

# PROTECTION OF PERSONAL DATA

## Privacy Policy

OBESSU attaches great importance to the protection of the personal data that it has to treat in the course of its activities. The processing covers all operations applied to data that directly or indirectly identify a natural person, such as collection, recording, organization, structuring, preservation, adaptation or modification, extraction, consultation, use, provision, reconciliation or interconnection, limitation, erasure or destruction.

The purpose of this policy is to provide the data subjects with the information required by the applicable regulations and in particular by the [Regulation \(EU\) 2016/679 of the European Parliament and of the Council of 27 April 2016](#) on the protection of individuals with regarding the processing of personal data and the free movement of such data (General Data Protection Regulation or "GDPR").

### 1. Identity and contact details of the controller and the data protection officer

OBESSU, an association governed by Dutch law (vereniging), with a subsidiary in Belgium and whose head office is located at 1000 Brussels, Rue de l'Industrie 10, and registered with the Carrefour Business Bank under the number BE 0864.638.697 (hereinafter referred to as after "OBESSU"), represented by its Secretary General, Elzbieta JAKUBEK-GROOTJANS, is responsible for certain processing of personal data that it carries out in the framework of its activities provided for by its statutory mission.

OBESSU processes personal data:

- The association's own staff for the purposes provided for by Belgian labor law (personal details, personal address, family composition, salary and other benefits related to remuneration, bank account, employment contract and amendments);
- Consultants recruited for specific functions in the context of the different projects: personal details, address, N.VAT, bank account
- Participants to the OBESSU events and members of the governing or working structures
- Visitors to the website [www.obessu.org](http://www.obessu.org), normally email address.

- Recipients of the newsletter and other publications under the name of OBESSU: personal details, address

OBESSU only uses the personal data processed in this context for the sole purpose of the tasks entrusted to it by the members and / or by the Belgian legislation. It ensures the implementation of appropriate technical and organizational measures to ensure that the treatments meet the requirements of the GDPR.

- **Contact details of the Data Protection Officer:**

Elzbieta JAKUBEK-GROOTJANS - Secretary General

OBESSU, Rue de l'Industrie 10

1000 Brussels

Tel. 02 893 24 49

[ela@obessu.org](mailto:ela@obessu.org)

For any request relating to personal data, and in particular to exercise the rights covered by the GPRD legislation you can contact the person in charge or the delegate that the Secretary General has designated and whose name will be made known to the public and staff. Forms will also be made available on the website [www.obessu.org](http://www.obessu.org)

## 2.1 Processing - External Users

- Purpose

OBESSU collects personal data of users of the OBESSU website or recipients of the newsletter or other information about OBESSU's activities regarding representation of school students' rights at European level.

- Legal basis of treatment

This treatment is based on the consent of the User that is given in advance by checking an opt-in specifically dedicated to such treatment. The User has the right to withdraw this consent at any time. It is as easy for the User to withdraw as to give the consent. To withdraw the consent, it is sufficient for the User to uncheck the box used to give their opt-in. An unsubscribe link is included in each electronic communication sent to the User.

- Sources of data

The personal data concerned are communicated by the Users via the Website [www.obessu.org](http://www.obessu.org) or when they subscribe to the newsletter or to other calls issued by OBESSU.

- Categories of data processed

The personal data communicated by Users of the Website [www.obessu.org](http://www.obessu.org), by the recipients of the newsletter or participants to events and working structures are, as the case may be:

- identification data: surname, first name, address, company number, landline and / or mobile number, email address, identification document number;
  - personal characteristics: age, gender, civil statuses, language, profession, dietary or other requirements related to health and ability,
  - electronic identification data: IP addresses, e-mail address.
- Processing data of minors
    - OBESSU recognizes age of consent for data processing for minors at 16 years old,
    - Where the User is below the age of 16 years, such processing shall be lawful only if and to the extent that consent is given or authorised by the holder of parental responsibility over the child,
    - consent for users below the age of 16 will expire once they turn 16 and must be reaffirmed by the data subject personally,
    - In order to facilitate obtaining informed consent, OBESSU offers to younger Users information on data protection policy in a simplified version, accessible on [www.obessu.org](http://www.obessu.org)
  - Recipients of the data

