

**AlixPartners, LLP**

## General Data Protection Statement

## **GENERAL DATA PROTECTION STATEMENT**

### **1. INTRODUCTION**

- 1.1 AlixPartners, LLP (“AlixPartners”) is committed to fulfilling its obligations under the data protection laws of the countries in which we operate and in so doing meeting the expectations of our employees, clients and suppliers worldwide. At AlixPartners we respect the privacy of those dealing with us. This statement sets out our general approach to dealing with your personal information. More specific details about how we use your personal data may apply if you access our websites and/or develop your relationship with us but we will always act within the spirit of this statement. If there is any conflict between this statement and local data protection law or the Safe Harbor Principles published by the U.S. Department of Commerce, then such laws where applicable or the Principles in the U.S. will prevail. This statement also applies to affiliates of AlixPartners, LLP under its control.
- 1.2 Information relating to present or former AlixPartners personnel is subject to our policies concerning personnel data privacy, which are available to current AlixPartners personnel on the firm’s intranet site and may be available to former personnel upon request.
- 1.3 Information obtained from or relating to clients or former clients is further subject to the terms of any privacy notice to the client, any engagement letter or letters with the client, and applicable laws and professional standards.

### **2. OBJECTIVE**

- 2.1 It is AlixPartners’ policy to respect and protect personally identifiable information collected or maintained by or on behalf of it.
- 2.2 In furtherance of our commitment, AlixPartners has certified to the US-EU Safe Harbor Agreement regarding personal data collected in the European Union in support of AlixPartners human resources and/or client data. AlixPartners adheres to the Safe Harbor privacy principles and the “Frequently Asked Questions” document, as agreed to by the U.S. Department of Commerce and the European Commission (located on this [website](#)).
- 2.3 AlixPartners’ European subsidiaries also comply with their local data protection legislation.
- 2.4 AlixPartners has put in place internal mechanisms to verify ongoing compliance with this statement. Any employee that violates AlixPartners data protection requirements may be subject to disciplinary procedures in accordance with AlixPartners’ policies.

2.5 AlixPartners will comply with the spirit of this statement save, as required or allowed by law, to meet legal, governmental, law enforcement or national security obligations, or to protect the health or safety of an individual about whom data is processed, referred to as a "**data subject**".

### 3. **SCOPE**

3.1 This statement sets out the basis on which AlixPartners manages the processing of personal data where in the United States of America it receives such personal data from its affiliates, subsidiaries and agents in Europe and/or in its European operations in support of its human resources and/or commercial operations, including handling personal data from Europe for clients in relation to such commercial operations.

3.2 The categories of personal data covered by this statement include personal data relating to current and former AlixPartners employees, prospective employees, temporary workers, contract workers, consultants, consumers, business partners and clients, market research participants, website visitors and individuals who report adverse events or submit complaints.

### 4. **WHAT IS PERSONAL DATA?**

4.1 **Personal data** is information which relates to a living individual or, in some countries (eg Italy), also to legal persons, companies, associations or any other entities, that are, or can be, identified, even indirectly, whether or not in conjunction with any other information. Common examples of personal data which may be used by AlixPartners in its day to day business include names, addresses, telephone numbers and other contact details (including email addresses), CVs, statements of opinion or intention regarding data subjects and evidential notes and correspondence. Personal data does not normally include anonymized data or data that is reported in aggregate.

4.2 Some information is considered to be special or sensitive personal data ("**sensitive personal data**"). This includes information relating to: race or ethnic origin; political opinions; religious or similar beliefs; trade union membership; physical or mental health or conditions; sexual orientation/behaviour; or (in some countries) information relating to the commission or alleged commission of any offence and any related court proceedings, including the decision of the court.

### 5. **WHAT IS PROCESSING?**

5.1 AlixPartners will be processing personal data if it does anything involving the personal data from collecting or obtaining it, storing it and/or if it carries out any operation relating to that information such as copying it or altering it, accessing, downloading, reviewing it or transferring it, or deleting or destroying it.

5.2 In the majority of our group companies, we are processing personal data. Our processing is separated into use of personal data for internal reasons, such as our use of employee details to run the business, and use for external reasons, for example our use of customer and supplier details.

## 6. **RESPONSIBILITY FOR PERSONAL DATA**

6.1 AlixPartners businesses may process personal data in two capacities. First and primarily, it may act as a “**data controller**”. As a data controller, it will normally own and control the use of the personal data and in particular will make decisions about the purposes for which it will be used eg paying salaries and offering special group benefits, as well as the manner in which such purposes are carried out eg by company email using the staff database. As a data controller, the company is responsible for complying with relevant data protection laws and for the use of its personal data.

6.2 By contrast, an AlixPartners business may process personal data simply as part of providing an agreed service to another entity, for example, helping to provide financial and HR services for a client, or providing e-discovery services to a client involving handling that client’s records. We can only use the data for the purposes established by the data controller (and we often will have little or no flexibility about the manner of its use within permitted purpose(s)). In this situation, the company acts as a “**data processor or agent**”. AlixPartners must follow the instructions of the appointing data controller (typically our client) about such personal data use and try to keep the personal data secure. The appointing data controller remains liable for AlixPartners use of its personal data. This is normally confirmed by a written contract between such client or data controller and the AlixPartners business involved.

6.3 It is important that you understand in which capacity AlixPartners is processing your personal data, as this may affect how AlixPartners applies these principles to your personal data.

