

## PRIVACY POLICY

This privacy policy (hereinafter: “**Privacy Policy**”) governs the processing of your personal data as part of your interactions with GEM ONE NV, Brabantstraat 15, 8790 Waregem, with corporate registration number 0730.663.386, RPR Ghent, Kortrijk division, further identified as “**GEM ONE**”, “**we**”, “**us**”, “**our**” via our websites (hereinafter: “**Website**”), your communication with us via e-mail, telephone, fax and social media (hereinafter: “**Social Media Channels**”; for example but not limited to Facebook, LinkedIn, YouTube, Pinterest, Instagram) and your orders or purchases via one of our webshops.

**NOTE 1:** 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 [privacy statement](#), which is made available via the platform itself.

**NOTE 2:** 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](#).

**Note 3:** GEM ONE is an affiliate of TVH Parts Holding NV, Brabantstraat 15, 8790 Waregem, with corporate registration number 0822.308.590, RPR Ghent, Kortrijk division. It is possible data will be shared within the TVH group. For some services, GEM ONE relies on the TVH group.

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

- 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 (hereinafter: “**GEM ONE**”, “**we**”, “**us**”, “**our**”). You can contact us via e-mail at [privacy@tvh.com](mailto:privacy@tvh.com).
- 1.2. Any term 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.

2. Processing of personal data

**2.1. Processing personal data as data controller**

We may process your personal data in the context of the following activities, for the corresponding purposes and based on the stated legal grounds:

<b>Purpose</b>	<b>Personal Data</b>	<b>Legal Ground</b>
Responding to your request via the website contact form, trade fairs, email, telephone, fax or social media channels	<ul style="list-style-type: none"> <li>- Basic identity information: full name, email address, postal address, phone number, company you work for, function</li> <li>- Content and technical details (e.g. IP address) of communication</li> </ul>	Necessary for the performance of contract
Providing our products and services and managing our (customer) relations	<ul style="list-style-type: none"> <li>- Basic identity information: full name, email address, postal address, phone number, company you work for, function</li> <li>- Details of the order</li> </ul>	Necessary for the performance of contract
Managing supplier or partner relations or collaborations	Basic identity information: full name, email address, postal address, phone number, company you work for, function	Necessary for the performance of contract
For 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	All available, and necessary, information	Legal obligation
Providing the best experience on our websites, webshops and social media	<ul style="list-style-type: none"> <li>- Technical information (IP address, browser type, geographical location,...)</li> <li>- Browsing behaviour</li> </ul>	Legitimate interest for necessary cookies  Consent for other cookies

through the use of cookies (more info in <a href="#">cookie policy</a> )	(visits, links clicked,...)	
For preservation of the legitimate interests of GEM ONE, its partners or a third party	All available, and necessary, information	Legitimate interest
To inform third parties about possible mergers, acquisitions, demergers or other similar corporate transactions	All available, and necessary, information	Legitimate interest
Call recordings for quality control	All information provided during a call (e.g. full name, phone number, company you work for,...)	Consent
Organising (online) contests and competitions	<ul style="list-style-type: none"> <li>- Basic identity information: full name, email address, phone number</li> <li>- Information related to the specific contest</li> <li>- Information of the winner: home address, bank account,...</li> </ul>	Consent

In any case, GEM ONE tries to limit the processing of your personal data as much as possible. When categories mentioned above might not be needed for the relationship GEM ONE has with you, these categories will not be processed.

When our processing is based on our legitimate interests this will be done because, in specific cases, our interests outweigh any possible harm to your rights. In that case, any possible prejudice to your rights is very limited, while the information for GEM ONE is of crucial importance. Where we rely on these legal grounds for processing, we shall limit the impact this may have on your privacy by minimising our use of it and providing adequate access and security safeguards to prevent unauthorised use.

## **2.2. Processing personal data as data processor**

By using the services of GEM ONE, it is possible GEM ONE will process personal data of employees, agents, freelancers,... of customers. In that case the customer will remain the data controller towards its employees.

The personal data that will be processed by GEM ONE will be dependent on the specific agreements with the client. For more information about this, the data controller needs to be contacted.

