

Privacy & Data Processing Statement Peepl

A. General

1. Definitions

- 1.1 'Services' means the services provided by Peepl, resulting in the processing of data of the User and subject to this Privacy & Data Processing Statement.
- 1.2 'Third Party' means a natural person or legal entity, the public authority, administration or any other organisation, not being the User, nor Peepl, nor the persons that are under the direct control of Peepl entitled to process data.
- 1.3 'External Service Provider': Service providers that are appointed by Peepl to deliver data processing services. These include for example payment service providers, transport companies, debt companies and e-mail or newsletter senders.
- 1.4 'User', 'Data Subject', 'You' or 'Your' means any natural person of whom personal data is being processed in scope of the Services.
- 1.5 'Data': means any information especially but not limited to fields and texts, personal data, documents, photos, files, ...
- 1.6 'Privacy Act' means the Belgian Act of 8 December 1992 concerning privacy in relation to the processing of personal data.
- 1.7 'Account owner': means the person or legal entity who holds the account through which the Services are rendered and under whose authority Peepl processes Data as a data processor. The Account Owner and the User can be one and the same person or legal entity, or they may differ (e.g. the employee of the Account Owner using the Services);
- 1.8 'Client Relation': means the contractual relationship between the account owner and Peepl as there is an agreement for the provision of services.
- 1.9 'Parties': means the account owner and the user.
- 1.10 'Data Controller' means the person or legal entity responsible for the processing of personal data in accordance with art. 1, §4 Privacy Act and art. 4 (7) Privacy Regulation.
- 1.11 'Privacy Regulation': means 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 (General Data Protection Regulation or GDPR)*
- 1.12 'Website' means the internet website(s) hosted at *.peepl.be, *.peepl.nl or *.peepl.io (used in singular even if this definition includes multiple sites).

2. Scope

2.1 This Privacy & Data Processing Statement applies to all personal data processed for the following Services of Peepl :

System / business process	Applicable ¹
Website and Saas-services	●

☞ Table 1. Scope of the Privacy & Data Processing Statement

- 2.2 This Privacy & Data Processing Statement is provided to You in accordance with article 9 et seq. Privacy Act and article 13 et seq. Privacy Regulation.
- 2.3 The Privacy Statement may be amended without prior notice. However, if these changes relate to personal data already collected and processed by the Data Controller, then these changes will be communicated to the Data Subject prior to the processing. It is advisable to view the Privacy Statement on every entry of personal data.

3. Age of the Data Subject

- 3.1 By accepting this Privacy & Data Processing statement, you declare you have reached the age of 16 years old or older.
- 3.2 If the Data Subject has not reached the age of 16, his/her consent must be given or authorised by the holder of parental responsibility.

Personal data being processed	Requirement (art. 12.1)		Necessity (art. 12.2)		Special cat. (art. D.11.1)	Consequences of non-provision of data (art. 12.3)			Purposes (art. 15.1)
	Statutory	Contractual	Necessary	Optional		N.A. ²	DSS	NIP	
Date of birth	●		●			●			DPC
Email address		●	●			●			COM, DM, BM
IP-address		●	●			●			TR
Name and first name		●	●			●			COM, BM
Password		●	●			●			SS
Username		●	●			●			SS
Telephone (landline or mobile)		●		●			●		COM

☞ Table 2 Overview of data processed by Peepl as Data processor

¹ ● yes
○ potentially, if the circumstances occur
- no

4. Legal basis

- 4.1 Referrals in this Privacy & Data Processing Statement to the Privacy Act are valid until May 24th, 2018.
- 4.2 Referrals in this Privacy & Data Processing Statement to the Privacy Regulation are valid from May 25th, 2018 and onwards.
- 4.3 The articles 17 and 19 will come into effect as from May 25th, 2018.