## 7. **THE RULES FOR PROCESSING PERSONAL DATA**

7.1 When AlixPartners uses personal data in the European Union it will comply with applicable local law. AlixPartners in the USA will use personal data sent to it from Europe in accordance with the Safe Harbor Principles. This statement reflects the Safe Harbor Principles. Disclosure and use of such personal data within or for AlixPartners is governed by the following rules in order to ensure legal compliance and in the interests of privacy, employee and customer confidence and good employee and customer relations.

7.2 **Use of personal data must be fair and lawful:** where required by law and not reasonably evident, AlixPartners will try to notify data subjects about the types of personal data it collects about them, the purposes for which it collects

such data, the types of third parties to which it discloses such data, and how to contact the organization with any inquiries or complaints. In such cases notice will be provided in clear and conspicuous language at the time of collection, or as soon as practicable thereafter, and before AlixPartners uses or discloses the information for a purpose other than that for which it was originally collected. Consent for personal data to be collected, used, and/or disclosed in certain ways (including opt-in consent for certain sensitive data use) may be required in order for a data subject to obtain or use our services. Such consent is provided through our engagement letters or similar documents, as well as through employment agreements or other similar documents.

- 7.3 **Personal data must be used for specified lawful purposes only:** we collect and process personal data about AlixPartners' personnel for the purpose of human resources administration and recruitment. We collect and process personal data about our clients, their personnel, and other data subjects for the purpose of rendering professional services to our clients. If personal data is to be used for a new purpose not reasonably expected by you and incompatible with the purposes for which the data were obtained or agreed (including passing them to a third party who is not acting as an agent for AlixPartners), AlixPartners will, where practicable and appropriate, try to notify you of such proposal and if required obtain your consent. If personal data is to be used for a new purpose different from those stated in the information already provided to the data subject, AlixPartners will try to notify data subjects about such new purpose and will request their consent if required by law. If we are processing personal data on behalf of a client, then the client will be primarily responsible for providing appropriate notice to those data subjects affected.
- 7.4 Adequate personal data only (and not excessive information) will be obtained and used by AlixPartners bearing in mind our legitimate business purposes.
- 7.5 **Accurate personal data** is important and AlixPartners will try to ensure that its personal data records are reliable and accurate and where necessary complete and current.
- 7.6 **Limited retention of personal data** is permitted and AlixPartners has a retention policy the purpose of which is to explain that personal data cannot be retained by the business for a longer period than necessary for the relevant purpose. This may be different from country to country dependent upon local law and may be affected by specific regulatory or legal obligations for particular records (often relating to taxation and/or health or safety) and/or risk management. The extent to which we retain personal data processed on behalf of a client engagement will (subject to applicable law) be governed by our engagement letter or contract with that client or otherwise our retention policy from time to time.

7.7 **Data subjects' rights about personal data** are important and AlixPartners will comply with its legal obligations to data subjects in relation to subject access rights, objection rights, rights to rectify or correct personal data and if relevant rights in relation to automatic decisions about data subjects. It should be noted that AlixPartners will not always be able to stop processing your personal data in the ways or at the time you ask or to change it as you request but it will try to do so where permitted and reasonably possible.

In connection with AlixPartners' processing of their personal data under the Safe Harbor Principles, data subjects may file a complaint in accordance with Section 8.1 and with respect to any dispute relating to this statement that cannot be resolved through our internal processes:

- If the dispute involves data collected in the context of an employment relationship, we will cooperate with the relevant competent EU data protection authorities and comply with the advice of such authorities. In the event that we or such authorities determine that we did not comply with our data protection legal obligations, we will take appropriate steps to address any adverse effects and to promote future compliance.
- If the dispute involves data that we have collected or received from or on behalf of a client, then the terms of the relevant engagement letter or contract will govern resolution of the issue.
- If the dispute involves other types of data, individuals may pursue the matter by filing a claim with the American Arbitration Association.

7.8 **Security of personal data** is very important and AlixPartners will use appropriate physical, technical and organisational security measures (including education and training of our personnel) to prevent unauthorised or unlawful processing, accidental loss of or destruction of or damage to personal information. Personal data collected or displayed through a web site is generally protected in transit by standard encryption processes. However, we cannot guarantee the security of any information.

7.9 **Onward Transfers:** save to the extent required and permitted by law, AlixPartners in the USA will only disclose personal data received by it from Europe (and within its Safe Harbor certification) to third parties where the intended recipient has given assurances that they provide at least the same level of privacy protection as is required by these principles. AlixPartners in Europe will comply with applicable local law on disclosures.

7.10 International transfers of personal data are where personal data is 'transferred' to another country and AlixPartners in the USA will not transfer personal data which it received from Europe (and within its Safe Harbor certification) to countries not deemed to provide adequate safeguard for personal data and/or

the rights of the data subjects involved unless legally permitted to do so. AlixPartners in Europe will comply with applicable local law on international transfers.

- 7.11 **Justification to use personal data is important** and AlixPartners will only use personal data where legally permitted although this may not require your consent.

## 8. **GENERAL**

- 8.1 **For inquires related to personal data** please contact us with any questions concerning this statement or any of our privacy practices, in the case of the United States of America by contacting our General Counsel and in the case of Europe by contacting our General Counsel-EMEA.

## 9. **CHANGES TO STATEMENT**

- 9.1 This data protection statement may be amended consistent with the requirements of Safe Harbor and local data protection laws where AlixPartners operates. So long as we adhere to the Safe Harbor Principles, we will not amend our statement in a manner inconsistent with the Principles. When we do update this statement, we will also revise the "Last Updated" date at the bottom of this document. Any revised privacy statement will be posted on the AlixPartners website.

**ALIXPARTNERS, LLP**

**12 June 2009**