

INFORMATION NOTE REGARDING THE PROCESSING OF PERSONAL DATA

-Version May 2019-

DIGI COMMUNICATIONS N.V., having its official seat in Amsterdam, the Netherlands and registration number with the Dutch Chamber of Commerce: 34132532, with fiscal address in Bucharest, Romania, Dr. N. Staicovici street no 75, 4th Floor, Phase I, Forum 2000 Building, Bucharest – 5th District, Romania, phone#: 031.400.65.05, fax#: 031.400.65.05, hereinafter referred to as “the Controller” or “we”, or “us”

Whereas:

- the provisions of the REGULATION (EU) 2016/679 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) hereinafter referred to as “Regulation”, which shall apply starting with 25 May 2018;
- the fact that the Data Controller processes, according to the law, the personal data of its shareholders natural persons and natural persons representing the legal entities shareholders (to the extent and if the personal data of the latter category are processed),

the Controller hereby issues this **Information Note on the Processing of Personal Data**, hereinafter referred to as the “Information Note”, as follows:

I. The Controller's contact details are specified in the Preamble.

II. The contact details of the Data Protection Officer are: responsabilprotectiadatelor@rcs-rds.ro, fax number: 031.730.16.42, mail address: Dr. Staicovici Street no. 75, Forum 2000 Building, Phase I, 2nd floor, District 5, Bucharest, Romania, phone number: 031.400.44.40

III. The Personal Data, the purposes of the Processing of Personal Data, the legal basis of the Processing, the legitimate interests pursued by the Controller or a third party, the recipients or categories of recipients of the Processing of Personal Data, the Controller's intention to transfer Personal Data to a third country (outside EU and the European Economic Area) or to an international organization, the existence or absence of the European Commission’s decision on adequacy or, in the case of the transfers stipulated at Articles 46, 47, 49, paragraph (1), subparagraph (2) of the Regulation, on a reference to the proper or adequate safeguards and the means of obtaining a copy thereof, if they have been made available, the period of Personal Data storage or, if not possible, the criteria used to determine such period **are highlighted in the Annex which forms an integral part of this Information Note.**

IV.1. Which are your rights?

In your capacity of **Data Subject** (natural person), you have the following rights, according to the Regulation:

a) The right to access Personal Data

What you need to know:

You may obtain a confirmation from us whether we process Personal Data that concern you and, if we do, you will have access to the following information:

- categories of Personal Data concerned;
- purposes of the Processing;
- recipients or categories of recipients to whom Personal Data have been or are to be disclosed, especially the countries outside EU and the European Economic Area or international organizations, with the appropriate safeguards in the latter case;

- where possible, the storage period or, if not, the criteria used to determine the period;
- you may lodge a complaint with the supervisory authority and you may ask us to rectify, erase your Personal Data, restrict the Processing of Personal Data, or you may oppose the Processing;
- the source of collecting Personal Data if we collect them from another Party and not from you;
- the existence of an automatic decision-making process, including the Profiling and, at least, the logic used, the importance and expected consequences of such Processing for you.

We assure you that:

- we will deliver you a copy of your processed Personal Data, if you want one;
- you may request and you will receive a response from us by any communications means you choose (including email).

Important to remember:

- You may be asked to pay a fee subject to administrative costs, if you require more than one copy;
- Your right to request a copy, as specified above, should not interfere with other persons' rights and freedoms.

b) The right to rectify Personal Data

What you need to know:

- You have the right to obtain from us **the rectification** of the inaccurate Personal Data;
- You have the right to obtain from us **the completion** of all incomplete Personal Data.

c) The right to erase Personal Data

What you need to know:

You have the right to obtain from us the erasure of your Personal Data, without unjustified delays, under certain conditions such as:

- The Personal Data are no longer needed to fulfil the purposes for which they have been collected or processed;
- You withdraw your consent if the Processing is based on your consent or the Processing concerns special personal data and is based on consent and there is no other legal basis regarding the Processing;
- You oppose the Processing necessary to perform a task that serves a public interest or arises from the authority given to and exercised by the Controller, or the Processing is based on a legitimate interest of the Controller or of a third party, and there are no legitimate reasons to prevail in regard to the Processing or you oppose the Processing based on direct marketing, including the profiling related to direct marketing;
- The Personal Data have been illegally processed;
- The Personal Data must be erased in order to comply with a legal obligation binding upon the Controller,

except if the Processing is required:

- to exercise the right to freedom of speech and information;
- to comply with a legal obligation;
- to be archived in the public interest, for science or historical studies, or for statistical purposes;
- to find, exercise or defend a right in Court.

d) The right to restrict the Processing

What you need to know:

You have the right to obtain from us the restrictions on Processing upon certain conditions:

- If you exercise your right to oppose the Processing, during the period when we check the accuracy of your Personal Data;

- If the Processing is illegal, and you oppose the erasure of your Personal Data and require us to restrict their use;
- While we are checking whether our legitimate rights prevail over yours, when you opposed the Processing for reasons related to a particular situation;
- We no longer need the Personal Data, and you request them to find, exercise or defend a right in Court.