B. Identity and Communication with Peepl

5. Identity of Peepl

- 5.1 For the purposes of data processing, the following entity must be regarded as the Data Controller in accordance with the Privacy Act and the Privacy Regulation:
- Mockup BVBA
 - with its registered office at Torhoutsesteenweg 174, 8210 Zedelgem, Belgium,
 - entered in the C.B.E. under number 0578.962.613

6. Communication with Peepl

- 6.1 You can reach Peepl via
- Customer service Address: Torhoutsesteenweg 174, 8210 Zedelgem, Belgium;
 - Tel.: +32 (0)50 39 26 72;
 - Email: support@peepl.be;

C. The role of Peepl

7. Double capacity

7.1 Regarding the processing of your Data via the Services, Peepl has a double capacity: for some data processing activities, Peepl acts as a Data Controller (8.1) and for other data processing activities as a data processor (9.2).

8. Peepl as a Data Controller

- 8.1 Regarding the Data referred to in art. 10 and the purposes referred to in art. 15, Peepl acts as a Data Controller.
- 8.2 Peepl provides the information and explanations in sections D. Data Processing as Data Controller (art. 10 → 18) and E. Your rights as a data subject to the User in his capacity as Data Controller.

9. Peepl as processor

- 9.1 Regarding
- Data other than mentioned in art. 10, or
 - Data processed by the Account Owner for his own purposes (other than mentioned in art. 10),

Peepl acts purely as a data processor and processes this data solely under authority of the Account Owner, who must be considered as the Data Controller regarding these data processing activities.

9.2 You acknowledge that in the case of Data processed in accordance with art. 9.1, You only can exercise your rights under the Privacy Act or Privacy Regulation against the Account Owner (see art. 28).

D. Data Processing

10. Processed data

10.1 Depending on the data you provide to Peepl, the personal data being processed by Peepl as a Data Controller will consist of

11. Special categories of personal data

11.1 If Peepl processes special categories of personal data in accordance with articles 6 and 7 Privacy Act or article 9 Privacy Regulation, this is indicated as in *Table 2*.

12. Requirement of personal data

12.1 The processing of the Data mentioned in *Table 2* is a

- statutory requirement: data marked as such in the column 'Statutory';
- contractual requirement: data marked as such in the column 'Contractual'.

12.2 The provision of the personal data mentioned in *Table 2* under 10.1 is

- necessary to enter into a contract: data marked as such in the column 'Necessary';
- optional to enter into a contract: data marked as such in the column 'Optional';

12.3 The consequences of failure to provide personal data that is an optional requirement are:

- Diminished sales service (presales or after sale): 'DSS'
- No individualized proposals or advertisement: 'NIP'

13. Data collection

13.1 The Data referred to in art. 10 is collected:

- From the Data Subject;
- Optionally, from the Account Owner

14. Legal basis for data processing

14.1 As a data controller, Peepl may only process Your personal data on basis of:

Processing basis	Privacy Act	Privacy Regulation	Identifier
1. Consent (general as well as or for special categories of personal data)	5, a) - 7, §2, a)	6(1)	C
2. Precontractual actions and performance of a contract or agreement	5, b)	6(2)	A
3. Legal obligation	5, c)	6(3)	LO
4. Vital interests of the data subject	5, d)	6(4)	VI
5. Public interest or official authority	5, e)	6(5)	PI
6. Legitimate interests pursued by the controller or by a Third Party	5, f)	6(6)	LIC
Opt-in for direct marketing	-	-	DM

☞ *Table 3 Overview of processing basis*

14.2 The actual basis for the data processing by Peepl is set out in *Table 4. Overview of Processing purposes*.

15. Purposes of processing

15.1 Peepl will process Your personal data for the following purposes:

Processing purpose	Identifier	Applicable ³	Legal basis ⁴	Storage Period	
				Contractual	Non-contractual
Business management	BM	●	LO, LIC	10 years after (last) transaction	n.a.
Communication with the data subject	COM	●	C, A	10 years after (last) transaction	As needed for communication / request
Data Privacy compliance	DPC	●	LO, LIC	session-based	session-based
Direct marketing	DM	●	C (DM), A	till opt-out	till opt-out
Online services (delivery thereof, incl. precontractual steps and after sales)	OS	-	A, LO, LIC	10 years after (last) transaction	n.a.
Security	SS	●	VI, LIC	n.a.	n.a.
Technical requirements	TR	●	C, A	10 years after (last) transaction	session-based

