

Onyx *Legal* Consultancy FZE LLC

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N O T I C E

Privacy, Cookies
and Data Handling Notice

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C O N T E N T S

1.	Purpose and Scope.....	3
2.	Definitions.....	3
3.	Identity of the Controller.....	4
4.	Personal Data the Firm Processes and Its Sources.....	5
5.	Purposes of Processing and Lawful Bases.....	6
6.	Disclosure of Personal Data.....	7
7.	International Transfers.....	8
8.	Retention.....	8
9.	Security.....	9
10.	Rights of Data Subjects and How to Exercise Them.....	9
11.	Cookies and Similar Technologies.....	10
12.	Children’s Data.....	10
13.	Cross-References.....	10
14.	Versioning, Review and Controlling Language.....	11
15.	Contact.....	11

1. Purpose and Scope

- 1.1 This Notice describes how Onyx Legal Consultancy FZE LLC (the **Firm**) processes Personal Data in connection with prospective and continuing matters, the operation of the Website, and the Firm's general business as a legal consultancy.
- 1.2 This Notice applies to each Client of the Firm, to each prospective client and enquirer of the Firm, to each person acting or purporting to act on behalf of a Client, to each visitor to the Website, and to each other person whose Personal Data the Firm processes in the conduct of its business.
- 1.3 This Notice is read together with the documents identified in paragraph 13. Where an Engagement Letter expressly varies or supplements a provision of this Notice for the purposes of a particular matter, the Engagement Letter shall govern that matter to the extent of the variation or supplement, save that no Engagement Letter shall reduce, modify or exclude any obligation imposed on the Firm by Applicable Data Protection Law or by any other provision of Applicable Law that cannot be reduced, modified or excluded.
- 1.4 References in this Notice to a Data Subject extend to each natural person whose Personal Data is processed by the Firm in the course of its activities, including Clients, prospective clients, employees and representatives of corporate Clients, opposing parties, witnesses, beneficial owners, authorised payers, third parties named in matter materials, and visitors to the Website.

2. Definitions

- 2.1 In this Notice, unless the context otherwise requires:

"ADGM Data Protection Regulations" means the Data Protection Regulations 2021 of the Abu Dhabi Global Market, as amended or replaced from time to time;

"Applicable Data Protection Law" means the PDPL, the DIFC Data Protection Law, the ADGM Data Protection Regulations and any other data-protection, privacy or confidentiality law from time to time applicable to a Processing activity carried out by the Firm;

"Applicable Law" means each law, regulation, decree, resolution, free-zone rule and binding regulatory direction that applies to the Firm in the United Arab Emirates, including each instrument of Applicable Data Protection Law;

"Client" means a person who has engaged the Firm under an Engagement Letter;

"Cookies" means text files, pixels, tags, software development kits, local storage entries or similar technologies that are placed on a Data Subject's device or that enable the recording of information from such a device when the Data Subject accesses the Website or other electronic service of the Firm;

"Data Subject" has the meaning given to that term in the PDPL and, where the context concerns Processing under the DIFC Data Protection Law or the ADGM Data Protection Regulations, has the meaning given to that term (or to the equivalent term "*Data Subject*") in that instrument;

"DIFC Data Protection Law" means the Data Protection Law, DIFC Law No. 5 of 2020, together with the Data Protection Regulations 2020 issued thereunder, in each case as amended or replaced from time to time;

"Engagement Letter" means a written engagement agreement signed by a Client and the Firm;

"Firm" means Onyx Legal Consultancy FZE LLC;

“**Notice**” means this Privacy, Cookies and Data Handling Notice;

“**PDPL**” means Federal Decree-Law No. 45 of 2021 Regarding the Protection of Personal Data, together with any executive regulations issued thereunder, in each case as amended or replaced from time to time;

“**Personal Data**” has the meaning given to that term in the PDPL and, where the context concerns Processing under the DIFC Data Protection Law or the ADGM Data Protection Regulations, has the meaning given to that term in that instrument;

