

## **Privacy & Cookies Statement**

### **Overview and Explanation of the Site**

This Privacy & Cookies Statement describes how Baker McKenzie and its affiliates (the "Firm") collects, uses, shares, and otherwise processes Personal Data (defined below) collected on this website (the "Site") about:

- Visitors to the Site ("Site Visitors")
- Individuals who submit member recommendations ("Recommenders")
- Individuals who have been recommended for membership on the Oversight Board ("Potential Members")

In this Privacy & Cookies Statement, "Personal Data" means information that (either in isolation or in combination with other information held by the Firm) enables you to be identified as an individual or recognized directly or indirectly.

Unless we specifically state otherwise, the Firm is the controller of the Personal Data that we process, and is therefore responsible for ensuring that the systems and processes we use are compliant with data protection laws, to the extent applicable to us.

Firm personnel are required to comply with this Privacy & Cookies Statement and associated Firm policies when dealing with Personal Data and must also complete data protection training where appropriate to their role.

This Site is provided by the Firm to facilitate its services to Facebook, Inc. ("Facebook") and Facebook's efforts to establish an independent content review oversight board, pursuant to which the Oversight Board LLC (which is administered by trustees of the Oversight Board Trust) has now been established (the "Oversight Board"). The purpose of the Oversight Board is to protect free expression by making principled, independent decisions about important pieces of content and by issuing policy advisory opinions on Facebook's content policies

Facebook and the Oversight Board are conducting a public recommendations process and the Firm has been engaged to conduct an initial intake assessment (the "Initial Intake Assessment") as part of that process. The Firm will provide such Initial Intake Assessments of Potential Members to Facebook and/or the Oversight Board. This Site is provided to facilitate the intake and review of recommendations for Potential Members (defined below) of the Oversight Board. The Firm will be acting as the controller in respect of personal data processed during the Initial Intake Assessment as further described in this Privacy & Cookies Statement.

Individuals who submit Potential Member recommendations ("Recommenders") are asked to provide the name and email address of Potential Members. The Firm will then contact such individuals to obtain their consent to participate as Potential Members in the Initial Intake Assessment and provide necessary application information. The application information will undergo the Initial Intake Assessment by the Firm involving the review of the information by the Firm against defined criteria. The Firm will then provide to Facebook and/or the Oversight Board all application information provided by Potential Members, and the results of the Initial Intake Assessment conducted by the Firm. Where a Potential Member is recommended by a Recommender but does not wish to participate in the Initial Intake Assessment by either declining to provide their consent or by not responding to the Firm's outreach to them within a predetermined period of time, no Personal Data relating to that Potential Member or that person's Recommender(s) will be passed on to Facebook or the Oversight Board. **By providing your information as a Potential Member, you understand, consent to, and direct the Firm as appropriate to provide information about you to Facebook and/or the Oversight Board as described in this Privacy and Cookies Statement.** Each of Facebook and the Oversight Board will be new and independent controllers in respect of the Potential Member's application information, the Recommender information and the output from the Initial Intake Assessment that it is transferred to it by the Firm and shall be solely responsible for any further processing of such Personal Data by it or its processors. Facebook and/or the Oversight Board shall be responsible for making

their own assessments of Potential Members who wish to participate. For more information on Facebook's processing of such information, please see Facebook's privacy policy for the Oversight Board selection process, available [here](#). For more information on the Oversight Board's processing of such information, please see the Oversight Board's privacy policy for the selection process, available [here](#).

