

# PRIVACY POLICY

## S.A SMSH S.A

Effective since: 25<sup>th</sup> May 2018

### 1. GENERAL WARNING

- 1.1 The S.A SMSH (hereinafter, « SMSH ») respects the privacy of its users (hereinafter, the "Users").
- 1.2 SMSH processes the personal data transmitted to it in accordance with the legislation in force, and, in particular, Regulation 2016/679 of 27 April 2016 on the protection of individuals with regard to the processing of personal data and the free movement of such data, applicable from 25 May 2018 (hereinafter the "**General Data Protection Regulation**").
- 1.3 Access to the website [www.smsb.be](http://www.smsb.be) (hereinafter, the "**Website**") implies the User's full and unreserved acceptance of this Privacy Policy (hereinafter the "**Policy**"), as well as its general terms of use (hereinafter the "**Terms**") and the cookie policy (hereinafter, the "**Cookie Policy**").
- 1.4 The Policy is valid for all pages hosted on the Website and for the registrations of this Website. It is not valid for the pages hosted by third parties to which SMSH may refer and whose privacy policies may differ. SMSH cannot therefore be held responsible for any data processed on these websites or by them.
- 1.5 The services available on the Site are:
- Information about services provided by SMSH
- 1.6 The User acknowledges having read the information below and authorizes SMSH to process, as specified in the Policy, the personal data it communicates on the Site.

## 2. DATA CONTROLLER

2.1 Simply visiting the Website shall take place without having to provide any personal data, such as first name, surname, postal address, e-mail address, etc.

2.2 As part of the Service, the User may be required to provide certain personal data. In this case, the data controller is:

### S.A SMSH

9, Rue Emile Francqui  
1435 Mont-Saint-Guibert  
Belgique  
+32 (0)10 23 78 80

N° BCE : 846750810

2.3 Any question regarding the processing of this data may be sent to the following address:  
[privacy@smsh.be](mailto:privacy@smsh.be).

## 3 DATA COLLECTED

3.1 By completing the newsletter and registration form on the Website and using the Service, the User allows, in particular, SMSH to record and store, for the purposes mentioned in point 4, the following information:

- identifying data, such as the first name and surname, e-mail address, date of birth, address, nationality and phone number;
- communications between the User and SMSH
- photos and videos

3.2 The User also authorizes SMSH to record and store the following data for the purposes mentioned in point 4:

- information voluntarily provided by the User for a purpose specified in the Policy, the Terms, the Cookie Policy, on the Website or on any other medium of communication used by SMSH
- additional information requested by SMSH to the User in order to identify him or to prevent him from violating any of the provisions of the Policy;

3.3 In order to facilitate browsing the Website as well as to optimize technical management, the Website may use "cookies". These "cookies" record, in particular:

- the User's browsing preferences;
- the date and time of access to the Website and other data related to traffic;
- the pages visited;

All information relating to "cookies" is included in SMSH 's Cookie Policy.

3.4 When the User accesses the Website, the servers consulted automatically record certain data, such as:

- the type of domain with which the User connects to the Internet;
- the IP address assigned to the User (when connected);
- the date and time of access to the Website and other data related to traffic;
- location data or other data relating to the communication;
- the pages visited;
- the type of browser used;
- the platform and/or operating system used;
- the search engine as well as the keywords used to find the Website.

3.5 No nominative data identifying the User is collected through the cookies and servers consulted. This information is kept for statistical purposes only and to improve the Website.

## 4 PURPOSES OF PROCESSING THE DATA

4.1 The Website collects, stores and uses its Users' data for the following purposes, in particular:

- to establish, carry out and conduct the contractual relationship with the User;
- to analyse, adapt and improve the content of the Website;
- to provide the Service;
- to allow the User to receive messages;
- to facilitate the availability and use of the Website;
- to personalize the User's experience on the Website;
- to respond to requests for information;
- for any marketing activities and promotions proposed by SMSH to Users who have given their consent;
- to inform them about any changes on the Website and its features;
- for any other purpose to which the User has expressly consented.
- to be informed of various events related to motor sports organized by SMSH
- site surveillance

4.2 Photos and videos are likely to be taken and used for promotional and sharing on social media purposes on behalf of SMSH during this event.

If you do not wish to be photographed or filmed for the above purposes, please inform the photographer at the event.

