

# Business and Human Rights for Legal Practitioners

# MADRID, SPAIN July 6 to 9, 2022

Organised in collaboration with the International Human Rights Committee of the American Bar Association's International Law Section, with the support of the IE Law School, Madrid



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## A 27-hour "in person" programme From July 6 to 9, 2022

## Format:

3 full days of Working Sessions structured as follows

Part I – 4 General Sessions: Business and Human Rights at the International and European Levels

Part II – 4 Specific Sessions: Business and Human Rights in Specific Areas: Business Practices (International Contracts; Compliance and Risk Management in Business Transactions), Labour Law, Environmental Law, Banking and Financial Services.

Part III – Workshops (Breakout Sessions)

## **Training Method:**

A mix of presentations, interactive exercises and real case studies focused on human rights due diligence according to the UNPGs and the OECD Guidelines for Multinational Enterprises.

## Language

The working language is English; there will not be any simultaneous translation service.

## Dates:

Wednesday, July 6 (14:30 - 19:00) Thursday & Friday, July 7 & 8 (9:00 -13:30 & 14:30 - 19:00) Saturday, July 9 (9:00 - 13:30)

## Course venue

IE University Law School IE Tower Paseo de la Castellana , 259, 28046 Madrid https://www.ie.edu/law-school/

## INTRODUCTION

With less than 10 years left to achieve the United Nations 2030 Agenda for Sustainable Development, lawyers and the law have critical roles to play in driving progress under the UN Guiding Principles on Business and Human Rights (UNGPs) and toward the UN Sustainable Development Goals (SDGs).

The private sector is increasingly integrating the SDGs into their business practice in order to better manage their risks, build positions in growth markets, and strengthen their supply chains. As companies seek advice about the legal and regulatory implications of aligning themselves with the goals, the UNGPs and the SDGs are fast becoming emerging areas of practice in which lawyers are requested to provide responsible advice to their corporate clients. Lack of full and accurate compliance with environmental, social and governance (ESG) reporting and statements exposes companies to the risks of legal challenges and litigation.

## Why is this Course useful?

Lawyers should be aware of the core concepts and principles established by the UNGPs and understand international human rights principles and how they relate to businesses' operations and how they play a vital role in helping businesses avoid involvement in human rights violations. Law firms are increasingly finding that their business clients seek and require legal advice on the human rights aspects of their transactions and activities to identify and mitigate risks, comply with international and national regulations, and promote their visibility as ethical businesses.

In Europe, certain states (France, Germany, and The Netherlands) have adopted national legislation on due diligence while the UK Modern Slavery Act (2015) has introduced specific human rights reporting duties related to human trafficking and forced and compulsory labour. The European Commission Proposal (of February 23, 2022) for a EU Corporate Sustainability Due Diligence Directive which will apply to large EU companies with more than 500 employees and a net worldwide turnover of €150 million, or with more than 250 employees and net worldwide turnover of more than €40 million provided 50% of such turnover is generated in certain "high-risk sectors" (which include the manufacture and/or wholesale trade of textiles, agriculture, the manufacture of food products, the extraction of mineral resources , the manufacture of basic metal products...), as well as to non-EU companies with a net turnover of more than €40 million generated in the EU, provided at least 50% of such turnover is generated in one of the "high-risk sectors" - all the companies within the scope of the Directive will need to implement a number of specific human rights and environmental due diligence measures.

## ORGANISING COMMITTEE

## Carlos DE MIGUEL PERALES

Lawyer and University Professor, Departamento de Derecho Privado, Facultad de Derecho, Comillas Universidad Pontificia Madrid, Spain T +34 91 542 28 00 - Ext. 2212 cmiguel@comillas.edu

## Carolina MARÍN PEDREÑO

President of the UIA Human Rights Commission Dawson Cornwell Solicitors London, United Kingdom T +44 20 7242 2556 cmp@dawsoncornwell.com

> Dr. Corinne LEWIS Partner, LexJusti Brussels, Belgium T +32 491 362 319 clewis@lexjusti.com

Wendy M. TAUBE, Esq., LL.M. Co-Chair to the ABA International Human Rights Committee Lawyer, Taube Law, LLC Chicago, Illinois T + 1 312 750 1230 wendy@taubelaw.com

## COURSE COORDINATOR

Avv. Carlo MASTELLONE UIA Counsellor to the President SLM - Studio Legale Mastellone LegAll® Firenze Florence, Italy T +39 055 46 20 040 c.mastellone@studiomastellone.it This initiative amounts to a move towards transforming the responsibility to respect human rights derived from international standards into a legal duty at the EU level. It aims to prevent and mitigate potential or actual adverse impacts on human rights and the environment to enhance good governance throughout the value chain, while ensuring that responsible entities can be held accountable for their impacts, and that anyone who has suffered harm can effectively access justice and obtain a fair trial before a public court and an effective remedy.

