

Privacy Policy – Legal Activities

TRIAL International
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This privacy policy applies to Personal Data processed by TRIAL International as the Data Controller in the context of legal activities and aims to inform individuals about the processing (such as use or disclosure) of their Personal Data carried out by TRIAL International.

TRIAL International is a non-governmental organization, established in the form of a Swiss association under articles 60 et seq. of the Swiss Civil Code. TRIAL International is headquartered in Geneva (Switzerland) and has Offices in Bosnia and Herzegovina and the Democratic Republic of Congo.

1. Data Subjects

TRIAL International primarily collects and processes Personal Data of individuals suspected of being involved in serious violations of international law, representatives of legal entities engaging in international crimes against human rights or the environment, as well as victims, individuals called upon to provide information in the context of investigation, or any other person connected to an investigation conducted by TRIAL International or to which TRIAL International provides assistance (referred to as “**Data Subjects**”).

When a Data Subject provides TRIAL International with information about a third party, they must, to the extent required by applicable law, provide this privacy policy to that third party.

2. Source of Personal Data

The Personal Data (as defined below) processed by TRIAL International may be collected from the Data Subject or may originate from various external sources, such as private sources (e.g., individuals involved in investigations, reports from international organizations) or public sources (e.g., publications, databases).

3. Categories of Personal Data Processed

The term “**Personal Data**” includes any information relating to an identified individual (such as their name or first name) or identifiable individual (such a passport number).

In the context of its legal activities, TRIAL International primarily collects and processes the following categories of Personal Data:

- Contact information, such as name, first name, postal address, email address, phone number;
- Identification information, such as gender, date of birth, family-related information, profession;
- Financial information, such as assets held or financial relationships;
- Geographic location information;
- Information related to criminal or administrative proceedings in Switzerland and abroad;
- Information related to religious, philosophical, political or union-related opinions or activities;
- Information about racial or ethnic origins;
- Information about health, intimate details, as they may arise, for example from medical reports of victims.

The scope of Personal Data processed by TRIAL International may be broader depending on the Investigations (as defined below) in which they are processed.

4. Purpose of Processing Personal Data

TRIAL International primarily collects and processes Personal Data within the scope of Investigations it conducts with the aim of filing a criminal complaint or report with the competent criminal authorities, as well as in the context of assistance provided by TRIAL International in ongoing criminal proceedings (referred to as “**Investigations**”).

The Investigations may involve cases of war crimes, crimes against humanity, torture, enforced disappearances, crimes of aggression, and serious violations of human rights, serious harm to the environment, or other significant violations of international law related to conflict situations.

The processing of Personal Data of Data Subjects occurs notably in the following activities:

- Preparation of investigation files within the framework of Investigations against individuals suspected of being involved in human rights violations, which involve, amongst others the following operations:
 - o Gathering information about the Data Subjects in the context of the investigated incidents;
 - o Analysis of information related to activities and location of individuals subject to Investigations;
 - o Interviews with victims and individuals likely to provide evidence in the context of Investigations;
- Compilation of files for the purpose of filing criminal complaints and reports with competent Swiss or international authorities;
- Assistance to victims in ongoing proceedings;
- Public information dissemination through publication of TRIAL International's website on factual elements subject to Investigations or resulting in criminal convictions.

5. Justification Grounds for the Processing of Personal Data

TRIAL International processes Personal Data based on the. Following justification grounds:

- *Overriding Public Interest:* the overriding public interest pursued by TRIAL International in the pursuit of its goals is the prosecution of individuals responsible for international crimes (i.e., crimes sanctioned by international criminal law).
- *Processing of Data relating to a Public Figure and related to their Public Activity:* Personal Data relating to public figures when they have themselves made this information accessible (for example, in the media, on social networks, during a conference).
- *Publication in a Periodic Medium:* TRIAL International regularly publishes information on its website concerning its activities, particularly regarding the underlying facts on ongoing investigations.

6. Disclosure of Personal Data to Third Parties

Personal Data may be disclosed to subcontractors or Third Parties outside of Switzerland.

In particular, TRIAL International may communicate or make Personal Data accessible to the following recipients:

- Investigators or private detective agencies when Investigations (or certain elements thereof) are delegated to them;
- International organizations that are involved in an Investigation;
- Other individuals or organizations involved in an Investigation;
- Competent criminal prosecution authorities in the context of filing a criminal complaint or report by TRIAL International.

The disclosure of Personal Data (i) to a country that does not offer an adequate level of Data Protection within the meaning of Swiss data protection legislation or (ii) to international organizations is primarily based on:

- Overriding public interest pursued within the framework of the Investigation;
- Constataion, exercise, or defense of a right before a court or other competent foreign authority;
- Implementation of appropriate safeguards to protect Personal Data, such as the conclusion of standard contractual clauses approved by the European Commission and the Swiss Federal Data Protection and Transparency Commissioner (FDPTC) with the recipient.

The countries to which TRIAL International may transfer or make Personal Data accessible depend on the relevant Investigations. Data Subjects can obtain further information about the destination countries and the safeguards in place by sending a request to data.protection@trialinternational.org or through the relevant form on TRIAL International's website.

7. Data Retention Period

TRIAL International processes and retains Personal Data for the duration necessary to fulfill the purposes for which they were collected.

TRIAL International may be required to retain Personal Data for a longer period:

- To establish facts, exercise rights, or defend against a current or future claim, or to enable TRIAL International to respond to an investigation by a public authority, whether in Switzerland or abroad;
- Due to legal requirements;
- For statistical purposes, in which case the data is anonymized and no longer allows the identification of the Data Subjects.

8. Profiling and Automated Decision-Making

Personal Data is not subject to automated decision-making, and no profiling is carried out.

9. Rights of de Data Subjects

Subject to applicable regulations, Data Subjects have the following rights related to the processing of their Personal Data by TRIAL International:

- The right to access their Personal Data;
- The right to have their incomplete or inaccurate Personal Data corrected;
- The right to request the erasure or destruction of their Personal Data, in cases where they are no longer necessary for the purpose for which they were collected. The right to erasure of Personal Data is not absolute and may be restricted, particularly in cases where overriding interests require the continued processing of Personal Data, or due to a legal obligation to retain the data;
- The right to request the restriction of the processing of their Personal Data;
- The right to obtain their Personal Data processed in an automated manner when it was collected based on their consent or in direct relation to the conclusion or execution of a contract between the Data Subject and TRIAL International, in a commonly used electronic format;
- The right to withdraw their consent when their consent is the basis for the processing of Personal Data, with effect for the future.

The above-mentioned rights may be limited or excluded if there is doubt about the identity of the Data Subject or if it is necessary to protect other individuals, preserve interests worthy of protection (such as establishing, exercising, or defending a legal right), or comply with TRIAL International's legal obligations.

Data Subjects also have the option to address the competent Data Protection Authority. In Switzerland, this authority is the Federal Data Protection and Transparency Commissioner (FDPTC) : <https://www.edoeb.admin.ch/edoeb/fr/home.html>.

10. Contact

For any questions regarding this Privacy Notice or the processing of your Personal Data you can contact us via e-mail at the following address :

data.protection@trialinternational.org or directly through our website on the dedicated contact page.