

APP PRIVACY NOTICE PAY-NXT

Version 1.0 – Applicable as of 8/11/2018

This privacy notice (“**Privacy Notice**”) governs the processing of your personal data by PAY-NXT S.A., with registered seat at Avenue Reine Astrid 92A, 1310 La Hulpe, registered in the legal persons register in Brussels, nr 0649.860.804, (“**Provider**”, “**we**”, “**us**”, “**our**”) as data controller as part of your use of the itspaid application (the “**App**”), and the associated services (“**Services**”). By downloading the App and using the Services, you acknowledge that we process your personal data according to the provisions of this Privacy Notice. Please read this Privacy Notice carefully and if you have any questions, do not hesitate to ask them. You can contact us by e-mail at the address privacy@PAY-NXT.be

Please note (1) that the processing of your personal data mentioned on electronic documents (e.g. invoices) from your service providers which you view or pay through this App, is also covered by the privacy notice of your service provider, who remains the data controller for such personal data, and (2) that the privacy notice of Itsme is also applicable when you use Itsme for registration to and for accessing the App.

1. IN GENERAL

1.1. Your personal data are processed by PAY-NXT S.A., with registered seat at Avenue Reine Astrid 92A, 1310 La Hulpe, registered in the legal persons register in Brussels, nr 0649.860.804, (hereinafter: “**Provider**”, “**we**”, “**us**”, “**our**”). You can contact us via e-mail at privacy@PAY-NXT.be.

Explanation: *This is the entity responsible for the processing of your personal data as covered in this Privacy Notice.*

1.2. The terms and concepts in this Privacy Notice have the same meaning as defined by the General Regulation on Data Protection (Regulation (EU) 2016 of 27 April 2016 on the protection of natural persons with regard to the processing of personal on the free movement of such data, and repealing directive 95/46/EC).

1.3 Where possible given the context, singular words shall be interpreted as also including the plural and vice versa.

Explanation: *To make sure we have the same understanding of what is written here, it is important that certain notions are interpreted in the same way by you and by us.*

1.4 Where reference is made to certain laws or regulations, such reference shall also include any change, replacement or annulment of said laws or regulations, including any related executive decisions.

Explanation: *Laws tend to change from time to time, and we want to make sure that this Privacy Notice remains in line with any such changes.*

1.5 Provider reserves the right to modify the Privacy Notice at its own discretion and from time to time. Such modification shall be communicated via the App or via e-mail.

Explanation: *As any company, changes in laws, market circumstances, interests etc. may require us to change our Privacy Notice from time to time to ensure that it remains accurate.*

1.6 We obtain personal data about you as a user of our Services ("User") from various sources in order to provide our Services. We collect data when you register for our Services, or via Itsme, or via suppliers of goods and services who may wish to send you electronic documents (e.g invoices).

Explanation: *This explains how we collect personal data from you, even if that personal data is not obtained directly from you.*

2 TYPES OF PERSONAL DATA WE PROCESS

2.1 During the registration process and when using the Services, Provider collects personal data pertaining to you. Such personal data include the following categories:

Explanation: *Here we explain which types of personal data we collect when you create an account in the App.*

2.2 When you are a User, Provider collects and processes:

- personal identification data such as phone number, e-mail address, your bank account nr IBAN and language
- transaction information (including purchase amount and date of purchase), whether received from the User directly (when using PAY-NXT payment services) or via suppliers of goods and services who may wish to send you electronic documents (e.g invoices)
- information regarding your preferences and surfing behavior which can be derived from your clicks in the App
- all other personal data that you choose to insert in, upload with or communicate to us

Explanation: *Here we explain which types of personal data we collect.*

2.3 In principle Provider obtains the above mentioned personal data directly from you.

We believe that this provision is self-explanatory.