This situation presents a challenge to business lawyers who are required to understand and integrate human rights into their current representation and advisory services. At the same time, it presents an opportunity to expand the scope of advice and develop new services all to meet growing expectation that businesses respect human rights throughout their operations.

The Course provides lawyers with an in-depth understanding of the latest issues at the nexus of law and sustainable development; and appreciation of the human rights impacts resulting from business activities at the international, regional, and national levels, and guidance on how to carry out a corporate human rights due diligence process.

Upon completion of the Course, the participants should be able to: demonstrate a thorough knowledge of human rights standards and the applicability of the standards to the challenges companies face; understand the need for corporate due diligence; identify risk management processes and approaches for undertaking due diligence; and develop due diligence assessment methods and tools companies can use to further their respect for human rights.

## Who should attend?

Business and human rights practitioners, business lawyers, development lawyers, in-house counsel, academics, and representatives from NGOs and governmental organizations.

## HOW TO REGISTER

## Register online at www.uianet.org

Registration fees	IE Student/ Alumni**	UIA Member	Non Member
FULL COURSE including the 10 modules	€ 450*	€ 550*	€ 700*
PART I + III	€ 300*	€ 400*	€ 500*
PART II + III	€ 300*	€ 400*	€ 500*

## After registering, you will receive a confirmation email explaining how to join the Course.

Please note that the number of places is limited. The organisers reserve the right to refuse registrations in the event of excess applications. Admission will be on a first come – first served basis and will only be confirmed upon receipt in full of the registration fees.

\*Amounts exclusive of VAT. The VAT (20%) can be applied to the amount stated above according to the European Directive 2006/112/CE of November 28, 2006. If you have one, please provide your EU VAT ID number. For more information, please contact the UIA. \*\*Please provide proof (student card ie) of being a IE student/alumni.

## HOTEL INFORMATION

The UIA is holding a block booking <u>until June 15</u> at the:

Hotel Eurostars Madrid Tower (5\*) Castellana 259B Madrid, Spain T+ 34 913 342 700 E: Noemie.leroy@eurostarshotelcompany.com

The hotel is located at 450 m from the venue, the IE University Law School

**<u>Rates</u>** (breakfast and taxes included) Superior room for single use: 150€ Superior room for double use: 165€

Please download the hotel reservation form from our Website www.uianet.org

## FORMAT

3 full days of Working Sessions Part I – 4 General Sessions Part II – 4 Specific Sessions Part III – Workshops (Breakout Sessions)

Wednesday, July 6 (14:30 -19:00) Thursday & Friday, July 7 & 8 (9:00 -13:30 & 14:30 -19:00) Saturday, July 9 (9:00 -13:30)

## TRAINING METHOD

A mix of presentations, interactive exercises and real case studies.

## LANGUAGE

The working language will be **English.** 

## CONTINUING LEGAL EDUCATION

Every participant attending the Course will receive a "Certificate of Participation" at the end of the event that may be used to obtain "Credits" for "Continuing Legal Education".

## CONTACT & INFORMATION

Please do not hesitate to contact us at uiacentre@uianet.org or by phone +33 1 44 88 55 66 should you have any questions.

## **Opening of the Course & Keynote Speakers**

Wednesday, July 6, 2022

14:30 to 15:30

## Welcome and Course Opening

Hervé CHEMOULI, UIA President, Paris, France

## Keynote Speaker

**Lene WENDLAND,** *Chief, Business and Human Rights, Development and Social and Economic Issues Branch, Office of the United Nations High Commissioner for Human Rights, Geneva, Switzerland* 

## PART I – BUSINESS AND HUMAN RIGHTS AT THE INTERNATIONAL AND EUROPEAN LEVELS

## Session 1- The UN Guiding Principles on Business and Human Rights

Wednesday, July 6, 2022 15:30 to 19:00 COFFEE BREAK - from 16:30 to 17:00

Key Concepts covered:

- The UN Guiding Principles' three pillars:
  - Pillar I: State duty to protect
  - Pillar II: Business responsibility to respect
  - o Pillar III: Access to remedy
- States' obligations and businesses' responsibilities
- Human rights due diligence
- Leverage
- Value chain

From Responsibility to Accountability: How Business and Human Rights is a Movement for Corporate Accountability

Anita RAMASASTRY, Member of the UN Working Group on Business and Human Rights, Henry M. Jackson Professor of Law, Faculty Director, International, Transnational and Comparative Law Programs; Director, Sustainable International Development LLM Program, University of Washington School of Law, Seattle, WA, USA Moving from Soft to Hard Law in CSR and Business and Human Rights: Human Rights Due Diligence

**Dr. Corinne LEWIS**, Partner, Lex Justi, Brussels, Belgium; International Human Rights Committee Co-Chair, American Bar Association, International Law Section

Lawyers' Role and Responsibilities in Connection with the UNGPs

John SHERMAN, Senior Program Fellow, Corporate Responsibility Initiative, Harvard Kennedy School, Cambridge, MA, USA

Access to Remedies for Business-Related Human Rights Abuses: Private International Law Issues

**Prof. Angelica BONFANTI**, Università degli Studi di Milano, Milan, Italy

The practical implications of the UNGPs for lawyers from the US, European and other countries

**Steven M. RICHMAN**, UIA Deputy Chief Editor -Juriste International, Senior Advisor ABA International Human Rights Committee, Clark Hill PLC, Princeton, NJ, USA

## Session Chairs

**Carlos DE MIGUEL PERALES**, Lawyer and University Professor (Comillas University, Madrid), Madrid, Spain

**Wendy M. TAUBE**, LL.M., Co-Chair to the ABA International Human Rights Committee, Lawyer, Taube Law, LLC Chicago, Illinois (USA)

## Session 2 - The UN Sustainable Development Goals (SDGs) and their impact on Businesses

Thursday, July 7, 2022 MORNING SESSION 9:00 to 13:30 COFFEE BREAK - from 11:00 to 11:30

Key Concepts covered:

- The SGDsThe OECD Guidelines for Multinational Enterprises and OECD Due Diligence Guidance for Responsible Business Conduct
- ICC Guide on Responsible Sourcing
- Other international standards

Jamas HODIVALA QC, CFE, Matrix Chambers, London, United Kingdom

**Claudia S. DE WINDT**, Founding Partner & CEO, Inter-American Institute on Justice and Sustainability (IIJS), Washington, DC., Quito, Asuncion, Santo Domingo

**Nicola BONUCCI,** Partner, Investigations & Compliance, Paul Hastings (Europe) LLP, Paris, former Director for Legal Affairs for the Organization for Economic Cooperation and Development (OECD)

Speaker from ICC, Paris TBA

#### Session Chair

**Carolina MARÍN PEDREÑO**, President of the UIA Human Rights Commission, Dawson Cornwell Solicitors, London, United Kingdom

## LUNCH – from 13:30 to 14:30

Session 3- Business and Human Rights in the EU Thursday, July 7, 2022 AFTERNOON SESSION 14:30 to 16:30

The Charter of Fundamental Rights of the European Union. Practical implications; How the day-to-day application of human rights affects business and fundamental freedoms within the European Union. The process towards a mandatory legislation on human rights due diligence for European companies: Legislative Initiatives in Europe (United Kingdom, France, The Netherlands, Germany ...)

The **European Commission Proposal** (of February 23, 2022) for a EU Corporate Sustainability Due Diligence Directive

**François MOYSE,** Director - Rule of Law - UIA-IROL, Moyse & Associates, Luxembourg

**Prof. Catherine BARNARD**, M.A. (Cantab.), LL.M. (EUI); PhD. (Cantab), Professor of European Union and Labour Law, Trinity College, University of Cambridge, United Kingdom

Ángela DÍAZ-BASTIEN VARGAS-ZÚÑIGA, Co-Director -Protection of Lawyers - UIA-IROL, Partner, Ernesto Diaz-Bastien & Asociados, SLP, Madrid, Spain

## Session Chair

**Irene MORENO-TAPIA** Vice-President of the UIA European Law Commission Cuatrecasas, Barcelona and Brussels

## COFFEE BREAK - from 16:30 to 17:00

## Session 4- The Relevance of the European Convention on Human Rights to Businesses

Thursday, July 7, 2022 17:00 to 19:00

## The practical aspects for legal professionals of the European Convention on Human Rights

The European Convention implications for business and corporations. Strategic litigation before the European Court of Human Rights. Main claims and topics. Banks and the European Court of Human Rights.

