

**PRIVACY AND DATA PROTECTION STANDARD**  
**NASCIMENTO E MOURÃO ADVOGADOS**

## **1. SCOPE**

This document seeks to establish a process of governance, standards, and controls related to privacy and data protection in order to ensure the implementation and maintenance of privacy and data protection practices.

This document is a complementary part of the Privacy Policy of Nascimento e Mourão Advogados, hereinafter referred to as "NMSA".

## **2. DEFINITIONS**

- **National Data Protection Authority (ANPD):** the body responsible for monitoring compliance with the provisions of the LGPD in Brazil;
- **Controller:** who is responsible for decisions relating to the Processing of Personal Data, in particular regarding the purposes and means of such processing;
- **Personal Data:** any information related to an identified or identifiable natural person, such as: name, CPF, RG, home or business address, landline or mobile phone number, e-mail address, among others;
- **Sensitive Personal Data:** Personal Data concerning racial or ethnic origin, religious belief, political opinion, membership of a trade union or religious, philosophical or political organization, data concerning health or sex life, genetic or biometric data, when linked to a natural person.
- **Person in charge (DPO):** the person appointed by the Controller and Operator to act as a communication channel between the Controller, the Data Controllers and the National Data Protection Authority (ANPD);
- **Security Incident:** any access, acquisition, use, modification, disclosure, loss, destruction or accidental, unlawful or unauthorized damage involving Personal Data;
- **LGPD:** General Data Protection Act (Federal Law No. 13.709/2018).



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- **Operator:** the Party that processes Personal Data in accordance with the Controller's instructions.
- **Personal Data Protection Impact Report:** documentation from the Controller describing the processes for processing personal data that may create risks to civil liberties and fundamental rights, as well as measures, safeguards and risk mitigation mechanisms;
- **Personal Data Holder:** the natural person to whom the Personal Data that is being processed refer; and
- **Processing of Personal Data:** any operation or set of operations which is performed on Personal Data or on sets of Personal Data, whether by automated or non-automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

These terms and others not defined above have the constant meaning of the LGPD.

### **3. PRIVACY AND DATA PROTECTION**

We at NMSA care about privacy and data protection during the processing activities of personal data used to make our business viable.

For this purpose, we have an organizational structure with a focus on Data Privacy covering all businesses and areas of the organization.

Roles and responsibilities on the subject were defined for all NMSA employees and appropriate processes and technologies were implemented.

During the data processing processes we follow the principles of privacy, legislation and regulations on the subject and implement channels of relationship and contact with the internal and external public in order to receive requests for the exercise of rights of the holders.

We define a process and methodology for the treatment of privacy and data protection incidents and have structure and process of identification and monitoring of privacy and data protection risks.

The NMSA emphasizes that it establishes and maintains processes to manage the development, delivery, monitoring and continuous audit of policies related to

operations that process personal data. In the last month of the year, an internal audit will be carried out on the processes related to Privacy and Data Protection, in addition to the clean up day forecast in the same month, with the participation of the Privacy and Data Protection Committee of the NMSA, as well as the focal points of internal areas.

#### **4. ROLES AND RESPONSIBILITIES**

In order to ensure compliance with the LGPD, the NMSA defines a Data Privacy Program with roles and responsibilities regarding management, operation, and monitoring applied to the entire organization.

##### **A) CHARGED (DPO):**

The role of the Supervisor shall include the following responsibilities:

- i. Accept complaints and communications from the holders, provide clarification and take action;
- ii. Receive communications from the National Authority and take action;
- iii. Advise the entity's employees and contractors on the practices to be followed in relation to the protection of personal data; and
- iv. Perform the other tasks determined by the controller or laid down in additional standards.

##### **B) CHARGED ASSISTANCE (DPO):**

The NMSA will designate personnel to work together with the Supervisor (DPO) in the development of its activities, establishing the Privacy and Data Protection Committee, hereinafter referred to as the "Committee", composed of one member from each area, designated as the Focal Point, facilitating the Supervisor's communication with the areas and carrying out tactical and operational activities related to the NMSA Privacy and Data Protection Program.

##### **C) FOCAL POINT**

The focal point will have the responsibilities to promote the engagement of other employees in the actions of the Privacy and Data Protection Program; monitor compliance with data protection privacy policies and processes in your area; assist in identifying, mitigating and monitoring the privacy and data protection risks related to the NMSA business under your responsibility; and monitor the progress of action plans related to privacy and data protection within the NMSA.