You can exercise your rights (access, rectification, deletion, etc.) by sending an e-mail to [privacy@smsh.be](mailto:privacy@smsh.be) with both your photo and a copy of your identity card.

4.3 The legal basis of the processing of your personal data is based on:

- your consent ;

-  the execution of any request from you; ,

We do need to collect some of your data to answer any request from you. If you choose not to share this data with us, it may render the performance of the contract impossible.

-  a legal obligation imposed on the controller ;

We do need to collect and store some of your data to meet various legal requirements, including tax and accounting.

-  the protection of vital interests; ,

-  for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller, or

-  our legitimate interest, provided that it is in accordance with your interests, freedoms and fundamental rights.

We have a legitimate interest in providing you with this information and interacting with you, especially to respond to your requests or improve our services, prevent abuse and fraud, control the regularity of our operations, exercise, defend and preserve our rights, for example in litigation, as well as evidence of a possible violation of our rights, manage and improve our relations with you, continually improve our website and our products/services, unless such interests are supplanted by your interests or your fundamental rights and freedoms requiring the protection of your personal data. We take care in any case to maintain a proportionate balance between our legitimate interest and respect for your privacy.

If the legal basis of our treatment is your consent, you have the right to withdraw it at any time without prejudice to the lawfulness of the processing performed prior to withdrawal.

In the context of direct marketing, this means that you can unsubscribe at any time from newsletters and other commercial communications from us. You will be put in "opt-out". You can unsubscribe by sending us an email at the following address: [privacy@smsh.be](mailto:privacy@smsh.be) or by clicking on the unsubscribe link at the bottom of each email.

## 5 RIGHTS OF THE DATA SUBJECT

5.1 According to the regulations on the processing of personal data, the User has the following rights:

- **Right to be informed** about the purposes of the processing (see above) and the identity of the data controller.
- **Right of access and verification of data:** the User may, at any time, have access to the data that SMSH has on him or check if he is included in the database of SMSH.
- **Right of objection:** the User may, at any time, object to the use of his data by SMSH.
- **Right of cancellation and/or modification:** the user may, at any time, notify SMSH of corrections to the data concerning him and, where appropriate, request the deletion of his personal data.
- **Right of limitation of processing:** the User may, in particular, obtain a limitation of processing when he has objected to the processing, when he disputes the accuracy of the data, or when he considers that the processing is illegal.

- **Right of portability:** The User has the right to receive the personal data that he has communicated to SMSH and may also ask said company to send this data to another data controller.

5.2 The User may, at any time, request access to his personal data, verify them, transfer them, and, in some cases as mentioned, limit their processing and rectify them. The User may also request rectification free of charge and, where applicable, request the deletion of all his personal data from SMSH's database - except those which SMSH has a legal obligation to keep on record - and object to the use and, where appropriate, request the limitation thereof.

In order to exercise his rights, the User sends a written request, accompanied by a copy of his identity card or his passport, to the data controller:

- by e-mail: [privacy@smsh.be](mailto:privacy@smsh.be)
- by mail : 9, rue Emile Francqui 1435 Mont-Saint-Guibert.

5.3 SMSH will then take the necessary steps to satisfy this request as soon as possible and in any case within one month of receipt of the application. If necessary, this period can be extended by two months, given the complexity and the number of requests.

## 6 PERIODE OF STORAGE

6.1 SMSH will keep the personal data of its Users for the duration necessary to achieve the objectives pursued (see point 4).

6.2 SMSH may also continue to keep personal data concerning the de-registered User, including all correspondence or request for assistance sent to SMSH in order to be in a position to reply to all questions or complaints that may be sent, and in order to comply with all applicable laws, namely in tax matters.

## 7 COMPLAINT WITH THE SUPERVISORY AUTHORITY

The User is informed that he has the right to lodge a complaint with the Commission for the Protection of Privacy:

Commission for the Protection of Privacy  
Rue de la Presse, 35, 1000 Brussels  
[commission@privacycommission.be](mailto:commission@privacycommission.be)  
[www.privacycommission.be](http://www.privacycommission.be)

## **8 SECURITY**

8.1 In addition, SMSH has taken the appropriate organizational and technical measures to ensure a level of security adapted to the risk and that, to the extent possible, the servers hosting the personal data processed prevent:

- unauthorized access to or modification of this data;
- improper use or disclosure of such data;
- unlawful destruction or accidental loss of such data.