### 3. *Retention of your personal data*

- 3.1. Your personal data are only processed for as long as needed to achieve the purposes listed under article 2 of this Privacy Policy or up until such time where you withdraw your consent for processing them except if required otherwise by law. Note that withdrawal of consent may imply that you can no longer use the whole or part of the Website, webshops, Social Media Channels and other communication channels.
- 3.2. Telephone recordings shall be deleted after a retention period of twelve (12) months.
- 3.3. GEM ONE will delete or de-identify your personal data when they are no longer necessary for the purposes outlined in article 2, 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. We ensure that your personal data is only retained for as long as necessary to achieve the purposes described above.
- 3.4. We would like to emphasize that we provide the necessary appropriate guarantees for the security and integrity of your personal data.

### 4. *Use of Artificial Intelligence (AI) and automated decision making*

- 4.1. We use automation and, where necessary, artificial intelligence (AI) technologies to make our services more efficient, to serve you better and to further optimise internal processes. These systems may process personal data, for example for the purposes of analysis, segmentation or making suggestions.
- 4.2. Where processing by AI or automated decision-making takes place, we will inform you in the following manner:
  - **Purpose:** Processing is carried out with the aim of, among other things, improving our Website, webshop and customer interaction, generating insights into usage patterns and offering relevant products or services.
  - **Logic:** The AI used works on the basis of rules and algorithms programmed by us, which looks at data such as surfing behaviour, purchase history, preferences or other information provided by you.
  - **Consequences:** The application of this technology may lead to automated suggestions or profiling. In cases where this leads to an individually significant decision based on your personal data, you have the right to request human

intervention, to gain insight into the logic and significance thereof, and to challenge the decision.

- **Legal basis:** Processing is based on our legitimate interest (improvement of service and efficiency) or, where applicable, your consent.
- **Your rights:** As further described in this privacy notice, you have the right to access, rectify, object to, restrict processing or exercise other rights in accordance with the GDPR.

4.3. If you have any questions about how we use AI or would like to know whether a fully automated decision has been applied to you, please contact us at [privacy@tvh.com](mailto:privacy@tvh.com).

## 5. *Sharing of your personal data?*

- 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. 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. In these instances, the privacy notices of these third parties remain applicable.
- 5.2. GEM ONE relies on third party processors to provide you the Website 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 GEM ONE upon explicit written instruction of GEM ONE. GEM ONE 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. GEM ONE may share your personal data with other entities within the TVH group of companies. However, we will ensure that all TVH group entities will take due care that all processing of your personal data is in line with what is set out in this Privacy Policy.

## 6. *Transfers of your personal data outside the EEA*

- 6.1. GEM ONE processes your personal data first and foremost within the EEA. However, in order to process your personal data for the purposes outlined in article 2 above, we may also transfer your personal data to other entities within TVH group 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

- a contractual arrangement between GEM ONE and that entity. All parties are parties to a contractual arrangement based on the EC's Standard Contractual Clauses (controller-to-controller) (Commission Decision C(2021) 3972)

- 6.2. GEM ONE may transfer anonymized and/or aggregated data to organizations outside of the EEA. Should such transfer take place, GEM ONE 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. *Quality assurances with regard to your personal data?*

- 7.1. GEM ONE does its utmost best to process only those personal data which are necessary to achieve the purposes listed under article 2.
- 7.2. GEM ONE will retain your personal data for the period necessary to fulfil the purposes described in this privacy policy. A longer retention period may be required based on a legal or contractual obligation or in the event of a dispute. If you have any questions or would like more information about the retention of your personal data, please send a request to GEM ONE's privacy officer.
- 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 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.
- 7.4. 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 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. *Your rights*

- 8.1. You have the right to request access to and information about 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 by 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 article 3.3 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 2 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 2 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 the 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](mailto: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 a request should clearly state which right you wish to exercise and the reasons for it. It should also be dated and signed. If there is doubt about your identity, we may ask to provide 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 article 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 or the data protection authority competent for the country/region where you are located. For more information on the Belgian Data Protection Authority, visit <http://www.privacycommission.be>.

If you want to know the competent authority for your location, you can find this here: [Our Members | European Data Protection Board](#)