#### **D) EMPLOYEES**

It is the duty of all NMSA employees to respect and comply with the Terms of Protection and Privacy, members of the employment contract and other documents on the subject; and process personal data only for the purposes previously defined and approved by the Supervisor (DPO).

#### **5. NMSA PRIVACY RISK ASSESSMENT**

The NMSA committee supports an assessment process to identify privacy and data protection risks in its business processes, monitoring the factors that contribute to increasing the company's privacy risk. To achieve this, the NMSA carries out a privacy and data protection risk assessment whenever it is notified of a significant change in the personal data processing activities or technological environment directly involved in the process.

#### **6. MANAGEMENT OF PRIVACY POLICIES**

The NMSA establishes and maintains a set of policies, standards and procedures to govern the Privacy Program and strengthen employee behavior aligned with the NMSA's privacy and data protection guidelines.

The NMSA Privacy Policy clearly informs the data subjects processed by it of how they collect, use and disclose their personal data.

#### **7. INTERNATIONAL DATA TRANSFER**

Before transferring personal data of Brazilian data subjects out of Brazil as part of a processing activity, NMSA undertakes to follow the legal, regulatory and data protection provisions to protect the interests of the data subject.

#### **8. INTERNATIONAL DATA TRANSFER HYPOTHESES**

According to the LGPD, it is possible to transfer data in the following cases:

- For countries or international bodies that provide a level of protection of personal data appropriate to that provided for in the LGPD;
- Where the controller offers and demonstrates guarantees of compliance with the principles, the rights of the data subject and the data protection regime laid down in the LGPD, in the form of:
  - (a) specific contractual clauses for a particular transfer;
  - (b) standard contractual clauses;

- (c) global corporate standards;
- (d) regularly issued stamps, certificates and codes of conduct;
- Where the transfer is necessary for international legal cooperation between public intelligence, investigative and prosecutorial bodies in accordance with the instruments of international law;
- Where the transfer is necessary for the protection of the life or physical safety of the holder or of a third party;
- Where the national authority authorises the transfer;
- Where the transfer results in a commitment entered into in an international cooperation agreement;
- When the transfer is necessary for the execution of public policy or legal assignment of the public service, being given publicity pursuant to section I of the caput of art. 23 of the LGPD;
- Where the holder has given his specific and prominent consent to the transfer, with prior information on the international character of the transaction, clearly distinguishing it from other purposes; or
- When necessary to meet the hypotheses provided for in sections II, V and VI of art. 7th of the LGPD.

## **9. DATA LIFECYCLE MANAGEMENT**

The NMSA collects, processes and stores information to support personal data processing activities under its responsibility and maintains processes and controls on the management of the personal data lifecycle according to business needs, current legislation, regulatory requirements and the LGPD.

## **10. REGISTRATION OF PROCESSING ACTIVITIES**

For all personal data processing activities, the NMSA will keep a record, which will include information about the processing activities of personal and sensitive personal data; the purposes of data processing; storage locations; sharing or receiving personal data; storage and disposal time; data transfers to other countries, among other information related to the life cycle of personal data.

## **11. LEGAL BASIS OF THE LGPD FOR THE PROCESSING**

The NMSA shall establish and maintain procedures to assess and document the legal basis for the processing of initiatives where personal data are present:

- A) The NMSA identifies the following legal bases for data processing:

- Contract performance and preliminary procedures;
- Regular exercise of the right
- Legitimate interest
- Legal obligation (including sensitive personal data)
- Regular enforcement of law, including in contracts and legal proceedings (including sensitive personal data)

B) Where the legal basis chosen is the Legitimate Interest, the NMSA will conduct a Personal Data Protection Impact Report to document an assessment of the privacy risks related to the data processing activity.

## 12. RIGHTS OF DATA HOLDERS

The NMSA provides mechanisms for data subjects to exercise their rights in accordance with regulatory obligations and organisational commitments. The NMSA maintains an effective Privacy Program resource for receiving, evaluating, documenting, executing, and responding to requests for data subjects' rights.