“**Processing**” (and its grammatical variants) has the meaning given to that term in the PDPL and, where the context concerns Processing under the DIFC Data Protection Law or the ADGM Data Protection Regulations, has the meaning given to that term in that instrument;

“**Sensitive Personal Data**” has the meaning given to that term in the PDPL, and includes any category of Personal Data that, under the DIFC Data Protection Law or the ADGM Data Protection Regulations, is classified as Special Categories of Personal Data;

“**SPCFZ**” means the Sharjah Publishing City Free Zone Authority;

“**Website**” means the Firm’s public website, presently at <https://www.onyxlegal.ae>, and any subdomain or successor site operated by the Firm.

- 2.2 References to a statute, regulation or other instrument are to that statute, regulation or instrument as amended, replaced or supplemented from time to time.
- 2.3 Headings are for convenience only and do not affect the construction of this Notice.

3. Identity of the Controller

- 3.1 The Firm is the controller (and, where relevant, the data controller or controller equivalent) for the Processing of Personal Data described in this Notice. The Firm’s identification and contact details are as follows:
- (a) **Name.** Onyx Legal Consultancy FZE LLC;
 - (b) **Licence.** SPCFZ commercial licence number 4429851.01;
 - (c) **Registered office.** Business Centre, Sharjah Publishing City Free Zone, Sharjah, United Arab Emirates; and
 - (d) **Contact for data-protection matters.** info@onyxlegal.ae, marked for the attention of the data-protection contact, with a telephone alternative recorded in the Engagement Letter for matters where one exists.
- 3.2 The Processing of Personal Data carried out by the Firm is governed primarily by the PDPL. Where the Firm carries out a Processing activity in or from the Dubai International Financial Centre (including in the conduct of proceedings before the Courts of that Centre, where the relevant Processing takes place in that context), the DIFC Data Protection Law may additionally apply to that Processing. Where the Firm carries out a Processing activity in or from the Abu Dhabi Global Market (including in the conduct of proceedings before the Courts of that Market, where the relevant Processing takes place in that context), the ADGM Data Protection Regulations may additionally apply to that Processing. The Firm applies the requirements of each instrument of Applicable Data Protection Law to the Processing to which that instrument applies, and the application of one instrument to a given Processing activity does not, of itself, displace the concurrent application of another instrument.

4. Personal Data the Firm Processes and Its Sources

- 4.1 The Firm processes the categories of Personal Data set out in paragraph 4.2 in connection with the activities described in this Notice. The precise categories processed in a particular matter depend on the nature of that matter.
- 4.2 The principal categories of Personal Data processed by the Firm are:
- (a) **Identification and contact data** — name, gender, date of birth, nationality, country of residence, residential and business address, telephone numbers, electronic mail addresses, government-issued identification details (such as passport number and Emirates ID number) and signature;
 - (b) **Professional and matter-related data** — employer, role, authority to act, prior course of dealing, transaction context, instructions, advice received, correspondence, meeting notes and other materials prepared, received or held in connection with a matter;
 - (c) **Customer due diligence and integrity data** — information collected for the purpose of identifying and verifying Clients, beneficial owners and authorised representatives, including source-of-funds and source-of-wealth information, the outcome of sanctions and politically-exposed-person screening, and information collected for compliance with anti-money-laundering and counter-terrorism-financing obligations;
 - (d) **Financial and payment data** — bank account details, payment-routing information, invoicing data, payment records, tax information necessary for invoicing, and records of authorised-payer screening;
 - (e) **Communications data** — the content of, and metadata associated with, electronic mail, telephone calls, written correspondence, meeting attendance and any approved document-sharing portal operated by, or on behalf of, the Firm;
 - (f) **Website and electronic-service data** — internet-protocol address, device and browser information, language preferences, pages viewed, links followed, time of access, and information collected through server logs and the strictly necessary Cookies described in paragraph 11; and
 - (g) **Sensitive Personal Data** — where it is necessary for the conduct of a matter or for compliance with Applicable Law, and only to the extent of that necessity, Sensitive Personal Data which may include information relating to criminal allegations or convictions, civil or regulatory proceedings, health, religious or philosophical beliefs, or family-law status. The Firm does not, in the ordinary conduct of legal-consultancy services, routinely process Sensitive Personal Data; the categories listed are processed only where the matter or Applicable Law requires.
- 4.3 Personal Data processed by the Firm is collected:
- (a) directly from the Data Subject, including from a Client or from a person acting or purporting to act on a Client's behalf;
 - (b) from third parties, including public registers, beneficial-ownership registers, sanctions lists, court records, regulators, opposing parties and their counsel, banks and payment service providers, accountants, auditors, witnesses and other matter-connected persons;
 - (c) from publicly available sources, including the internet, public databases and news archives, where consulted for the purpose of customer due diligence, sanctions screening or the conduct of a matter; and
 - (d) from the Data Subject's interaction with the Website, including through Cookies and similar technologies described in paragraph 11.