**Summary of Key Points**

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|--|---|
| <b>Collection</b>                              | We collect Personal Data from Site Visitors, Recommenders, and Potential Members in order to facilitate the services we provide to Facebook for applications to the Oversight Board. <a href="#">Click here to learn more.</a>  |
| <b>Use</b>                                     | We use Personal Data from Site Visitors, Recommenders, and Potential Members in order to facilitate the services we provide to Facebook for applications to the Oversight Board, respond to inquiries, to manage accounts and maintain business operations, and to fulfill other business and compliance purposes. <a href="#">Click here to learn more.</a>  |
| <b>Sharing</b>                                 | We share Personal Data regarding Potential Members and Recommenders with Facebook and/or the Oversight Board as part of the services we provide to Facebook and may share Collected Personal Data as necessary to provide our services and respond to requests, and to fulfil other business and compliance purposes. <a href="#">Click here to learn more.</a>   |
| <b>Marketing and the Sale of Personal Data</b> | Collected Personal Data is <u>not</u> used for direct marketing purposes by the Firm and the Firm does not engage in the "sale" of Collected Personal Data, as such may be defined under applicable law, including, but not limited to, the California Consumer Privacy Act. <a href="#">Click here to learn more.</a>  |
| <b>Data Subject Rights</b>                     | You have certain rights to request access, rectification, deletion, objection, or other actions regarding your Personal Data where required by applicable law. <a href="#">Click here to learn more.</a>  |
| <b>Data Security</b>                           | We maintain technical and organizational measures to protect Personal Data from loss, misuse, alteration, or unintentional destruction of Personal Data. <a href="#">Click here to learn more.</a>  |
| <b>Cross-Border Data Transfers</b>             | We provide appropriate protections for cross-border transfers where specified by law. <a href="#">Click here to learn more.</a>   |
| <b>Other Issues</b>                            | We provide other information in this Privacy & Cookies Statement about: (i) the possible consequences for not providing Personal Data, (ii) the consequences of withdrawing your consent to processing, (iii) how we do not engage in automated decision-making that has substantial effects on individuals, (iv) how we handle do-not-track (DNT) signals, (v) data retention, (vi) links to third party websites, (vii) employee and contractor issues; and (viii) changes to this Privacy & Cookies Statement. <a href="#">Click here to learn more.</a> |
| <b>Cookies</b>                                 | We use necessary and functional cookies on the Site and provide choices on use of cookies. <a href="#">Click here to learn more.</a>  |

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| <b>Contact Us</b> | Please contact us as detailed below with any questions. <a href="#">Click here to learn more.</a> |
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### Collection of Personal Data

We collect the following categories of Personal Data

| <b>Data Subject Category</b> | <b>Personal Data Categories</b>   | <b>Source(s) of Personal Data</b>                  | <b>Legal Basis</b>           |
|------------------------------|---|--|------------------------------|
| Site Visitors                | <b>Device Data:</b> Computer Internet Protocol (IP) address, unique device identifier (UDID), cookies and other data linked to a device, and data about usage of the Site (Usage Data).   | Site Visitor and Site Visitor's device(s).         | Consent/Legitimate Interests |
| Recommenders                 | <b>Device Data:</b> Computer Internet Protocol (IP) address, unique device identifier (UDID), cookies and other data linked to a device, and data about usage of the Site (Usage Data).   | Recommender and Recommender's device(s).           | Consent/Legitimate Interests |
|                              | <b>Contact Data:</b> Name and email address.  | Recommender  | Consent                      |
| Potential Members            | <b>Contact Data:</b> Name and email address.  | Recommender  | Legitimate Interest          |
|                              | <b>Device Data:</b> Computer Internet Protocol (IP) address, unique device identifier (UDID), cookies and other data linked to a device, and data about usage of the Site (Usage Data).   | Potential Member and Potential Member's device(s). | Consent                      |
|                              | <b>Basic Data:</b> Name, gender, title, organization, job responsibilities, phone number, mailing address, country of residence, email address, contact details.  | Potential Member                                   | Consent                      |
|                              | <b>General Biographical Data:</b> past work experience, volunteer experience, schooling/education, and other information provided by Potential Members about their background and experiences pursuant to the application process (see further Specific Biographical Data below). | Potential Member                                   | Consent                      |
|                              | <b>Specific Biographical Data:</b> membership of committees, boards or professional bodies, previous work on influencing change, publications and speaking engagements, examples of principled decision making and demonstrating a  | Potential Member                                   | Consent                      |