<b>RIGHT TO CONFIRM THE EXISTENCE OF TREATMENT</b>	Upon request, the NMSA will provide the data subject with clarifications on the existence of data processing activity of a respective data subject, which include: confirmation that the personal data are being processed by the NMSA or not; description of the purpose of the processing; and description of the source of the personal data, if collected from a source other than the data subject.
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<b>RIGHT OF ACCESS TO DATA</b>	Upon request, the NMSA shall provide the data subject with access to the data it processes, with appropriate security safeguards in place, which include: categories of personal data in question and copies of the data in question.
<b>RIGHT TO CORRECT INCOMPLETE, INACCURATE OR UNUPDATED DATA; ANONIMIZATION, BLOCKING OR ELIMINATION OF UNNECESSARY, EXCESSIVE OR TREATED DATA IN DISCONFORMITY WITH THE LGPD</b>	At the request of the data subject, the NMSA shall analyse the personal data concerned for accuracy, relevance and integrity and shall correct any personal data that may be corrected.
<b>RIGHT OF DATA PORTABILITY TO ANOTHER SERVICE OR PRODUCT PROVIDER.</b>	The NMSA will provide data subjects with a mechanism to request a copy of their personal data in a commonly machine-readable format so that they can provide data portability to another product or service provider, where appropriate.
<b>RIGHT TO INFORMATION OF PUBLIC AND PRIVATE ENTITIES WITH WHOM THE CONTROLLER SHARED DATA</b>	Upon request, the NMSA will provide the holder with clarification on public and private entities with which it has shared data.
<b>RIGHT TO INFORMATION ON THE POSSIBILITY OF NOT PROVIDING CONSENT AND ON THE CONSEQUENCES OF NEGATIVE</b>	The NMSA shall provide data subjects with information on the possibility of not giving their consent, clearly documenting the consequences of the refusal for the data subject to be able to take his or her decision freely, informally and unequivocally.



<b>RIGHT TO WITHDRAW CONSENT OR PARALYZE THE USE OF LEGITIMATE INTEREST</b>	Upon request, the NMSA shall restrict the processing of the personal data of a data subject if: <ul style="list-style-type: none"><li>▪ If the legal basis used for the processing of personal data is consent or legitimate interest.</li><li>▪ The personal data in question are no longer necessary for the purpose of the processing.</li><li>▪ The data subject has objected to the processing and there is no legal or regulatory reason for the processing.</li></ul>
<b>AUTOMATED DECISION</b>	The NMSA shall provide the data subject with a mechanism through which he or she may request a review of any automated decision, where one exists.

### **13. REQUIREMENT MANAGEMENT:**

The NMSA shall establish and maintain appropriate procedures and channels for receiving, evaluating, documenting, executing and responding to requests for data subjects' rights relating to personal data stored or processed by the NMSA or by third parties on behalf of the NMSA.

Before answering an application, the NMSA should check whether the applicant is actually the holder of the personal data.

### **14. PRIVACY RISKS IN DATA PROCESSING ACTIVITIES**

The NMSA establishes and maintains procedures to identify, assess, document, mitigate and monitor privacy-related risks. It identifies, monitors and mitigates privacy risks from the design stage and throughout the life cycle of the treatment activity.

### **15. CONTINUOUS RISK MONITORING (PRIVACY BY DESIGN AND PERSONAL DATA PROTECTION IMPACT REPORT)**

The NMSA shall establish and maintain a programme for the continuous monitoring of any privacy-related risk.

Initiatives and new projects will be periodically risk-assessed to validate ongoing compliance with legal, regulatory and LGPD requirements.





The delivery and consent to notification mechanisms are tested for effectiveness and alignment with commercial commitments, periodically tested.

The results of continuous monitoring activities shall be documented, reported and remedied without undue delay (Recording of personal data processing operations – ROPA/Data Mapping).

#### **16. PRIVACY INCIDENT MANAGEMENT**

The NMSA maintains up-to-date procedures to identify, investigate, evaluate, document and remedy privacy and data protection incidents involving personal data. In addition, the NMSA maintains and updates procedures to notify relevant parties, including the DPA, affected data subjects and other relevant third parties as stipulated by the LGPD, in accordance with the Data Leak Action Plan and the Privacy and Data Protection Policy.

#### **17. TRAINING AND AWARENESS**

The NMSA establishes and maintains a privacy training and awareness program to ensure that its employees receive appropriate training annually. The material of this training is customized for each role and responsibility stated in this Policy and is part of the NMSA Privacy and Data Protection Program.

#### **18. THIS DOCUMENT WAS UPDATED ON 19 SEPTEMBER 2023.**