5. Purposes of Processing and Lawful Bases

- 5.1 The Firm processes Personal Data for the following purposes and on the following lawful bases under Applicable Data Protection Law:
- (a) **Onboarding and customer due diligence.** Processing for the purpose of identifying and verifying prospective clients, beneficial owners and authorised representatives, screening for sanctions and politically-exposed-person status, and assessing source of funds and source of wealth, on the basis that the Processing is necessary for compliance with a legal obligation to which the Firm is subject;
 - (b) **Conduct of matters.** Processing for the purpose of providing legal-consultancy and related services and conducting the matter for which the Firm has been engaged, on the basis that the Processing is necessary for the performance of a contract with the Client or in order to take steps at the Client's request before entering into a contract;
 - (c) **Communications and account management.** Processing for the purpose of communicating with Clients and matter-connected persons, authenticating Communications, applying the verification standards set out in the Communications, Cybersecurity and Payment Security Notice, and otherwise managing the Firm's relationship with each Client, on the bases identified at (a) and (b);
 - (d) **Billing, payment and accounting.** Processing for the purpose of issuing invoices, receiving and applying payments, maintaining accounting and tax records, and managing aged receivables, on the basis that the Processing is necessary for the performance of the contract with the Client and for compliance with the Firm's legal obligations under tax law and other Applicable Law;
 - (e) **Compliance and reporting.** Processing for the purpose of meeting the Firm's obligations under anti-money-laundering law, sanctions law, tax law, court orders, regulatory directions and the rules of professional conduct applicable to the Firm, including the making of any report required of the Firm to a competent authority, on the basis that the Processing is necessary for compliance with a legal obligation to which the Firm is subject;
 - (f) **Conduct of, and participation in, proceedings.** Processing for the purpose of conducting proceedings, including the issue and conduct of proceedings before the Courts of the Dubai International Financial Centre under Part I of the Register of Legal Practitioners, the conduct of matters before the Courts of the Abu Dhabi Global Market, and participation in arbitration, tribunals and other dispute-resolution forums, on the bases identified at (b) and (e);
 - (g) **Defence of claims and management of risk.** Processing for the purpose of establishing, exercising or defending legal claims, responding to allegations of professional negligence or misconduct, notifying the Firm's professional indemnity insurer where required, and retaining records that may be relevant to such claims, on the basis that the Processing is necessary for the establishment, exercise or defence of legal claims and, where relevant, for compliance with a legal obligation to which the Firm is subject;
 - (h) **Website operation and security.** Processing for the purpose of operating, securing and improving the Website and the Firm's electronic services, including the use of Cookies described in paragraph 11, on the basis that the Processing is necessary for the provision of the service requested by the Data Subject, the Website using only strictly necessary Cookies; and
 - (i) **Other purposes notified to the Data Subject.** Processing for any further purpose notified to the Data Subject before the Processing begins, on a lawful basis identified in that notification and consistent with Applicable Data Protection Law.
- 5.2 The Processing of Sensitive Personal Data is undertaken only where Applicable Data Protection Law permits, including where Processing is necessary for the establishment, exercise or defence of legal claims,

for compliance with a legal obligation to which the Firm is subject, or with the explicit consent of the Data Subject.

