

PRIVACY POLICY – SECONDARY LEGAL ASSISTANCE

(16/11/2022 version)

Your privacy is important for us.

All personal data that we obtain about you as a legal aid recipient in the context of secondary legal assistance at the Flemish Bar Association will be collected and processed in accordance with applicable data protection legislation, in particular the General Data Protection Regulation 2016/679 of 27 April 2016 (“**GDPR**”), as well as this privacy policy.

This privacy policy provides more information about the personal data that we process, why we process it, how we obtain the data, how long we retain the data and with whom we share it.

1. IDENTITY AND CONTACT DETAILS

The joint controllers for your personal data are the following legal entities:

- [Flemish Bar Association](#), Moniteurstraat 8, 1000 Brussels, enterprise number 0267393267;
- [Association of French- and German-speaking Bars](#), Hoogstraat 139 bte 20, 1000 Brussels, enterprise number 0850.260.032;
- [One of the Bar Associations](#) (depending on the chosen Legal Aid Office). The Bar Association also refers to its bodies, namely its Dean and Council of the Bar.

The joint data controllers are responsible for handling all inquiries, requests and complaints regarding the processing of your personal data in the context of legal assistance. If you have any questions about the processing of your personal data, such as the division of responsibilities between the joint data controllers, you can always contact each of the joint data controllers.

You can find the contact details of the Flemish Bar Association below:

- via e-mail: info@advocaat.be
- via telephone: +32 3 337 54 70
- via post: to the abovementioned address (attn. Privacy)

The Flemish Bar Association has appointed a Data Protection Officer (“**DPO**”) in accordance with the GDPR. The DPO can be contacted via dpo@ordevanvlaamsebalies.be.

The contact details of the other joint data controllers for the processing are provided in the hyperlinks mentioned above.

2. PERSONAL DATA – PURPOSES – LEGAL BASIS

- a) Secondary legal assistance

For secondary legal assistance, we may process your personal identification information (name, address, email address, telephone number), national identification number and/or foreigner registration number, personal characteristics (date of birth, place of birth, gender, nationality), composition of your household (spouse or partner's name, children, and other dependents), financial information (income), information about your occupation and position (job title) and any other data you provide us in the context of secondary legal assistance (such as judicial information, psychological information, ethnic data, consumption habits, leisure activities, housing characteristics, health data, and membership in a trade union)

These data enable us to organize legal secondary assistance (including secondary legal assistance under the framework of Salduz) for the legal aid recipient and handle any disputes related to it.

| The Bar Associations process personal data in the context of legal secondary assistance. | |
|---|--|
| Management of data from the legal aid recipient in the context of the application | <ul style="list-style-type: none"> - collection of data from the legal aid recipient necessary for their application, both via the paper form and the online module - verification of the eligibility criteria for the application for secondary legal assistance - appointment of the pro bono lawyer - communication of relevant data to the pro bono lawyer |
| Management of data of the legal aid recipient in the context of the file | <ul style="list-style-type: none"> - maintaining access to secondary legal assistance - verification and payment of the pro bono lawyer's fee for their services in your case, including cross-checks related to this |
| Generating statistics | <ul style="list-style-type: none"> - analysis of statistics (to improve services and operations) - reporting - budgeting <p>These statistics are provided to the FPS Justice, which in turn passes them on to the FPS Finance, the Parliament and the Council of Ministers. These statistics do not contain personal data.</p> |

| The Flemish Bar Association and the Association of French- and German-speaking Bars process personal data in the context of legal secondary assistance. | |
|---|--|
| Management of the module for secondary legal assistance | The management of the module and storage of applications at the Bureaus for Legal Aid from legal aid recipients, pro bono lawyers, third parties (such as assistance organizations and competent authorities in the sense of Directive 2003/8/EC of the Council of 27 January 2003, acting on behalf of the legal aid recipient) by providing an IT system that: |

| | |
|--------------------------|--|
| | <ul style="list-style-type: none"> - includes all documents (online forms, paper forms and attachments, etc.), as well as data on the performances of third parties (in cases where they act on behalf of the pro bono lawyer), such as reports of an interpreter - provides IT services necessary for the Bar Associations to monitor the services provided by pro bono lawyers for the Legal Aid Office in accordance with the nomenclature - provides IT services necessary for the Bar Associations to verify compliance with access requirements in various pro bono cases - provides IT services for reporting of pro bono cases, approval of budgets for the parliament and the Council of Ministers and payment of pro bono services and operating costs |
| Access management | Access management by lawyers, legal aid recipients and third parties (such as CPAS), and in this context, the management of the contact details of these individuals. |
| Cross-checks | Management and execution of cross-checks in close collaboration with the Bar Associations. |

The legal basis for this processing is our task carried out in the public interest of organizing secondary legal assistance (Art. 6.1, e) GDPR), stemming from the Judicial Code (Art. 495 and Art. 508/1 et. seq. Judicial Code), the Code of Conduct for Lawyers, Royal Decree of December 20, 1999, implementing Articles 508/2, § 3, second paragraph, and 508/4 of the Judicial Code, and the Royal Decree of December 20, 1999, implementing Articles 508/19, 508/20, 508/22, and 508/23 of the Judicial Code. Your national identification number is processed on the basis of Authorization RR 70/2014. The processing of special categories of personal data (such as health data) is based on Article 9.2, g) GDPR, i.e. for reasons of substantial public interest on the basis of the Judicial Code (508/13/1 §2 3°, 8 Judicial Code).

