

PERSONAL DATA PROTECTION CHARTER

TABLE OF CONTENTS

1	OUR PERSONAL DATA PROTECTION COMMITMENTS.....	2
1.1	KEY PRINCIPLES.....	2
1.2	REPORTING PROCEDURES.....	3
1.3	GDPR MANAGER.....	3
2	PERSONAL DATA PROCESSING.....	4
2.1	HOW DO WE COLLECT YOUR PERSONAL DATA?.....	4
2.2	WHAT IS THE NATURE OF THE DATA COLLECTED?.....	4
2.3	WHAT IS THE PURPOSE OF YOUR PERSONAL DATA PROCESSING?.....	5
2.4	WHO ARE THE RECIPIENTS OF YOUR PERSONAL DATA?.....	6
2.5	HOW LONG DO WE RETAIN YOUR PERSONAL DATA?.....	7
2.6	ON WHAT LEGAL BASIS IS YOUR PROCESSING DATA LEAN?.....	8
3	WHAT YOUR RIGHTS ARE?.....	9
3.1	RIGHT TO INFORMATION, RIGHT OF ACCESS, RIGHT OF RECTIFICATION, RIGHT TO ERASURE.....	9
3.2	RIGHT OF OPPOSITION.....	9
3.3	RIGHT TO DATA PORTABILITY.....	9
4	OUR DATA SECURITY MEASURES AND CONFIDENTIALITY COMMITMENTS.....	10
	GLOSSARY.....	11

1 OUR PERSONAL DATA PROTECTION COMMITMENTS

As part of the privileged relationship shared with each of its customers, Négométal SARL would like to inform you of its commitments regarding the protection of your personal data.

Despite the exclusion of legal persons and professional data of companies from the scope of the Directive, it should be noted that Négométal SARL may be compelled by law, toll-service operators regulation, tax or customs administration, to collect personal data and information, particularly regarding the company's managers and/or shareholders.

This charter sets forth clear, simple and sincere information about the data processing conducted by Négométal SARL and your rights concerning your personal data in a single document. This charter will enable you to understand what information and personal data we collect and how we use it to provide you with new services on a day-to-day basis while respecting all your rights concerning your personal data. Whatever the method of contact used, Négométal SARL is committed to protecting your privacy in accordance with the legislation in effect, by ensuring the protection, confidentiality and security of the personal data that you entrust to us.

1.1 KEY PRINCIPLES

Négométal SARL is committed to the principles that are essential for respecting fundamental rights and for complying with all applicable laws and regulations, in particular the General Data Protection Regulation GDPR (Regulation (EU) 2016-679 of 27/04/2016):

- **Transparency:** we provide you with useful information on the purposes and recipients of your collected data;
- **Legitimacy and relevance:** we only collect and process the data necessary for the stated purposes;
- **Confidentiality and integrity:** we implement all reasonable technical and organizational measures to protect your personal data against disclosure, loss, modification or access by unauthorized third parties;
- **Retention:** we retain your personal data solely for the time necessary for the defined processing purposes or service;
- **Respect of your rights:** we provide you with an option to access, rectify and delete your personal data. We remain available to exercise your right of opposition and your right to data portability.

1.2 REPORTING PROCEDURES

According to the recital¹ 37 of the GDPR 2016/679:

“A group of undertakings should cover a controlling undertaking and its controlled undertakings, whereby the controlling undertaking should be the undertaking which can exert a dominant influence over the other undertakings by virtue, for example, of ownership, financial participation or the rules which govern it or the power to have personal data protection rules implemented.

An undertaking which controls the processing of personal data in undertakings affiliated to it should be regarded, together with those undertakings, as a group of undertakings.”

We can consider Luso Iva, Negobiter, Négoméтал SARL, Soset srl, Trans vat RO, Trans vat SK, Vat BG and Vat Polska as a **group of undertakings** with Négoméтал SARL as the controlling undertaking.

As a pan-European group with companies established across several member states of the European Union, Négoméтал SARL and its sister companies provides you with a single point of contact for all processing activities within European Union: “the lead authority”.

