

Privacy Policy

ENERGY SOLUTIONS GROUP NV

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2 Definitions

General Data Protection Regulation

The GDPR (General Data Protection Regulation) is the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC. The GDPR applies since 25 May 2018 across the European Union.

Data Subject

The identified or identifiable natural person who is the subject of the Processing of Personal Data for the purposes of this Privacy Policy.

Third Party

A natural or legal person, public authority, agency or other body, other than the Data Subject, nor the Controller, nor the Processor, nor the persons authorised under the direct authority of the Controller or the Processor to process the Personal Data.

Customers

Any person or unincorporated group that calls upon, has called upon or will call upon Energy Solutions Group's services, even if the to such services is of a one-off or sporadic nature.

Recipient

A natural or legal person, public authority, agency or other body, whether a third party or not, to whom/whom Personal Data is provided.

Energy Solutions Group

Energy Solutions Group NV, De Lange Beemden 14/1, 3550 Heusden-Zolder, with company number 0643.473.155 and all its direct and indirect subsidiaries.

Personal data

Any information regarding a Data Subject, where an identifiable person is considered to be a natural person who can be identified, directly or indirectly, in particular by means of an identifier such as a name, an identification number, a place of residence,...

Consent of the Data Subject

Any free, specific, informed and unambiguous expression of will by which the Data Subject accepts, by means of a statement or an unambiguous active action, the Processing of Personal Data concerning him/her.

Processor

A natural or legal person, public authority, agency or other body that processes Personal Data on behalf of the Controller.

Processing

Processing is any operation or set of operations involving Personal Data, such as the collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction of data.

Controller

A natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the Processing of Personal Data; where the purposes and means of such Processing are determined by Union or Member State law, it may determine who the controller is or according to which criteria it is designated.

3 General

Energy Solutions Group values the privacy of its Customers and treats their Personal Data with care. This Privacy Policy provides further information on what Personal Data is collected and how it is processed, and how Customers can exercise their rights. This Privacy Policy has been prepared in accordance with the General Data Protection Regulation and national applicable data protection legislation.

Energy Solutions Group reserves the right to amend this Privacy Policy at any time. The amended Privacy Policy will be displayed on the website and/or otherwise delivered to the Customer, and the date on which this Privacy Policy was last amended will always be mentioned. We ask the Customer to regularly review this Privacy Policy so that is always aware of what Personal Data Energy Solutions Group collects, how it is used and with whom it may be shared.

Scope

This Privacy Policy applies to Energy Solutions Group's Processing of Personal Data of Customers, held on file or intended to be held on file, in the context of the activities of Energy Solutions Group and its subsidiaries.

Energy Solutions Group, a company operating in Belgium, is subject to Belgian and European privacy and data protection regulations.

As a company, Energy Solutions Group also operates in the Netherlands and Germany and follows the applicable regulations of the country in question.

The Belgian Data Protection Authority is the competent supervisory authority in Belgium. For other countries, the competent national data protection authorities will apply.

Energy Solutions Group as Controller

Energy Solutions Group in the context of Processing in accordance with this Privacy Policy, always acts as the Controller. In this capacity, Energy Solutions Group is both your contact person and that of the supervisory authorities (such as the Belgian Data Protection Authority) for all questions related to Energy Solutions Group's use of your Personal Data.

4 Categories of personal data processed

Following categories of Personal Data are processed:

- identification data (such as your surname, first name, date of birth, identity card number, national registration number or national identification number);
- contact details (such as your address, fiscal residence, telephone number and e-mail address);
- data about your use of our websites (via cookies, for example).

5 Processing purposes

Personal Data will only be processed insofar as there is a legitimate purpose that makes its Processing necessary.

Energy Solutions Group will process Personal Data for the following purposes:

- the agreements entered into with Energy Solutions Group, in particular managing Customer files.
- internal business operations, such as optimal office operations, payroll processing, internal information purposes, audits and controls, security, integrity and safety (of Energy Solutions Group) and managing a register in that context, managing disputes and complaints or managing risks through analysis or modelling, managing the internal IT infrastructure, such as supporting the proper functioning of the networks as well as for fraud prevention and participation in market and satisfaction surveys.
- direct marketing: via e-mail, mailings, informing about the services offered by Energy Solutions Group, promotions and events organised by Energy Solutions Group.
- Legal obligations: risk management and control purposes such as in the context of anti-money laundering monitoring; the detection and/or appropriate handling and/or prevention of

irregularities, breaches of legal or contractual provisions and fraudulent acts, posed by Energy Solutions Group, intermediaries or third parties.

