

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

(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.

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	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 hold (As required in Equiduct Product Licence Agreement: Order Form, Section A Table 4):

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses, in relation to:
 - Agreement Notices and Amendments
 - Compliance and Audit
 - Data Management
 - Administration/Reporting/Payment

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

The required personal information is obtained through the application and completion process of the EPLA.

This personal data will be supplied directly by the Licensee, through completion of the required order form by the Licensee.

Data may be collected during the course of your licence with us to enable the performance, continuation and further development of our service.

This personal data is kept in:

- Dedicated server, in the form of the full EPLA as a pdf
- Contact details will be stored by employees of EQUIDUCT, and will only be used for purposes of administering the EPLA.

Processing information about you

EQUIDUCT will only administer personal information in accordance with the lawful bases for processing. At least one of the following reasons as defined in the GDPR 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 hold**) is necessary for the performance of the contract we have with licensees.

Automated Decision Making

EQUIDUCT do 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

Personal data will be shared with colleagues within EQUIDUCT where it is necessary for them to undertake their duties. This includes, for example;

- **Market Control Department** - So as to facilitate agreement compliance and service updates
- **Technology Department** – So as to facilitate technical continuance and service adjustments
- **Business Development Department** – So as to facilitate service quality and enhancements
- **Finance Department** – So as to facilitate the billing of licensees by Borse Berlin AG, as part of the services Equiduct Systems Limited are engaged to provide to Borse Berlin AG.
- **Management Team** in case of a problem escalation

It may be necessary for us to share your EPLA data with a third party or third-party service provider (including, but not limited to, contractors, agents or other associated/group companies) within, or outside of, the European Union (EU). Data sharing may arise due to a legal obligation, as part of the performance of a contract or in situations where there is another legitimate interest (including a legitimate interest of a third party) to do so.

The list below identifies which activities are carried out by third parties on our behalf:

- IT services
- Legal advisors

- Security
- Financial Auditors
- Email providers

Personal data may be shared with 3rd parties in the following circumstances:

- in the process of regular reporting activities,
- with regards to a business or group reorganisation, sale or restructure,
- in relation to the maintenance support and/or hosting of data
- to adhere with a legal or contractual obligation
- in the process of obtaining advice and help in order to adhere with legal obligations
- to ensure the company meets any regulatory requirements

If any personal data is shared, we expect third parties to adhere and comply with the GDPR and protect any EPLA data that they process. We do not permit any third parties to process personal data for their own reasons. Where they process this EPLA data it is for a specific purpose according to our instructions.

We do not anticipate that we will transfer data outside the EEA.

Data security

EQUIDUCT takes the security of all the data we hold very seriously. As part of our commitment to protecting the security of any data we process, we have put the following measures in place:

- **Equiduct Systems Limited – Data Protection Policy**
- **Equiduct Systems Limited Staff Handbook – ‘Information & Technology Security Code of Conduct’**
- **BSX - Data Protection Policy Incl. Employee commitment on Data Protection**

In addition, we have put further security measures in place to avoid data from being accessed, damaged, interfered with, lost, damaged, stolen or compromised. In cases of a breach, or suspected breach, of data security you will be informed, as will any appropriate regulator, in accordance with our legal obligations.

Any data that is shared with third parties is restricted to those who have a business need, in accordance with our guidance and in accordance with the duty of confidentiality.

We make use of S/MIME certificates in our email system, which offer outbound email Verification and the facility to receive Encrypted messages.

Our internal policies guide all staff and the use of these tools appropriately on an assessment of the nature of personal data being communicated.

Data retention

We anticipate that EQUIDUCT will retain EPLA data as part of the administration process for no longer than is necessary for the purpose for which it was collected.

We have considered the following to decide the appropriate retention period:

- Quantity
- Nature
- Sensitivity
- Risk of harm
- Purpose for processing
- Legal obligations
- Data subjects' expectations for references/records to be available

At the end of the retention period, upon conclusion of any contract we may have with you, or until we are no longer legally required to retain it, it will be reviewed and deleted, unless there is some special reason for keeping it. Occasionally, we may continue to use data without further notice to you. This will only be the case where any such data is anonymised and you cannot be identified as being associated with that 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 cancellation 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 cancellation 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.

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**).

In the event that you enter into an EPLA contract with us, any information already collected may be processed further in accordance with our data protection policy, a copy of which will be provided to you on request.

Questions or Complaints

Should you have any questions regarding this statement, please contact 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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