

Privacy policy

Phoenix Solutions Luxembourg (the "Company")



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Phoenix Solutions Luxembourg attaches particular importance to data protection.

This privacy policy is applicable to the customers, the direct business relations, the service providers and the employees of **Phoenix Solutions Luxembourg**.

As the controller responsible for collecting and processing your personal data, we are responsible for using your personal data in our activities.

Phoenix Solutions Luxembourg has appointed Jean Ciszewicz as Data Controller.

Phoenix Solutions Luxembourg only uses this data in the context of its activities. The purpose of this policy is to inform you about data processing, data protection and your rights regarding your data.

1. Protection of personal data

Phoenix Solutions Luxembourg collects your personal data directly (e.g. when you contact the Company) or indirectly (e.g. when one of your employees contacts the Company).

1.1. Processing of personal data

Personal data may only be collected and processed in accordance with the rules relating to data protection legislation.

a) Data processing conditions

The processing of personal data must comply with the law and be lawful. **Phoenix Solutions Luxembourg** may only process such personal data if the following conditions apply:

- 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 data subject's request.
- The processing is necessary to comply with a clear and precise legal obligation to which the Data Controller is subject.
- 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.
- The processing is necessary for the purposes of the legitimate interests pursued by the Data Controller.

The Data Controller must be able to prove at any time that the data subject has consented to the processing of his or her personal data.

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b) Information

When the data subject's personal data are collected and processed, certain information must be provided directly as a result of the processing. This information is as follows:

- The identity and contact details of the Data Controller.
- If applicable, contact details for **Phoenix Solutions Luxembourg**.
- The purposes of such processing and its legal basis.
- The legitimate interests of collecting personal data.
- If applicable, the recipients or categories of recipients of the data.

In order to ensure fair and transparent processing, certain additional information must be provided to the data subject immediately after the collection of his or her personal data. The additional information is set out below:

- The data retention period, which is 5 years, or where applicable the conditions defining the retention period.
- The existence of the data subject's right to request the rectification or erasure of his or her personal data, to request a restriction on processing, or the right to object to processing and the right to data portability.
- The data subject's right to withdraw consent at any time, but this in no way compromises the condition of lawfulness of the processing of his or her personal data. This condition is known to the data subject even before he or she gives consent.
- The right of data subjects to consult, correct, update and request the deletion of their personal data at any time.
- The right to lodge a complaint with a supervisory authority.

If data are processed for a purpose other than that stated at the time of collection, the Data Controller is obliged to inform the data subject directly, stating the other purpose and any other relevant information.

1.2. Data collected (managers, employees, etc.)

Phoenix Solutions Luxembourg collects and uses personal data within the framework of its legal obligations and for the work offered by the company. In this context, **Phoenix Solutions Luxembourg** collects the following data:

- Personal identification data: surname, first name, address, telephone number.
- Identification data issued by public services: ID card and passport numbers.
- Personal details: date and place of birth, nationality.
- Electronic identification data: e-mail address, electronic signature.
- Data relating to education, training and qualifications: level of study, professional qualifications.
- Occupation and employments details: function, name of employer, income.
- Bank details: Relevé d'Informations Bancaires.

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- a) Use of personal data to provide services to customers

The Company uses your personal data to carry out the work for which you have engaged **Phoenix Solutions Luxembourg**.

- b) Use of employees' personal data

The Company uses the personal data of its employees in order to comply with its obligations.

2. Sharing personal data

In the context of **Phoenix Solutions Luxembourg's** activities and in order to fulfil its missions, your personal data may be communicated to the following parties:

- Service providers/suppliers performing services on behalf of the Company;
- Supervisory, financial, tax, judicial, administrative authorities or governmental authorities, public bodies, at their request and within the limits authorized by the regulations;
- Certain regulated professions such as lawyers, notaries and auditors.

3. Internal policy on your personal data

Phoenix Solutions Luxembourg employees will ensure that information concerning the Company, its customers and its other stakeholders (counterparties, subcontractors, shareholders, directors, etc.) is kept confidential. Internally, they will respect the "need to know" principle and the "Chinese wall" set up between independent functions.

To this end, employees strictly observe the duty of confidentiality and discretion towards customers.

They shall ensure that, except where required or authorized by law, they do not disclose to a third party any information gathered about the customer or the customer's transactions. They shall carefully manage customer information in order to prevent any inappropriate disclosure of such information, including within the institution itself. They shall not exploit or use customer information for purposes other than those for which it was communicated to them, in compliance with the rules on the protection of personal data, including the principles of transparency and customer access to data concerning them.

3.1. Your company's data may contain personal information

The data that **Phoenix Solutions Luxembourg** uses relating to your company (its strategy, activities, etc.), its employees and third parties will be treated with the same duty of discretion.

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Compliance with the duty of discretion and professional secrecy means that measures must be taken to protect information.