Personal data are exclusively intended to be treated by

- OBESSU staff and member organizations in direct contact with OBESSU to use it to promote the activities of OBESSU or its members;

They are not communicated to third parties or subcontractors of OBESSU except for the case of management of the site [www.obessu.org](http://www.obessu.org), the minimum required for organization of OBESSU events or for finality of accounting, financial management, management of human resources within the frame provided by the law.

OBESSU's subcontractors with access to the data are:

- For ITC development and support: the Belgian company SCACS, whose head office is located at 1200 Woluwe-Saint-Lambert, Ave Heydenberg 13, Company No. BE0 669.574.568.
- For financial management (payments and invoicing) and human resources: Paolo Ferraresi, 1030 Schaerbeek, rue de la Luzerne 49, company number 0549 763 732
- For hosting information systems: SITEGROUND Spain, Calle Serrano 1, 5, 28001 Madrid.
- Data transfer

The processing does not involve any transfer of data to a country that is not a member of the European Economic Area.

- Decision based exclusively on automated processing, including profiling

The processing does not involve any decision based exclusively on automated processing, including profiling.

- Retention period

Personal data are kept for a period of 10 years for the human resources and accounting related data, and 5 years for all other data, after the closure of the file.

## 2.2 Treatment - Internal

- Purpose

OBESSU collects personal data of its personnel for the purposes provided for by the Belgian labor legislation.

- Legal basis of treatment

This treatment is based on the consent of the staff it gives in advance by ticking an opt-in specifically dedicated to such treatment. OBESSU staff have the right to withdraw their consent at any time but OBESSU is bound to respect its obligations in terms of labor legislation and it is therefore possible that the request of staff may be refused under these obligations which would make the accomplishment of certain impossible tasks (ie. calculation / payment of salaries, mailing of information relating to communications of an administrative nature and in similar cases).

- Sources of data

The personal data concerned are communicated by the staff directly to the person responsible for data processing at OBESSU (see above) or, where appropriate, via the person delegated by the Secretary General to the management and processing of the data.

- Categories of data processed

The personal data communicated by the staff are, where applicable:

- identification data: surname, first name, address, national register number, landline and / or mobile number, email address;
- personal characteristics: age, gender, civil status, language, family status;
- Bank details

The controller will also have access to the following information:

- Employment contract and amendments
- Workers records
- Tax documents (sheets 281.10)
- Remuneration and any other benefit related to it
- Attendance records
- Illness and holidays
- Data required for insurance contracts (personal insurance, hospitalization insurance)

This information will be kept physically in a locked cabinet at the office of the person responsible for processing data. Access to the data will be permitted only to the person in charge of data processing, a person delegated by the Secretary General or the subcontractor responsible for the data processing for the purposes of financial and Human Resources management. Any corresponding information in electronic version will be placed in a dedicated, password – protected directory in the OBESSU server, with access limited to persons having the right to access the paper version files.

- Recipients of the data

Personal data are exclusively intended to be treated by:

- OBESSU staff and managers of finance, human resources;

They are not communicated to third parties or subcontractors of OBESSU except for the purpose of accounting, financial management, human resources management and for cases provided for by law.

The OBESSU subcontractors with access to the employees data are:

- For financial management (payments and invoicing) and human resources: Paolo Ferraresi, 1030 Schaerbeek, rue de la Luzerne 49, company number 0549 763 732

- For the payroll: GROUPS, 1000 Brussels, Av. Fonsny 40, Company No. BE0 407.214.017
- For the medical assistance of the personnel: MENSURA, 1030 Schaerbeek, Gaucheret Street 68, Company No. BE0 405.947.077
- For personnel insurance: SECUREX, Brouwerijstraat 1, 9031 Gent-Drongen, Company No. 0400 037 896

- Data transfer

The treatment is strictly confidential and does not imply any transfer of data to a country that is not a member of the European Economic Area.