6 Acquisition of Personal Data

Personal Data are obtained in globo after they are provided to ESG by the Data Subject (or the company to which they belong), themselves.

7 Confidentiality

Energy Solutions Group has taken appropriate technical and organisational measures to ensure the confidentiality and security of Personal Data. Only employees who professionally process or need the Personal Data will have access to this Personal Data.

8 Retention of personal data

The Personal Data will not be kept for longer than strictly needed to fulfil the purpose of the Processing, subject to the limitation periods or retention periods imposed by law or regulations.

9 Legal basis of processing

Personal data will only be processed on the basis of the following processing grounds:

- to comply with legal obligations incumbent on Energy Solutions Group;
- in case the Data Subject has given his (explicit) Consent to do so;
- pursuant to the conclusion, performance and management of a contract to which the Data Subject (or the Company to which it belongs) is a party;
- pursuant to the representation of legitimate interests of Energy Solutions Group or a Third Party.

Compliance with legal obligations

Energy Solutions Group may be required to process Personal Data in order to comply with its legal obligations in accordance with the following legal provisions:

- The Bankruptcy Act of 8 August 1997;
- The Prevention of Money Laundering and Terrorist Financing Act of 18 September 2018.
- Income Tax Code 1992;
- Any other applicable legislation;

Prior consent

Prior, explicit Consent for the Processing of Personal Data will be sought from potential Customers in the context of direct marketing, if applicable.

Execution of contracts

The Personal Data will be processed when concluding and managing contracts with the Data Subject (or the company to which the Data Subject belongs).

Energy solutions Group

info@energysolutionsgroup.be

+32 11 35 30 80

Safeguarding legitimate interests

Personal Data will be processed to ensure smooth and secure operations, to manage contracts smoothly and efficiently, to contact existing Customers via email and/or for direct marketing purposes, and to ensure compliance with non-European laws and regulations.

10 Sharing of Personal Data

In certain cases, certain Personal Data may be communicated to Energy Solutions Group affiliated companies, external service providers, as well as other affected third parties such as a lender or (re)insurer, a competent government agency, a lawyer or a mediator in the context of dispute resolution.

Processing of Personal Data by entities of the Energy Solutions Group

Energy Solutions Group may make Personal Data available to (subsidiary) companies. These companies will process Personal Data in the context of Energy Solutions Group's activities in accordance with this Privacy Policy.

Processing of Personal Data by persons or entities outside Energy Solutions Group

External service providers may process certain Personal Data for and on behalf of Energy Solutions Group in the performance of agreements concluded with Energy Solutions Group.

On the other hand, Energy Solutions Group may be required to transfer Personal Data to persons or entities outside the group that are not Processors but are in turn data controllers and must comply with the privacy laws applicable to them.

Processors

Processors from the audit sector

As part of its operations, Energy Solutions Group relies on the following Processors, among others:

- Company auditor: EY

IT infrastructure managers

Certain IT partners, may in some cases process a Data Subject's Personal Data to provide their expertise in the context of certain files.

Government agencies

In certain cases, Energy Solutions Group is required to transfer Personal Data to government authorities. These include the following government bodies:

- Belgian Data Protection Authority (GBA);
- FOD Finance or the Special Tax Inspectorate;
- Ministries of the Flemish Community;
- Judicial authorities.

11 Data subjects' rights

Rights regarding Personal Data

Right of inspection

The Data Subject has the right to know whether his Personal Data is processed by Energy Solutions Group, and, if so, the Data Subject has the right to obtain access to that Personal Data, and to the following information:

- processing purposes;
- the categories of Personal Data concerned;
- the Recipients to whom the Personal Data has been or will be provided;
- the period for which the Personal Data will be kept, or if this is not possible to determine, the criteria for determining that period;
- the existence of automated decision-making, and at least in those cases, useful information on the underlying logic, and the significance and expected consequences of that Processing for the Data Subject.

Right of rectification

If the Data Subject considers that certain Personal Data are inaccurate or incomplete, he/she has the right to request the correction or completion of the Personal Data concerning him/her.

Right to data erasure

The Data Subject shall have the right to have certain Personal Data erased and not further processed without unreasonable delay if (i) such Personal Data is no longer required for the purposes for which it was collected or processed, (ii) the Data Subject withdraws the Consent on which the Processing is based and there is no other legal basis for the Processing, (iii) the Data Subject lawfully exercises his right to object as set out in para.10.1.6 below, (iv) the Personal Data is processed unlawfully, or (v) it is required to comply with a legal obligation incumbent on Energy Solutions Group.