We obtain this personal data either directly from you when you submit an application for (compensation for) secondary legal assistance, or indirectly from your pro bono lawyer, an assistance organization (such as CPAS, CAW, etc.), or a competent authority within the meaning of Council Directive 2003/8/EC of January 27, 2003 (such as the FPS Justice). These entities are separate data controllers for this processing of personal data.

b) Litigation management

In order to manage any (potential) disputes with legal aid recipients, we may process your personal identification data (name, address, email address, telephone number) and any other information that is relevant to the management of a (potential) dispute.

The processing of these personal data allows us to defend our legitimate interests in all forms of dispute resolution and to provide the administration thereof.

The legal basis for this processing is our legitimate interest to exercise our (contractual, extra-contractual, legal and other) rights as well as our rights of defence (Art. 6.1, f) GDPR).

We obtain these personal data directly from you or via third parties.

3. HOW LONG DO WE STORE YOUR PERSONAL DATA?

In the context of secondary legal assistance, we apply the following retention periods:

- **Secondary legal assistance**
 - If your application for legal assistance is rejected or no longer pursued (for example, due to incomplete documentation), we retain your personal data for a maximum of 1 year (plus a verification period of 1 year) from the date of receiving the information or the final rejection decision;
 - If (i) the appointment of the pro bono lawyer is withdrawn, (ii) there is a payment made to the pro bono lawyer, or (iii) the case is closed without any payment, we retain your personal data for a maximum of 7 years (plus a verification period of 1 year) from the date of closing your case and, if applicable, the payment of pro bono services;
 - If either the lawyer or you, as a legal aid recipient, appeal(s) against a decision of the Legal Aid Office, we retain your personal data until a final decision is reached by the judicial authorities.
 - With regard to statistics, we retain your data for the time necessary for analyzing, budgeting and reporting to the competent authorities. Once anonymized, this data is no longer considered personal data.
- **Litigation management**
 - We retain your personal data for 5 years after the expiry of the deadline to appeal (longer if necessary, for example, to comply with legal obligations).

4. WHO DO WE SHARE YOUR PERSONAL DATA WITH?

The above-mentioned personal data are accessible to our employees.

The personal data of legal aid recipients are provided to the pro bono lawyer.

We also rely on processors for business & technical analysis, coordination, and technical support (e.g. IT providers) for secondary legal assistance. A list of processors, including the nature and purpose of the processing, and, if applicable, the country where the data is processed, is available upon request.

We may also disclose your data to:

- Judicial or administrative authorities or court officials to defend our interests if necessary.
- Banking or insurance organizations to defend your or our own interests if necessary.
- Authorities or entities to whom we are obliged to transmit the data based on the law, decree or any other regulations.

In all circumstances, we guarantee the protection of your data through confidentiality agreements.

5. **SECURITY**

We have implemented appropriate technical and organizational measures to ensure the confidentiality of your personal data and to protect your data from accidental and unlawful destruction, loss, alteration, unauthorized disclosure and access.

We have made the necessary contractual arrangements with the third parties with whom we work together and will not transfer your personal data outside the European Economic Area without ensuring that your data is granted an equivalent level of protection there.

6. **RIGHTS**

We respect all rights relating to your personal data to which you are entitled under applicable law.

You can always contact us to exercise the following rights:

- a request for access and rectification of your personal data: You may be entitled to request a copy of your information to evaluate and/or correct it. If you want to correct information such as your name, email address, and/or any other data, you can easily do so by contacting us (see below).
- a request for erasure of your personal data: In accordance with the GDPR, you have the right to request erasure of your personal data processed by us as described in this privacy policy, for example if they are no longer necessary for the purposes for which they were initially processed or if you have objected to the processing described in this privacy policy and there is no other legal basis for the processing.
- a request for restriction of the processing of your personal data: Under certain circumstances, as described in the GDPR, you may ask us to restrict the processing of your personal data. This is, for example, the case when you contest the accuracy of your personal data. In such a case, we will restrict processing until we are able to verify the accuracy of your data.
- An objection to the processing of your data: You can exercise your right to object to the processing of your personal data in the context of secondary legal assistance at any time, stating the reasons related to your specific situation (for more information, see **PERSONAL**

DATA – PURPOSES – LEGAL BASIS). We will stop processing your personal data unless we believe there are compelling legitimate grounds that override the interests, rights and freedoms you assert.

We will respond to your request as soon as possible, but no later than one month after receiving it. Depending on the complexity of your request, this period may be extended by two months. In such cases, we will inform you of the extension within one month of receiving your request. In all circumstances, we are obliged to consider the rights and freedoms of other individuals.

You can exercise your rights at any time using the contact details provided above.

For identification purposes, we may ask you for additional information that is necessary to verify your identity, such as a copy of the front side of your identity card.

Of course, you also have the right to submit a complaint to us if you believe that we are not acting in accordance with the applicable data protection laws. You can always contact us for this purpose by sending an e-mail to dpo@ordevanvlaamsebalies.be or via post to the abovementioned address.

Finally, you can also decide to submit a complaint to the [Belgian Data Protection Authority](#):

Drukpersstraat 35, 1000 Brussels

Telephone: +32 (0)2 274 48 00

Fax: +32 (0)2 274 48 35

E-mail: contact@apd-gba.be

For more information on complaints and possible remedies, please consult [the following page](#) of the Belgian Data Protection Authority.

7. APPLICABLE LAW AND UPDATES

This privacy policy is subject to Belgian law. Any dispute relating to the interpretation or implementation of this privacy policy shall be subject to Belgian law.

This privacy policy may be amended from time to time, within the limits of the applicable data protection laws. Through our website (<https://www.advocaat.be/nl/gratis-rechtsbijstand/tweedelijnsbijstand>), you always have access to the most up-to-date version.