

# PRIVACY POLICY

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This privacy policy (hereinafter: "Privacy Policy") governs the processing of your personal data as part of using our [Telematics App](#), your visit to our website <https://www.gemone.com/> (hereinafter: "Website"), your communication with us via email, telephone, fax and social media (hereinafter: "Social Media Channels"; e.g. Facebook, LinkedIn, Google+, YouTube, Pinterest, Instagram, Snapchat, Twitter, Whatsapp, Vimeo, etc.)

NOTE 1: For the usage of our Telematics App the **Data Controller** is the end-customer of the equipment in which telematics devices have been installed. **Data Subject** is the registered user whose personal data is processed by Gem One, on behalf of the Customer. Gem One considers **Personal Data** any information relating to a Data Subject that allows its identification.

NOTE 2: This Privacy Policy does not apply to the processing of personal data of people who choose to apply via our online job application platform. The processing of personal data via the job application platform is governed by a separate data privacy statement, which is made available via the platform itself.

NOTE 3: 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](#).

## 1. WHO IS RESPONSIBLE FOR THE PROCESSING OF YOUR PERSONAL DATA?

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Gem One NV, Brabantstraat 15, 8790 Waregem, with corporate registration number 0730.663.386 RPR Ghent, Kortrijk division, is the entity responsible for your personal data as covered in this Privacy Policy (hereinafter: "Gem One, "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 Gem One NV, Brabantstraat 15, 8790 Waregem, with corporate registration number 0730.663.386 RPR Ghent, Kortrijk division, is the entity responsible for your personal data as covered in this Privacy Policy (hereinafter: "Gem One, "we", "us, "our"). You can contact us via email at [info@gemone.com](mailto:info@gemone.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 Gem One 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 Website. If you do not accept the modifications, changes or amendments, you are to inform us by sending an e-mail to [info@gemone.com](mailto:info@gemone.com). If we do not receive such an email from you within three (3) business days after the changes to the Privacy Policy have been announced on our Website, you will be deemed to have accepted unambiguously all such changes

## **2. WHICH CATEGORIES OF PERSONAL DATA DO WE PROCESS?**

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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 email 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 Website 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.

2.2 When you fill out the contact form on our Website, use the chat function or contact us via e-mail, telephone, 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 are using our Telematics App we collect only data that is necessary for the delivery of our functional and analytical services. :

- name and email address of the user
- equipment related information like make, model,type
- general use of the equipment like working hours, fuel consumption, acceleration/deceleration, speed, battery voltage
- driver name and licences
- GPS coordinates for equipment which operates outside
- Time & Date

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?**

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

3.1 Gem One processes your personal data for providing services and solutions within Telematics and Fleet management as it is contractually agreed between us and the Customer.

3.2 Gem One processes your personal data for marketing purposes, i.e. to provide you with targeted communications, promotions, offerings and other advertisements of Gem One 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, Gem One 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.

3.3 Gem One processes your personal data to provide you in a personalized and efficient way with the information, products and services you request via the Telematics App, e-mail, telephone, fax, and Social Media Channels.

3.4 Gem One 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.

Your personal data may be transferred upon Gem One'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 Telematics App, Website,, our Social Media Channels or other communication with us.

3.5 Gem One may be required to collect and transfer 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.

3.6 Gem One processes, aggregates and/or anonymizes your personal data to perform statistical analyses so that we may improve our Telematics App, Website, products and services or develop new products and services.

3.7 Gem One may process your personal data for the preservation of the legitimate interests of Gem One, its partners or a third party if and when your registration with or use of the Telematics App, Website, 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 Website, Webshops, Social Media Channels or other communication channels, (c) a danger to the Website, Webshops, Social Media Channels or other communication channels or any of Gem One'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?**

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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 The processing of your personal data you have introduced via our Telematics App outlined in clause 3.1 is necessary for performing the contractual agreement related to the delivery of Telematics and Fleet management services

4.2 For processing your personal data for the purposes outlined in clause 3.2 and 3.3 Gem One is the responsible party asks for your consent.

4.3 The processing of your personal data for the purposes outlined in clauses 3.4 and 3.5 is necessary to allow Gem One to comply with its legal obligations

4.4 The processing of your personal data for the purposes outlined in clauses 3.6 and 3.7 is necessary for the purpose of the legitimate interests of Gem One, which are:

- continuous improvements to Gem One's Telematics App, Website,, Social Media Channels, products and services to ensure that you have the best experience possible;
- keeping our Telematics App, Website,, 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?

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Our general approach is that we do not share your personal data with third parties unless you consent to it. However, sometimes it is unavoidable that third parties receive your personal data. Social media providers may receive and process your personal data in some circumstances.

5.1 Gem One 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.

5.2 Gem One has only one **Third party data subprocessor**, the [Google Cloud Platform](#) (GCP). We are using cloud native services delivered by GCP in full compliance with [GDPR](#)

## 6. DO WE TRANSFER YOUR PERSONAL DATA OUTSIDE THE EEA?

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No, we do not transfer your personal data outside the EEA (i.e. the European Economic Area, consisting of the EU and Norway, Liechtenstein and Iceland). All Gem One services are delivered from GCP services located in the EEA. In case the Customer requires the delivery of GCP services from a specific geographical zone situated outside of the EEA, Gem One applies the local legislation and regulations as far as Personal data is concerned.

## **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 Telematics App, Website, 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.*

7.1 Gem One is taking all necessary technical and organizational security measures required to protect your Personal Data, ensuring that this is not accidentally or unlawfully destroyed, lost or transferred to unauthorized third parties. All Personal Data will be processed in a lawful and transparent manner, respecting the legislation of the country where the customer is located.

7.2 Gem One shall ensure that each member of the staff, whether employed or hired employee, having access to or being involved with the Processing of Personal Data is informed of and complies with the obligations of this Privacy Policy and has committed himself to confidentiality or is under appropriate statutory obligation of confidentiality.

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

7.4 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 Telematics App, Website, Social Media Channels and other communication channels. Gem One 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 Gem One, 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 Gem One from de-identifying them.

7.5 You understand that an essential aspect of our marketing efforts pertains to making our marketing materials more relevant to you. This means that Gem One 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.

7.6 Gem One 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 Gem One 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.

## 8. WHAT ARE YOUR RIGHTS UNDER THIS PRIVACY POLICY?

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*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@gemone.com](mailto:privacy@gemone.com).*

8.1 You have the right to request access to all personal data processed by Gem One pertaining to you. Gem One reserves the right to charge an administrative fee for multiple subsequent requests for access that are clearly submitted for causing nuisance or harm to Gem One.

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

8.4 Customers using the Gem One Telematics App are entitled, at their own expense, to require an annual review of the Gem One Personal Data processing flow. This review can be executed by an independent third party, mandated and paid by the Customer. The review will be strictly limited to the requirements of the applicable data protection legislation of the country where the customer is located.

8.5 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 Gem One against:

- overriding interests of the Gem One, 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 Gem One 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.

8.6 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.

8.7 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.

8.8 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@Gem One.com](mailto:privacy@Gem One.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, Gem One may ask you for your signed confirmation and proof of identity.

Gem One will promptly inform you of having received this request. If the request proves valid, Gem One 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 Gem One, you may always contact Gem One via the e-mail address listed in this clause 8.7. If you remain unsatisfied with Gem One'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.privacycommission.be>