

PRIVACY POLICY AND DATA OUTSOURCING CONTRACT

WHO ARE WE?

Your personal data are processed by **Be-Mobile NV**, which is headquartered in Kardinaal Mercierlaan 1a, 9090 Melle (Belgium), as the **processing manager** according to the legal and regulatory provisions regarding personal data protection. If you have any further question, please contact us by sending an e-mail to privacy@be-mobile.com or getting in touch with our helpdesk.

PRELIMINARY REMARKS ON THE PRIVACY POLICY

Scope of application The current Privacy Policy (hereafter “the Policy”) shall apply between you and Be-Mobile NV when you use our website (accessible via www.4411.io or any other domain name redirecting the surfer towards this website), our services described in the Terms of Use (available on <https://4411.io/nl-be/algemene-voorwaarden>), our 4411 Mobile Application, or yet again, when you contact us by e-mail, phone, fax, or through social media (such as Instagram, Facebook, Twitter or LinkedIn).

Definitions. The meanings of the words written with a capital letter in the current Privacy Policy are given in the Terms of Use (available on <https://4411.io/nl-be/algemene-voorwaarden>).

Changes. Be-Mobile reserves the right to modify the current Privacy Policy at any time. Once this occurs, Be-Mobile will advise you in due time and to the extent possible of these changes and of the effective date of these changes. Shall we be unable to notify you of a change in our Privacy Policy, you will be kept informed through our website or our 4411 Mobile Application. If you don't agree to a change of the Privacy Policy, you shall immediately stop using our services and delete the 4411 Mobile Application from your device.

Cookies. For further information on the manner how we process personal data by cookies, you may check our Cookies Policy, available on <https://4411.io/nl-be/cookiewetgeving>.

INFORMATION FOR NATURAL PERSONS REGARDING THE PROCESSING OF PERSONAL DATA

The provisions below apply to each Final User and Pro User who are natural persons. Pro Users which are not natural persons shall refer to the data outsourcing contract below.

ARTIKEL 1. TYPES OF PERSONAL DATA THAT WE PROCESS

1.1. The chart below shows the personal data categories that we process for every type of service provision. Please note that several cases may apply if you use different types of services.

	Type of service provision	Categories of personal data that we process
1.	Communication. If you communicate with us through any communication channel, we shall process:	your identity details: i.e. the identity details which you provide us, e.g. your name. your contact details: i.e. the contact details you send us, such as your e-mail address or phone number. the communication content: i.e. the content of your message, question or claim, although you are requested to avoid providing us sensitive data, such as health details. All the same, shall you provide us sensitive data which aren't necessary as part of your message, question or claim, we shall filter and delete them to the extent possible. technical details: i.e. technical details on your message, question or claim, such as their date and time or the phone number you used to call our helpdesk.
2.	Website and social media. When you use our website or social media channels, we process:	technical details: i.e. technical details on your visit, including details on the device (laptop, Smartphone, etc.) with which you visited our website or our social media channels. This information includes your IP address, your operating system, your browser type, your geographical position, the web pages' response time and the possible download errors. other details: i.e. the other details you send us, as for instance, upon creating an account.
3.	Services. When you use our Services, we process:	mandatory account details: i.e. the details required for creating your Easy account,

		<p>including your name, address, place of residence, e-mail address, phone number and the different activated Services.</p> <p>the employer (unless an objection is raised): i.e. unless you've raised an objection against it, the User Pro identity that you've associated with the Pro Account, e.g. your employer.</p> <p>additional account details: i.e. other details you send us, such as your language, your payment and billing details, as well as your associated vehicles (with matching names and registration plates) and associated phone numbers (with matching names).</p>
4.	Pro Services. When you use our Pro Services, we process:	<p>mandatory account details: i.e. the details required for creating your Pro Account, e.g. details on the company, the contact person's name, phone number and e-mail address, the mailing address, billing address, language and different activated Services.</p> <p>additional account details: i.e. other details you send us, such as your language, your payment details, as well as your associated vehicles (with matching names and registration plates) and associated phone numbers (with matching names).</p>
5.	4411 Mobile Application. When you use our 4411 mobile application, we process:	<p>technical details: i.e. technical details on your usage, including details on the device (Smartphone, tablet, etc.) with which you used our 4411 Mobile Application.</p> <p>the geographical position (under consent): i.e. the geographical location where you are, provided that you have given your consent to supply this information.</p>

ARTIKEL 2. PURPOSE AND LEGAL BASIS OF YOUR PERSONAL DATA'S PROCESSING

2.1. We shall process your personal data only:

- a) for the purposes stated in the current Privacy Policy, and
- b) if we have the legal basis for this purpose.