- Decision based exclusively on automated processing, including profiling

The processing does not involve any decision based exclusively on automated processing, including profiling.

- Retention period

The personal data are kept for a period of 10 years after the closing of the file and this due to the constraints of the Belgian tax legislation and that related to labor laws.

### 3. User Rights

- Preamble

OBESSU may not refuse to respond to Users' requests under this article unless it can demonstrate that it is unable to identify the User concerned. As soon as possible and at the latest within one month from the receipt of the request, OBESSU provides the User exercising one or more of the rights referred to below, information on the measures taken following the demand. The one-month period can be extended by two months, given the complexity and the number of requests. In the latter case, OBESSU informs the User of the extension and the reasons justifying it. When the User makes a request in electronic form, the information is provided by OBESSU electronically where possible and unless the User requests otherwise. If OBESSU does not respond to the request of the User, it informs the User without delay and at the latest within one month from the receipt of the request for the reasons for this refusal and the possibility that the User to file a complaint with the Data Protection Authority and to launch a judicial appeal. Requests made under this article are free of charge except when the requests of a User are manifestly unfounded or excessive, in particular because of their repetitive nature. In the latter case, OBESSU may require the payment of reasonable fees that take into account the administrative costs associated with these requests or refuse to act on them.

When OBESSU has reasonable doubts as to the identity of the User making this request, it may request that it be provided with additional information necessary to confirm the identity of the person concerned.

- Access

The User has the right to obtain from OBESSU the confirmation that their personal data are or are not processed and, when they are, access to these personal data as well as the following information:

- the purposes of the treatment;
- the categories of personal data concerned;
- recipients or categories of recipients of personal data, in particular recipients who are established in countries outside the European Economic Area or international organizations;
- where possible, the retention period of the personal data envisaged, or where this is not possible, the criteria used to determine this duration;
- the existence of the right to ask OBESSU for rectification or deletion of personal data, or a limitation of the processing, or the right, if any, to object to such processing;
- the right to file a complaint with the Data Protection Authority
- when the personal data are not collected from the User, any information as to their source;
- the existence, if any, of decision-making based exclusively on automated processing, including profiling and, in such cases at least, useful information about the underlying logic, as well as the importance and the expected consequences of this treatment for the User. When the personal data are transferred to a country located outside the European Economic Area or to an international organization, the User has the right to be informed of the appropriate guarantees regarding this transfer.

The User has the right to obtain from OBESSU, without charge, a first copy of the personal data being processed. This right, however, may not affect the rights and freedoms of others, including OBESSU's trade secrets or intellectual property rights. When the application is submitted electronically, the information is provided in an electronic form in common use, unless the data subject requests otherwise. OBESSU may require the payment of reasonable fees based on the administrative costs, fixed at EUR 25.00, for any additional copies requested by the person concerned.

- Rectification

The User has the right to obtain from OBESSU, without charge, as soon as possible, the rectification of the personal data concerning them which are inaccurate. In view of the purposes of the processing,

the data subject has the right to have the incomplete personal data completed, including by providing a supplementary declaration.

- Erasure

The User has the right to obtain from OBESSU the erasure, as soon as possible, of personal data concerning them and OBESSU has the obligation to erase this personal data as soon as possible, when one of the following reasons apply:

- personal data are no longer necessary for the purpose for which they were collected or otherwise processed;
- the User withdraws the consent on which the treatment is based and there is no other legal basis for the treatment;
- the User objects to the treatment in accordance with this policy;
- the personal data have been subject to unlawful processing;
- personal data must be erased to comply with a legal obligation to which OBESSU is subject;
- personal data was collected as part of the information society service offer. Where OBESSU has made the personal data public and is obliged to erase them under paragraph 1 above, OBESSU, taking into account the available technologies and the costs of implementation, shall take reasonable measures, including technical information, to inform the data controllers processing such personal data that the User has requested the erasure by those responsible for the processing of any link to such personal data, or any copy or reproduction of those.