☞ *Table 4. Overview of Processing purposes*

15.2 The lawfulness of the personal data processed by Peepl is whether or not partially based on the legitimate interests pursued by Peepl or by a Third Party ('LIC'). These legal interests pursued by Peepl or Third Party are:

- Business management
 - the right of Peepl to keep record of user accounts and user access roles.
- Data Privacy Compliance
 - the right of Peepl to process the age of the data subject, in order to correctly apply the Privacy Regulation;

16. Existence of automated decision-making or profiling

16.1 The Website does not process data for purposes of automated decision-making.

17. Recipients and categories of recipients of the data

17.1 Depending on the purpose of and need for processing, the processed personal data may be made known to the following recipients:

(Category of) Recipients	Applicable ⁵	Condition/purpose	Identity of Recipient(s) ⁶
External Service Providers			
Mailing provider	●	Processing mailing activities of Peepl	CampaignMonitor
Support & ticketing system	○	Processing Your request for support	Intercom
Website hosting provider	●	Hosting Your account on our Website and processing Your purchase	-
Public Authorities			

☞ *Table 5. Categories of Recipients*

17.2 The aforementioned recipients will always process the received personal data in accordance with this Privacy Statement.

18. Period of data storage

18.1 When storing your personal data, Peepl takes into account multiple data storage periods. The exact storage period for each processing purpose is specified in *Table 4. Overview of Processing purposes*.

³ Idem as under footnote 1

⁴ see column 'Identifier' in art. 13

⁵ Idem as under footnote 1

⁶ If know or if this concerns a regular/recurring recipient

E. Your rights as a data subject

19. Limited applicability of this section E.

19.1 As set out in art. 7, 8 and 9, the provisions of this section section E. Your rights as a data subject (articles 19 →27) only relate to the Data which is processed by Peepl as a Data Controller (see section D. Data Processing, art. 10 → 18). For all other data processed as a result of the use of the Services: see art. 9 and section G. Processing of data under authority of the Account Owner (Art. 31 et seq).

20. Access

20.1 The Data Subject is entitled to information about the processing of data performed by Peepl. To the extent that the information can not be found in this Privacy & Data Processing Statement, he/she can always contact Peepl through the coordinates in art. 6.

21. Rectification

21.1 The data subject shall have the right to obtain from Peepl without undue delay the rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

22. Data portability

22.1 You have the right to receive the personal data which You provided to Peepl, in a structured, commonly used and machine-readable format and have the right to transmit those data to another Peepl without hindrance from Peepl, where the processing is based on:

- o Your consent, or
- o The performance of a contract to which You are a party or Your requests prior to entering into a contract, and
- o the processing is carried out by automated means.

22.2 In exercising Your right to data portability pursuant to paragraph 22.1, You shall have the right to have the personal data transmitted directly from one Peepl to another, where technically feasible.

23. Withdrawal of consent

23.1 If the processing of Data is based on Your consent, You have the right to withdraw Your consent at any time, especially but not limited to the processing of special categories of personal data in accordance with art. 11.1.

23.2 Any withdrawal of consent does not affect the lawfulness of processing based on consent before its withdrawal nor the lawfulness of processing on another legal basis, as e.g. the performance of a contract to which You are a party.

24. Restriction

24.1 You have the right to obtain a restriction of processing from Peepl where one of the following applies:

- You contest the accuracy of the personal data, for a period enabling Peepl to verify the accuracy of the personal data;
- the processing is unlawful and You oppose to the erasure of the personal data, and You request the restriction of their use instead;
- Peepl no longer needs the personal data for the purposes of the processing, but You require them for the establishment, exercise or defense of legal claims;
- You object to processing pursuant to article 25.1, pending the verification whether the legitimate grounds of Peepl override those of the data subject.

24.2 Where processing has been restricted under paragraph 24.1, such personal data shall, with the exception of storage, only be processed with Your consent or for the establishment, exercise or defense of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State.

