



# esco aandrijvingen b.v.

## Privacy policy

### Introduction

ESCO Aandrijvingen BV, hereinafter referred to as ESCO, collects a limited amount of personal data - primarily from its personnel, customers, prospective customers and suppliers - when realising its commercial objectives. Persons whose personal data is collected, hereinafter referred to as data subjects, must be able to trust us to treat their personal data in a safe and careful manner.

ESCO will do everything to make sure their privacy is safeguarded, which includes taking measures in the field of information security, data minimisation, transparency and user controls.

This policy sets out a clear strategy with regards to privacy and demonstrates our efforts to safeguard, protect and ensure privacy. This policy applies to the whole organisation and all processes within it.

### Underlying principles

ESCO adheres to the following underlying principles:

- The privacy policy is subject to the Dutch Personal Data Protection Act (WbP), which was replaced by the Dutch General Data Protection Regulation (AVG) on 25 May 2018.
- Personal data is processed with due care and in accordance with the law.
- ESCO ensures that personal data is only collected and processed for legitimate purposes. Personal data is only processed if there are legitimate grounds for doing so.
- ESCO only processes personal data that is needed for its predetermined objective and attempts to keep data processing to a minimum.
- Personal data is never stored for longer than strictly necessary. It may be necessary to store personal data in order to effectively carry out our tasks, perform reporting-related activities or comply with legal obligations.
- ESCO handles personal data with care and always treats it as confidential. For instance, personal data is only processed for the purposes for which the data was collected, by people who are bound by confidentiality. We also make sure personal data is properly secured when doing so.
- If collaborations with third parties mean personal data must be processed, ESCO always makes arrangements concerning requirements for data exchange and establishes these arrangements in processing agreements.
- ESCO respects all rights of data subjects.

These underlying principles have been further specified below.



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## 1. Legislation and definitions

The Personal Data Protection Act (WbP) expires on 25 May 2018 and will be immediately superseded by the General Data Protection Regulation (GDPR).

The following terms are used in the GDPR (Article 4, GDPR):

### Data subject

The person to whom the personal data relates or the person whose data is processed.

### Processor

The person or organisation that processes the personal data under instruction from another person or organisation.

### Personal data

All data relating to people, which can be used to identify people as individuals. This not only relates to confidential data, like about someone's health, but all types of data that can be traced to a particular person (for example: name, address, date of birth, e-mail address and telephone number). Besides regular personal data, the law also refers to special personal data. This data relates to sensitive subjects, such as ethnic background, political preferences or Citizen service number (BSN).

### Controller

The person or body that, either alone or together with another party, determines the purpose and resources for processing personal data.

### Processing

Processing refers to all actions relating to personal data, such as: registration, storage, collection, compilation, supply to another party or destruction.

## 2. Scope

The privacy policy applies to all personal data processing carried out by ESCO.

## 3. Responsibility

The board bears final responsibility for processing carried out by or on behalf of ESCO. The board has assigned executive duties to the financial administration department.



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## 4. Processing (Article 4, GDPR)

Personal data processing includes all actions or series of actions involving personal data, possibly carried out via automated processes. Under the GDPR, 'processing' also includes:

- Collection, registration and organisation
- Storage, editing and modification
- Request, reference and use
- Supply via transmission
- Distribution or any other form of provision
- Merging, linking with other data
- Protection, deletion or destruction of data

This summary shows that all actions relating to personal data are regarded as 'processing'.

### *Purposes (Article 5, GDPR)*

According to the law, personal data can only be collected if a purpose for doing so has been identified. The purpose must be described explicitly and must be legitimate. Data cannot be processed for other purposes. When certain laws are executed, like e.g. the Wet Loonbelasting (Wages Tax Act), purposes for processing data have already been stipulated, as has the personal data that can be requested and processed in this regard.

### *Legitimate basis (Article 6, GDPR)*

The law stipulates that any form of personal data processing must be accompanied by a legitimate basis in the law. This means processing can only take place:

- To honour an obligation imposed by law
- To execute an agreement that includes/included the data subject
- To counteract serious threat to the health of the data subject
- To exercise a public task
- For a legitimate interest (whereby the privacy of the data subjects must be given explicit consideration)
- If the data subject has provided consent for the specific processing

### *Means of processing*

The general rule when processing personal data is that it is only permitted in accordance with the law and if it is done with due care. This applies to ESCO when processing the personal data of employees under the Wet Loonbelasting (Wages Tax Act). ESCO also processes personal data when executing contracts.

Personal data is collected from the data subject wherever possible.

ESCO takes appropriate organisational and technological measures to protect personal data. The aim is to prevent personal data from being accessed or modified by persons who are not authorised to do so. Our information security policy mentions exactly how this is achieved.

