

Murchison & Cumming, LLP

California Consumer Privacy Notice

Updated as of August 15, 2024
FOR CALIFORNIA RESIDENTS ONLY

Notice Statement

This Privacy Notice provides you with necessary information about the personal information we collect, how this information may be used by Murchison & Cumming, LLP (the "Firm"), your privacy rights and the Firm's obligations in accordance with the California Consumer Privacy Act of 2018 ("CCPA"), the California Privacy Rights Act of 2020 ("CPRA") and the California Privacy Rights Act of 2023 (CPRA).

Scope

This Privacy Notice applies solely to natural persons residing in California ("Consumers"), and does not apply to individuals living elsewhere, businesses or other corporate entities.

Responsibilities

The Firm's General Counsel is responsible for maintaining, reviewing and updating this Privacy Notice.

Definitions

Consumer: As defined by the CCPA and CPRA, a consumer is a natural person who is a California resident, living in California for other than a temporary or transitory purpose, or individual domiciled in California.

Personal Information: Commonly referred to as Personally Identifiable Information ("PII"), Personal Information ("PI") may be defined under various privacy laws, but, generally, is a fact about an individual which, if combined with one or more other facts about that individual, would enable others to determine the specific person to whom the facts apply.

Sensitive Personal Information: Sensitive Personal Information ("SPI") is a subset of PI that requires greater security protections and standards of care in handling. SPI, also known as "special categories of information", is defined as information that if lost, compromised, or disclosed could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual.

The Firm: For the purposes of this Notice, we will refer to Murchison & Cumming, LLP and our associated affiliates¹ as "the Firm", and collectively as "we", "our", or "us".



Procedures

1. CONSUMER RIGHTS

1.1. RIGHT TO ACCESS

You have the right to access PI which we may collect or retain about you. If requested, we shall provide you with a copy of your PI which we collect as permitted by the CCPA/CPRA. You also have the right to receive your PI in a structured and commonly used format so that it can be transferred to another entity (“data portability”).

1.2. RIGHT TO KNOW

You have the right to request that we disclose the following about your PI, as defined by the CCPA/CPRA:

- The specific PI we may collect;
- The categories of PI we may collect;
- The categories of sources from which we may collect your PI;
- The business purpose(s) for collecting or sharing your PI;
- The categories of PI we may disclose for business purposes; and
- The categories of third parties to whom we may share your PI.

1.3. RIGHT TO OPT-OUT / DO NOT SELL MY PERSONAL INFORMATION

Murchison & Cumming, LLP does not sell PI within the meaning of the CCPA/CPRA.

1.4. DO NOT SHARE OR DISCLOSE MY SENSITIVE PERSONAL INFORMATION

You have the right to limit how your SPI is disclosed or shared with third parties, as defined in the CCPA/CPRA.

1.5. RIGHT TO DELETION

In certain circumstances, you have the right to request the erasure of your PI. Upon verifying the validity of a deletion request, we will delete your PI from our records, and instruct any service providers or third parties to delete your information, when applicable.

1.6. RIGHT TO CORRECT/RIGHT TO RECTIFICATION

In certain circumstances, you have the right to request correction of any inaccurate PI. Upon verifying the validity of a verifiable consumer correction request, we will use commercially reasonable efforts to correct your PI as directed, taking into account the nature of the PI and the purposes of maintaining your PI.

1.7. Please note that the above rights are not absolute, and we may be entitled to refuse requests, wholly or partly, where exceptions under applicable law apply.

2. EXERCISING YOUR RIGHTS



If you are a California resident, you can exercise any of your rights as described in this Notice and under applicable privacy laws by using the contact information provided in this Notice. We will not discriminate against you for exercising such rights. Except as described in this Notice or provided for under applicable privacy laws, there is no charge to exercise of your legal rights.

However, if your requests are manifestly unfounded or excessive, in particular because of their repetitive character, we may:

- Charge a reasonable fee taking in account the administrative costs of providing the information or taking the action requested; or
- Refuse to act on the request and notify you of the reason for refusing the request.

3. VERIFYING CONSUMER REQUESTS

When you make a request to us, if you are a client, indicate the name of the attorney with whom you worked and, if possible, include a client matter number which can be located on invoices. We will verify by consultation with the responsible attorneys.

If you are not a client, we will not provide information from client files, because that information is covered by attorney-client privilege.

If you are not a client, we will require your name, e-mail, phone number, and address. We will attempt to match our records based on that information.

Where we have reasonable doubts concerning the identity of the person making the request, we may request additional information necessary to confirm their identity.

4. PERSONAL INFORMATION (PI) WE COLLECT

We collect PI as necessary to enable us to carry out your instructions, to manage and operate our business, and to comply with our legal and regulatory obligations.

The PI that we may collect in the course of our representation of you as a client, or as your potential employer, may include, but is not limited to, the following:

- Your name;
- Your job title and company name;
- Your mailing address;
- Your contact details (such as telephone number and email address);
- Your employment and educational background and other relevant applicant information;
- Information relating to the matter in which you are seeking our advice or representation;



- Other PI contained in correspondence and documents which you may provide to us; and/or
- Information we obtain from our IT and communications monitoring.

