

# **PAUWELS CONSULTING NV's privacy policy, general terms and conditions concerning data protection and terms of use**

## **General**

This policy and these conditions are valid since 25 May 2018 and were issued by PAUWELS CONSULTING NV, with registered office at 1831 Diegem (Belgium), Lambroekstraat 5A and registered with the CBE under number 0466.878.816 (hereinafter 'Pauwels Consulting').

Pauwels Consulting makes every effort to protect your privacy. During your contact with Pauwels Consulting, it is possible that you share personal data with us that allows us to identify you as an individual, employee of a company, etc. (such as your full name, e-mail address, address and phone number). This is your 'personal data'.

This privacy statement applies to the personal data we collect about you for the purpose of offering you our services. By using the site or sharing your personal data with us during our services, you accept the practices described in this privacy statement.

## **The processing of personal data**

Pauwels Consulting collects, registers and processes the personal data of customers, candidates and users of its services. Data can be communicated, for example, by people themselves when they contact us or when services are provided by Pauwels Consulting.

Personal data is always processed in compliance with the principles of privacy legislation and the General Data Protection Regulation, being the European Regulation 2016/679 of 27 April 2016 on the protection of personal data. Personal data is processed in a lawful, fair and transparent manner in accordance with the regulations for their category, and for a specific and explicit purpose. Data processing is limited to what is necessary and the period for which the personal data is stored is limited to what is necessary to fulfil the purposes of the processing. Personal data is properly secured using appropriate technical and organisational measures. Pauwels Consulting processes your personal data for various purposes, including:

- customer management;
- recruiting new employees;
- informing you about our professional and social activities or another topic that might concern you;
- sending you our newsletter and/or advertising brochure;
- contacting you if necessary to carry out our services;
- further execution of agreements;
- informing you about modifications to our services and products;
- to be able to offer you our services;
- processing your payment;
- meeting legal obligations;
- statistical processing;
- when the legitimate interest of the company requires it, but this is always clear to the data subject.

Other data is collected automatically by 'cookies' and other systems/applications which collect data. More information can be found by following the following link: <https://www.pauwelsconsulting.com/cookie-policy/>.

Within the framework of these purposes, Pauwels Consulting may appoint processors who ensure that our services are optimally executed. This concerns suppliers, accountants, lawyers, insurance, administration, etc. It is possible that personal data will be transferred to these parties if necessary. These parties act in accordance with the applicable privacy legislation. The 'Rights of the data subject' section describes how you can obtain information about this.

#### Pauwels Consulting as processor

Pauwels Consulting sometimes gains access to the customer's personal data in the context of the services it provides on behalf of the customer. In these situations, the customer will act as 'controller' and Pauwels Consulting will act as 'processor', as defined in the GDPR. Pauwels Consulting respects the 'General terms and conditions concerning data protection' when dealing with its customers. These can be found in this document.

#### **Rights of the data subject**

If you wish to **consult, transfer, modify, correct, restrict or erase** your data, you can send an e-mail free of charge, accompanied by a copy of your identity card, to the address where our data protection officer can be contacted; [gdpr@pauwelsconsulting.com](mailto:gdpr@pauwelsconsulting.com). You can use the same method to also object to the processing of personal data or if you wish to terminate communications. The data will be adapted or removed to the extent possible and technically allowed. Your request will be processed as soon as possible. It will be honoured as much as possible, unless this is not possible due to the company's interest or a legal obligation. If a personal data breach occurs, which threatens to violate your rights and the protection of your personal data, the supervisory authority will be informed and you will be informed as a data subject if there is a high risk to the rights and freedoms of natural persons.

#### **Security and confidentiality**

Pauwels Consulting has developed security measures, adapted on a technical and organisational level, to avoid the destruction, loss, fraud, modification, unauthorised access or accidental disclosure to third parties of personal data collected on the website, as well as any other unauthorised processing of this data. Under no circumstances can Pauwels Consulting be held liable for any direct or indirect damage resulting from incorrect or unlawful use by a third party of the personal data.

All data is always treated confidentially.

If you believe that your data is not secure or that there are indications of abuse, please contact us by e-mailing [gdpr@pauwelsconsulting.com](mailto:gdpr@pauwelsconsulting.com).

#### **Accuracy of your data**

Anyone who submits data to Pauwels Consulting guarantees that it is accurate and complete. Submission of incorrect data or data belonging to third parties may result in the user being, temporarily or definitively, denied access, in whole or in part, to Pauwels Consulting's products and services.

#### **Minors**

Our website and/or services do not intend to collect data about website visitors who are younger than 16 years of age, unless they have consent from their parents or guardian. However, we cannot check if a website visitor is 16 or older. Therefore, we encourage parents to monitor the online activities of their children, to prevent data about children being collected without parental consent. If you are convinced that we have collected personal data about a minor without this consent, please contact us by e-mailing [gdpr@pauwelsconsulting.com](mailto:gdpr@pauwelsconsulting.com) and we will remove this data.

