



# Herbert Smith Freehills Compliance Standards

## Procurement

May 2018

Herbert Smith Freehills provides a full and extensive range of legal services to a diverse range of clients. We seek excellence in every aspect of our business and are committed to the highest standards of professionalism, ethics and integrity. This includes a commitment to working with Suppliers to ensure a high level of compliance. We look for compliance in the categories set out below and expect our Suppliers to share our commitment and to have their own internal policies and procedures in place to support such commitment.

The provisions of these Procurement Compliance Standards shall survive the term of any applicable contractual agreement made between the relevant Supplier and any Herbert Smith Freehills entity.

### 1. Confidentiality

- 1.1 Herbert Smith Freehills treats the information of our clients, employees, consultants and partners with the utmost respect. As a law firm we have professional obligations of confidentiality and it is important that our Suppliers understand this.
- 1.2 All Suppliers will be expected to keep all information received about any Herbert Smith Freehills entity, its clients or its staff as confidential. We require our Suppliers to put in place safeguards to ensure that access to confidential information is appropriately restricted.
- 1.3 All Suppliers will be required to enter into a Non-disclosure Agreement on standard Herbert Smith Freehills terms where confidential information is to be provided in advance of contractual agreement. All Supplier contracts with Herbert Smith Freehills will contain robust confidentiality clauses to ensure the maintenance of confidentiality of our people and our clients.

### 2. Information Security

- 2.1 Herbert Smith Freehills is committed to maintaining the highest standard of information security when it comes to handling our clients', employees, and our own information.
- 2.2 All Suppliers are expected to put in place appropriate technical and organisation measures to protect information received about any Herbert Smith Freehills entity, its clients or its staff.
- 2.3 We expect our Suppliers to have their own internal information security policy which will be made available to us for review. If we have concerns about the adequacy of the security measures we may require our Suppliers to comply with Herbert Smith Freehills' Information Security Policy which outlines the behaviours and security measures required in protecting the information of our clients and the firm.

### 3. Data Protection

- 3.1 Herbert Smith Freehills is fully committed to compliance with its obligations as a data controller and/or regulated entity under the General Data Protection Regulation 2018 ("GDPR"), the Data Protection Act 2018 (once enacted), the Australian Privacy Act 1988 and all other data protection legislation in the jurisdictions in which we operate or where our personal data is transferred or processed (the "Global Data Protection Laws").
- 3.2 We expect our Suppliers to be fully aware of and abide by the applicable Global Data Protection Laws, and not do anything which would prevent Herbert Smith Freehills from complying with its obligations under applicable Global Data Protection Laws.
- 3.3 We require our Suppliers who process personal data of EU Citizens to comply with Article 28 of the GDPR.

## 4. Anti-Bribery and Corruption

- 4.1 Herbert Smith Freehills is committed to preventing bribery and corruption. Herbert Smith Freehills has anti-bribery policies designed to prevent persons employed by or performing services on its behalf from paying or receiving bribes. We expect anyone providing services to or seeking to win business from us, to have similar policies, or to comply with Herbert Smith Freehills' anti-bribery policies.
- 4.2 It is important to us that our Suppliers share our commitment to preventing bribery and corruption, not least because, in certain circumstances, it could be alleged that we or our clients are liable for the actions of others, if they bribe on our behalf or on our clients' behalf to obtain or retain work or a business advantage for us or our clients.
- 4.3 Our policy specifically prohibits dealings with any third party for the purpose of improperly obtaining or retaining business or for any other improper purpose or business advantage, as well as the making of facilitation payments.
- 4.4 If you have a conflict in the provision of goods or services to us because of an outside interest or relationship, we expect you to disclose that to us.
- 4.5 Our Suppliers must not offer any partner or employee of Herbert Smith Freehills any gift or hospitality which is of such value that it might have the effect of improperly influencing their decisions.

## 5. Tax Evasion

- 5.1 It is the firm's policy to adhere to all applicable tax laws and we expect our suppliers to do the same. We expect you to implement appropriate procedures, systems and controls relevant to your business in order to prevent the criminal facilitation of tax evasion.
- 5.2 We do not tolerate tax evasion (or other forms of financial crime) and any suppliers or representatives found to be engaging in these practices may be reported to the relevant authorities.

## 6. Modern Slavery

- 6.1 Our Modern Slavery statement is published on our website. We are continually working towards ensuring that our policies and procedures are in compliance with the requirements of the Modern Slavery Act 2015, and operate in accordance with our Responsible Procurement policy.
- 6.2 We expect our Suppliers to be also considering the requirements of the Act, and to the extent possible be examining its own supply chain to highlight the risk areas in relation to slavery and human trafficking.
- 6.3 We expect all our Suppliers (whether or not required to comply with the Act) to have given consideration to what the Act is seeking to address (including considering and addressing parts of its own supply chain that are at risk of slavery and human trafficking) and act in accordance with the spirit of the Act.

## 7. Competition

- 7.1 It is the firm's policy to comply rigorously with relevant competition laws. We expect all of our Suppliers, agents and other contacts to do the same and to assist us in our compliance.
- 7.2 Accordingly, Suppliers must not share information with us which might result in an anti-competitive effect or object. This would include for example specific information about significant costs of our competitor firms, markets in which they compete, means by which they deliver key services and make key strategic decisions. If you are in any doubt, describe to us in advance the nature of any information which you consider passing to us and we will advise whether we are able to receive it.

## 8. Regulatory Compliance

- 8.1 As a global firm of legal professionals our practice and conduct are regulated in every jurisdiction where we operate. Our regulators have a say in the way we do business, and they regulate our relationships with third party suppliers and service providers. We expect our Suppliers to recognise the fact that we are subject to such regulatory obligations - the nature and extent of which may differ from one jurisdiction to the next – and that it may affect our dealings with them.
- 8.2 Where a Supplier has access to Herbert Smith Freehills' confidential information, it is our expectation that the Supplier will permit audits to be carried out as required by our professional regulators and to provide every assistance reasonably requested by them (and us) in this regard.

## 9. Workplace Health & Safety

- 9.1 We expect our Suppliers to be fully aware of and abide by their obligations under applicable workplace health and safety legislation, regulations and standards, and to have in place an internal policy to ensure compliance with such obligations.