

**INFORMATION BRIEF  
ON DATA PROTECTION**  
Group De Cloedt (and subsidiaries)

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*In effect since: 01.01.2018*

## **1. INTRODUCTION**

Group De Cloedt attaches great importance to the safe, transparent and confidential collection and processing of your personal data.

In particular, we want to protect the data of our clients, sub-contractors and suppliers against loss, breach, error, unauthorised access or unauthorised processing.

By means of this information brief on data protection, we want to inform you about the collection and processing of your personal data.

We ask you to read this information brief on data protection carefully since it contains important information on the way we process your personal data and the reason why we do it.

By providing us with your personal data, you expressly declare that you have taken note of this information brief on data protection and understand the content of it as well as the processing itself.

## **2. SCOPE OF APPLICATION**

This information brief on data protection concerns all services provided by us and, more generally, all the activities that we exercise.

## **3. THE DATA CONTROLLER AND ITS COMMITMENTS**

Group De Cloedt is the data controller of your personal data.

When collecting and processing your personal data, we comply with Belgian legislation on personal data protection (namely the Belgian law of 30 July 2018 on the protection of natural persons with regard to personal data), as well as the general data protection regulation (GDPR) from its application on 25 May 2018.

## **4. PERSONAL DATA PROCESSED**

Depending on your activities and your relationship with our company, you provide us with the following personal data: your identity data and contact details (name, title, address, email address, telephone number, GSM). For certain specific legal obligations, it is possible that you have to provide us with additional data in order to register your attendance.

We must inform you that you are responsible for all data that you provide to us and we rely



on their accuracy. If your data are no longer up to date, we ask you to inform us immediately.

You are not obligated to provide your personal data, but please understand that it will be impossible to offer certain services or to work with you in the absence of such data.

## **5. THE PURPOSES OF THE PROCESSING AND THE LEGAL BASIS**

### **5.1. Client data**

In the context of our services and our activities, we collect and process identity data and contact details of our clients and principals, their staff, employees and agents, and any other useful contact person. The purposes of this processing are the performance of agreements with our clients, client management, accounting and direct marketing activities, such as sending promotional or commercial information. The legal bases are the performance of a contract, compliance with legal and regulatory obligations and/or our legitimate interest.

### **5.2. Supplier and sub-contractor data**

We collect and process the identity data and contact details of our suppliers and sub-contractors, as well as their potential (sub)sub-contractor(s), their staff, employees and agents, and any other useful contact. The purposes of this processing are the performance of this agreement, management of suppliers/sub-contractors, accounting and direct marketing activities, such as sending promotional or commercial information. The legal bases are performance of the contract, compliance with legal and regulatory obligations (such as mandatory electronic registration of attendance, attendance list or other obligations during procurement contracts, etc.) and/or our legitimate interest (such as for direct marketing). For electronic registration of attendance, where appropriate, E-ID data or the Limosa number will be processed. For direct marketing by email (such as newsletters or invitations to events), authorisation will be requested, and may be withdrawn at any time.

### **5.3. Staff data**

We process the personal data of our employees as part of our human resources management and payroll management. In view of its specific nature, this processing is dealt with in more detail in a data protection policy for employees.

### **5.4. Other data**

In addition to the data of clients, suppliers/sub-contractors and staff, we also process the personal data of other persons, such as new clients/prospects, useful contacts within our sector, networking contacts, expert contacts, etc. The purposes of this processing are the interests of our activities, direct marketing and public relations. The legal basis is our legitimate interest or, in some cases, performance of a contract.

We have, in fact, a legitimate interest in exchanging information with you, in particular to meet your requests or improve our services, prevent abuse and fraud, monitor the lawfulness of our operations, exercise, defend and protect our rights, for example during disputes, as well as provide proof of any infringement of our rights, manage and improve our relations with you, continuously improve our website and our products/services, unless these interests are overridden by your interests or your fundamental rights and freedoms demanding



protection of your personal data. In any case, we ensure that we maintain a proportionate balance between our legitimate interest and respect for your personal life.

## **6. TERM OF PROCESSING**

Personal data are stored and processed by us for a required period depending on the purposes of processing and the relationship (contractual or not) between us.

The data of clients and suppliers or sub-contractors will, in all cases, be removed from our systems after a period of 10 years from termination of the contract, or after the end of the project, except with regard to personal data that we are obligated to keep for longer on the basis of specific legislation or in the event of an ongoing dispute for which the personal data are necessary.

## **7. RIGHTS**

Pursuant to and in accordance with the conditions of Belgian legislation relating to data protection and the general data protection regulations, we inform you that you have the following rights:

Right of access: you have the right to access, free of charge, the data that we hold on you and to check for what purposes they are used.

Right of rectification: you have the right to obtain rectification (correction) of erroneous personal data on you, as well as the right to supplement incomplete personal data.

Right for data to be forgotten or limitation of data: you have the right to request us to erase your personal data as well as to limit the processing of these data in the circumstances and under the conditions stipulated in the legislation. However, this right is not absolute and the erasure or limitation of data could be refused if the latter are necessary for processing payroll, the performance of a legal obligation, of a contract or on the grounds of our legitimate interest, insofar as these data are necessary for the purposes for which they have been collected.

