



Data Protection Compliance Statement for Equiduct Product Licence Agreement (EPLA) Audit Inspection.

(Privacy Notice)

This document demonstrates our commitment to protecting the privacy and security of personal information. It contains information regarding how we collect and use personal data or personal information in accordance with the General Data Protection Regulation (GDPR) and all other data protection legislation currently in force.

Pursuant to that legislation, when processing data we will:

- process it fairly, lawfully and in a clear, transparent way
- collect your data only for reasons that we find proper for the course of your employment in ways that have been explained to you
- only use it in the way that we have told you about
- ensure it is correct and up to date
- keep your data for only as long as we need it
- process it in a way that ensures it will not be lost or destroyed or used for anything that you are not aware of or have consented to (as appropriate).

This data protection compliance statement (privacy notice) applies to current and former Licensees as determined on an Equiduct Product Licence Agreement (EPLA).

The EPLA is an agreement between all current and former licensees and Börse Berlin AG.

Börse Berlin AG, in turn outsources the administration of the EPLA to EASDAQ N.V and Equiduct Systems Limited.

Pursuant to clause 7. of the EPLA Börse Berlin AG may inspect all equipment and records which relate to the use, distribution, control and billing of the Information by any member of Licensee's Group or Customer in order to verify the accuracy and compliance with the EPLA.

Börse Berlin AG will not note, store, communicate or otherwise record any personal information which does not directly relate to the above. A dedicated privacy notice in relation to any potential audit, as described above is provided herewith.

Börse Berlin AG, EASDAQ N.V and Equiduct Systems Limited, are collectively referred to as “EQUIDUCT”

Name	Registered Address	Registration Number	Contact details
Börse Berlin Börse Berlin AG	Kurfürstendamm 129 D 10711 Berlin Germany	Amtsgericht Berlin (Charlottenburg) HRB 74261	Tel: 0049 30 311 091 23 Email: Friederike.vonhofe@boerse-berlin.de
EASDAQ N.V.	Lei 19/11 B-3000 Leuven Belgium	BE 0455 240 893	Tel: +44 (0)203 595 1500 Email: matt.stupple@equiduct.com
Equiduct Systems Limited	18 th Floor 100 Bishopsgate London EC2N 4AG United Kingdom	02937847	Tel: +44 (0)203 595 1500 Email: matt.stupple@equiduct.com

Börse Berlin AG is a “**joint data controller**”. This means that they are responsible for determining the purpose and means of processing personal data.

EASDAQ N.V. is a “**joint data controller**”. This means that we are responsible for processing personal data on behalf of Börse Berlin AG.

Equiduct Systems Limited is a “**joint data controller**”. This means that we are responsible for processing personal data on behalf of Börse Berlin AG.

“**Personal data**”, or “**personal information**”, means any information relating to an identified, or identifiable individual by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

There are “special categories” of sensitive personal data, meaning data relating to racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health conditions, sex life or sexual orientation, genetic data, and biometric data which require a higher level of protection.

Details of the information we will hold

The list below identifies the kind of data that we will need to view:

- recipient(s)
 - company name / natural person and their relevant contact details
- the provider of the data responsible for the unauthorized use
 - company name / natural person and their relevant contact details.

It is not intended that any personal data will be stored and taken away from the Licensees premises.

Data viewed will be used to calculate any quantum of undeclared and unpaid:

- Distribution licenses
- Information Access Fees
- Connection Fees
- Internet Connections

EQUIDUCT will not note, store, communicate or otherwise record any personal information which does not directly relate to the above.

It is not intended to hold any personal data which falls within the scope of “special categories” of more sensitive personal information.

Method of collection of personal data

EQUIDUCT has the right inspect all equipment and records to verify the accuracy of Licensee’s reports and compliance with the EPLA, with the appropriate written notice.

The Audit Inspection will be conducted at the Licensee’s premises and will be undertaken by an appropriately qualified representation of EQUIDUCT.

EQUIDUCT does not expect any personal data to be emailed or otherwise sent by the Licensee to EQUIDUCT at any stage, either prior, during or after any Audit Inspection.

Personal data will only be viewed as part of an Audit Inspection.

It is not intended that any personal data will be stored and taken away from the Licensees premises.