## **Intellectual property rights**

The contents of this site, including brands, logos, drawings, data, product and company names, texts, images, etc., are protected by intellectual rights and belong to Pauwels Consulting or entitled third parties.

## **Information on the website**

By using this website, you undertake to comply with and accept the following terms of use. Pauwels Consulting owns the exclusive copyright and intellectual rights of this website, its design and its entire content. Use of this website, or parts thereof, in any form whatsoever, is prohibited without the prior written consent of Pauwels Consulting.

The information provided on and via this website may not be saved (other than as necessary to view the website), reproduced, modified, made public, distributed or sent, sold or transferred in any other way, nor may any rights to this information be granted to third parties.

The information on the website is of a general nature. The information is not adapted to personal or specific circumstances and can therefore never be considered as personal, professional or legal advice to the user. The website may contain hyperlinks to third-party websites or pages or refer to them indirectly. The publication of links to these websites or pages in no way implies an implicit approval of their contents.

Pauwels Consulting expressly declares that it has no control over the content or other characteristics of these websites and can under no circumstances be held liable for their contents or characteristics or any other form of damage resulting from their use.

## **General terms and conditions concerning data protection applicable to Pauwels Consulting's professional relations**

### General

Pauwels Consulting and parties with which Pauwels Consulting has professional relations (customers, suppliers, etc.) shall comply with all legal obligations, including the General Data Protection Regulation of the EU (EU 2016/679, hereinafter the 'GDPR'), when processing personal data.

Personal data is processed in a lawful, fair and transparent manner for a specific and explicit purpose. Data processing is limited to what is necessary with regard to professional performance and the period for which the personal data is stored is limited to what is necessary to fulfil the purposes of the processing. Personal data is properly secured using appropriate technical and organisational measures. Pauwels Consulting, the customer, their employees, affiliated companies and their processors treat personal data in a confidential manner.

Pauwels Consulting strives to provide appropriate administrative, physical and technical security measures to protect personal data against accidental or unlawful destruction, unintentional loss, fraud, unauthorised distribution and unauthorised access.

The personal data will not be transferred outside the European Economic Area (EEA), unless sufficient guarantees are given in accordance with the GDPR. The customer expressly authorises Pauwels Consulting to appoint processors to carry out the processing activities which are covered by the agreement/relationship in force between the parties (hereinafter the 'agreement').

Pauwels Consulting will conclude a processing agreement or other legal act with these processors that contains protective provisions which are at least equivalent to the provisions in this document. The customer can receive a list of active and systematic processors of the customer's personal data on request. The customer will be informed if the processors which process the customer's personal data are supplemented or substituted and may object to these processors within 7 days. If no objection is received within this period, Pauwels Consulting will assume that the customer approves the engagement of these other processors. The customer accepts that the above concerns processors who actively and systematically process personal data and that no approval is required for providing incidental services, such as technical maintenance.

Pauwels Consulting and the client acknowledge and accept that this article is a summary and that the privacy policy of Pauwels Consulting applies in its entirety. The customer shall ensure that all personal data provided to Pauwels Consulting by or on behalf of the customer is collected in accordance with applicable regulations and in an honest and transparent manner. Pauwels Consulting will, with due regard to the nature of the processing, assist as far as possible in responding to requests concerning rights of the data subject using appropriate technical and organisational measures. The customer will reimburse this assistance.

On the customer's written request, Pauwels Consulting will provide the information necessary to demonstrate compliance with the obligations set out in article 28 of the GDPR and also facilitate audits, inspections or checks. In addition, Pauwels Consulting will notify the customer if an instruction apparently infringes the GDPR and Pauwels Consulting is aware of this. The customer will reimburse all this assistance.

#### Pauwels Consulting as controller

The parties declare that Pauwels Consulting may process personal data as controller with a view to or in connection with: (i) the provision of its services, if applicable, (ii) applicable legal or regulatory prescriptions, (iii) requests and communications from competent authorities, (iv) administrative, financial or accounting purposes, risk analyses and customer relations, and (v) informing the customer and/or its representatives, employees and directors about the professional and social activities of Pauwels Consulting and any other topic that might concern them, on the understanding that, if the customer and/or its representatives, employees and directors no longer wish to receive such information in the future, they can send a free request by e-mailing Pauwels Consulting.