- 5.3 Where a Processing activity is governed by the DIFC Data Protection Law or by the ADGM Data Protection Regulations, and that instrument recognises a lawful basis (including the legitimate interests of the Firm) that is not separately available under the PDPL, that additional basis may be relied upon to the extent that the relevant instrument permits and subject to any condition that instrument imposes (including, where applicable, a balancing assessment of the Firm's interests against the rights and interests of the Data Subject).
- 5.4 Where the Firm relies on a balancing assessment under Applicable Data Protection Law, the Firm refrains from the Processing where the rights or interests of the Data Subject override the interests of the Firm.

6. Disclosure of Personal Data

- 6.1 The Firm shall not sell, rent or commercially exchange Personal Data, and shall not disclose Personal Data otherwise than as described in this Notice (which preserves the categories of disclosure set out below) or as required or permitted by Applicable Law. The Firm may disclose Personal Data to the following categories of recipient where, and to the extent that, such disclosure is necessary for the purposes identified in paragraph 5:
- (a) external counsel, barristers, foreign-qualified lawyers and other professional advisers engaged in connection with a matter;
 - (b) courts, tribunals, regulators and competent authorities, in proceedings, in response to lawful requests, or as otherwise required or permitted by Applicable Law;
 - (c) banks, payment service providers, correspondent banks and other financial institutions in connection with the receipt, processing or recovery of a payment;
 - (d) auditors, accountants, tax advisers and the Firm's professional indemnity insurer, in each case where required for the Firm's compliance, audit or risk-management activities;
 - (e) information-technology, document-management, cloud-hosting, electronic-signature, e-filing, secure-portal and similar service providers engaged by the Firm under appropriate contractual safeguards;
 - (f) opposing parties, their counsel, witnesses, expert witnesses and other matter-connected persons where disclosure is necessary for the conduct of a matter or required by procedural rules;
 - (g) any person to whom disclosure is required under Applicable Law (including the AML Law, sanctions law and tax law), under an order of a court, tribunal or competent authority, or under the rules of professional conduct applicable to the Firm; and
 - (h) any person to whom the Data Subject has given the Firm consent (or whose consent it is required to obtain on behalf of a Client) to disclose the Personal Data.
- 6.2 Where the Firm engages a third party to process Personal Data on the Firm's behalf, the Firm shall enter into a written arrangement with that third party setting out the categories of Personal Data, the purposes of the Processing, the security obligations and the further obligations required by Applicable Data Protection Law.

7. International Transfers

- 7.1 The conduct of legal-consultancy work, the use of electronic-service providers, and disclosures of the kind described in paragraph 6 may require the Firm to transfer Personal Data to recipients located outside

the United Arab Emirates (or, where the relevant Processing is governed by the DIFC Data Protection Law or the ADGM Data Protection Regulations, outside the relevant free zone).

- 7.2 Each such transfer shall be made in accordance with the requirements of Applicable Data Protection Law applicable to that transfer, including (as relevant) on one of the following bases:
- (a) the recipient is located in a country or territory that has been designated, by a competent authority under Applicable Data Protection Law, as providing an adequate level of protection for Personal Data;
 - (b) the transfer is subject to appropriate contractual or other safeguards (including standard contractual clauses or equivalent instruments) recognised by Applicable Data Protection Law;
 - (c) the transfer is necessary for the performance of a contract with, or in the interest of, the Data Subject, or for the establishment, exercise or defence of legal claims;
 - (d) the transfer is necessary for compliance with a legal obligation or for an important public-interest reason; or
 - (e) the Data Subject has provided their explicit consent to the proposed transfer, having been informed of the possible risks.
- 7.3 Consent under paragraph 7.2(e) is treated as a residual basis for international transfers carried out in connection with a continuing matter. Where another basis under paragraphs 7.2(a) to (d) is reasonably available to the Firm, the Firm shall not ordinarily rely solely on the Data Subject's consent as the basis for the transfer.
- 7.4 A Data Subject may request further information concerning international transfers carried out by the Firm by contacting the Firm using the details in paragraph 15.