We assure you that we will inform you before lifting the restriction of Processing for the fourth (4th) situations mentioned above.

Important to remember:

- If the restriction of the Processing took place in accordance with the fourth (4th) situations mentioned above, the Processing may take place, except for the storage, only with your prior consent for finding, exercising, defending a right in Court or for protecting the rights of other natural or legal person due to an important public interest of EU or a Member State.

e) The right to Personal Data portability

What you need to know:

- You have the right to obtain from us, in a structured, currently used and automatically readable format, the Personal Data concerning you and provided to us, and you also have the right to request that the Personal Data be transmitted to another data controller;
- You may exercise the two rights mentioned above provided that the following conditions are met cumulatively: (i) our Processing of Personal Data is performed according to your consent or the Processing is necessary for the performance of an agreement in which you are a contracting party or at your request, for taking the necessary steps before concluding an agreement; (ii) our Processing of Personal Data is made by automatic means; (iii) the exercise of the right to Personal Data portability does not prejudice the right to erase the Personal Data and does not affect other persons' rights and freedoms.

f) The right to opposition

What you need to know:

- You may oppose whenever the Processing is necessary (i) to comply with an obligation that serves a public interest or arises out of the authority vested in us, including the profiling on such grounds (ii) for a legitimate interest of us or of a third party. We shall cease the Processing, unless there are legitimate and compelling reasons that justify the Processing and prevail over your interests, rights and freedoms, or when the purpose is to establish, exercise or defend a right in Court;
- You may always oppose the Processing for direct marketing, including profiling, if profiling is related to direct marketing;
- When the Processing is performed for statistical purposes, scientific or historical research, you may oppose the Processing of the data concerning you, except when the Processing is necessary to comply with an obligation for public interest reasons.

g) The right to withdraw the consent at any time

What you need to know:

You may withdraw your consent at any time without affecting the validity of previous Processing for the Processing performed according to your consent.

h) The right to lodge a complaint with the supervisory authority

You have the right to lodge a complaint with the National Supervisory Authority for Personal Data Processing (www.dataprotection.ro)

IV.2. Important aspects about your rights

a) The deadline for responding to your requests

The standard response term is of (thirty) 30 days. If the preparation of the answer requires the analysis of a large volume of documents/information etc., the term may be extended to (sixty) 60 days, and we shall notify you on this aspect within the initial term of (thirty) 30 days.

b) The restriction of access

In some situations, we might not be able to give you access to all or part of your Personal Data due to legal restrictions. In such a case, we shall inform you on the reason of such refusal.

c) The impossibility of identification

In certain cases, we might not be able to identify your Personal Data because of the identification elements provided by you in your application. In such cases, if we cannot identify you as the Data Subject, we shall not answer to your request in accordance with this section, unless you provide us with additional information to allow us to identify you. We shall notify you and give you the opportunity to provide us with such additional details.

d) The exercise of your rights

In order to exercise your rights, you may send us a written request, signed and dated, by one of means provided in Article II hereof (e.g. email, fax or mail) or you may visit the website www.digi-communications.ro.

V. The Controller does not use the decision-making process based solely on automatic processing, including profiling, which produces legal effects that concern natural persons or affect them to a similar extent. The provision of personal data for access to inside information is a legal obligation.

VI. The Controller (i) whether intends to process Personal Data for a purpose other than that for which they have been collected, it shall make available, prior to such further Processing, the information regarding such secondary purpose and any other relevant additional information; (ii) the Controller shall apply adequate technical and organizational measures for the Processing of Personal Data according to the law and ensure their confidentiality according to the law; (iii) the Controller may periodically update this Information Note and its annexes, publishing any change on www.digi-communications.ro and notifying you in such respect. Therefore, we recommend you to visit www.digi-communications.ro periodically.

VII. In case that:

- You visit any of the Operator's websites, you may find detailed information on personal data such websites and you may access them (such as the use of cookies);
- You call the Controller, and the call is recorded, you will be alerted by a voice message before the conversation begins in such regard, and then you will have the option to take a decision;
- You access any of the applications operated by the Controller, detailed information on personal data is hosted by such applications and/or websites of the Controller which is hosting these applications.

VIII. If the Controller is subject to reorganization measures or sale procedure to other entities, your data shall be communicated to those entities, according to the law.