

PRIVACY POLICY GEMONE
A BRAND OF TVH PARTS HOLDING NV

v1.0

GEMone is a brand of TVH Parts Holding NV.

This privacy policy (hereinafter: “**Privacy Policy**”) governs the processing of your personal data as part of your visit to our GEMone websites www.gemone.com, www.gemonecorp.com, www.ge-monitoring.com (hereinafter: “**Websites**”) or platform accessible via the GEMone web applications or mobile applications (hereinafter: “**Platforms**”), your communication with us via e-mail, telephone, fax and social media (hereinafter: “**Social Media Channels**”; e.g. Facebook, LinkedIn, YouTube, Pinterest, Instagram, Snapchat, Twitter, Whatsapp, Vimeo, etc.) and any order or purchase via one of our webshops (hereinafter: “**Webshops**”).

NOTE : If you want information on how we process personal data via cookies, social plug-ins, pixels and other types of tracking technology, you are kindly referred to our Cookie Policy [add link].

1. [Who is responsible for the processing of your personal data?](#)

TVH Parts Holding NV, Brabantstraat 15, 8790 Waregem, with corporate registration number 0822.308.590, RPR Ghent, Ieper division, is the entity responsible for your personal data as covered in this Privacy Policy (hereinafter: “TVH”, “we”, “us”, “our”.) This Privacy Policy may be changed from time to time, in order to ensure that it remains accurate and in line with legislation. If this happens, you are kindly asked to take note of the changes and to agree with them if you find them acceptable.

1.1 Your personal data are processed by TVH Parts Holding NV, Brabantstraat 15, 8790 Waregem, with corporate registration number 0822.308.590, RPR Ghent, Kortrijk division (hereinafter: “**TVH**”, “**we**”, “**us**”, “**our**”). You can contact us via e-mail at info@tvh.com.

1.2 Any notion starting with a capital shall be defined by explicit reference in this Privacy Policy. Where possible given the context, singular words shall be interpreted as also including the plural and vice versa.

1.3 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.

1.4 TVH reserves the right to modify, change or amend the Privacy Policy at its own discretion and from time to time. Such modification, change or amendment shall be communicated via the Websites, as well as the Platforms. If you do not accept the modifications, changes or amendments, you are to inform us by sending an e-mail to info@tvh.com. If we do not receive

such an e-mail from you within three (3) business days after the changes to the Privacy Policy have been announced both on our Websites and Platforms, you will be deemed to have accepted unambiguously all such changes

2. [Which categories of personal data do we process?](#)

We process following categories of personal data: technical information associated with the device you use, your browsing preferences, basic identity information you provide us with, the content of your communication, the technical details of the communication, your preferences regarding receiving our e-mail or instant messaging communications, publicly available information of your profile, any other personal data you choose to provide to us, your order and the details pertaining to the order itself.

Most of the personal data we process, we receive directly from you. However, from time to time we may receive personal data from third parties.

2.1. Whenever you use our Websites, Platforms, Webshops and Social Media Channels, we collect:

- **technical information** associated with the device you use, such as your IP address, browser type, geographical location and operating system;
- information concerning your **browsing behavior**, such as how long you visit, what links you click on, what pages you visit and how many times you visit a page.
- The **basic identity information** such as your name, the company you work for,

2.2. When you contact us via e-mail, telephone, instant messaging, fax or Social Media Channels, we collect:

- the **basic identity information** you provide us with, such as name, e-mail address, postal address, telephone number, the company you work for, your function.;
- the **content of your communication** and the **technical details of the communication** itself (with whom you correspond at our end, date and time, etc.);
- **your preferences regarding receiving our e-mail communications**, such as newsletters, promotions, advertisements, etc., if you have chosen to receive such communications and you have indicated your preferences in the Preference Center.
- **publicly available information of your profile** on Social Media Channels;
- **any other personal data** you choose to provide to us.

2.3. When you place an order on one of our Webshops, as customer or supplier, we collect:

- the **basic identity information** we require to process your order, such as your name, company, function, postal address and telephone number;

- **details pertaining to the order** itself.
- 2.4. All of the personal data listed above, we receive directly from you. It may happen that we receive additional information about your preferences and surfing behavior from partners such as Google, Facebook, Yandex and AddThis/Oracle. If you require more information about the personal data these parties process about you and make available to others, you are kindly requested to consult their respective privacy policies:
- Google: <https://www.google.com/intl/en/policies/privacy/>
 - Facebook: <https://www.facebook.com/about/privacy>
 - Yandex: <https://yandex.com/legal/privacy/>
 - AddThis/Oracle: <http://www.addthis.com/privacy/>

3. *Why do we process your personal information?*

We process your personal data for several different purposes: to provide, improve and develop services; for marketing purposes; to inform third parties; because we are legally required to do so or to detect if you use our Websites, Platforms, Webshops, Social Media Channels or other communication channels in any way that may harm TVH or someone else, or is illegal.