3 PURPOSES FOR PROCESSING AND LEGAL BASIS FOR PROCESSING YOUR PERSONAL DATA

PURPOSE	LEGAL GROUND
<p>Provider first and foremost processes your personal details to provide you the Services.</p> <p>Explanation: <i>We first and foremost collect and process your personal data to provide you with the use of the App.</i></p> <p>Provider processes your personal data to offer you its services (such as payment initiation services and account information services, and signature services).</p> <p>Explanation: <i>We need to process your personal data to allow you to carry out payments you initiate through the use of the App and reconcile payment status of your invoices.</i></p>	<p>The processing of your personal data for this purpose is necessary for performing the Agreement between you and Provider.</p> <p>Explanation: <i>We also process your personal data to be able to provide you with the Services for which you have registered in the App.</i></p>
<p>Provider processes some of your personal data to be able to provide you with relevant commercial messages from PAY-NXT itself or from suppliers of goods and services who may wish to send you electronic documents (e.g invoices).</p> <p>Provider will only send you communications, promotions, offerings, newsletters and other advertisements via e-mail or other person-to-person electronic communications channels if you have explicitly agreed to receiving such communications, promotions, offerings, newsletters and other advertisements.</p> <p>Explanation: <i>We want to use your personal data for marketing purposes. This means that we collect information regarding your preferences and interests and use this information to make our marketing material more relevant to you. You can always change your preferences regarding receiving our marketing material by following the opt-out link provided in such communication.</i></p> <p>Provider processes your personal data to comply with legal obligations or to comply with</p>	<p>The processing of your personal data for this purpose is based on your explicit consent.</p> <p>Explanation: <i>When we wish to send direct marketing communication to you, the law requires us in most cases to ask your consent</i></p> <p>The processing of your personal data is</p>

<p>any reasonable request from competent law enforcement agents or representatives, judicial authorities, governmental agencies or bodies, including competent data protection authorities.</p> <p>Your personal data may be transferred upon Provider's own initiative to the police or the judicial authorities as evidence or if there are justified suspicions of an unlawful act or crime committed by you through your registration with or use of the Services.</p> <p>Explanation: <i>From time to time we may be legally required to transfer your personal data to governmental authorities.</i></p>	<p>necessary to allow Provider to comply with its legal obligations (e.g for payment services).</p> <p>Explanation: <i>Sometimes the law obliges us to process your personal data.</i></p>
<p>Provider processes your personal data to perform statistical analyses so that it may improve its Services or develop new products and services.</p> <p>Provider also uses your personal contact information to inform you of initiatives, opportunities or promotions from Provider. Provider may process your personal data for informing any third party in the context of a possible merger with, acquisition from/by or demerger by that third party, even if that third party is located outside the EU.</p> <p><i>We believe that these purposes are self-explanatory</i></p> <p>Provider may also process your personal data for the preservation of the legitimate interests of Provider or a third party if and when your registration with or use of the Services can be considered (a) a violation of the Terms or the intellectual property rights or any other right of a third party, (b) a threat to the security or integrity of the Services, (c) a danger to the App, or any of Provider's or its subcontractors' underlying systems due to viruses, Trojan horses, spyware, malware or any other form of malicious code, or (d) in any way hateful, obscene, discriminating, racist, slanderous, spiteful, hurtful or in some other way inappropriate or illegal.</p> <p>Explanation: <i>Here we reserve the right to process your personal data if you use the App</i></p>	<p>The processing of your personal data is necessary for the purpose of the legitimate interests of the Provider. This implies the processing for marketing purposes, the processing for statistical analyses, or in the context of a possible merger or acquisition. Our legitimate interests are:</p> <ul style="list-style-type: none"> • continuous improvements to Provider's Services to ensure that you have the best experience possible; • keeping the Services safe from misuse and illegal activity; • successful commercialization of the Services to allow us to keep providing you with the Services; • our legal defence in the light of potential claims. <p>Explanation: <i>We may also process your personal data for our own legitimate interests, which are mainly concerned with successfully conducting our business as any other company would do.</i></p>

or our Services in any way that may harm Provider or someone else or is illegal.

4. RETENTION PERIOD (How long we store your personal data)

4.1 Your personal data are only processed for as long as needed to achieve the purposes listed in article 3 above. We will remove your personal data when they are no longer necessary for these purposes, unless there is:

- an overriding interest of Provider or any other third party in keeping your personal data identifiable;
- a legal or regulatory obligation or a judicial or administrative order that prevents us from remove them.