24.3 If You would have obtained a restriction of processing pursuant to this article, You shall be informed by Peepl before the restriction of processing is lifted.

25. Objection

25.1 Under the circumstances described in article 12, §1, of the Privacy Act and article 21(1) Privacy Regulation, You have the right to object, on grounds relating to Your particular situation, at any time to processing of Your personal data based on on Your consent or on the legitimate interests pursued by Peepl or by a Third Party, including profiling based on those provisions.

25.2 Peepl shall no longer process the personal data unless Peepl demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of You or the establishment, exercise or defence of legal claims.

25.3 Where personal data are processed for direct marketing purposes, You have the right to object at any time to processing of Your personal data for such marketing, which includes profiling to the extent that it is related to such direct marketing.

26. Erasure ('right to be forgotten')

26.1 You have the right to obtain from Peepl the erasure of personal data concerning Yourself without undue delay and Peepl shall have the obligation to erase personal data without undue delay where one of the following grounds applies:

- Your personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;

- You withdraw Your consent on which the processing is based according to article 23.1, and where there is no other legal ground for the processing;
- You object to the processing pursuant to article 25.1;
- Your personal data has been unlawfully processed;
- Your personal data has to be erased for compliance with a legal obligation in Union or Member State law to which Peepl is subject;
- Your personal data has been collected in relation to the offer of information society services directly to a child.

27. Exercise of rights by the data subject

27.1 To exercise any of the rights stated in this article, the User may contact Peepl by means of

- a postmarked and signed request;
- an email;

27.2 The communication coordinates of Peepl can be found in article 6.1

27.3 The information will be communicated to the user without delay and in all cases no later than one month after the request is received. This period can be extended with 2 months if necessary depending on the complexity of the request. Peepl will inform the data subject about this extension no longer than one month after the request is received and will also mention the reason of the extension.

27.4 Any communication or any actions taken under articles 20 to 27 shall be provided free of charge. In performance of art. 20, Peepl shall provide a copy of the personal data undergoing processing, free of charge. For any further copies requested by the data subject, Peepl may charge a reasonable fee based on administrative costs.

27.5 Where You make a request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form.

27.6 Where requests are manifestly unfounded or excessive, in particular because of their repetitive character, Peepl may either:

- charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or
- refuse to act on the request.

27.7 Where Peepl has reasonable doubts concerning the identity of the natural person making the request referred to in articles 20 to 26, Peepl may request the provision of additional information necessary to confirm the identity of the data subject.

F. Processing of Data under authority of the Account Owner

28. Limited processing

28.1 To the extent that Peepl processes Data as a data processor - i.e. exclusively on behalf of and under authority of the Account Owner, the Data Subject must, inter alia, for the exercise of his rights, formulate his/her requests solely to the Account Owner. Peepl has no authority over this Data.

28.2 For further information regarding the processing operations by the Account Owner, the User can best address the (privacy policy of) the Account Owner.

G. Cookies

29. Use of Cookies

29.1 Cookies on the Website. For more information on the use of cookies, please see our separate Cookie Statement on <https://www.peepl.be/cookies>.

H. Complaints

30. Complaint handled by Peepl

30.1 If You wish to file a complaint, You can do so through the communication channels provided in art. 6.1.

30.2 Peepl shall provide You information on action taken on a request under section E. *Your rights as a data subject* of this Privacy & Data Processing Statement without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. Peepl shall inform You of any such extension within one month of receipt of the request, together with the reasons for the delay.

30.3 If Peepl does not take action on Your request, Peepl shall inform You without delay and at least within one month of receipt of Your request, of the reasons for not taking action.

31. Filing a complaint with a supervisory authority

31.1 If You consider that the processing of Your Data infringes the Privacy Regulation or Privacy Act and without prejudice to any other administrative or judicial remedy, You have the right to lodge a complaint with a supervisory authority, in particular in the Member State of Your habitual residence, place of work or place of the alleged infringement.

31.2 The supervisory authority of Your habitual residence can be found here: <https://secure.edps.europa.eu/EDPSWEB/>