

Privacy statement on the protection of the personal data of temporary staff (January 2019 version)

This statement applies to candidates and temporary self-employed staff (hereinafter referred to as “Interim Managers”) contacted and/or put in contact with BDO IM’s clients within the framework of the agreement concluded for temporary assignments.

In this privacy statement, BDO means the company BDO Interim Management, a department of BDO Advisory SRL, with registered office at Rue de Stassart 35, 1050 Brussels, with business number BE 0459.910.454 (hereinafter referred to as “BDO” or “Company”).

1. Data Controller

1.1. Data Controller

In the context of its activities, the Company is required to process personal data as a Data Controller insofar as it determines the means and purposes of the processing of such personal data.

Contact details of the Data Controller: BDO Interim Management, mentioned above.

1.2. Data Protection Officer

The Company has also appointed a Data Protection Officer (hereinafter referred to as “the Officer”).

The Officer’s mission is to inform everyone about the personal data processed. He/she provides advice and ensures compliance with the applicable regulations on the subject, including:

- Regulation 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (hereinafter referred to as the “GDPR”);
- The applicable Belgian laws on the subject, and in particular the Law of 30 July 2018 on the protection of natural persons with regard to the processing of personal data.

An Interim Manager may contact the Officer with any questions relating to the processing of his/her personal data and the exercise of his/her rights.

Contact details of the Data Protection Officer: dpo.intern@bdo.be

2. Purpose

The purpose of this statement is to inform an Interim Manager contacted and/or put in contact with BDO's clients within the framework of the agreement concluded for temporary assignments (hereinafter referred to as the "Agreement") how their personal data are processed.

The Agreement includes both the management contract and the confidentiality agreement as well as any other agreements concluded in the context of temporary assignments.

In the context of the procedure for the selection of a candidate Interim Manager, the Company is required to process his/her personal data. The processing of personal data is based on the agreement of the candidate and/or on the legitimate interest of the Company.

In the context of the execution of the Agreement between the Company and the Interim Manager, the Company is also required to process the Interim Manager's personal data (e.g. to calculate his/her fees and expenses, to put him/her in contact with potential employers, etc.).

The processing of personal data is also necessary for the proper functioning of the Company and for the proper performance of the missions entrusted to it (e.g. recruitment reserve, planning of work, etc.).

Consequently, the processing of the Interim Manager's personal data is justified and necessary for several reasons:

- The fulfilment of the Company's legal obligations;
- The execution of the Agreement concluded between the Company and the Interim Manager;
- The legitimate interests of the Company, and in particular those set out in point 3 of this statement.

Through this statement on the protection of personal data, the Company guarantees that as an Interim Manager, you:

- Are informed of the processing of your personal data and your rights;
- Retain control over the personal data that we process;
- Are able to exercise your rights with regard to personal data.

This statement is made in accordance with the provisions of, in particular, the GDPR and of the Law of 30 July 2018 on the protection of natural persons with regard to the processing of personal data.

3. Processing of personal data - data and purposes

The Company processes the following personal data of Interim Managers for the purposes described below:

3.1. Selection and recruitment procedure

The processing of an Interim Manager's personal data is justified in the context of the selection procedure and is based on the agreement of the person concerned and/or the legitimate interest of the Company, which is that of contacting potential Interim Managers with an interesting profile, in particular and primarily via professional social networks (e.g. LinkedIn).

Personal identification data

- Name and address;
- Age and date of birth;
- Photos of the candidate;
- Nationality;
- Gender;
- Language(s) spoken by the Interim Manager;
- Marital status, household composition and tax situation;
- National register number, identity card number, passport number, driving licence number;
- Telephone number (land line and mobile);
- E-mail address (professional and private).

Personal characteristics

- Diplomas, professional training and professional skills;
- Interviews.

Data on training and career

- Academic CV: overview of educational institutions, nature of courses taken, diplomas, results obtained in examinations;
- Professional skills: professional certificates and training, mandate (director, etc.);
- Professional experience: professional interests, academic interests, specialisations, teaching experience;
- Memberships of professional organisations and/or trade union organisations;
- Publications;
- Previous positions and experience (with another employer);
- References to be obtained from previous occupations.

Data on hobbies

- Hobbies and sports;
- Memberships.

3.2. Recording of data in a recruitment reserve

The retention of the Interim Manager's personal data in a recruitment reserve is justified on the basis of the legitimate interest of the Company, which is that of being able to contact the Interim Manager in order to offer him/her new temporary assignments.

Personal identification data

- See point 3.1.

Personal characteristics

- See point 3.1.

Data on training and career

- See point 3.1.

Data on hobbies

- See point 3.1.