However, this right of the Data Subject shall be limited to the extent that the Processing by Energy Solutions Group of such Personal Data is necessary in the context of legal proceedings or if Energy Solutions Group is required by law to process and/or retain certain Personal Data for a minimum period of time.

Right to limitation

The Data Subject has a right to restrict the Processing of his Personal Data in the following four cases:

- when the accuracy of the Personal Data is disputed for a period that allows Energy Solutions Group to verify the accuracy of the Personal Data;
- if the Processing is unlawful and the Data Subject opposes the erasure of the Personal Data and requests a restriction on its use instead;
- Energy Solutions Group no longer needs the Personal Data for the processing purposes, but the Data Subject still needs it for the establishment, exercise or substantiation of a legal claim;
- pending the granting of a right to object.
- Energy Solutions Group will always inform the Data Subject if such restriction on Processing would be lifted.

Right to data portability

The Data Subject has the right to obtain the Personal Data provided to Energy Solutions Group in a structured, common and machine-readable form and, if technically possible, to transfer it directly to another controller. The latter is obliged to comply with the privacy legislation applicable to it. This right relates only to Personal Data provided to Energy Solutions Group, in performance of a contract, or obtained with the Data Subject's Consent.

Right of objection

The Data Subject shall at all times have the right to object to the Processing of Personal Data concerning him/her based on the legitimate interests of Energy Solutions Group or of a Third Party, unless there are compelling legitimate grounds for the Processing which outweigh the interests, rights and freedoms of the Data Subject or which relate to the establishment, exercise or substantiation of a legal claim.

When Processing Personal Data for direct marketing purposes, the request to object to the Processing will be granted unconditionally (See also section 10.2.2).

However, if the Processing is necessary for the performance of a contract to which the Data Subject is a party or for complying with legal obligations, the right to object will not be exercisable.

Rights under special processing modalities

Right to human intervention in case of automated individual decision-making

In case of automated individual decision-making, the Data Subject has the right to a human intervention by Energy Solutions Group , for example to express his/her point of view, to ask for an explanation or the possibility to challenge this decision.

Automated individual decision-making occurs when the following conditions are met:

- there is automated Processing of Personal Data;
- there is an evaluation of some personal aspects of the Data Subject;
- Based on the automated Processing, a decision is made without human intervention (e.g. refusing a credit application); and
- the decision taken entails legal consequences for the Complainant or significantly affects him.

Right to object to the processing of personal data for direct marketing purposes

Direct marketing is the processing of Personal Data to inform prospects or Customers about services, insurance products, promotions and events organised. The Data Subject has the right to oppose the processing of their Personal Data for the purpose of direct marketing at any time.

Exercise of data subjects' rights

At Energy Solutions Group

Data subjects may exercise their rights by sending a written request to:

Energy Solutions Group NV,
Personal Data Protection Office
De Lange Beemden 14/1
3550 Heusden-Zolder
Or

Energy solutions Group
info@energysolutionsgroup.be
+32 11 35 30 80

privacy@energysolutionsgroup.be

Energy Solutions Group shall respond to requests without delay and in any case within 1 month or, if applicable, 3 months in case of extension of the response period in accordance with Article 12 (3) GDPR after receiving the request.

At Third Parties

The Data Subject may also always exercise his rights directly with a Third Party responsible for the Processing of his Personal Data, such as a public authority or any other Recipient.

At the Privacy Authority

There is always the possibility to take legal action should the Data Subject deem it necessary or useful, or to lodge a complaint with the Belgian Data Protection Authority (GBA) (Drukpersstraat 35, 1000 Brussels, Tel +32 (0)2 274 48 00, e-mail: contact@apd-gba.be).

12 Digital applications

When using Energy Solutions Group's digital applications, Personal Data will be processed in accordance with this Privacy Policy.

Cookies

Energy Solutions Group's website (www.energysolutionsgroup.be and www.hyperfast.be) uses cookies. Cookies are small data or text files placed on a local computer by websites and applications. By using the Energy Solutions Group website, the user agrees to the use of cookies. Cookies help Energy Solutions Group to optimise visits to the website, to remember technical choices (e.g. a language choice, et cetera), and to show more relevant services.

By changing the settings of their Internet browser, the Data Subject can ensure that they are notified every time cookies are sent or can even prevent cookies from being created or stored on the hard drive of their PC or mobile devices. For more information in this regard, please refer to Energy Solutions Group's Cookie Statement.