purposes (e.g. control of advertising). Google Analytics provides information about the number of visitors to the website, where visitors log in from and how long they stay on the website. If you have registered with the service provider yourself, the service provider will also recognise you. The processing of your personal data by the service provider is then the responsibility of the service provider in accordance with its data protection provisions. The service provider only informs us how our respective homepage is used (no information about you personally).

In order to display the website correctly and uniformly and to improve loading times, the law firm may also use Adobe Fonts, a web font hosting service, on the website. The service provider is the American company Adobe Inc. Adobe processes data obtained in this way (possibly e.g. IP addresses) in the USA, among other places. We would like to point out that, in the opinion of the European Court of Justice, there is currently no adequate level of protection for the transfer of data to the USA. You can find more information about the data processed by Adobe at [www.adobe.com/ch\\_de/privacy/eudatatransfers.html](http://www.adobe.com/ch_de/privacy/eudatatransfers.html).

## **F. Rights of data subjects**

In particular, data subjects have the right to information about the personal data processed about them and the purpose of the data processing (Art. 25 FADP), the right to rectification, erasure or restriction of the processing of their personal data (Art. 32 FADP), the right to object to the processing and to the surrender or transfer of the personal data they have provided (Art. 28 and 29 FADP). It should be noted that prerequisites and exceptions apply to these rights. Where legally permissible or necessary, the chancellery may refuse requests to exercise these rights. In addition, personal data may have to continue to be stored or processed for legal reasons despite a request for deletion or restriction of processing.

Please note that the exercise of these rights may be in conflict with contractual agreements with the law firm and may make it impossible to carry out the assignment diligently and in accordance with the agreement, which may result in consequences such as the premature cancellation of the contract by the law firm.

The exercise of such rights generally requires that you clearly prove your identity (e.g. by means of a copy of your identity card, where your identity is otherwise not clear or cannot be verified).

In the case of applications concerning the exercise of rights by the data subject, the principles of processing personal data in the case of contractual relationships (see section B above) apply to the processing of personal data.

Every data subject also has the right to enforce their claims in court or to lodge a complaint with the competent data protection authority. The competent data protection authority in Switzerland is the Federal Data Protection and Information Commissioner ([www.edoeb.admin.ch](http://www.edoeb.admin.ch)).

## **G. Contact point for data protection issues**

Betroffene Personen können in Datenschutzfragen schriftlich über folgende Adressen Kontakt aufnehmen (telefonische Anfragen in Sachen Datenschutz werden nicht bearbeitet):

Sridar Paramalingam  
Nordwand Law LLC  
Länggassstrasse 14  
3012 Bern  
[contact@nordwand-law.com](mailto:contact@nordwand-law.com)