We believe that this is provision self-explanatory.

5. RECIPIENTS OF THE PERSONAL DATA

5.1 Your personal data may be sent to the following categories of recipients:

- Yourself;
- Our clients and service providers as well as our affiliates;
- Our shareholders and potential acquirers;
- Governmental, judicial and other competent authorities.

Explanation: *These are the categories of persons, companies or institutions with whom we might share your personal data.*

5.2 We, and our third party processors, will only process your identifiable personal data in the EEA.

We believe that this provision is self-explanatory.

5.3 Without prejudice to article 5.1 and 5.2, Provider does not send your personal data in an identifiable manner to any third party without your explicit permission to do so, You understand, however that Provider is required to send your personal data to your financial institution and service provider who has sent you an electronic document (e.g. invoice) you wish to view or pay in order to provide you the Services.

Explanation: *We do not share your personal data with other third parties than those mentioned here unless you consent to it or unless we have anonymized your personal data. You understand however that your bank will process your personal data for the payments you make via the App.*

6 QUALITY ASSURANCES

6.1 Provider will take the appropriate technical and organizational measures to keep your personal data safe from unauthorized access or theft as well as accidental loss, tampering or destruction. Access by personnel of Provider or its third party processors will only be on a need-to-know basis and subject to strict confidentiality obligations. You understand, however, that safety and security are best efforts obligations only which can never be guaranteed.

Explanation: *We are committed to keeping your personal data safe.*

7 YOUR RIGHTS

Explanation: *In this article we explain which rights you have vis-à-vis the processing of your personal data. The rights themselves are self-explanatory.*

7.1 You have the right to request access to all personal data processed by Provider pertaining to you. Provider reserves the right to charge an administrative fee for multiple subsequent requests for access that are clearly submitted for causing nuisance or harm to Provider.

7.2 You have the right to ask that any personal data pertaining to you that are inaccurate, are corrected free of charge. In any case you can correct a lot of these data yourself via the App. If a request for correction is submitted, such request shall be accompanied of proof of the flawed nature of the data for which correction is asked.

7.3 When the processing is based on consent, you have the right to withdraw your earlier given consent for processing your personal data, in which case article 4.1 will apply.

7.4 You have the right to request that personal data pertaining to you be erased if they are no longer required in light of the purposes outlined in article 3 or if you withdraw your consent for processing them (when applicable). However, you need to keep in mind that a request for erasure will be evaluated by Provider against:

- overriding interests of PAY-NXT, your financial institution or any other third party;
- legal or regulatory obligations or administrative or judicial orders which may contradict such deletion;
- for the establishment, exercise of defense of legal claims.

Instead of deletion you can also ask that Provider limits the processing of your personal data if and when (a) you contest the accuracy of that data, (b) the processing is illegitimate or (c) the data are no longer needed for the purposes listed under article 3 but you need them to defend yourself in judicial proceedings.

7.5 You have the right to oppose the processing of personal data. Provider has the right to demonstrate compelling legal grounds for the processing which override you rights in this

regard. However, if the intended processing qualifies as direct marketing, you have the right to oppose such processing free of charge at any time.

7.6 When your personal data is processed for sending you direct marketing messages or for the performance of an agreement, you have the right to receive from us in a structured, commonly used and machine-readable format all personal data you have provided to us.

7.7 If you wish to submit a request to exercise one or more of the rights listed above, you can send an e-mail to privacy@PAY-NXT.be. Such request should clearly state which right you wish to exercise and the reasons for it if such is required. It should also be dated and signed, and accompanied by a digitally scanned copy of your valid identity card proving your identity. If you use the contact form, Provider may ask you for your signed confirmation and proof of identity.

7.8 Provider will promptly inform you of having received this request. If the request proves valid, Provider shall proceed as soon as reasonably possible and at the latest thirty (30) days after having received the request.

7.9 If you have any complaint regarding the processing of your personal data by Provider, you may always contact Provider via the e-mail address listed in article 7.7. If you remain unsatisfied with Provider's response, you are free to file a complaint with the competent data protection authority, i.e. the Belgian Authority for Data Protection. For more information, visit <https://www.dataprotectionauthority.be>.