8. Retention

- 8.1 The Firm shall retain Personal Data for no longer than is necessary for the purposes for which it is processed, except where a longer retention period is required or permitted by Applicable Law.
- 8.2 Personal Data processed in connection with onboarding, customer due diligence, beneficial ownership, sanctions screening, source-of-funds enquiries, payment transactions and the matter file generally is retained in accordance with paragraph 12 of the Client Onboarding, Anti-Money Laundering, Sanctions and Source of Funds Notice, and may therefore be retained for a period of not less than five (5) years from the latest of the trigger events identified in that paragraph.
- 8.3 Records and documents to which the Federal Decree-Law No. 47 of 2022 on the Taxation of Corporations and Businesses applies, including accounting records, invoices, payment records and supporting documentation, shall be retained for a period of not less than seven (7) years following the end of the tax period to which they pertain, in accordance with Article 56 of that Law and the Federal Tax Procedures Law. Where the retention period required by this paragraph 8.3 is longer than the period referred to in paragraph 8.2, the longer period applies to the records to which it relates.
- 8.4 Personal Data processed in connection with the Website is retained for shorter periods, in each case determined by reference to the purpose of the Processing, the configuration of the relevant Cookie and the Firm's internal retention schedule.
- 8.5 Personal Data the retention of which is required or permitted by a legal hold, a pending or anticipated claim or defence, an active enquiry, an audit, an order of a court or competent authority, or another provision of Applicable Law shall be retained for the period so required or permitted.

9. Security

- 9.1 The Firm implements and maintains technical and organisational measures appropriate to its activities and to the sensitivity of the Personal Data and Communications that it processes, consistent with Article 20 of the PDPL, with the equivalent provisions of the DIFC Data Protection Law and the ADGM Data Protection Regulations where those instruments apply, and with the other requirements of Applicable Law. Further detail concerning the security of Communications, including the cybersecurity and electronic-transactions framework applicable to the Firm, is set out in the Communications, Cybersecurity and Payment Security Notice.
- 9.2 Where the Firm becomes aware of a personal-data breach in respect of which notification is required by Applicable Data Protection Law, the Firm shall make the notifications required by Applicable Data Protection Law and shall inform affected Data Subjects to the extent that Applicable Data Protection Law requires or permits.

10. Rights of Data Subjects and How to Exercise Them

- 10.1 Subject to Applicable Data Protection Law, a Data Subject has the following rights in respect of Personal Data concerning that Data Subject:
- (a) the right to be informed of the Processing of Personal Data;
 - (b) the right to request access to, and a copy of, Personal Data;
 - (c) the right to request the rectification of inaccurate or incomplete Personal Data;
 - (d) the right to request the erasure or restriction of Processing of Personal Data;
 - (e) the right to request the transfer of Personal Data, in a structured and commonly used format, to the Data Subject or to another controller, where the Processing is carried out by automated means and on the bases identified in paragraph 5.1(b) or on the Data Subject's consent;
 - (f) the right to object to, or to stop, the Processing of Personal Data, on grounds relating to the Data Subject's particular situation;
 - (g) the right not to be subject to a decision based solely on automated Processing (including profiling) that produces legal effects concerning the Data Subject;
 - (h) the right to withdraw consent, where the Processing is based on consent, without affecting the lawfulness of Processing carried out before the withdrawal; and
 - (i) the right to lodge a complaint with the competent supervisory authority, including the UAE Data Office, the Commissioner of Data Protection of the DIFC, or the Office of Data Protection of the ADGM, as the case may be.
- 10.2 The exercise of a right under paragraph 10.1 is subject to the conditions, limitations and exceptions set out in Applicable Data Protection Law, including (without limitation):
- (a) the Firm's obligations under the AML Law, sanctions law and other provisions of Applicable Law that require Personal Data to be retained, processed or kept undisclosed;
 - (b) the Firm's obligations to courts, tribunals and competent authorities, including under court orders and regulatory directions;
 - (c) the Firm's duties of confidentiality and professional secrecy, including those owed to other Clients;
 - (d) the legitimate interests of the Firm in the establishment, exercise or defence of legal claims; and
 - (e) any other condition, limitation or exception provided for in Applicable Data Protection Law.