The CNIL (French data protection agency) offers the companies to become their “lead authority” following a submission of statement. Therefore **the CNIL is now the unique contact of Négoméтал group concerning all the GDPR procedures.**

1.3 GDPR MANAGER

NAME SURNAME: Philippe LABOURDETTE

E-mail address: rgpd@negometal.com

The GDPR Manager is your privileged contact for all questions concerning your data processing as well as your legal rights. He is also the point of contact with the CNIL and Négoméтал group.

¹ Refer to the “whereas” clauses that precede the main text of a law and explain the reasons upon which it is founded.

As part of our commitment to our customers, Négométal SARL is required to collect some of your personal data in accordance with the current regulations. The data processing information are:

2.1 HOW DO WE COLLECT YOUR PERSONAL DATA?

Your personal data may be collected:

- **When opening a customer account upon your request** (information form, contract signature, collection of documents required for the subscribed services...);
- **During the follow-up of our sales relationship exchanges** (customers and prospects);
- When you fill in the **banner “contact-us” on one of our Website pages**;
- **Automatically when you visit Négométal group Website** (navigation, URL, cookies...);
- **Automatically when you connect to your customer account** on Négométal group Website (login details...)

2.2 WHAT IS THE NATURE OF THE DATA COLLECTED?

Declarative personal data are collected through forms that are in digital format on our websites, on paper or in response to questions asked by our Customer Relationship department. **The mandatory declarative data are specified by an asterisk on the collection medium.** To benefit from our products and services, it can be necessary, except in special cases, to collect:

- One or more proofs of identity detailing the following data, which we use: surname, first name, date and place of birth.

The postal address, e-mail address, landline or mobile phone number that we request are only business data except for single-member companies or when the client is as well the company manager.

Exclusion of particular categories of personal data

In accordance with the law, under no circumstances do we collect certain categories of personal data comprising data that could reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, union membership, personal genetic data, biometric data for the unique purpose of identifying a natural person, personal data in relation to health or in relation to the sexual life or sexual orientation of a natural person. **These particular categories of personal data are never collected or processed by Négométal SARL.**

- Maintain and update our **customer files** ;
- Manage our **business relationship** ;
- **Offer you the following Négométal group services:**
 - Tax services (VAT Refund ; Excise duties recovery)
 - Payment solutions (Toll payment solutions ; C2A services - MasterCard payment / Debit card)
 - Legal services (Fiscal representation ; Cartel assistance ; Macron Law, Law 136)
- Manage **accounting** (ex: billing, reimbursement...)
- For **technical purposes** (ex: requests for information from tax administrations or customs control, labor inspection within the framework of the social mandate of the Macron Act, VAT and duties taxes reimbursement...)
- For compliance to **potential enquiries and requests** from legally authorized public bodies (ex: tax administrator, customs ...);
- **Target the communication** carrying out statistical studies based on general information (URL, country of consignment, e-mail address). Those are **the only personal data analysis done** by Négométal SARL.

2.4 WHO ARE THE RECIPIENTS OF YOUR PERSONAL DATA?

We make sure that **only authorized persons within Négométal SARL and its sister companies** can access your personal data when it is necessary for the execution of our business relationship.

Our service providers may also be recipients of personal data when it is strictly necessary for the performance of the services, we entrust to them. Example of providers:

- Suppliers (Toll Services),
- Accounting officer (Fiscal Representation),
- Law firm (Legal Assistance Services).

Transactions with third-party recipients of your data are subject to a contract to ensure the protection of your data and the respect of your rights.

Each companies of Négométal group mentioned above has undertaken to ensure that any processing of your data will be carried out in compliance with your rights. Négométal SARL may therefore have to carry out data transfers with its sister companies for a specific purpose, in accordance with the standards in force.

Certain personal data may also be sent to third parties to meet **legal, regulatory or contractual obligations** or to **legally authorized public bodies**:

- Information request from tax authorities or customs (VAT, Toll and Excise Duty Services),
- Labor inspection (Corporate Appointment).