2.2. The legal basis on which we rely are as follows:

- a) **Contract:** A contract concluded with you that we shall fulfill, or the steps to follow before concluding a contract with you.
- b) **Consent:** Your free consent, given after being informed of its implications.
- c) **Legitimate interest:** A legitimate interest that we as an organization have, e.g. regarding the enhancement of our service delivery.
- d) **Legal obligation:** A legal obligation to which we are subject.

2.3. The chart below states for what purposes we process your personal data, along with this process's legal basis.

	Purpose	Legal basis
1.	Creating and managing your account: we process your personal data in order to create and manage your Easy Account or Pro-Account.	Contract: Upon creating your account, you conclude a contract with us, composed of the Terms of Use which apply to the delivery of our services.
2.	Providing our services: We process your personal data in order to provide you with Services or Pro-Services or in order to answer your questions on this matter.	Contract: Upon using our Services or Pro Services, you conclude a contract with us, composed of the Terms of Use which apply to the delivery of our services.
3.	Marketing: We may process your personal data in order to send you ads related to our products and services and to analyze those ads.	Consent: When checking the box upon creating your account, you give your consent by not making an opposition. You may always withdraw your consent by unsubscribing. See also Article 7.7 of the current Privacy Policy.
4.	Improving your user experience based on your geolocation: We may process your geolocation data via the 4411 Mobile Application to enhance your 4411 Mobile Application user experience. Thus, we may for instance automatically fill out some input fields and provide relevant suggestions (e.g. the closest parking terminal).	Consent: You give your consent for this purpose by stating via your cell phone's operating system that you permit access by the 4411 Mobile Application to your geolocation data. You can always withdraw your consent from your cell phone's settings.
5.	Improving our products and services: We may process your personal data in order to analyze and enhance our products and services.	Legitimate interest: We do our best to enhance your user experience by continually analyzing and improving our products and services.

6.	Protection: We may process your personal data in order to protect the security of our systems and of your data as well as we can, e.g. by performing a backup.	Legitimate interest: We strive to protect our systems and your personal data as well as we possibly can.
7.	Informing yourself: We may process your personal data in order to inform you about our products and services and, more precisely, about the changes brought to our prices, Terms of Use, Privacy Policy or Cookies Policy.	Legitimate interest: We strive to keep you informed about the changes brought to our products and services which you should be aware of.
8.	Protection of our interests or those of third parties: We may process your personal data in order to protect our legitimate interests or those of third parties if the use you make of our products or services constitutes a breach of our Terms of Use or if you jeopardize or threaten to jeopardize the security of either our systems or those of third parties.	Legitimate interest: We strive to protect our interests as well as those of third parties.
9.	Request from the authorities: We may be legally obliged to process your personal data or to send them to an appropriate judicial authority, or its representatives, following their reasonable request, or to the police on our own account if we have founded suspicions that the use you make of our products or services constitutes a misdemeanor.	Legal obligation: In some cases, we may be obliged to process your personal data in order to fulfill a legal obligation.
10.	Other legal obligations: We may equally be obliged to process your personal data in order to fulfill a legal obligation to which we are subject, e.g. an accounting obligation.	Legal obligation: In some cases, we may be obliged to process your personal data in order to fulfill a legal obligation.

ARTIKEL 3. TO WHOM DO WE SEND YOUR PERSONAL DATA?

3.1. We may send your personal data to other entities belonging to the Be-Mobile group and we may also call upon third-party subcontractors to process your data for purposes described in Artikel 2 above, such as:

- a) to recommend you our website (as host),
- b) to send you our ads (as marketing company),

- c) to process your Session (as Partner),
 - d) to process your payment (as payment service provider).
- 3.2. These third-party subcontractors may only process your personal data in accordance with our instructions. We equally guarantee that each of these third-party subcontractors were selected with the utmost care and are committed to ensure the security and integrity of your personal data.
- 3.3. We may be legally obliged to send your personal data to competent authorities or their representatives, to judicial authorities, to public authorities or government agencies, including to relevant data protection authorities, for us to comply with a legal obligation as stated in Artikel 2.
- 3.4. We won't send your personal data in identifiable form to any other third party than those mentioned in Articles 3.1 and 3.2 without your express consent. We may, however, send anonymised and/or aggregated data to other third parties, who may use these data to improve our services as well as their marketing.