3.3. Service provision management

The processing of an Interim Manager's personal data is justified and necessary in the context of the execution of the Agreement concluded and the fulfilment of the legal obligations on the Company due to the existing service provision relationship, and is based on the agreement of the person concerned and/or the legitimate interest of the Company, which is that of contacting potential Interim Managers with an interesting profile, in particular and primarily via professional social networks (e.g. LinkedIn).

Personal data that are not essential based on the above-mentioned criteria may be collected on reasonable grounds in the case of a legitimate interest, such as social involvement within the Company.

Personal identification data

- See point 3.1;
- Position;
- Place(s) of business;
- Start and end date of the Agreement, circumstances of departure and conditions for termination of the Agreement;
- Nature of the Agreement;
- Registration number.

Personal characteristics

- Working hours, hours worked, absences and reasons for absence;
- Foreigner status: visa, work permit, residence permit.

Financial identification data

- Bank account number;
- Invoicing data: name, company, registered office, VAT number, company account number, legal form;
- Insurance: nature, risks covered, amounts insured, period insured, expiry date, payments, options, beneficiaries.

Data on training and career

- See point 3.1.

Data on the occupation

- Current responsibilities, projects, hourly rate invoiced, working hours, hours worked;
- Feedback interview with the self-employed employee;
- Absences and reasons;
- Fees and changes in fees;
- Career development;
- Overview of the client experience;
- Disciplinary measures;
- Training taken in the context of the position.

Data on hobbies

- See point 3.1.

Other

- Recording of working time;
- Electronic tickets submitted to the Human Resources Department.

3.4. Feedback and evaluation

The processing of an Interim Manager's personal data is justified and necessary in the context of the execution of his/her Agreement in the legitimate interest of the Company, which is that of evaluating the level of satisfaction of the services it offers, and in particular the feedback and monitoring of Interim Managers, but also in the context of the legal obligations on the Company due to the existing collaboration between the Interim Manager and itself.

Personal identification data

- See point 3.1.

Personal characteristics

- See point 3.1.

Financial identification data

- See point 3.3.

Training and career

- See point 3.1.

Occupation

- See point 3.3.

3.5. Work planning

The processing of an Interim Manager's personal data is justified and necessary in the context of the execution of his/her Agreement, and in particular the planning and monitoring of tasks and services.

Personal identification data

- See point 3.1.

Personal characteristics

- See point 3.1.

Occupation

- See point 3.3.

Other

- Recording of working time

3.6. Securing the Company and its equipment

The processing of an Interim Manager's personal data is justified and necessary in the legitimate interest of the Company, and in particular the security of the Company, the protection of its assets and the taking of measures to avoid any intrusions.

Personal identification data

- See point 3.1.

Personal characteristics

- See point 3.1.

Other

- Video surveillance.

3.7. Optimal quality of the services offered to clients

The processing of an Interim Manager's personal data is justified and necessary in the context of the legitimate interest of the Company, and in particular of the optimisation of the services offered to clients, with a view to increasing profitability.

Personal identification data

- See point 3.1.

Personal characteristics

- See point 3.1.

Training and career

- See point 3.1.

Occupation

- See point 3.3.

Other

- Photos (digital, etc.);
- Video files.

4. Principles governing data processing

All the personal data are processed in line with the basic general principles, namely purpose and proportionality.

We have chosen to use broad formulations in order to inventory, as faithfully as possible, the personal data that we process.

However, despite all precautions taken, the list may not be exhaustive. In the event of essential additions, the privacy statement will be amended and the Interim Manager will be informed.

5. Place of data processing and transfer

Only persons working for BDO who must have access to an Interim Manager's personal data to carry out their professional duties can access such data. These persons act under the supervision and responsibility of BDO.

When necessary, as part of the service offering, BDO also communicates an Interim Manager's personal data to other entities of the network and to clients to which the profile of the candidate could be of interest in the context of a particular assignment, whether Belgian or foreign.

BDO also uses external providers to carry out certain processing activities, in particular File Finder (data storage). Given that these third parties have access to personal data in the context of the performance of the requested services, the Company has taken technical, organisational and contractual steps in order to ensure that personal data are only processed and used for the purposes mentioned in point 3 of this statement.

In order to comply with any legal obligations imposed by the legislation, BDO may submit such personal data to judicial or regulatory institutions, (para) fiscal and research services.

Personal data will not in principle be transferred outside the EU. However, if the Company plans to have personal data recorded and processed outside the EU and the European Economic Area (EEA), it will explicitly indicate this and ensure that the same level of protection is guaranteed pursuant, in particular, to Chapter V of the European General Data Protection Regulation.