**Carolina MARÍN PEDREÑO,** *President of the UIA Human Rights Commission, Dawson Cornwell Solicitors, London, United Kingdom* 

**Prof. Amaya UBEDA** - Legal Senior Officer - Council of Europe, Professor at the IE - Instituto de Empresa School of Law, Madrid

**Prof. Andrea PISANESCHI** *Professor of Constitutional Law, School of Law, University of Siena* 

## Session Chair

**Prof. Gabriele RUSCALLA** - Adjunct Professor at the IE - Instituto de Empresa School of Law, Madrid; Senior Associate (International Arbitration) - Liedekerke, Paris

**OPTIONAL TAPAS DINNER** - Madrid Madriz restaurant (Calle de Fuencarral 85, Madrid) Thursday, July 7, at 20:30

## PART II –THE IMPACT OF HUMAN RIGHTS IN SPECIFIC AREAS

## Session 5 – Developments in Business Practices

Friday, July 8, 2022 MORNING SESSION

## *i) International Contracts*

9:00 to 11:00

The Unsuspected Binding Nature of the UN Guiding Principles on Business and Human Rights through Selected Legislative Initiatives in Europe

**Sylvain SAVOLAINEN,** SAVOLAINEN Avocats, Geneva, Switzerland

Human Rights Due Diligence Contract Clauses (to Protect Workers) in International Supply Chains

Sarah DADUSH, Professor of Law at Rutgers Law School, Co-Lead of ABA Business Law Section Working Group to Draft Model Contract Clauses to Protect Human Rights in Supply Chains

The new Hague Rules on Business and Human Rights Arbitration – a Real Breakthrough for Human Rights in the Business World?

**Christine DEMPE**, LL.M. (Norwich), Certified Specialist on International Business Law, Brödermann Jahn Rechtsanwaltsgesellschaft mbH, Hamburg, Germany

## Session Chair

**Dr. Christoph OERTEL**, President of the UIA Contract Law Commission, Maître en Droit (Paris I), LL.M. (Köln/Paris), Rechtsanwalt, Brödermann Jahn Rechtsanwaltsgesellschaft mbH, Hamburg, Germany

## COFFEE BREAK - from 11:00 to 11:30

# *ii) Compliance and Risk Management in Business Transactions*

## 11:30 to 13:30

Countries across the globe are requiring companies to ensure that they not only comply with the laws in the jurisdictions where they are located, but also that they implement a system of vigilance to identify risks and prevent serious violations of human rights and fundamental freedoms. Companies are also expected to ensure safe workplace and protect the environment in connection with their operations and activities as well as those of their subsidiaries. suppliers, and subcontractors. This session will discuss how these laws have been implemented in various jurisdictions, such as France, the implementation of these types of programs, and the response by some jurisdictions to the implementation of these regimes.

**Verena MOLL**, Deputy Director of UIA Commissions, Rechtsanwältin | Avocat à la Cour, Berg & Moll Paris, Berlin, France / Germany

**Diego SALUZZO,** *President of the UIA Food Law Commission, Grande Stevens Studio Legale, Turin, Italy* 

**Avi SINGH**, Co-Director - Protection of Lawyers - UIA-IROL, Cicero Chambers, New Delhi, India

## Session Chair

James D. ROSENER, President of the UIA Corporate Law and Mergers & Acquisitions Commission, Partner, Troutman Pepper, New York, NY, USA

LUNCH – from 13:30 to 14:30

## Session 6 - Human Rights and Labour Law

Friday, July 8, 2022 AFTERNOON SESSION 2:30 PM to 4:30 PM

- Ethical Trade and Labour Rights in the Supply Chain
- The Role of Unions
- Employment Law and Diversity

Maria SALAS PORRAS, Professor of Labor Law and Social Security, University of Malaga

**Francisco VIGO SERRANO,** *Lecturer of Labor Law, University of Malaga* 

**Pablo SCOTTO BENITO,** *Lecturer of Jurisprudence, University of Barcelona* 

## Session Chair

**Prof. Dr. José Luis REY PÉREZ**, University Professor, Universidad Pontificia Comillas, Madrid, Spain

#### Session 7 - Human Rights and Environmental Law

Friday, July 8, 2022 17:00 PM to 19:00

Specific areas of Environmental Law in businesses (e.g., air quality, water, participation) interacting with human rights (e.g. rights to life, health, privacy), with a specific reference to climate.