### *Transfer (Article 44 to 50, GDPR)*

ESCO does not transfer personal data to countries located outside the European Economic Community (EEC).



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## 5. Transparency and communication

### *Information obligation (Article 13.14, GDPR)*

ESCO informs all data subjects about the processing of personal data. When data subjects supply data to ESCO, they are also informed about how their personal data will be handled. This can, for example, take place via a form.

If data is obtained in another manner, thus not via the data subject, the data subject is informed when data is processed for the first time.

### *Deletion*

ESCO does not store personal data for longer than necessary, and complies with legal storage periods. Stored personal data will be deleted as soon as possible if it is no longer needed to achieve its stipulated purpose. This means the data will be destroyed or modified so information can no longer be used to identify individuals.

### *Rights of data subjects (Article 13 to 20, GDPR)*

Besides stipulating obligations for parties that process personal data, the law also identifies rights for the people whose personal data is processed. These rights are also referred to as the 'rights of data subjects', and include the following rights:

- Right to information: Data subjects are entitled to ask ESCO about which of their personal details are being processed.
- Right of access: Data subjects are entitled to check whether, and in which manner, their data is being processed.
- Right to correction: If it transpires that certain data is inaccurate, the data subject can request ESCO to correct it.
- Right to limit processing: Data subjects are entitled to ask ESCO to no longer use their personal data.
- Right to be forgotten: If data subjects provide consent to process personal data, they will also be entitled to have this personal data deleted.
- Right to objection: Data subjects are entitled to submit an objection against their personal data being processed. ESCO will comply with this objection unless there are legitimate grounds for processing.

### *Submitting a request*

The data subject can exercise his or her rights by submitting a request. This request can be submitted in writing or via e-mail. From the moment the request is received, ESCO will have four weeks' time to assess whether the request is justified. ESCO will inform the data subject about the fate of the request within four weeks. If the request is ignored, it is possible to submit an objection to ESCO or submit a complaint to the Dutch Data Protection Authority (Autoriteit Persoonsgegevens). ESCO can submit a request for additional information in order to confirm the identity of the data subject, which includes a copy of his/her proof of identification, where the photo and Civil service number (BSN) have been redacted.



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## 6. Automatic processing

### *Profiling (Article 22, GDPR)*

ESCO does not use profiling.

### *Big data and tracking*

ESCO does not use Big data and tracking.

### *Use of cameras*

ESCO does not process camera images.

## 7. Obligations of ESCO

### *Processing register (Article 30, GDPR)*

ESCO is not legally obligated to keep a register of processing activities. However, a decision has been made to set up a processing register to gain proper insight into personal data processing and protection.

For each group of processed personal data, this register describes:

- The name and contact details of the controller
- The purpose of processing
- The type of personal data and the accompanying data subjects
- The recipients of the personal data
- If personal data is shared with a third country or international organisation
- The storage period
- The general security measures

### *Data protection impact assessment (Article 35, GDPR)*

ESCO is not obligated to perform a Data Protection Impact Assessment (DPIA).

### *Appointment of a Data protection officer (FG) (Article 37 to 39, GDPR)*

ESCO is not obligated to appoint a Data protection officer.

### *Data breaches (Article 33,34, GDPR)*

Data breaches are encountered when personal data falls into the hands of third parties that are not entitled to access the concerned data. If a data breach occurs, ESCO will report it (if legally obligated to do so) to the Dutch Data Protection Authority (AP) without unreasonable delay, which means within 72 hours of becoming aware of the leak. If this 72-hour period is exceeded, the report must be accompanied by an explanation for the delay. In some cases, breaches could present major risks to the rights and freedoms of data subjects. If this is the case, ESCO will notify the data subjects of this in clear and simple language. To prevent future data breaches, encountered data breaches will be evaluated and additional measures will be taken if necessary.

All data breaches are recorded in a Data breach register, For this purpose, a separate document has been set up.

The 'Step-by-step plan for reporting data breaches' is followed when deciding whether data breaches must be reported to the Dutch Data Protection Authority and the data subject(s). These considerations and choices are recorded in the Data breach register in accordance with these diagrams.



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## Conclusion

The data subject can submit a complaint to ESCO if ESCO fails to meet one of its legal obligations. The board of ESCO will have the final say over matters not addressed in this privacy policy.

## Disclaimer:

This document is a simple and understandable translation of existing privacy legislation and is based on the GDPR. Naturally, applicable laws and regulations will always have priority and no rights can be claimed on the basis of this document.

If this privacy policy has also been drawn up in a language other than Dutch, in the event of disputes, the Dutch text is always decisive.

Hereby approved by the board of ESCO on 18 February 2019.