

## **Privacy Policy Regarding Data Obtained from EU Countries**

Hill Schwartz Spilker Keller LLC (HSSK) respects the privacy of our clients. It is our policy to maintain the confidentiality and privacy of any personal data obtained by us in writing, electronically, or provided to us by our clients in connection with investigations and other professional consulting services. All data shall be collected, stored and used in compliance with applicable law, which may include U.S Federal, State, and Local laws, the European Union Data Protection Directive and other international laws.

### **SCOPE**

This Safe Harbor Privacy Policy applies to information pertaining to an identifiable individual residing in the European Union or other data that HSSK acquires pursuant to its performance of services for its clients ("EU Personal Data"). This Policy does not apply to: (a) data collected and used by HSSK which is not EU Personal Data; or (b) the service lines of HSSK which do not receive EU Personal Data. The HSSK Online Privacy Policy is located on [www.hsskgroup.com](http://www.hsskgroup.com).

### **PROVISIONS OF OUR SAFE HARBOR PRIVACY POLICY**

We receive certain EU Personal Data at the request of clients for investigation related purposes on behalf of our clients. HSSK has joined the U.S. Department of Commerce's "Safe Harbor" program with respect to the EU Personal Data and utilizes such information in strict accordance with the Safe Harbor principles. The Safe Harbor principles and our Safe Harbor certification can be found at [www.export.gov/safeharbor](http://www.export.gov/safeharbor).

HSSK is committed to protecting the privacy of personal data that is gathered and maintained on behalf of clients requesting consultancy services. We certify that, in relation to EU Personal Data, we adhere to the seven "Safe Harbor Principles" of the United States Department of Commerce as outlined in the European Commission's Directive on Data Protection. Our adherence to the seven Safe Harbor Principles is demonstrated below:

#### **1. NOTICE**

HSSK gathers and maintains data which it provides to attorneys or individual companies (henceforth collectively known as clients) for use in the prosecution or defense of litigation, administrative employment decisions, and internal company matters, such as who to hire, retain, promote, or re-assign, or to third parties pursuant to an order from a U.S. state or Federal court. HSSK also gathers and maintains data which it provides in the furtherance of investigations into a suspicion of work-related misconduct or wrongdoing, matters of employee compliance with employer policies, matters of employee compliance with Federal, state, or local laws and regulations, and other services in relation to corporate litigation and investigative services as requested by our clients. All services are performed in accordance with applicable local and national laws.

The scope of this notice covers data that HSSK has obtained on behalf of clients by manually or electronically collecting the appropriate sources of the data (computer hard drives, electronic devices, cell phones, paper records, etc.).

More information regarding the nature and scope of HSSK services is available by contacting HSSK in writing or by e-mail at the addresses listed on [www.hsskgroup.com](http://www.hsskgroup.com) or by writing to the contact listed below.

## **2. CHOICE**

HSSK affords clients the opportunity to choose whether their information will be disclosed to a third party or will otherwise be used for a purpose incompatible with the purpose for which it was originally collected or subsequently authorized by the individual. Any data not designated sensitive or confidential by the client, may be disseminated, without prior notice or client approval, under those circumstances addressed in the Letter of Engagement, unless the client explicitly “opts-out.” Where a client chooses to “opt-out,” the data is not necessarily erased or deleted. Various laws require that the data be maintained on file for a specified period of time for consumer protection purposes.

A client can “opt-out” by contacting HSSK in writing or by e-mail at the addresses listed on [www.hsskgroup.com](http://www.hsskgroup.com) or by writing to the contact listed below.

With respect to data designated by the client as sensitive or confidential, a client must “opt-in” to the disclosure of the information to a third party or to the use of this information for a purpose other than its original purpose. In other words, unless a client chooses to provide explicit consent, a disclosure of sensitive information to a third party for an unauthorized purpose will not be made. This “opt-in” requirement does not apply to data which must be disclosed to law enforcement or other agencies under applicable U.S Federal, state or local law.

## **3. ONWARD TRANSFER (TRANSFERS TO THIRD PARTIES)**

With respect to the transfer of client data to third parties, the principles of “Notice” and “Choice” apply. Accordingly, client data is only provided to a third party or its agent for purposes described in the “Notice” section (see bullet point 1 above), and will not be disseminated to a third party where a client has “opted-out” or, in the case of sensitive information, failed to “opt-in.”

HSSK will disclose client data to third parties or their agents who certify that they subscribe to the Safe Harbor Principles or are subject to the applicable laws or regulations governing client data. In the alternative, HSSK will also disclose client data to third parties or their agents who enter into a written agreement with HSSK, in which the third party agrees to comply with applicable laws and regulations, certifies that they have a permissible purpose to use such data, and provides at least the same level of privacy protection as is required by the seven Safe Harbor Principles (in the instance where EU Personal Data is requested).

## **4. ACCESS**

A client may request, in writing, access to all data collected and maintained by HSSK in relation to services provided to them specifically. HSSK affords the client a reasonable opportunity to correct, amend, or delete information that is inaccurate or incomplete, except where applicable laws prevent such action, the burden or expense of providing access would be disproportionate to the risks to the client’s privacy, or where the rights of companies or individuals other than the client would be violated.

HSSK reserves the right to engage in reasonable efforts to confirm the identity of the individual requesting the data to ensure the information is provided only to the subject of the data or their agents.

HSSK makes every reasonable effort to ensure that the data we collect and store is as accurate as possible. We cannot guarantee, however, that third party data sources are committed to making the same efforts, and therefore, we deny any responsibility for the accuracy of the data provided.

To request information relating to the data collected by HSSK, a client may contact HSSK in writing or by e-mail at the addresses listed on [www.hsskgroup.com](http://www.hsskgroup.com) or to the contact listed below. In addition, the client will be asked to provide sufficient evidence so we may ensure that information is being released to the correct individual. If, for a good reason, we are unable to provide the client with access to their data or to correct data, we will let them know.

## **5. SECURITY**

HSSK takes all reasonable procedures to protect personal and identifiable information from loss, misuse, unauthorized access, disclosure, alteration and destruction. All of our clients' information, not just the sensitive information mentioned above, is kept strictly confidential in our offices and is stored on our servers in a secure, protected manner. Employee access to personally identifiable information is restricted to those whose job responsibilities require such access. Strong password protection protocols are used on all computers. Furthermore, all employees are kept up-to-date on our security and privacy practices. Finally, the servers that are used to store personally identifiable information are kept in a secure environment, with appropriate security measures.

If you have any questions about the security of our service, you can send a letter requesting information to the contact listed below.

## **6. DATA INTEGRITY**

HSSK takes reasonable steps to ensure that data collected is accurate, complete, current, and reliable for its intended use. We only collect data that is strictly necessary for the purposes listed under the section entitled "Notice," including (but not limited to) information that is necessary to identify the consumer.

## **7. ENFORCEMENT**

HSSK will verify adherence to the EU Safe Harbor Policy via in-house verification and internal policies and procedures implemented by the management of our company.

## **CONTACT INFORMATION**

You may send any question regarding our Safe Harbor Privacy Policy to the following address and contact person:

**Hill Schwartz Spilker Keller LLC**  
Attn: Marc Schwartz  
5847 San Felipe, Suite 3100  
Houston, TX 77057  
United States of America  
713.771.5011