Practical challenges for lawyers when dealing with environmental and human rights issues (from ethical questions to specific due diligence matters).

The Current State of Global Environmental Crises and the Development of Potential New Legal Solutions

Maria Antonia TIGRE, Director of Latin America for the Global Network for the Study of Human Rights and the Environment (GNHRE), New York, NY, USA

Business and Human Rights in Europe: The Case Law at the ECHR and Recent Cases on Climate Change

**Carlos DE MIGUEL PERALES**, Lawyer and University Professor (Comillas University, Madrid), Madrid, Spain

The Participation of Civil Society and Indigenous Peoples to Protect the Environment a New Challenge for the Corporate Lawyer. Recent Cases in Latin America

Luis Fernando MACÍAS GÓMEZ, President of the UIA Environment and Sustainable Development Law Commission, Philippi Prietocarrizosa Ferrero DU & Uría, Bogotá, Colombia

## Session Chair

Luis Fernando MACÍAS GÓMEZ, President of the UIA Environment and Sustainable Development Law Commission, Philippi Prietocarrizosa Ferrero DU & Uría, Bogotá, Colombia

Session 8 - Human Rights and Banking and Financial Services

Saturday, July 9, 2022 09:00 to 11:00

Financial institutions are being impacted by Environmental, Social, and Governance (ESG) regulations, including regulations pertaining to human rights. The trend to regulate financial institutions with respect to ESG criteria also impacts the financial covenants applicable to operational companies borrowing for their activities, including corporations active in the commodity business.

The Regulatory Trend in the Financial Sector, including in Europe with the EU Sustainable Finance Disclosure and the EU Sustainable Finance Taxonomy Regulations, is affecting entities conducting business within Europe and outside of Europe.

The Implementation Issues Regarding the ESG Regulations in Europe

Silvestre TANDEAU DE MARSAC, UIA Financial Director, Partner, FTMS Avocats, Paris, France

Alicia Beatriz ALONSO AZNAR, Sustainability Manager with BBVA, Madrid, Spain

The ESG Financial Covenants Applicable in the Financing of Commodity Trading

**Lisa WEIHSER**, International Affairs, Legal and Regulatory Affairs, Swiss Trading & Shipping Association, Geneva, Switzerland

**Guillaume CASSAIGNEAU,** Education & Public Affairs. Swiss Trading & Shipping Association, Geneva, Switzerland

Human Rights Due Diligence in the financial sector.

Andrea SHEMBERG, Co-founder and director SILA Advisory; chair Global Business Initiative on Human Rights (GBI), Bologna, Italy

## Session Chair

**Olivier NICOD**, President of the UIA Banking and Financial Services Law Commission, Walder Wyss SA, Lausanne, Switzerland

COFFEE BREAK - from 11:00 to 11:30

## PART III – WORKSHOPS

## Session 9 - Breakout Sessions on Specific Issues Led by Coordinators

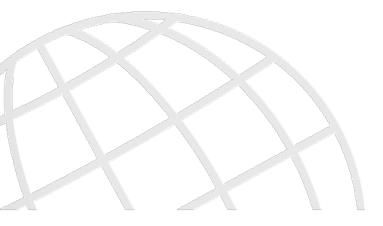
Saturday, July 9, 2022 MORNING SESSION 11:30 to 13:30

The participants will break up in smaller groups, led by coordinators who will facilitate the discussion of case studies or specific practical issues of interest in areas related to human rights, such as environmental, banking, contract drafting in international supply chain contracts, etc.,

## **Closing Remarks**

## Chair of the session

• Carolina MARÍN PEDREÑO, President of the UIA Human Rights Commission, Dawson Cornwell Solicitors, London, United Kingdom



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The UIA is a global and multi-cultural organization for the legal profession. Created in 1927, the UIA brings together members from more than 120 countries. The UIA facilitates professional development and international exchange of information and ideas, promotes the rule of law, defends the independence and freedom of lawyers worldwide, and emphasises friendship, collegiality, and networking among members.