This PI is required to enable us to provide our services to you. If you do not provide the PI we ask for, it may delay or prevent us from providing services to you.

You confirm that you are authorized to provide to us the PI which we shall collect on your behalf. Where the PI relates to your directors, shareholders, beneficial owners, employees, agents, associates or family members, it is not reasonably practicable for us to provide to them the information set out in this Notice. Accordingly, where appropriate, you are responsible for providing this information to any such person.

5. SENSITIVE PERSONAL INFORMATION (SPI) WE COLLECT

We may also collect or process SPI as necessary to enable us to carry out your instructions, to manage and operate our business, and to comply with our legal and regulatory obligations.

You may also supply us with, or we may receive, the following SPI:

- Username and password;
- Financial, account or billing information, including tax identification number, social security number, or credit/debit card information;
- Proof of identification, including driver's license number, or state/national government-issued identification;
- Diversity or demographic information, including race or ethnicity, gender or gender identity, religious or philosophical beliefs, political affiliation, opinion or association, veteran or disability status, or sexual preference;
- Information the Firm has contractually agreed to manage under heightened confidentiality and security protocols, such as health and financial information or intellectual property;
- Information required to conduct background checks, client due diligence or conflict checks.

The Firm collects SPI on the basis of one or more of the following:

- You have given explicit consent to the collection for one or more specified purposes;
- Where the collection of SPI is manifestly made public by you; and/or
- Where the collection is necessary for the establishment, exercise or defense of legal claims. Where the collection is necessary for reasons of substantial public interest, in accordance with applicable law, the Firm may collect SPI for the following reasons:
 - For the purposes of the prevention or detection of an unlawful act or for preventing fraud; and
 - For the provision of confidential advice.

6. HOW PERSONAL INFORMATION IS COLLECTED

We collect most PI directly from you. However, we may also collect PI from the following:

- Publicly accessible sources;
- Directly from a third party for background checks;
- A third party, such as a bank, financial institution or advisor, with your consent;
- Consultants and other professionals we may engage in relation to your matter, with your consent;
- Our Information Technology (IT) systems, including:
- Online case management, document management and time recording systems;
- Door entry systems and reception logs

7. THE PURPOSE FOR WHICH PERSONAL INFORMATION IS COLLECTED

The purposes for which the Firm will collect or use your PI include:

- To provide professional legal services to you in connection with your matters as a client;
- To carry out our business operations and associated administration in connection with your matters or as your potential employer;
- To comply with our internal business processes and policies;
- To comply with our legal, regulatory and professional obligations;
- For operational reasons, such as improving efficiency, training and quality control;
- To prevent unauthorized access and modifications to our systems;
- For updating client records;
- For marketing our legal services to you; and/or
- For the purpose of conducting due diligence to comply with anti-money laundering ("AML") regulations to prevent money laundering and terrorist financing, as permitted by law.

8. DISCLOSURE OF PERSONAL INFORMATION

The Firm shall use a reasonable standard of care to store and protect from disclosure any PI collected using the principles of least-privileged access and by limiting access to PI and SPI to individuals with a 'need to know'.

PI will be retained by us as set out in the Firm's policies. The Firm may share your PI under the following circumstances:

- In the event that we sell or purchase any business or assets, or if all or substantially all of the Firm's assets are acquired by a third party, in which we may disclose your PI to the prospective seller or buyer of such business or assets, solely for the purpose of permitting the due diligence required to decide whether to proceed with a transaction;
- If reasonably necessary to protect the vital interests of a person or the Firm;
- If we are subject to disclose or share your information in order to comply with any legal or regulatory obligation; or



- To enforce or apply our terms and conditions or to establish, exercise or defend the rights of the Firm, Firm Personnel, clients, customers or others. Our third party service providers are subject to security and confidentiality obligations and are only permitted to process information for a specified, legitimate business purpose and in accordance with our instructions.

We only share your information with the following third parties:

- Affiliated firms and advisors as necessary to carry out the purposes for which the information was supplied or collected; and/or
- Service providers that assist with providing legal services to you, including data hosting providers, recruitment agencies, IT and software providers, marketing database providers, accountants and HR system providers, including benefits and payroll providers.

9. DATA STORAGE AND SECURITY

The Firm shall use a reasonable standard of care to store and protect your PI. We use appropriate physical, technical and organizational security measures and procedures to protect PI from unauthorized use, loss, alteration, destruction or modification. The Firm shall retain your PI until the initial purpose for collecting and retaining such data has been satisfied. If you subsequently agree to a new or additional purpose, your PI may be retained for that.

10. CONTACT INFORMATION

The Firm is not required to appoint a Data Protection Officer. However, we have appointed the following contact in the event you have any questions regarding this Notice, or any questions about your rights with respect to your Personal Information.

- Elizabeth Pando, Director Human Resources

11. MODIFICATIONS AND REVISIONS

We reserve the right to modify, revise, or otherwise amend this Privacy Notice at any time and in any manner. Any new version of this Notice will be posted on hkllaw.com. This Notice will be reviewed annually and updated, as necessary.