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|  | globally minded and inclusive approach, exposure to sensitive/uncomfortable subject matter, anticipated impact of and influence on Oversight Board.  |  |                  |
|  | <b>Special Categories of Data:</b> in limited circumstances, where you have chosen to provide us with such information with your explicit consent, religious or other beliefs, racial or ethnic origin, sexual orientation, health data and details of trade union membership. | Potential Member   | Explicit Consent |
|  | <b>Unique ID:</b> each Potential Member that provides an application is assigned a unique identification number to facilitate the application process.   | Firm created number upon submission of application by Potential Member | Consent          |

Collectively, the Personal Data categories provided above are "Collected Personal Data."

#### **Use of Personal Data**

The purposes for which we use Collected Personal Data are as set out below. Unless indicated otherwise, the legal basis for processing is consent/explicit consent:

- **To communicate with Recommenders and Potential Members, conduct the Initial Intake Assessment and communicate the results of the Initial Intake Assessment and associated information with Facebook and/or the Oversight Board** we process Collected Personal Data relating to Recommenders and Potential Members. It is necessary for our legitimate interests to collect and process contact details of Potential Members from Recommenders to facilitate the public nominations process and ensure the widest range of candidates are nominated for the role. Once we have made initial contact with Potential Members to seek their consent for participation in the process, any further collection and processing of their Personal Data will be subject to their consent.
- **To provide legal advice and respond to inquiries** we process Collected Personal Data in order to perform our obligations under the terms of our engagement with Facebook to conduct the Initial Intake Assessment.
- **To manage our business operations and administer our relationship with Facebook** we process Collected Personal Data in order to perform our obligations under the terms of our engagement with Facebook to conduct the Initial Intake Assessment.
- **To make the Site function and to prevent duplicative submissions** we process Device Data. It is necessary for our legitimate interests to monitor how the Site is used and, with your consent, we utilize certain functional cookies to prevent duplicative submissions.
- **To protect the security and effective functioning of the Site and information technology systems** we use Contact Data, Device Data, Basic Data, and Registration Data. It is necessary for our legitimate interests to monitor how the Site is used to detect and prevent fraud, other crimes and the misuse of the Site. This helps us to ensure that you can safely use the Site.

- To **address compliance and legal obligations**, such as checking the identity of users and to prevent fraud we use Contact Data, Basic Data, Registration Data, and Device Data. This processing is necessary for the purposes of complying with legal requirements to which we are subject.

## Sharing of Personal Data

We may share Personal Data with the following categories of recipients:

- **Facebook:** The Site is established for the purpose of providing services to Facebook in connection with the identification of Potential Members and in particular, for the purpose of providing to Facebook the Initial Intake Assessment. As such, Potential Members understand, consent to, and, by submitting information to the Site, direct the Firm as described in this Privacy and Cookies Statement to transfer, disclosed, or otherwise share their Collected Personal Data with Facebook as described in this Privacy & Cookies Statement. Facebook will be a new and independent controller in respect of the Potential Member's application information and the output from the Initial Intake Assessment that it is transferred to it by the Firm and shall be solely responsible for any further processing of such Personal Data by Facebook or its processors. For more information on Facebook's processing of such information, please see Facebook's privacy policy for the Oversight Board selection process, available [here](#).
- **Oversight Board:** As part of the services the Firm provides to Facebook described above, the Firm may share information about Potential Members directly with the Oversight Board. As such, Potential Members understand, consent to, and, by submitting information to the Site, direct the Firm as described in this Privacy and Cookies Statement to transfer, disclose, or otherwise share their Collected Personal Data with the Oversight Board as described in this Privacy & Cookies Statement. The Oversight Board and the trustees of the Oversight Board Trust will each be new and independent controllers in respect of the Potential Member's application information and the output from the Initial Intake Assessment that it is transferred to them by the Firm and shall be solely responsible for any further processing of such Personal Data by them or their processors. For more information on the Oversight Board's processing of such information, please see the Oversight Board's privacy policy for the selection process, available [here](#).
- **Affiliates:** Baker McKenzie operates under the umbrella of Baker McKenzie International, a Swiss Verein, with member law firms and global services affiliates around the world. Any sharing of Collected Personal Data between such member firms and affiliates will be confined to that which is necessary for the performance of our engagement with Facebook as described in this Privacy & Cookies Statement. [A list of Baker McKenzie member firms is provided here.](#)
- **Suppliers and service providers:** We share Personal Data with suppliers and service providers (e.g. translators, infrastructure and IT services providers, including online survey providers) as necessary to enable the Firm to carry out the purposes set out in this Privacy & Cookies Statement. We ensure that we have appropriate contractual arrangements in place with such parties as required by applicable law.
- **Corporate purchasers:** We may share Personal Data with any corporate purchaser or prospect solely to the extent permitted by law as part of any merger, acquisition, sale of Firm assets, or transition of service to another provider, as well as in the event of insolvency, bankruptcy, or receivership in which Personal Data would be transferred as an asset of the Firm.
- **Mandatory disclosures and legal claims:** We share Personal Data in order to comply with any subpoena, court order or other legal process, to comply with a request from our regulators, governmental request or any other legally enforceable demand. We also share Personal Data to establish or protect our legal rights, property, or safety, or the rights, property, or safety of others, or to defend against legal claims.

If you have questions about the parties with which we share Collected Personal Data, please contact us as specified below.

### **Marketing and Sale of Personal Data**

Collected Personal Data is not used for direct marketing purposes by the Firm and the Firm does not disclose Collected Personal Data to any third parties for their own direct marketing purposes.

The Firm does not engage in the "sale" of Collected Personal Data, as such may be defined under applicable law, including, but not limited to, the California Consumer Privacy Act.

### **Data Subject Rights**

Certain jurisdictions, including those in the European Economic Area ("EEA"), may provide some or call of the following data subject rights to you in certain circumstances and subject to certain exceptions specified by law:

- **Access.** You have the right to request a copy of the Personal Data we are processing about you, which we will provide to you in electronic form. At our discretion we may require you to prove your identity before providing the requested information. If you require multiple copies of your Personal Data, we may charge a reasonable administration fee.
- **Rectification.** You have the right to require that any incomplete or inaccurate Personal Data that we process about you is amended.
- **Deletion.** You have the right to request that we delete Personal Data that we process about you, unless for example we are required to retain such data in order to comply with a legal obligation or to establish, exercise or defend legal claims.
- **Restriction.** You have the right to request that we restrict our processing of your Personal Data including where:
  - you believe such data to be inaccurate;
  - our processing is unlawful; or
  - we no longer need to process such data for a particular purpose, but where we are not able to delete the data due to a legal or other obligation or because you do not want us to delete it.
- **Portability.** You have the right to request that we transmit the Personal Data we hold in respect of you to another data controller, including where :
  - this is personal information which you have provided to us; and
  - we are processing that data on the basis of your consent .
- **Objection.** Where the legal justification for our processing of your Personal Data is our legitimate interest, you have the right to object to such processing on grounds relating to your particular situation. We will abide by your request unless we have compelling legitimate grounds for the processing which override your interests and rights, or if we need to continue to process the data for the establishment, exercise or defense of a legal claim.