Paragraphs above do not apply to the extent that such treatment is necessary:

- for the exercise of the right to freedom of expression and information;
- to comply with a legal obligation that requires the processing to which OBESSU is subject;
- the recognition, exercise or defense of rights in court;
- for statistical purposes to the extent that the right to erasure is likely to render impossible or seriously jeopardize the achievement of the objectives of that treatment.

## 4. Right to limitation of treatment

The User has the right to request from OBESSU the limitation of treatment when one of the following conditions applies:



- The accuracy of the personal data is disputed by the User for a period of time allowing OBESSU to verify the accuracy of the personal data;
- The treatment is illegal and the User opposes their erasure and instead requires the limitation of their use;
- OBESSU no longer needs the personal data for processing purposes but these are still necessary for the User to find, exercise or defend legal rights;
- The User objected to a treatment based on the legitimate interests of OBESSU during the verification as to whether these interests prevail over those of the User.

Where the processing has been limited, such personal data may, with the exception of retention, be processed only with the consent of the User, or for the establishment, exercise or defense of rights in court, or for the protection of the rights of another natural or legal person, or for important reasons of public interest. The User who has obtained the limitation of the treatment is informed by OBESSU before the limitation of the treatment is lifted.

## 5. Notification obligation with respect to rectification or erasure of data or limitation of processing

OBESSU shall notify each recipient to whom the personal data have been communicated of any rectification or erasure of personal data or any limitation of the processing performed in accordance with these terms, unless such communication proves impossible or requires disproportionate effort.

OBESSU provides the User with information on these recipients if the latter so requests.

## 6. Right to portability of data

Subject to the rights and freedoms of third parties, Users have the right to receive personal data about them that they have provided to OBESSU in a structured, commonly used and machine-readable format and have the right to transmit such data. data to another controller without OBESSU obstructing it, when:

- the treatment is based on consent, or on a contract; and
- the treatment is carried out using automated methods.

When the User exercises the right to the portability of data, he has the right to obtain that the personal data are transmitted directly from OBESSU to another controller, where technically possible. The

exercise of the right to portability of personal data is without prejudice to the provisions on the right to erasure. This right does not apply to the treatment necessary to perform a public interest mission.

## 7. Right of opposition

When the personal data are processed for prospecting purposes, the User has the right to object at any time to the processing of personal data concerning them for such prospecting purposes, including profiling where it is linked to such prospecting.

When the User objects to processing for prospecting purposes, personal data are no longer processed for these purposes.

The User has the right to oppose at any time, for reasons related to his particular situation, a processing of personal data concerning them for the legitimate interests pursued by OBESSU.

OBESSU no longer processes personal data, unless it demonstrates that there are legitimate and compelling reasons for the treatment that prevail over the interests and rights and freedoms of the User, or for the finding, exercise or defense of rights in court.

## 8. Individual decision based exclusively on automated processing, including profiling

The User has the right not to be the subject of a decision based exclusively on automated processing, including profiling, producing legal effects concerning them or significantly affecting them in a similar way except when the decision:

- is authorized by the regulations to which OBESSU is subject and which also provides for appropriate measures to safeguard the rights and freedoms and the legitimate interests of the User; or
- is necessary for the conclusion or execution of a contract between the User and OBESSU; or
- is based on the explicit consent of the User.

In the last two cases, OBESSU implements appropriate measures to safeguard the rights and freedoms and the legitimate interests of the User, at least the right of the User to obtain intervention from OBESSU, express their point of view and challenge the decision.