Processing personal data

EQUIDUCT will only use personal information in accordance with the lawful bases for processing as defined by the GDPR. At least one of the following will apply when we process personal data:

- consent: You have given clear consent for us to process your personal data for a specific purpose.
- contract: The processing is necessary for a contract we have with you, or because we have asked you to take specific steps before entering into a contract.
- legal obligation: The processing is necessary for us to comply with the law (not including contractual obligations).
- vital interests: the processing is necessary to protect someone's life.
- public task: the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.
- legitimate interests: the processing is necessary for our legitimate interests or the legitimate interests of a third party unless there is a good reason to protect your personal data which overrides those legitimate interests.

Lawful basis for processing your information

EQUIDUCT consider that the basis for which we will process the data contained in the list above (see section above - **details of information we will use**) is necessary for the performance of the contract we have with EPLA Licensees.

Automated Decision Making

EQUIDUCT does not anticipate that any of our decisions will occur without human involvement. Should we use any form of automated decision making we will advise you of any change in writing.

Sharing Data

EQUIDUCT commits to not recording or storing any Personal Data as part of the Audit Inspection, no personal data can or will be shared with any other 3rd party either within, or outside of, the EEA.

Data security

EQUIDUCT commits to not recording or storing any Personal Data as part of the Audit Inspection, there is not considered to be any obligation to demonstrate security of personal data.

Data retention

As we commit to not recording or storing any Personal Data as part of the Audit Inspection, there is not considered to be any obligation to demonstrate an appropriate retention period or any subsequent review or deletion of personal data.

Your rights in relation to your data

EQUIDUCT will commit to ensure that any data we process is correct and up to date. It is your obligation to make us aware of any changes to your personal information.

You have the;

Right to be informed. This means that we must tell you how we use your data, and this is the purpose of this privacy notice.

Right to request access. You have the right to access the data that we hold on you. To do so, you should make a subject access request

Right to request correction. If any data that we hold about you is incomplete or inaccurate, you are able to require us to correct it.

Right to request erasure. If you would like us to stop processing your data, you have the right to ask us to delete Data from our systems, which is not needed for legal, tax or regulatory purposes, where you believe there is no reason for us to continue processing it.

Right to request the restriction of processing. You have the right to ask us to stop the processing of data of your personal information. We will stop processing the data (whilst still holding it) until we have ensured that the data is correct. Under certain circumstances we might need to pause our services to you until the Data has been corrected

Right to portability. You may transfer the data that we hold on you for your own purposes.

Right to request the transfer. You have the right to request the transfer of your personal information to another party.

The following right does not apply:

Right to object to the inclusion of any information. In situations where we are relying on a legitimate interest (or those of a third party) you have the right to object to the way we use your data where we are using it. Under certain circumstances this might need to a cancellation of our services in line with the agreed cancelation period.

Where you have provided consent to our use of your data, you also have the unrestricted right to withdraw that consent at any time. Withdrawing your consent means that we will stop processing the data that you had previously given us consent to use. There will be no consequences for withdrawing your consent but we might under certain circumstances need to a cancel of our services contract in line with the agreed cancelation period.

However, in some cases, we may continue to use the data where so permitted by having a legitimate reason for doing so.

If you wish to exercise any of the rights explained above, please contact Börse Berlin AG.

Consequences of your failure to provide personal information

If you neglect to provide certain information when requested, it may affect our ability to enter into or continue the EPLA contract with you, and it may prevent us from complying with our legal obligations. This may result under certain circumstances a need to a cancel of our services contract in line with the agreed cancelation period.

Change of purpose for processing data

EQUIDUCT commit to only process your personal information for the purposes for which it was collected, except where we reasonably consider that the reason for processing changes to another reason and that reason is consistent with the original basis for processing. Should we need to process personal information for another reason, we will inform you of this and advise you of the lawful basis upon which we will process.

Important note: We may process your personal information without your knowledge or consent, in compliance with the above rules (see above section - **lawful basis for processing your personal information**).

Questions or Complaints

Should you have any questions regarding this statement, please contact our Data Protection Officer on dataprotectionofficer@equiduct.com

The supervisory authority in the UK for data protection matters is the **Information Commissioner (ICO)**. If you think your data protection rights have been breached in any way by us, you are able to make a complaint to the ICO.

ICO Helpline: 0303 123 1113

<https://ico.org.uk/concerns/>

OR

The supervisory authority in Berlin, Germany for data protection matters is the Berliner Beauftragte für Datenschutz und Informationsfreiheit if you think your data protection rights have been breached in any way by us, you are able to make a complaint to the:

Berliner Beauftragte für Datenschutz und Informationsfreiheit.

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