



Cabinet d'avocats
Depuis 2002

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Dear Madam,
Dear Sir,

Prevention of money laundering and terrorist financing and processing of personal data in the context of the firm's file management

I. Prevention of money laundering and terrorist financing

The lawyer complies with his legal obligations regarding the identification of the client or his mandator. The latter undertake to spontaneously provide all documents allowing the establishment of their identity and authorise the lawyer to take copies of them. The obligations of the lawyer and the client derive more particularly from the provisions of the law of 18 September 2017 on the prevention of money laundering and terrorist financing and on the limitation of the use of cash. The information to be provided by the client varies depending on whether the client is a natural person, a legal person or a proxy. The client shall inform the lawyer as soon as possible and without delay of any change in his situation and provide proof thereof.

When the nature of the case (assistance to the client in the preparation or execution of operations such as the purchase or sale of real estate or commercial undertakings; management of securities funds or other assets belonging to the clients or its principal; opening or management of bank, savings or portfolio accounts; organisation of the contributions necessary for the constitution, management or direction of companies; constitution, management or direction of trusts, companies or similar structures or interventions in the name and for the account of the client in all financial and real estate transactions) or when the particular situations provided for by the aforementioned law of 18 September 2017 (country of origin, identification difficulties, unusual relationship between the client and the lawyer or the nature of the transactions, public figure or similar) impose on the lawyer an obligation of reinforced vigilance, the client undertakes to answer any question from the lawyer enabling her to comply with his legal obligations in terms of the fight against money laundering and terrorist financing.

When the lawyer assists the client in his legal defence or when he gives legal advice (assessment of his legal situation), he is bound by strict professional secrecy.

However, the law requires lawyers to inform the President of the Bar as soon as they become aware of facts that they suspect to be related to money laundering or terrorist financing during their legal defence or legal advice. The President of the Bar, who is the guarantor of professional secrecy, shall, if necessary, forward the report of suspicion to the CTIF (Cellule de Traitement des Informations Financières).

II. Processing and exchange of personal data as part of the management of the law firm's files

Why do we collect your data? What data? Who is responsible?

Within the framework of the mission you wish to entrust to your lawyer, he must collect a certain amount of information concerning you, in order to carry out the tasks related to this mission: management of your file, correspondence with yourself, correspondence with your opponents as well as their lawyer(s), correspondence with any professional outside the firm whose services are required in the treatment of your file: administrative services, experts, translators, etc., correspondence and procedural documents transmitted to the competent jurisdictions, invoicing; etc...

Your collected data may also be used for another purpose closely related to those listed above. The data collected are your identity data, your correspondence and billing address, as well as all the information strictly necessary to accomplish the tasks listed above. This data may, if necessary for the processing of your case, be sensitive data, such as medical images, laboratory reports, biological sample data, letters and written reports from the doctors who have treated you, or data relating to your race, sexual orientation, trade union membership or religious, philosophical or other beliefs. This data is collected and used with your consent and in accordance with European and national data protection laws. Even if you decide not to give your consent, your lawyer will deal with your case as best as possible. Your lawyer is responsible for your data. You can contact your lawyer to ask any questions you may have.

How is your data stored?

Your data is stored in the form of a paper file and/or an electronic file, under the responsibility of your lawyer who takes all necessary measures to ensure their security. If your data needs to be shared for the processing of your case, it will be shared through a secure electronic information exchange system and/or in court proceedings, through the electronic deposit/DPA system or any other name.

Your data is stored for the duration of your case. Once your case is closed, your data will be stored for a maximum of 10 years, starting from the end of your lawyer's services, in order to enable her to meet his obligations in terms of liability.

What are your rights?

You have the right to give or withdraw your consent to the processing and exchange of your data. If you agree today to give your data and have it processed as part of your case, you can always withdraw your agreement later. In this case, your lawyer will explain how your data will be removed from your file. However, it may not be possible to remove all the information, especially that which has been used to bring a legal action or to defend your legal rights.

You have the right to be informed about the purposes for which your data will be processed and who will have access to your data. Your lawyer will tell you which persons will be involved in the processing of your file and which persons will have access to your file.

You have the right to ask what information about you is stored and to request corrections if any information is incorrect.

You have the right to receive all information about you that is stored in a portable and readable format.

Your lawyer who collects your data directly is responsible for this data.

Your lawyer has a duty to ensure that your data is handled securely and to warn you if the security of your data is not respected.

If you are concerned about how your data is being processed, you can contact your lawyer or the Privacy Commission:

Rue de la Presse 35, 1000 Brussels, Tel: 02 274 48 00 or commission@privacycommission.be

Who will have access to your data?

The members of your lawyer's office will have access to your file, so that they can process it.

If required for the processing of your case, this consent form will also authorise your lawyer to share all data in your case with other lawyers and legal actors.

If your case is to be handled outside Belgium, in the European Union (EU), and if you and your lawyer agree, your data collected by your lawyer may be shared with legal professionals in other EU countries. Your lawyer can tell you more about the professional(s) who will handle your case in that EU country or countries.

Candice DEBRUYNE
Avocate