ARTIKEL 4. PERSONAL DATA PROCESSING LOCATION

- 4.1. Your personal data are essentially processed within the European Economic Area (EEA).
- 4.2. In order to process your personal data for the purposes outlined in Artikel 3 above, we may equally transfer your data to third parties processing them on our behalf outside the EEA. Any entity outside the EEA processing your data shall observe the suitable precautions regarding the processing of your personal data. Such precautions shall be settled by:
 - a) a [decision](#) of the European Commission establishing the adequacy,
 - b) the '[EU-United States data protective shield](#)', or
 - c) contractual guarantees.
- 4.3. We may transfer anonymised and/or aggregated data to third parties outside the EEA. Shall such a transfer occur, we shall make sure that every precaution established ensures the security and integrity of your data and of every right regarding your personal data which you may have under the current binding law.

ARTIKEL 5. PERSONAL DATA PROCESSING TIME

- 5.1. Your personal data will only be processed as long as necessary for the purposes stated in Artikel 3 to be fulfilled or, if applicable, until the moment you withdraw your consent. The withdrawal of your consent may imply that you won't be able to use all or part of our website or of our 4411 Mobile Application.
- 5.2. We will misidentify your personal data as soon as they are no longer necessary for the purposes described in Artikel 3 above, except in the following cases:

- a) if it were in the best interest of Be-Mobile, or another third party, to keep your personal data in identifiable form, or
- b) a legal or regulatory obligation, or court or administrative decision preventing us from misidentifying your personal data.

ARTIKEL 6. SECURITY OF YOUR PERSONAL DATA

- 6.1. We will take the relevant technical and organizational measures to protect your personal data against unlawful entry and theft, as well as any accidental loss, falsification or accidental destruction. Nevertheless, you understand that your personal data protection represents an obligation of means. Access to your personal data shall be granted to our staff or third-party subcontractors only to the necessary extent and shall be subject to the relevant privacy obligations.

ARTIKEL 7. YOUR RIGHTS

- 7.1. **Access right.** You have the right to be informed of whether we process or not your personal data, and if that is the case, to have access to these data.

You may exercise this right by consulting your profile via your Easy Account or Pro-Account. You may also exercise it by submitting a request to us as described in Article 7.8 of the current Privacy Policy. We reserve the right to bill you a reasonable administration allowance for successive repeated requests which are clearly submitted to harm or affect us. Each request should specify for the processing activity for which you wish to exercise your access right and the data categories that you wish to consult.

- 7.2. **Right of rectification.** You have the right to correct your personal data, i.e. to ask for the inaccurate data regarding you to be corrected for free.

You may exercise this right by modifying your profile via your Easy Account or Pro-Account. You may also exercise it by submitting a request to us as described in Article 7.8 of the current Privacy Policy. If you submit a rectification request by e-mail or by letter, it shall be accompanied by a proof of the data's inaccuracy.

- 7.3. **Right to erase data.** You have the right to erase your personal data, i.e. to ask for them to be erased if they are no longer necessary in the light of the purposes mentioned in Artikel 3 above or shall you withdraw your consent for their processing.

You may exercise this right by closing your Easy Account or Pro-Account via your profile settings. You may also exercise it by submitting a request to us as described in Article 7.8 of the current Privacy Policy. However, you must keep in mind that, in case such a request were submitted, we shall consider:

- a) our interests and those of third parties, which may count more than yours, and
- b) all legal and regulatory obligations, or court or administrative decisions which may be in contradiction with the erasure of your data.

- 7.4. **Limitation right.** You have the right to limit the processing of your personal data instead of erasing them, i.e. to ask us to limit the processing of your data shall:
- a) we carry out the control of your personal data's accuracy,
 - b) the processing be illegitimate and you oppose yourself to the erasure of your personal data,
 - c) you need your personal data to assert, exercise or defend your legal rights, while we don't need your data any more for the purposes mentioned, or
 - d) we assess whether our interests are worth more than yours once you enforce your right of opposition.
- 7.5. **Right of opposition.** You still have the right to oppose processing of your personal data for direct marketing purposes. In any other case, you have the right to oppose processing of your personal data if:
- a) the processing is based on our legitimate interest and
 - b) you are able to demonstrate the existence of the serious and justifiable reasons regarding your specific case justifying such an opposition and
 - c) our legitimate interests don't prevail over your interests.
- 7.6. **Right to data portability.** You have the right to data portability, i.e. you can obtain from us all the personal data you supplied us in a structured format, currently used and readable by machine if your data is processed by automated means and based on your consent or on a contract concluded with you.
- 7.7. **Right to withdraw consent.** If the processing of your personal data rests upon your consent, you always have the possibility to withdraw your consent as mentioned in Artikel 2 of the current Privacy Policy. You can always unsubscribe to opt out of receiving e-mails informing you about our products and services. However, as long as you have an Easy Account or Pro-Account, we shall continue to send you essential e-mails, i.e. e-mails informing you about our price changes, Terms of Use, Privacy Policy or Cookies Policy, among other things.
- 7.8. **Request submission.** If you wish to exercise one of your aforementioned rights, it is possible, in some cases, to do so in your Easy Account or Pro-Account settings. You can equally submit your request by sending an e-mail to privacy@be-mobile.com. We shall acknowledge receipt of your request. If your request is worthwhile, we shall fulfill it as soon as reasonably possible and within thirty (30) days from the receipt of the request at the latest.