Today, the UIA reaches around two million lawyers through its individual and collective members (bar associations, lawyers' federations, and organisations) worldwide.

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Becoming a member of the UIA will also enable you to benefit from a preferential rate for your registration to the events.

To find out more, go to the UIA website at:

## www.uianet.org

## CANCELLATION CONDITIONS AND GENERAL CONDITIONS

#### CANCELLATION CONDITIONS

All cancellations will be subject to a 50% deduction and will have to be sent in writing, to be received by the International Association of Lawyers (UIA – Union Internationale des Avocats) **no later than June 21, 2021**. No refund will be made for cancellations received after this date.

A participant, who cannot attend, may send a substitute participant without any additional cost. Please inform the UIA in writing (uiacentre@uianet.org) prior to the event.

## GENERAL CONDITIONS

All registrations received by the International Association of Lawyers (UIA – Union Internationale des Avocats) along with the full payment of fees corresponding to the events selected will be confirmed in writing. If you have not received an email confirmation within 48 hours after your registration, please contact the team at uiacentre@uianet.org

The UIA reserves the right to cancel or postpone the course to a later date, change the programme, make any corrections or modifications in the information published in the programme and cancel any invitation to participate in the course, at any time and at their entire discretion, without having to provide any reasons for the same.

Neither the UIA, nor any of its managers, employees, agents, members or representatives shall be held responsible for any loss or damage, of any nature, suffered (directly or indirectly) by a delegate, accompanying person or a third party following any cancellations, changes, postponements or modifications.

The contractual relations between the UIA and each participant (delegate) in relation to the course are subject to French law and jurisdiction, to the exclusion of any other law. Paris is the city of jurisdiction.

#### FILMING, PHOTOGRAPHY AND SOUND RECORDING

In registering for our events, delegates and speakers grant permission to the UIA, its agents and others working under its authority, to film, record or photograph at its events. It is understood that these recordings and photographs may be used for promotional, news, online/multimedia and/or marketing purposes for the promotion of the organisation and its events. If you wish to be excluded from any recording or photograph, please email us at uiacentre@uianet.org at the time of your registration.

#### FORCE MAJEURE

"Force majeure" means any events external to the parties, of both an unforeseeable and insurmountable nature that prevents either the client or the participants, or the agency or service providers involved in organising the event, from executing all or part of the obligations provided for in the present agreement. By express agreement, such will be the case in the event of a strike affecting the means of transport, hotel staff, air traffic controllers, an insurrection, a riot or any prohibition whatsoever decreed by governmental or public authorities.

It is expressly agreed that for the parties, a case of force majeure would suspend the execution of their reciprocal obligations. At the same time, each of the parties shall bear the burden of all the expenses incumbent upon them, resulting from the case of force majeure.

#### PERSONAL DATA PROTECTION

The personal data that you communicate to us shall be processed by the International Association of Lawyers (UIA – Union Internationale des Avocats), with its registered office at 9 rue du Quatre-Septembre – 75002 Paris (Tel: +33 1 44 88 55 66 - Fax: +33 1 44 88 55 77 - privacy@uianet.org), in accordance with Act No. 78-17 of January 6, 1978 relating to data, files and freedoms and Regulation No. 2016/679 on data protection, as of its entry into force on May 25, 2018. Your data will be managed by UIA's General Services, Events and Accounts Section:

- For the purpose of administering your registration for the event and your on-site access to the event;
- In order to pay for the selected services your bank details will be deleted after receipt of your payment;
- In order to communicate information messages from UIA.

To the extent necessary for the execution of their respective tasks, our subcontractors in charge of our event organisation, our IT infrastructure, our management, the production and maintenance of our website and extranet, are likely to gain access to your data from time to time. Their servers are located in the European Union.

Data relating to your participation in the event shall be stored for a period of 10 years. We are obliged to archive billing data until the end of the period required for our tax and accounting obligations, i.e. for 7 full tax years. We shall store your contact information to keep you informed until you ask us to stop. You have the right to access your data and have it corrected if necessary.

You may object to any processing of your data undertaken by us for the purposes of our legitimate interests. If you wish for more information, or to lodge a complaint, please contact CNIL (French Data Protection Authority).