- 3.1. TVH processes your personal data for marketing purposes, i.e. to provide you with targeted communications, promotions, offerings and other advertisements of TVH and selected partners.

Unless you are an existing customer who has already purchased similar goods or services from us and who we wish to target with our own marketing material, **we 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 consented to receiving such communications, promotions, offerings, newsletters and other advertisements.**

- 3.2. TVH processes your personal data to provide you in a personalized and efficient way with the information, products and services you request via the Websites, Platforms, e-mail, telephone, instant messaging, fax, Social Media Channels and Webshops.
- 3.3. TVH processes your personal data to comply with legal obligations or to comply with any reasonable request from competent law enforcement agents or representatives, judicial authorities, governmental agencies or bodies, including competent data protection authorities.
- 3.4. Your personal data may be transferred upon TVH'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 Websites, Platform, Webshops, our Social Media Channels or other communication with us.

- 3.5. TVH processes your personal data to check the conformity of devices and machines prior to use. Such conformity checks are potentially necessary in demonstrating liability.
- 3.6. TVH may be required to collect and trans(fer your personal data to the financial institution or payment service provider to allow your financial institution and the payment service provider to comply with their legal obligations, such as obligations under applicable anti-money laundering and counter-terrorism financing legislation.
- 3.7. TVH processes your personal data to perform statistical analyses so that we may improve our Websites, Platforms, Webshops, products and services or develop new products and services.
- 3.8. TVH 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.
- 3.9. TVH may process your personal data for the preservation of the legitimate interests of TVH, its partners or a third party if and when your registration with or use of the Websites, Platforms, Webshops, Social Media Channels or other communication channels can be considered (a) a violation of any applicable terms of use or the intellectual property rights or any other right of a third party, (b) a threat to the security or integrity of the Websites, Platforms, Webshops, Social Media Channels or other communication channels, (c) a danger to the Websites, Platforms, Webshops, Social Media Channels or other communication channels or any of TVH'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.

4. [What makes the processing of your personal data legitimate?](#)

The law requires us to state precisely which legal basis we use to process your personal data. We may process your personal data because you have given your consent to do so, it is necessary for performing the agreement between you and us, we are obliged to do so by legislation or it is in our legal interest to process your personal data.

- 4.1. For processing your personal data for the purposes outlined in clause 3.1 and 3.2, the responsible party needs to asks for **your consent**.
- 4.2. The processing of your personal data for the purpose of fulfilling an order you have placed via one of our Webshops is necessary for performing the agreement between you and any TVH affiliate.
- 4.3. The processing of your personal data for the purposes outlined in clauses 3.3 and 3.4 is necessary to allow TVH to comply with its legal obligations.
- 4.4. The processing of your personal data for the purposes outlined in clauses 3.5, 3.6, 3.7 and 3.8 is necessary for the purpose of the legitimate interests of TVH, which are:

- continuous improvements to the Websites, Platforms, Webshops, Social Media Channels, products and services to ensure that you have the best experience possible;
- keeping our Websites, Platforms, Webshops, Social Media Channels, products and services safe from misuse and illegal activity;
- marketing and promotion of our products, services, brands and overall successful commercialization of our products and services.

5. [Who receives your personal data?](#)

Our general approach is that we do not share your personal with third parties unless you consent to it. However, sometimes it is unavoidable that third parties receive your personal data. Social media providers, financial institutions, payment service providers, cloud providers, service providers that help us with the maintenance of our Websites, Platforms and Webshops and entities within TVH may receive and process your personal data in some circumstances.

- 5.1. TVH 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 if you use our Social Media Channels, your personal data is also processed by the social media providers. If you purchase anything via our Webshops, a financial institution or payment service provider may also receive your personal data in order to provide their services.
- 5.2. TVH relies on third party processors to provide you the Websites, Platforms and Webshops as well as to process your personal data on our behalf. These third party processors are only allowed to process your personal data on behalf of TVH upon explicit written instruction of TVH. TVH warrants that all third party processors are selected with due care and are obliged to observe the safety and integrity of your personal data.
- 5.3. TVH may share your personal data with other entities within TVH Parts Holding NV. However, we will ensure that all entities within TVH Parts Holding NV will take due care that all processing of your personal data is in line with what is set out in this Privacy Policy.
- 5.4. TVH shares personal data with controllers of that personal data for purposes as described in clause 3.5.

6. [Do we transfer your personal data outside the EEA?](#)

Yes, we transfer your personal data outside the EEA (i.e. the European Economic Area, consisting of the EU and Norway, Liechtenstein and Iceland). Parties to whom we transfer your personal data are entities within TVH Parts Holding NV and foreign service providers. It goes without saying that your personal data are safe when we send your personal data to countries outside the EEA.