Apart from these cases, an Interim Manager's personal data will never be communicated or made available to third parties and they will be used exclusively on account of the Agreement, the legitimate interest of the Company and/or on the basis of the Interim Manager's consent.

6. Duration of processing

The Company will retain personal data for as long as is necessary to achieve the objectives mentioned in point 3 of this statement and for a period of up to five (5) years.

7. Interim Manager's rights

Under the European General Data Protection Regulation, each person concerned by the processing of their personal data, and therefore also a Interim Manager, has been granted specific rights, subject to conditions. Below you will find an overview of these rights.

7.1. Right to information

An Interim Manager has the right to be informed, among other things, of the purposes of the processing, the personal data concerned, as well as the rights that he/she possesses and the arrangements for exercising them.

7.2. Right of access

An Interim Manager has access to personal data processed by the Company and has a right to view them.

If an Interim Manager wishes, the Company will provide him/her with a copy of his or her personal data. He/she may obtain a response to questions concerning the processing of his/her personal data (reasons for the processing, recipients, retention period, etc.).

7.3. Right of rectification

An Interim Manager has the right to request the deletion or rectification of erroneous, fragmented, incomplete or obsolete personal data.

7.4. Right to be forgotten

An Interim Manager has the right to obtain the erasure of his/her personal data if:

- They are no longer necessary for the intended purpose;
- The purpose of the processing is unlawful;
- He/she justifiably objects to the processing.

7.5. Right to the limitation of processing

An Interim Manager has the right to obtain the limitation of processing of his/her personal data in the following cases:

- If he/she disputes the accuracy of the personal data, the processing may be limited during the period in which the Company is responsible for verifying their accuracy;
- If he/she invokes the unlawful nature of the processing without requiring the erasure of the personal data;
- If the Company no longer needs the Interim Manager's personal data for the purposes of processing but wishes to retain them because they remain necessary for the establishment, exercise or defence of rights in legal proceedings;

- If a Interim Manager objects to a processing activity carried out on the basis of legitimate interests, this processing activity will be limited during the period during which the reasons cited by both parties will be examined.

7.6. Right to data portability

An Interim Manager has the right to receive the personal data processed by the Company in a digital, legible and structured format in order to be able to record them for personal (re)use, or to ask BDO to transfer them to another Data Controller, provided that this is technically possible.

7.7. Right to object to certain types of processing

An Interim Manager is entitled to object to the processing of his/her personal data for reasons relating to his/her specific situation.

BDO will then immediately suspend the processing of the personal data, unless it invokes, after the balancing of interests, compelling legitimate grounds that may be, in particular, related to the establishment, exercise or defence of rights in legal proceedings.

7.8. Right to lodge a complaint with the Supervisory Authority

If an Interim Manager claims that the processing of his/her personal data does not comply with the legislation, he/she may submit a complaint to the Data Protection Authority, at any time. All the information on this subject can be found on the authority's website, namely: <https://www.autoriteprotectiondonnees.be>.

7.9. Exercising of rights relating to data protection

In order to exercise the above-mentioned rights, an Interim Manager must date and sign his/her written request, clearly indicate the right that he/she intends to assert and accompany his/her request with proof of his/her identity (e.g. copy of his/her identity card, etc.). He/she must then send it to BDO by e-mail to the following address: dpo.intern@bdo.be, copying in BDO using the following address im@bdo.be.

This request is free of charge, except in the case of requests deemed by BDO to be manifestly unfounded or excessive (in particular due to their repetitive nature).

The Company may also require the payment of reasonable costs based on the administrative expenses associated with any additional copies requested.

Any request relating to the exercise of one of your rights as mentioned in point 7 of this statement will be processed as soon as possible and within no later than one month. This period may possibly be extended to two months, based on, in particular, the complexity and number of requests. In the event of extension, the Interim Manager is informed and the reasons for the extension are communicated to him/her.

BDO notifies the third parties to which the data have been communicated of any rectifications, erasures or limitations made, unless this proves impossible or results in a disproportionate effort.

8. Data security and procedure in the event of breaches

The personal data of Interim Managers are considered to be strictly confidential. BDO takes appropriate technical and organisational steps to protect the personal data provided and collected from any accidental destruction, loss or alteration, as well as from any damage or accidental or unlawful access to, or other unwarranted processing of such personal data.

If the personal data breach is likely to result in a high risk to an Interim Manager's rights and freedoms, BDO must inform him/her as soon as possible.

9. Modification of this statement

BDO reserves the right to modify this statement and update it at any time.

In the case of significant changes, the date of modification of the statement will be updated, Interim Managers will be informed of this and a copy of the new statement will be provided to them.