ARTIKEL 8. CONTACT AND CLAIMS

- 8.1. If you have any question or claim regarding the way we process your personal data, you may contact us by sending an e-mail to privacy@be-mobile.com or a letter to Be-Mobile NV, Kardinaal Mercierlaan 1a, 9090 Melle (Belgium).
- 8.2. You always have the right to lodge a complaint before the relevant data protection authorities.

DATA OUTSOURCING CONTRACT FOR PRO-USERS THAT AREN'T NATURAL PERSONS

The provisions below apply solely to Pro Users that have a Pro Account and aren't natural persons. Furthermore, they only apply to the extent that Be-Mobile acts as a subcontractor ('processor') of personal data on the instructions of the Pro-User and to the extent that no contrary express agreement was achieved between Be-Mobile and the Pro-User.

- (1) In terms of the processing of personal data by Be-Mobile on behalf of the Pro-User in accordance with the Terms of Use, the Pro-User is accountable and Be-Mobile subcontractor according to Regulation (EU) No 2016/679 of 27 April 2016 regarding the protection of natural persons in respect of the processing of personal data and the free movement on such data (GDPR).
- (2) The processing concerns the following personal data types: the personal data categories defined in Article 7 of the Terms of Use.
- (3) This processing regards the following categories of data subjects: Pro Users, contact person, staff members and associate workers.
- (4) This processing is made for the purpose to execute the Terms of Use and eventually in order to deliver the services after the closure of the Pro-Account. The processing time is equal to that of the Pro-Account and essentially ends at the closure of the Pro-Account unless the services remain delivered after this closure.
- (5) The Pro-User hereby grants to Be-Mobile a general authorization for the recruiting of other subcontractors ('sub-subcontractors') of data. If the Pro-User opposes to the addition or replacement of other subcontractors, each party may terminate the Terms of Use without judicial intervention nor compensation, coming into effect on the date when the addition or replacement shall occur. In that case, the Pro-Account shall be closed that same day.
- (6) Be-Mobile shall only process personal data upon receipt of written instructions from the Pro-User, even regarding the transfer of data towards a third country or international organization, unless one of the Union's or Member State's legal provision to which Be-Mobile is subject to requires otherwise. In such a case, Be-Mobile shall inform the Pro-User of that legal obligation before carrying out the processing unless the law prohibits this notification for important general interests grounds.
- (7) Be-Mobile will ensure that the people entitled to process the personal data shall respect their privacy or be legally obliged to do so.
- (8) Be-Mobile shall take all the mandatory measures under article 32 of the GDPR and fulfill the conditions referred to in articles 28.2 and 28.4 of the GDPR for the recruiting of sub-subcontractor ('sub-processor') of data.
- (9) Be-Mobile shall help the Pro-User as much as possible, by means of relevant technical and organizational measures and taking into account the nature of the processing, by fulfilling the obligations to meet the requirements of the concerned people wishing to exercise their rights defined in section III of the GDPR.
- (10) Be-Mobile shall help the Pro-User to meet their obligations under articles 32 to 36 of the GDPR, in accordance with the nature of the processing and data available to Be-Mobile.

- (11) Upon the closure of the Pro-Account related to the processing, Be-Mobile shall delete all personal data and their existing copies, unless one of the Union's or Member State's legal provision recommends storing these data. If the Pro-User wish to receive all these personal data regarding the processing, they shall contact the Helpdesk before the Pro Account's closure.
- (12) Be-Mobile shall provide the Pro-User with all the necessary data to demonstrate the compliance with article 28 of the GDPR and allow audits, including inspections, undertaken by the Pro-User or any other auditor mandated by them, and shall provide their full cooperation. Be-Mobile will inform the Pro-User without delay shall they consider a task against the provisions of the GDPR or any other provision regarding data protection in the EU or a Member State. An audit may be carried out under reserve that Be-Mobile be informed by registered mail at least three weeks prior, at the most twice per contract year, and any day of the week (between 9 a.m. and 6 p.m.) except on Saturdays, on Sundays, on legal holidays in the country where Be-Mobile is settled, and on Be-Mobile's collective holidays due to leaves. The audits are at the Pro-User's charge.
- (13) Be-Mobile considers that the Pro-User's speaker, mentioned in the profile settings, is the person responsible for data protection within the Pro-User's organization.