NÉGOMÉTAL SARL DOES NOT TRANSFER ANY DATA TO COUNTRIES OUTSIDE OF THE EUROPEAN ECONOMIC AREA².

²Member country of the EEA: Austria, Belgium, Bulgaria, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherland, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom.

2.5 HOW LONG DO WE RETAIN YOUR PERSONAL DATA?

The article 5 of the declaration n°2016-264 of 21/07/2016 (NS-048) defines that personal data may not be retained beyond the time strictly necessary for the business relationship. However, **data used to establish proof of a right or contract, or stored in compliance with a legal obligation, may be subject to an intermediate archiving policy for a period not exceeding the duration necessary for the purposes for which they are stored and in accordance with the provisions in force.**

In order to comply with all applicable laws and regulations, any document issued or received by a company must be retained for a certain minimum period of time during which the administration may carry out post-clearance inspections. These limitation periods are defined by various reference texts according to the nature of the document to be kept and the related legal obligations.

Since the implementation of the GDPR, any document referred to above **containing personal data on natural persons must not have its maximum storage period exceed the limitation period.**

Aside from the Corporate Office services for which the minimum legal retention period is 18 months after the employee's secondment time, **the minimum AND maximum intermediate archiving retention period** for any documents containing personal data of natural persons within Négométal SARL are set out in the table below:

	CATEGORIES OF PERSONAL DATA AND RELATED DOCUMENTS	ACTIVE RETENTION RULES	REFERENCE DOCUMENT
CUSTOMER DATA	Your customer account data*	5 years	Article 110-4 of the Commercial Code
	Personal login data for websites	kept as long as necessary for the management of the business relationship	Article 5 of the deliberation n°2016-264 of the 21-07-2016
LEAD DATA	Identification and contact data: - Title - Name - Surname - E-mail address and phone	3 years following the data collection or the last contact from the prospect	Article 5 of the deliberation n°2016-264 of the 21-07-2016
	Navigation data and cookies	13 months	Article 5 of the deliberation n°2016-264 of the 21-07-2016

*Are concerned **all documents collected during the opening of a contract and containing personal data** of the manager, the employees affiliated or any other natural person (ex: Trade register, bank account details, car registration document, the contract in itself...).

2.6 ON WHAT LEGAL BASIS IS YOUR PROCESSING DATA LEAN?

We use your data in accordance with the terms of this Charter, the general terms and conditions of sale or use of our products or services, with a constant concern for the transparency and the security of your data. For this purpose, the processing of your data may be based on different legal basis:

- **The consent of the person:** when, following clear, apparent and precise information concerning the processing operation, you have agreed by means of a written declaration, including by electronic means that your personal data can be processed;
- **The legal interest:** when the legal interest of Négoméтал SARL or the recipients of the information (such as toll-service operators) may be a sufficient evidence to justify your personal data processing (such as credit insurance, bank guarantee...);
- **The signature of a contract:** when your data is necessary for the execution of a sales contract, the general terms and conditions of sale or use or the pre-contractual measures taken in respond to your request;
- **Legal or regulatory obligation:** when Négoméтал SARL have to comply with potential enquiries and requests from legally authorized public bodies (ex: tax authorities or customs, labor inspection for the Corporate Appointment...)

These processing operations are carried out taking into account your interests and your fundamental rights as customers. As such, they are combined with measures and guarantees to ensure the protection of your interests and rights, while striking a fair balance with the legitimate interests we pursue.

In accordance with the GDPR, any person involved in the processing of personal data has right enabling him/her to keep control of the data concerning him/her. We commit to respect these rights and provide you an easy access to them:

- **By postal mail** accompanied by a copy of any identity document, sent to the "GDPR manager" at the following address: NEGOMETAL SARL, 6 chemin de Jorlis, 64600 Anglet (France);
- **By e-mail** with a scan of any identity document with an object bearing the wording "GDPR", at the following E-mail address: rgpd@negometal.com

The data controller³ commits to reply **within 1 months**.

