

BELHARRA SAS

Personal data protection policy

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016, known as the General Data Protection Regulation and commonly abbreviated to "GDPR", will constitute, from 25 May 2018, the new legislation applicable to personal data for all Member States of the European Union.

BELHARRA has therefore embarked on a process of compliance with the requirements of the GDPR, this action being in line with the measures already in place within the current legal framework resulting from the 1978 Data Protection Act.

BELHARRA is a service integrator and, as such, runs information campaigns for companies for which we are able to provide a professional service adapted to their needs. This communication approach is based on the management of a targeted contact base.

In the context of our activity, we may collect personal information about our prospects, customers, suppliers and business partners.

This database consists of two kinds of information:

- Most of the information concerns companies (company name, head office, workforce, sector of activity, turnover, results, budgets, projects, news, events, locations etc.).
- The database also contains, for each company, contact information (surname, first name, title in the company, professional e-mail address, direct line number) relating to "key" employees (managers, sales managers, marketing managers, financial managers, etc.).

This contact information constitutes personal data within the meaning of the Data Protection Act and the GDPR. However, it is non-sensitive data, relating only to the professional context and, for the most part, already public.

BELHARRA SAS

Head office: 155 Impasse Oihana, 64200 BASSUSSARRY -
FRANCE

Tel. : +33 5 59 70 40 70 - email : contact@belharra.fr -

www.belharra.fr

RCS Bayonne 489 218 933

This basis thus constitutes the main processing of personal data that we implement within the framework of our activity and is necessary for the legitimate interests pursued by BELHARRA and by our clients, it being specified that the RGPD expressly recognises that data processing for canvassing purposes can be considered as being carried out in order to respond to a legitimate interest (cf. article 6 of the GDPR, G29 statements, recital 47).

The changes brought about by the GDPR have led us to implement an action plan that sometimes exceeds the scope of our strict obligations under this new text. Thus, we have decided :

- 1- **To keep a register of processing operations:** we carry out a mapping of BELHARRA's processing operations in order to draw up and then update a register describing them in accordance with Article 30 of the GDPR.
- 2- **To appoint a Data Protection Officer (DPO),** a function that will be assumed by our current Administrative and Financial Manager. His missions and conditions of exercise will evolve in accordance with articles 37 to 40 of the GDPR.
- 3- **Adapt the measures to protect "data subjects"** both at the collection stage (by providing information in accordance with Articles 13 and 14 of the GDPR) and at the data processing stage (by exercising the existing rights of access, rectification, and opposition, as well as the right to limit processing and data portability).
- 4- **To adapt the security and confidentiality measures for the processed data,** with the existing security measures (physical and IT) and the confidentiality and data access management policy being upgraded and completed with regard to the requirements of the GDPR.
- 5- **To update contracts with our partners** involving the processing of personal data ("subcontractors" within the meaning of Article 28 of the GDPR) and to verify the technical and operational measures implemented by the latter.

The personal data collected in the course of our activity are kept for a legal period of time depending on their characteristics and purpose, as described in the records of processing activities.

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In accordance with the GDPR, you can exercise your right to access, rectify or delete your personal data by contacting our Data Protection Officer (DPO): Mrs Edith Fontagnères, 155 impasse Oihana, 64200 Bassussarry FRANCE, dpo-rgpd@belharra.fr

Information focus for sales and marketing activity:

The GDPR does state that it is necessary to obtain consent before sending an email, but there are exceptions and use for canvassing purposes is one of them.

In order to support this, we rely on Article 6 of the GDPR, the G29 statements, as well as Recital 47 of the GDPR:

□ Firstly, Article 6 of the GDPR lists legitimate interests as lawful processing

"Processing is lawful only if, and to the extent that, at least one of the following conditions is met:

- > the data subject has consented to the processing of his/her personal data for one or more specific purposes ;
- > the processing is necessary for the performance of a contract to which the data subject is party or for the performance of pre-contractual measures taken at the request of the data ;
- > the processing is necessary for compliance with a legal obligation to which the controller is subject;
- > the processing is necessary to protect the vital interests of the data subject or of another natural person;
- > the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;

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- > the processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, unless the interests or fundamental rights and freedoms of the data subject which require the protection of personal data prevail, in particular where the data subject is a child;
- > Point (f) of the first paragraph shall not apply to processing carried out by public authorities in the performance of their tasks.”

□ Secondly, the G29 statements and Recital 47 refer to prospecting as a legitimate interest:

- > The G29 considers that: "To be relevant under Article 7(f), a 'legitimate interest' must therefore :
 - be lawful (i.e. in accordance with the law in force in the Union and in the country concerned);
 - be formulated in terms that are sufficiently clear to allow the balancing test to be applied against the interest and fundamental rights of the data subject (i.e. sufficiently precise);
 - constitute a real and present (i.e. not hypothetical) interest.”

In the light of this definition, and as the G29 itself points out, "**the notion of legitimate interest could include a wide variety of interests, whether trivial or compelling**, obvious or more controversial. It is therefore in a second stage, when it comes to balancing these interests against the fundamental rights and interests of the data subjects, that a narrower approach should be taken and a more in-depth analysis carried out.”

- > **Recital 47 of the GDPR** gives three - more or less concrete - examples of legitimate interest (see above, § 1, 2):
 - Where there is a relevant and appropriate relationship between the data subject and the controller, in particular where the data subject is a customer of the controller or is employed by it.
 - Where the processing is carried out for the purpose of fraud prevention.
 - Where the processing is carried out for canvassing purposes.

Below is recital 47, which explicitly states the lawfulness of the legitimate interest linked to prospecting

: (47)

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The legitimate interests of a controller, including those of a controller to whom personal data may be disclosed, or of a third party may constitute a legal basis for the processing, unless the interests or fundamental rights and freedoms of the data subject prevail, having regard to the reasonable expectations of data subjects based on their relationship with the controller. Such a legitimate interest could, for example, exist where there is a relevant and appropriate relationship between the data subject and the controller in situations such as those where the data subject is a customer of the controller or is employed by the controller. In any case, the existence of a legitimate interest should be carefully assessed, in particular in order to determine whether a data subject can reasonably expect, at the time and in the context of the collection of personal data, that they will be processed for a particular purpose. In particular, the interests and fundamental rights of the data subject could prevail over the interest of the controller when personal data are processed in circumstances where the data subjects have no reasonable expectation of further processing. Since it is for the legislator to provide by law the legal basis for the processing of personal data by public authorities, this legal basis should not apply to processing operations carried out by public authorities in the performance of their tasks. The processing of personal data strictly necessary for the purpose of fraud prevention also constitutes a legitimate interest of the controller concerned. **The processing of personal data for the purpose of canvassing can be considered as being carried out in order to fulfil a legitimate interest.**

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