Right to the portability of data: you have the right to receive your personal data that you have provided to us, in a structured format that is commonly used and is machine readable. You have the right to transfer these data to another data controller.

Right to object: you have the right to object to processing of your personal data under the circumstances and conditions stipulated in the legislation. However, this right is not absolute and the objection could be refused if the data processing is necessary for processing payroll, the performance of a legal obligation, of a contract or on the grounds of our legitimate interest, insofar as these data are necessary for the purposes for which they have been collected.

Right to withdraw consent: if the personal data processing is based on prior consent, you have the right to withdraw this consent. These personal data will then be processed only if we have another legal basis.

Automatic decision-making and profiling: we confirm that the personal data processing does not include profiling and that you will not be subject to fully automated decision-making.



You can exercise the above rights by contacting by email: [gdpr@groupecloedt.be](mailto:gdpr@groupecloedt.be).

We do our utmost to ensure meticulous and legitimate processing of your personal data, in accordance with applicable regulations. If, however, you consider that your rights have not been respected and that your concerns are not being heard within our company, you are free to make a complaint to:

Autorité de Protection des Données

Rue de la Presse, 35, 1000 Bruxelles

Tel: +32 (0)2 274 48 00

Fax: +32 (0)2 274 48 35

E-mail: [contact@apd-gba.be](mailto:contact@apd-gba.be)

You may also have recourse to legal proceedings if you believe that you have incurred a loss caused by the processing of your personal data.

## **8. TRANSFER OF DATA TO THIRD PARTIES**

Some personal data of employees collected by the employer, will be transferred to and may be processed by third parties, such as our IT provider, accountant, auditor, as well as by the government (e.g. in the case of the 30bis declaration of works, electronic registration of attendance or for awarding procurement contracts).

It is possible that one or more third parties are located outside the European Economic Area (“EEA”). However, personal data will only be transferred to third countries with a suitable level of protection or a level within the limits permitted by current legislation, for example by ensuring data protection through suitable contractual provisions.

Employees, managers and/or representatives of the aforementioned service providers or institutions as well as specialised service providers appointed by them, are obligated to respect the confidential nature of your personal data and may only use these data for the purposes for which they have been provided.

If necessary, personal data may be transferred to other third parties. This may be done in the event of partial or full reorganisation of our activities, if our activities are transferred or in the event of a declaration of bankruptcy. It is also possible that personal data will have to be transferred due to an injunction or in order to meet a particular legal obligation. In this case, we will endeavour as far as possible to inform you beforehand of this communication to other third parties. However, you acknowledge and understand that under certain circumstances, this is not always technically or commercially feasible, or that legal limitations may apply.

We will under no circumstances sell your personal data nor make them available to direct marketing offices or similar service providers, except with your prior consent.

## **9. TECHNICAL AND ORGANISATIONAL MEASURES**

We will take the technical and organisational measures required in order to process the data



at a sufficient level of security and to protect the personal data against any destruction, loss, falsification, unauthorised access or notifications to third parties in error, as well as any unauthorised processing of these data.

In no case may Group De Cloedt be held liable for any direct or indirect damage caused by erroneous or unlawful use of personal data by a third party.

## **10. ACCESS BY THIRD PARTIES**

With a view to processing of your personal data, we authorise access to your personal data to our employees and agents who are subject to a strict confidentiality obligation. We guarantee a similar level of protection by imposing contractual obligations on these employees and agents, similar to those described in the data protection notice.

## **11. UPDATES AND MODIFICATIONS**

Subject to informing data subjects through the website, by email or by any other means, Group De Cloedt may be required to modify or adapt this brief, in particular in order to comply with any new legislation and/or applicable regulations, the recommendations of the Data Protection Authority in Belgium, guidelines, the recommendations and best practices of the European Data Protection Board and decisions of the courts on the subject. You are recommended to consult this brief regularly, referring to the date of the last amendment stated.

## **12. VALIDITY OF THE CONTRACTUAL CLAUSES**

The abstention of Group De Cloedt from availing itself, at a given time, of a provision of this brief, may not be interpreted as a waiver of asserting its rights thereto later on.

The nullity, invalidity or unenforceable nature of all or part of one of the provisions that precede or follow will not result in nullity of the whole of this brief. The fully or partially null, invalid or unenforceable provision will be deemed unwritten. Group De Cloedt agrees to replace this provision with another that will pursue the same objective insofar as possible.

## **13. APPLICABLE LAW AND JURISDICTION**

The validity, interpretation and/or performance of this brief are subject to Belgian law, to the fullest extent permitted by the applicable rules of private international law.

In the event of dispute relating to the validity, interpretation or performance of this brief, the Courts of the legal district of Brussels have exclusive jurisdiction, to the fullest extent permitted by the applicable rules of private international law.

Before undertaking any action for judicial resolution of a dispute, the data subject and Group De Cloedt agrees to attempt to resolve this dispute amicably. For this purpose, they shall first contact each other, before having recourse, where appropriate, to mediation, arbitration, or any other alternative dispute resolution method.



#### **14. DO YOU HAVE ANY QUESTIONS?**

If you still have questions concerning the collection and processing of your personal data after having read this information brief on data protection, you can contact by email: [gdpr@groupdecloedt.be](mailto:gdpr@groupdecloedt.be).