- 6.1. TVH processes your personal data first and foremost within the EEA. However, in order to process your personal data for the purposes outlined in article 3 above, we may also transfer your personal data to other entities within TVH Parts Holding NV or to third parties who process on our behalf which are located outside the EEA. Each entity outside the EEA that

processes your personal data shall be bound to observe adequate safeguards with regard to the processing of your personal data. Such safeguards will be the consequence of:

- the recipient country having legislation in place which may be considered equivalent to the protection offered within the EEA; or
- of a contractual arrangement between TVH and that entity. All entities within TVH Parts Holding NV are parties to a contractual arrangement based on the EC's Standard Contractual Clauses (controller-to-controller) (Commission Decision C(2004)5721

6.2. TVH may transfer anonymized and/or aggregated data to organizations outside of the EEA. Should such transfer take place, TVH will ensure that there are safeguards in place to ensure the safety and integrity of your data as well as all rights with respect to personal data you might enjoy under applicable mandatory law.

7. [What are the quality assurances with regard to your personal data?](#)

We will not process more personal data than we need for the purposes we have communicated to you. Additionally, we will only process your personal data for as long as needed to achieve the purposes we have communicated to you or up until such time where you withdraw your consent for processing them and no other legal ground applies that allows us to proceed in processing your personal data. We also guarantee to keep your personal data safe.

Note that the withdrawal of your given consent may imply that you cannot longer use the whole or part of the Websites, Platforms, Webshops, Social Media Channels and other communication channels.

We also make profiles about you based on preferences, surfing behavior and purchases so that we may better target our marketing activities.

In the Preference Center you can change your preferences regarding receiving marketing materials.

7.1. TVH does its utmost best to process only those personal data which are necessary to achieve the purposes listed under article 3.

7.2. Your personal data are only processed for as long as needed to achieve the purposes listed under article 3 of this Privacy Policy or up until such time where you withdraw your consent for processing them. Note that withdrawal of consent may imply that you can no longer use the whole or part of the Websites, Platforms, Webshops, Social Media Channels and other communication channels. TVH will de-identify your personal data when they are no longer necessary for the purposes outlined in article 3, unless there is:

- an overriding interest of TVH, your financial institution, the payment service 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 TVH from de-identifying them.

7.3. You understand that an essential aspect of our marketing efforts pertains to making our

marketing materials more relevant to you. This means that TVH builds a profile of you based on relevant characteristics as outlined in article 2 and then uses this profile to provide you with communications, promotions, offerings, newsletters and other advertisements about products and services that may interest you.

- 7.4. TVH 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 TVH 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.
- 7.5. If you are registered to receive communications, promotions, offerings, newsletters and other advertisements via e-mail or other person-to-person electronic communications channels, you can change your preferences for receiving such communications, promotions, offerings, newsletters and other advertisements by surfing to our preference center (“**Preference Center**”). The link to our Preference Center will be made available in each e-mail or other person-to-person communication we send you.

8. [What are your rights under this Privacy Policy?](#)

As a data subject, you have several rights vis-à-vis the processing of your personal data. These rights are the right of access, the right to rectification, the right to withdraw your earlier given consent, the right to erasure, the right to oppose the processing of personal data and the right that you receive from us in a structured, commonly used and machine-readable format all personal data you have provided to us.

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@tvh.com.

- 8.1. You have the right to request access to all personal data processed by TVH pertaining to you. TVH reserves the right to charge an administrative fee for multiple subsequent requests for access that are clearly submitted for causing nuisance or harm to TVH.
- 8.2. You have the right to ask that any personal data pertaining to you that are inaccurate, are corrected free of charge. 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.
- 8.3. You have the right to withdraw your earlier given consent for processing your personal data, in which case clause 6.2 will apply.
- 8.4. You have the right to request that personal data pertaining to you be deleted if they are no longer required in light of the purposes outlined in article 3 or if you withdraw your consent for processing them. However, you need to keep in mind that a request for deletion will be evaluated by TVH against:
 - overriding interests of the TVH, your financial institution, the payment service provider or any other third party;

- legal or regulatory obligations or administrative or judicial orders which may contradict such deletion.

Instead of deletion you can also ask that TVH 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.

- 8.5. You have the right to oppose the processing of personal data if you are able to prove that there are serious and justified reasons connected with his particular circumstances that warrant such opposition. However, if the intended processing qualifies as direct marketing, you have the right to oppose such processing free of charge and without justification.
- 8.6. 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.
- 8.7. 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@tvh.com. An e-mail requesting to exercise a right shall not be construed as consent with the processing of your personal data beyond what is required for handling your request. 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, TVH may ask you for your signed confirmation and proof of identity.

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

If you have any complaint regarding the processing of your personal data by TVH, you may always contact TVH via the e-mail address listed in this clause 8.7. If you remain unsatisfied with TVH's response, you are free to file a complaint with the competent data protection authority, i.e. the Belgian Data Protection Authority. For more information, visit <http://www.dataprotectionauthority.be>