- 10.3 A Data Subject may exercise any right under paragraph 10.1 by sending a request to **info@onyxlegal.ae** with sufficient information to identify the Data Subject and the nature of the request. The Firm may, where Applicable Data Protection Law permits, require further information to verify the identity of the requester or to clarify the scope of the request before responding.
- 10.4 The Firm shall respond to a request under paragraph 10.3 within the timeframe required by the Applicable Data Protection Law applicable to the request, and in any event without undue delay.

11. Cookies and Similar Technologies

- 11.1 The Website uses only strictly necessary Cookies. It does not use performance, analytics, functional, advertising or third-party Cookies. The strictly necessary Cookies used by the Website are:
- (a) **strictly necessary Cookies**, which are required for the operation of the Website (such as session management and security), and which are set without prior consent on the basis that they are necessary for the provision of the service requested by the Data Subject.
- 11.2 A Data Subject may restrict or block Cookies through the settings of the Data Subject's browser or device. Because the Website uses only strictly necessary Cookies, restricting or blocking them may affect the availability or functionality of parts of the Website.
- 11.3 The Website sets no Cookie that is not strictly necessary and does not, as at the effective date of this Notice, use any performance, analytics, functional, advertising or third-party Cookies. If the Firm introduces any non-essential Cookie in the future, this Notice will be updated and, where consent is required by Applicable Data Protection Law, an appropriate consent mechanism will be provided before any such Cookie is set.

12. Children's Data

- 12.1 The services of the Firm are professional legal-consultancy services and are not directed at children. The Website is not directed at children and the Firm does not knowingly collect Personal Data from a child for the purposes of the Website.
- 12.2 Where, in the conduct of a matter, the Firm processes Personal Data concerning a child (including in a family-law, succession or similar context), the Firm shall apply such additional protections as are required by Applicable Data Protection Law and the rules of professional conduct applicable to the Firm.

13. Cross-References

- 13.1 This Notice is read together with:
- (a) the Client Onboarding, Anti-Money Laundering, Sanctions and Source of Funds Notice (OL-POL-01);
- (b) the Communications, Cybersecurity and Payment Security Notice (OL-POL-02);
- (c) the Fees, Billing, Payment and Billing Integrity Policy (OL-POL-04);
- (d) the Terms of Use, Regulatory Status and Legal Disclaimer (OL-POL-05); and
- (e) the Engagement Letter agreed in respect of each matter.

14. Versioning, Review and Controlling Language

- 14.1 This Notice is identified for filing and reference as document OL-POL-03.
- 14.2 The version and effective date are recorded in the document control block on the title page; the review date is maintained in the Firm's internal document-control register. The Firm may amend this Notice

from time to time; the version in force is the version most recently published by the Firm with an effective date that is not later than the date on which the Personal Data concerned is processed.

- 14.3 The English language text of this Notice is the controlling text. Where an Arabic language version is issued and a discrepancy arises between the two language versions, the Arabic version shall prevail to the extent required by Applicable Law.
- 14.4 The Firm shall review this Notice not later than the review date recorded in the Firm's internal document-control register, and earlier where a change in Applicable Law (including a material change in Applicable Data Protection Law) or in the Firm's circumstances so requires.

15. Contact

- 15.1 Queries about this Notice, and requests for the exercise of rights under paragraph 10, may be addressed to **info@onyxlegal.ae**, marked for the attention of the data-protection contact. A Data Subject who is dissatisfied with the Firm's response may lodge a complaint with the competent supervisory authority identified in paragraph 10.1(i).