**Withdrawing Consent.** If you have consented to our processing of your Personal Data, you have the right to withdraw your consent at any time, free of charge. Please note, however, that if you are a Potential Member, this will preclude you from being considered as part of the Initial Intake Assessment and wider public nominations process. In certain jurisdictions, such as those in the EEA, you also have the right to lodge a complaint with the

local data protection authority if you believe that we have not complied with applicable data protection laws. [Access a list of local data protection authorities in EEA countries.](#)

## **Data Security**

We have implemented technical and organizational measures in an effort to safeguard the Personal Data in our custody and control. Such measures include:

- restricting access to Personal Data to staff and service providers on a need-to-know basis;
- a formal Information Security Management System (ISMS) aligned with ISO 27001 and 27002:2013. The ISMS is a comprehensive set of policies and procedures for deploying, managing and securing the Firm's Information Technology infrastructure; utilizing a defense-in-depth approach to protecting our internal Firm and client data.

While we endeavor to always protect our systems, sites, operations and information against unauthorized access, use, modification and disclosure, due to the inherent nature of the Internet as an open global communications vehicle and other risk factors, we cannot guarantee that any information, during transmission or while stored on our systems, will be absolutely safe from intrusion by others.

You also have an important role in protecting Personal Data. You should not share any username, password or other authentication data provided to you with anyone, and we recommend that you do not re-use passwords across more than one website or application. If you have any reason to believe that your authentication data has been compromised, please contact us as detailed below.

## **Cross-Border Data Transfers**

We may transfer Personal Data to jurisdictions as necessary for the purposes described above, including to jurisdictions that may not provide the same level of data protection as your home country. In particular, our Site may be hosted on servers in the United States or elsewhere. If you are located in a non-US jurisdiction, the transfer of Personal Data is necessary for the purposes described in this Privacy & Cookies Statement. To the extent permitted by law, such submission also constitutes your consent for the cross-border transfer.

With respect to transfers originating from the United Kingdom or European Economic Area ("EEA") to the United States and other non-EEA jurisdictions, we implement standard contractual clauses approved by the European Commission, and other appropriate solutions to address cross-border transfers as required or permitted by Articles 46 and 49 of the General Data Protection Regulation (or, where applicable, the corresponding provisions of the General Data Protection Regulation as incorporated (in whole or in part) into national law in the United Kingdom). Where required by such laws, you may request a copy of the suitable mechanisms we have in place by contacting us as detailed below.

## **Minors**

The Site is not intended for use by those under the age of 16 and we do not knowingly collect, use, process or otherwise disclose information about minors.

## **California Privacy Rights**

The California Consumer Privacy Act of 2018 ("CCPA"), to the extent applicable, requires businesses to provide additional privacy-related information to residents of California.

- **CA Personal Data.** Consistent with the "Collection of Personal Data" Section above, we collect certain categories and specific pieces of information about individuals that are considered "Personal Information" in California under the CCPA ("**CA Personal Information**"), as described in that section.
- **Sources.** We may collect certain categories of CA Personal Information from you and your device(s) via your usage of the Site as described in this Privacy & Cookies Statement.
- **Purposes.** We collect CA Personal Information for the business and commercial purposes described in the "Use of Personal Data" Section above. We also share and/or disclose your CA Personal Information as described in the "Sharing of Personal Data" Section above.
- **California Consumer Rights.**
  - Subject to certain exceptions and qualifications, as a California resident, to the extent the CCPA applies, you have the right to: (i) request access to your personal information; and (ii) request deletion of your personal information. To exercise your rights, or to have an authorized agent exercise them on your behalf, please contact us as instructed below. Please note that, for your security, we will take steps to help verify your identity and/or the authorization of your authorized agent.
  - **Exercising California Consumer Rights.** Should you wish to request the exercise of your rights as detailed above with regard to your CA Personal Information, we will not discriminate against you by offering you different pricing or products, or by providing you with a different level or quality of products, based solely upon this request. Please contact us as instructed below if you have questions or would like to exercise such rights.