8.2 In this respect, employees of SMSH who have access to this data are subject to a strict confidentiality obligation. Nevertheless, SMSH may in no way be held liable in the event that this data is stolen or hijacked by a third party despite the security measures adopted.

8.3 Users undertake not to commit acts that may be contrary to this Policy, the Terms, the Cookie Policy or, in general, the law. Violations of confidentiality, integrity and availability of information systems and data which are stored, processed or transmitted by these systems, or the attempt to commit one of these violations, shall be punishable by imprisonment of between three months and five years and a fine of between twenty-six euros and two hundred thousand euros, or one of these penalties only.

## **9 COMMUNICATION TO THIRD PARTIES**

9.1 SMSH treats personal data as confidential information. It will not communicate them to third parties under any condition other than those specified in the Policy, such as to achieve the objectives set out and defined in point 4, or under the conditions in which the law requires it to do so.

9.2 SMSH may communicate its Users' personal information to third parties to the extent that such information is necessary for the performance of a contract with its Users. In such case, these third parties will not communicate this information to other third parties, except in one of the two following situations:

- the communication of this information by such third parties to their suppliers or subcontractors to the extent necessary for the performance of the contract;
- where such third parties are obliged by the regulations in force to communicate certain information or documents to the competent authorities in the field of combating money laundering, as well as, in general, to any competent public authority.

9.3 The communication of this information to the aforementioned persons shall, in all circumstances, be limited to what is strictly necessary or required by the applicable regulations.

## 10 TRANSFER TO A NON-EU COUNTRY OR COMPANY

SMSH transfers data to a non-EU country or company only when that country provides an adequate level of protection within the meaning of the legislation in force, and, in particular, the Law of 8 December 1992 on protection of privacy and its executive orders, and Regulation 2016/679 of 27 April 2016 on the protection of individuals with regard to the processing of personal data and the free movement of such data, applicable from 25 May 2018 (hereinafter the "**General Data Protection Regulation**"), or within the limits permitted by the legislation in force, for example by ensuring the protection of data by appropriate contractual provisions.

## 11 DIRECT MARKETING

11.1 The personal data will not be used for direct marketing purposes for articles or services other than those to which the User has already subscribed, unless the User has previously explicitly consented to such use by ticking the boxes provided for this purpose ("opt-in").

On the basis of the preferences you have expressed we may also send you information about related products.

11.2 When the User has given his consent to the use of this information for direct marketing purposes, the latter retains the right to object to such use at any time, upon request and free of charge. The User may simply communicate his request by writing to the following address: [privacy@smsh.be](mailto:privacy@smsh.be).

## 12 NOTE CONCERNING MINORS

Persons under the age of 18 and persons who do not have full legal capacity are not permitted to use the Website. SMSH asks them not to provide their personal data.

## 13 UPDATES AND CHANGES TO THE POLICY

By informing Users through the Website or email, SMSH may modify and adapt the Policy, in particular to comply with any new legislation and/or regulations applicable (such as the General Data Protection Regulation applicable from 25 May 2018), the recommendations of the Belgian Privacy Commission, the guidelines, recommendations and best practices of the European Data Protection Board and the decisions of the courts and tribunals on this issue.

## **14 VALIDITY OF THE CONTRACTUAL CLAUSES**

- 14.1 Failure by SMSH to invoke - at any given time - a provision of this Policy, may not be interpreted as a waiver to subsequently make use of its rights under the said provision.
- 14.2 The invalidity, expiration or the unenforceable nature of all or part of one of the above or below mentioned provisions shall not give rise to the invalidity of all the Policy. Any fully or partially invalid, lapsed or unenforceable provision shall be deemed not to have been written. SMSH undertakes to substitute this provision with another which, to the extent possible, fulfils the same objective.

## **15 APPLICABLE LAW AND COMPETENT COURT**

- 15.1 The validity, interpretation and/or implementation of the Policy are subject to Belgian law, to the extent permitted by the provisions of applicable private international law.
- 15.2 In the event of a dispute relating to the validity, interpretation or implementation of the Policy, the courts and tribunals of Brussels have exclusive jurisdiction, to the extent permitted by the provisions of applicable private international law.
- 15.3 Before taking any step towards the judicial resolution of a dispute, the User and SMSH undertake to attempt to resolve it amicably. To this end, they shall first contact each other before resorting, where appropriate, to mediation, arbitration, or any other alternative method of dispute resolution.