#### Pauwels Consulting as processor

Pauwels Consulting sometimes gains access to the customer's personal data in the context of the services it provides on behalf of the customer. In these situations, the customer will act as 'controller' and Pauwels Consulting will act as 'processor', as defined in the GDPR. Pauwels Consulting will process this personal data according to the instructions of the customer and/or in accordance with the delivery of the services specified in the agreement between Pauwels Consulting and the customer or as required by the law, regulatory authority or competent authority. In the latter case, Pauwels Consulting will inform the customer in advance as far as possible, unless the relevant law, regulatory authority or competent authority prohibits this. The foregoing determines the subject and duration of the processing, the nature and purpose of the processing, the type of personal data and the categories of data subjects.

The customer accepts that it is the primary responsible for the processing of personal data. Pauwels Consulting will, with due regard to the nature of the processing and the information available to it, assist the customer as far as possible in enforcing the obligations pursuant to articles 32 to 36 of the GDPR. The customer will reimburse all this assistance.

- Assistance regarding processing security (article 32 of the GDPR).
- Assistance in case of a personal data breach (articles 33 and 34 of the GDPR) - Pauwels Consulting shall notify the customer without undue delay after becoming aware of a personal data breach.
- Assistance with a privacy impact assessment (articles 35 and 36 of the GDPR) - where a type of processing is likely to result in a high risk to the rights and freedoms of natural persons, the customer shall, prior to the processing, carry out an assessment of the impact of the envisaged processing operations on the protection of personal data in accordance with articles 35 and 36 of the GDPR.

Upon termination of this agreement, Pauwels Consulting will, on the customer's request, immediately return or destroy the personal data and/or existing copies, if this is reasonably possible. Pauwels Consulting will confirm that it has done so (unless a relevant law or authority requires Pauwels Consulting to retain a copy of the personal data). For clarity, nothing in this point obliges Pauwels Consulting to destroy copies of data that it holds in its own name as controller.

## **Liability**

### Liability: general

Regardless of damage, Pauwels Consulting's total liability will in any case never exceed the total amount of costs paid by the customer, as stipulated in the current agreement, with a maximum of 2,500 euros, unless an agreement has been concluded which stipulates otherwise. Any other damage is limited to a maximum of 1,000 euros. This general provision also applies to the following liability provisions in this document, unless otherwise agreed between the parties. The liability of Pauwels Consulting is in any case always limited to the direct damage caused by serious error or fraud.

### Liability concerning use of the website

Neither can Pauwels Consulting be held liable for direct or indirect damage resulting from the use of the information on this site.

If you find inaccuracies in the information made available via the site, please contact the site administrator.

The contents of the site (including links) may be adapted, modified or supplemented at any time, without announcement or notification. Pauwels Consulting gives no guarantees that the website will work properly and can in no way be held liable for a malfunction or temporary (non-)availability of the website or any form of damage, direct or indirect, that might result from access to or use of the website.

Pauwels Consulting can under no circumstances be held liable against anyone, in direct or indirect, particular or other way, for damage resulting from the use of this site or any other, in particular as a result of links or hyperlinks, which includes, without limitation, all losses, work interruptions, damage to programs or other data on the computer system, equipment, software or other of the user.

### Liability concerning data protection

The customer indemnifies Pauwels Consulting against all costs, expenses (including legal fees), indemnities, losses (including business loss or loss of profits), debts, demands, claims, procedures, legal proceedings, etc. which Pauwels Consulting could be the object of because of: (i) Pauwels Consulting carrying out the customer's instructions in connection with the processing of personal data (including instructions in connection with requests from persons exercising their rights under data protection legislation and instructions to retain, disclose, adapt or process personal data in other ways), or (ii) any violation by the customer of these conditions.

The liability of Pauwels Consulting is always limited to the cases specifically provided for in the GDPR. Pauwels Consulting is only liable for the damage caused by the processing if the obligations in the GDPR specifically addressed to processors are not complied with during processing or actions are carried out outside or in violation of the lawful instructions of the controller. The liability of Pauwels Consulting is in all cases always limited to the direct damage and in the event of a serious error or fraud.

The customer indemnifies Pauwels Consulting at all times for all claims from third parties.

### **Other provisions**

This privacy statement may be modified from time to time, taking into account aspects such as new laws and regulations or evolutions in this respect. These modifications take effect automatically after publication.

If one of the provisions above concerning the processing of personal data or any other provision is not valid, then all parties agree that this will be replaced by a provision that will approximate the underlying purpose of the provision concerned as much as possible.

Pauwels Consulting's privacy policy is governed by Belgian law.

To the exclusion of all others, the Belgian authorities (such as the Data Protection Authority) and the courts competent for the registered office have jurisdiction on any disputes and complaints that may arise with regard to this website or its use or regarding the processing of personal data or any other dispute.

Please contact [gdpr@pauwelsconsulting.com](mailto:gdpr@pauwelsconsulting.com) for any issue regarding conformity with applicable legislation, rights and obligations arising from the General Data Protection Regulation or the follow-up of any information security incident.

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