## Other Issues

1. **What are the consequences of not providing Personal Data?** You are not required to provide all Collected Personal Data identified in this Privacy & Cookies Statement to use the Site, but certain functionality will not be available if you do not provide Collected Personal Data. If you do not provide Personal Data, we may not be able to respond to your request, including requests to recommend Potential Members or, in the case of Potential Members, to accept application materials and/or be considered as part of the Initial Intake Assessment or wider public nominations process to the Oversight Board.
2. **Do we engage in automated decision-making without human intervention?** We do not use automated decision-making without human intervention, including profiling, in a way that produces legal effects concerning you or otherwise significantly affects you.
3. **Do the Sites honor do not track ("DNT") signals sent via browsers?** Given the divergent practices of organizations that offer browsers and the lack of a standard in the marketplace, we generally do not respond to DNT signals at this time.
4. **How long do we retain Personal Data?** For Personal Data that we collect and process for the purposes described in this Privacy & Cookies Statement, we will typically retain such Personal Data for as long as it is necessary to fulfill the purposes outlined in this Privacy & Cookies Statement and as otherwise specified in applicable record retention policies and procedures.
5. **Are third party websites governed by this Privacy & Cookies Statement?** The Sites may contain links and references to other websites administered by unaffiliated third parties. This Privacy & Cookies Statement does not apply to such third party sites. When you click a link to visit a third party website, you will be subject to that website's privacy practices. We encourage you to familiarize yourself with the



privacy and security practices of any linked third party websites before providing any Personal Data on that website.

- 6. How will we handle any changes to this Privacy & Cookies Statement?** We may update this Privacy & Cookies Statement from time to time as our services and privacy practices change, or as required by law. The effective date of our Privacy & Cookies Statement is posted below, and we encourage you to visit the Site periodically to stay informed about our privacy practices. We will post the updated version of the Privacy & Cookies Statement on the Site, and ask for your consent to the changes if legally required.

## **Cookies**

We use and allow certain third parties to use cookies, web beacons, and similar tracking technologies (collectively, "cookies") on the Site.

### **What are cookies?**

Cookies are small amounts of data that are stored on your browser, device, or the page you are viewing. Some cookies are deleted once you close your browser, while other cookies are retained even after you close your browser so that you can be recognized when you return to a websites. More information about cookies and how they work is available at [All About Cookies](#).

### **How do we use cookies?**

We use cookies to provide the Sites and services and to prevent duplicative submissions. Cookies on the Site are generally divided into the following two categories:

- **Strictly Necessary Cookies:** These are required for the operation of the Site. They include, for example, cookies that enable you to log into secure areas. These cookies are session cookies that are erased when you close your browser.
- **Functional Cookies:** These improve the functional performance of the Site and make it easier for you to use. For example, cookies are used to remember that you have previously visited the Sites and submitted a recommendation. These cookies qualify as persistent cookies, because they remain on your device for us to use during a next visit to the Site. You can delete these cookies via your browser settings.

### **What are your options if you do not want cookies on your computer?**

You can review your Internet browser settings, typically under the sections "Help" or "Internet Options," to exercise choices you have for certain Cookies. If you disable or delete certain Cookies in your Internet browser settings, you might not be able to access or use important functions or features of this Site.

## **Contact Us**

If you have questions or comments regarding this Privacy & Cookies Statement or our privacy practices, please contact us by email at [OBRecommendations@bakermckenzie.com](mailto:OBRecommendations@bakermckenzie.com), or postal mail here:

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*Attorney-Client Privileged*  
*Attorney Work Product*  
*17 March, 2021*

The Firm's Global Services Group in Belfast, Northern Ireland, is the local representative in the European Union for the entity that operates this Site, Baker McKenzie LLP, 300 E. Randolph Street, Chicago, Illinois, USA. Annette Hogan is Data Privacy Specialist in the Firm's Office of General Counsel and, with Peter Engstrom the Firm's General Counsel, is responsible for the content of this Privacy & Cookies Statement.

**Effective date: [insert date]**