This protection takes various forms, including:

- **Phoenix Solutions Luxembourg** undertakes to only discuss files with people who need this information in the normal course of their activities within your company;
- The Company undertakes to systematically tidy the files processed and not to leave them in view and/or to lock up confidential documents ("clean desk policy");
- The Company undertakes to ensure that documents are not left on printers, photocopiers, etc...;
- The Company undertakes to protect confidential files with passwords;
- The Company undertakes to ensure the confidentiality of meetings/discussions (closed meeting rooms, no discussions in public places and particularly on public transport).
- **Phoenix Solutions Luxembourg** is committed to providing maximum protection for its IT equipment by installing firewalls and antivirus software.

3.2. Privileged data

Employees of **Phoenix Solutions Luxembourg** will pay particular attention to inside information concerning companies or financial instruments listed on a regulated or unregulated market. Inside information is defined as:

- Information not made public (communication, press, etc.);
- Information that is specific (concrete);
- Information made public that is likely to influence the price of the company or the financial instrument or a related instrument.

If employees have access to inside information, they must not disclose it outside the normal course of their duties. Otherwise, they would be committing insider trading, which is a criminal offence.

Employees who leave the Company are required to respect the confidential or privileged nature of the information to which they have had access, even after they have left the Company, for an unlimited period of time.

4. Transfer of data outside the European Economic Area (EEA)

The Company does not transfer personal data outside the EEA.

If your data is to be transferred outside the EEA, the transfer will take place on the basis of a decision issued by the European Commission, having recognised the country to which the data is to be transferred as having an equivalent level of protection to those in the EEA.

In the event of a transfer to a third country, the Company will put in place contractual clauses approved by the European Commission to ensure the protection of your data.

Phoenix Solutions Luxembourg has a list of the various countries that are part of the European Economic Area and a list of the various countries that are GDPR compliant, according to the European Commission, for the transfer of personal data.

5. Retention of personal data

In view of the legal obligations to which **Phoenix Solutions Luxembourg** is subject, your personal data is kept for a period of 5 years from the end of the business relationship.

Electronically archived data is stored on the Company's server in Luxembourg and on a back-up server in Metz, for a period of 5 years from the end of the business relationship.

6. Data Breach

A personal data breach is defined as any security incident, whether malicious or not and whether intentional or not, which has the effect of compromising the integrity, confidentiality or availability of personal data (e.g. the loss of an unsecured USB key containing a copy of a company's customer database, or information about the company).

The detection of a personal data breach incident should lead the organization to focus its efforts on resolving it by adopting any appropriate measures to remedy any breach and limit the consequences for the people whose data is affected. These measures should not, however, obscure the need for the organization to assess at the same time whether or not it should notify the incident to the Commission Nationale pour la Protection des Données (CNPD).

The obligation to notify carries heavy penalties in the event of non-compliance. The GDPR sets a very strict deadline for notification: No later than 72 hours after becoming aware of the incident. In order to be as proactive as possible, the company has a register to monitor data breaches (whether or not notified to the CNPD) and a data breach notification form.

7. Your rights

In accordance with EU Regulation 2016/679 on data protection and taking into account the regulatory obligations to which **Phoenix Solutions Luxembourg** is subject, you have the right to exercise the following rights:

- Right of access (article 15.);
- Right of rectification (article 16.);
- Right to erasure / right to be forgotten (article 17.);
- Right to restrict processing (Article 18);
- Right to data portability (Article 20);
- Right of objection (article 21.).

If you wish to exercise your rights, you could send a letter or an e-mail to the addresses indicated in point 8.

Where you expressly make any request concerning your personal data, the Data Controller must provide as soon as possible, which is one month from receipt of the request, all the measures taken following the formulation of this request by yourself.

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The Company undertakes to facilitate the exercise of your rights. Under no circumstances will the Company refuse to respond to a request unless it is unable to identify the person concerned.

The response time may be extended by two months if the request is complex or if the Company receives a large number of requests. This extension must be notified to you within one month of receipt of the request, stating the reasons for the extension.

If **Phoenix Solutions Luxembourg** does not respond to a request, the Company must inform you without delay and at the latest within one month of receipt of the request, stating the reasons for its inactivity and the possibility of lodging a complaint with a supervisory authority and of taking legal action.

Phoenix Solutions Luxembourg does not require any payment in order to provide the information, carry out the communication and take the necessary measures. However, **Phoenix Solutions Luxembourg** may do so if the requests are manifestly unfounded or excessive due to their repetitive nature:

- To require the payment of "reasonable" fees, taking into account the administrative costs that may be incurred in order to provide the information, make the communications or take the necessary measures requested;
- Refuse to comply with these requests.

Phoenix Solutions Luxembourg must be able to demonstrate that the request is manifestly unfounded or excessive.

In order to process your request as efficiently as possible and to ensure that your personal data is not passed on to a malicious person, **Phoenix Solutions Luxembourg** would be grateful if you could include a copy of your Identity Card (in paper or .pdf format) to enable the Company to identify you.

8. Contact us

If you have any questions about the processing of your personal data, or if you wish to exercise your rights, you can contact **Phoenix Solutions Luxembourg**:

Electronically, to the following address: contact@phoenixsolutions.lu

By telephone: 20 80 01 20 1

By post:

Phoenix Solutions Luxembourg

2, rue de l'Eau
L-1449 Luxembourg
Luxembourg