3.1 RIGHT TO INFORMATION, RIGHT OF ACCESS, RIGHT OF RECTIFICATION, RIGHT TO ERASURE

In order to exercise your rights of information, access, rectification and deletion we offer you the possibility to:

- **Inform you about the processing of your personal data** as well as your rights and their terms of expression by giving you access to this Charter as soon as your data are collected. Moreover, our RGD manager remains available to answer all your questions;
- **Access all information concerning you** in order to know if your personal data can be subject to processing and to get them in an understandable format;
- Know the origin of your data collection;
- Access to the information the data controller used to take a decision concerning your data processing and obtain a copy;
- Require your data to be **rectified, completed, updated, or deleted**. The data controller commits to communicate to others recipients the modification, unless such communication would require disproportionate effort.

3.2 RIGHT OF OPPOSITION

You have **the right to refuse data processing** for a specific purpose or, when such use has been initially accepted, to object to its continuation (sales prospecting, newsletter...).

3.3 RIGHT TO DATA PORTABILITY

This new right to portability aims **to strengthen control over your personal data**. You can now ask to retrieve the data you have provided us for personal use or to forward it to a third party of your choice.

³ The person or body who, alone or jointly, determines the purposes and methods of processing your personal data.

Respecting your right to data protection, security and confidentiality is our priority.

Négométal SARL fully implements security measures adapted to the degree of sensitivity of personal data, in order to protect against any malicious intrusion, loss, alteration or disclosure to unauthorized third parties.

When developing, designing, selecting and using our services based on the processing of personal data, Négométal SARL takes into account the right to protection of personal data from the outset. All personal data being confidential, their access is limited to Négométal SARL employees and service providers acting on behalf of Négométal SARL, who require it in the context of the performance of their mission. All persons having access to your data are bound by a duty of confidentiality, and are subject to disciplinary and/or other sanctions should they not comply with these obligations.

Operations with third-party recipients are subject to a contract in order to ensure the protection of your personal data and the respect of your rights.

In Négométal SARL, we are fully committed to protecting the personal data you entrust to us. In this ongoing concern for security and protection, we recommend you to exercise caution to prevent unauthorized access to your personal data and to protect your devices (computer, smartphone, and tablet) against any unwanted or even malicious access by using a strong password, which you are advised to change regularly. If you share a device, we recommend that you log out after each use.

"**Business relationship**" includes all relations between Négométal SARL and its customers such as, for example, when using our products or services, the relationship that ensues with our Customer Relationship Management department or our call center, or your complaints;

"**Collect**" refers to the act of collecting personal data. This collection may be done through the use of questionnaires or online forms;

"**Consent**" refers to any expression of free, specific, informed and unambiguous willingness by which you agree, via a declaration or any means of a written declaration, that your personal data can be subject to processing;

"**Data controller**" is the person or body who, alone or jointly, determines the purposes and methods of processing your personal data;

"**Data sharing**" refers to the result of spooling customer or prospect databases of several different partners;

"**GDPR Manager**" is your privileged contact for all questions concerning your data processing as well as your legal rights. He is also the point of contact with the CNIL and Négométal group.

"**Group of undertakings**" means a controlling undertaking and its controlled undertakings;

"**Online services**" refers to the digital services offered by Négométal SARL such as website, applications, associated services or mobile services;

"**Personal data**" refers to any information in relation to an identified or identifiable natural person, which can be identified, directly or indirectly, in particular by reference to an identifier, such as a name, identification number, location data, online identifier, or to one or more specific elements his physical, physiological, genetic, psychological, economic, cultural or social identity;

"**Personal data processing**" means any operation or group of operations applied to your data, regardless of the online service medium in question or the process used;

"**Products or Services**" refers to all products and services including technological products or services (websites, applications and associated services) offered or to be offered by Négométal SARL;

"**Business prospecting**" refers to the search for customers, with the fact that it is commercial means that it is related to business, that it involves it⁴;

"**Sister Company**" a company which is owned by the same parent company as one or several others companies;

"**Subcontractor**" is the person who processes personal data on behalf of the person, structure or body responsible for the processing;

"**Third party**" refers to any person other than Négométal SARL and yourself.

⁴ Larousse Dictionary, 2017.