Notice concerning the protection of personal data for (Professional Customers)

This document is a Description of how POST Processes Personal Data as Processor, according to the instructions of its Customer.

GENERAL DESCRIPTION

DEFINITIONS

"**Agreement**": the contract concluded between POST and its Customer in the context of which POST processes Data on behalf of the Customer and according to his/her/its Instructions;

"**Controller**": the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the Processing and gives Instructions to the Processor. In the present case, the Controller is the POST Customer;

"**Customer**": any (professional) customer of POST as defined in the POST General Terms and Conditions of Sale for Professional Customers;

"**Description(s)**": the General and/or Specific Description. The Descriptions survive the termination of the Agreement.

"**General Description**": the general overview of the Data Processing performed by POST as Processor of the Customer in the context of its contractual customer relationships. The Descriptions may be modified by POST;

"**Instruction(s)**": written and documented instructions issued to the Processor by the Controller, defining terms and conditions for Data Processing;

"**Law**": all laws, regulations and other requirements applicable in the Grand Duchy of Luxembourg, in particular relating to the protection of natural persons with regard to the processing of Data, including the General Data Protection Regulation (Regulation EU 2016/679);

"**Notice**": this document including the General Description and the Specific Description(s);

"**Person(s) Concerned**": any identified or identifiable natural person whose Data is subject to Processing;

"**Personal Data Breach**": any breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Data transmitted, stored or otherwise processed;

"**Personal Data**" or "**Data**": the personal data, as defined by Law, provided by the Customer as Controller and processed by POST as Processor (e.g. name, address [physical and email], telephone number, account number, etc.);

"**POST**": POST Courrier, the postal division of POST Luxembourg, a public body established by the Law of 10 August 1992, as amended, whose registered office is at 20 rue de Reims, L-2417 Luxembourg, registered with the Luxembourg Trade and Companies Register under number J28;

"**Processing**": any operation or set of operations which is performed on Data or on sets of Data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

"**Processor**": a natural or legal person, public authority, agency or other body which processes personal data on behalf of the Controller and according to his/her/its Instructions. In the present case, the Processor is POST;

"**Specific Description**": the detailed overview of the Customer's written Instructions regarding the Processing performed by POST as Processor of the Customer, as set out in this document and/or in a contract, terms and conditions, accompanying documents, a subscription form or any other document.

POST Luxembourg
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1. Customer's obligations

Within the frame of the Agreement, the Customer, as Controller, and POST, as Processor, undertake to comply with the Law.

The Customer has primary responsibility for ensuring the legality of Processing activities. Therefore, the Customer undertakes to:

(i)   provide POST with clear and sufficiently documented Instructions in the Specific Description;
(ii)   keep a register of the Processing activities under his/her/its responsibility;
(iii)   implement technical and organisational measures to ensure a sufficient level of protection for Personal Data. In so doing, the Customer shall take into account the nature, scope, context and goals of the Processing as well as the risks of adverse impacts on the rights and liberties of the Person Concerned. These measures shall be reviewed and adapted as necessary;
(iv)   respect the rights of the Person Concerned;
(v)   obtain the approval of the relevant control authorities where required;
(vi)   notify Personal Data Breaches to the relevant control authority and as the case may be to the Persons Concerned in accordance with the provisions of the Law;
(vii)   conduct an impact analysis related to Data protection as appropriate.

2. Obligations of POST

To the extent that performance of the Agreement requires POST to perform Personal Data Processing operations, POST will act exclusively on behalf of the Customer and according to his/her/its Instructions according to the Notice terms. Should POST reasonably consider an Instruction to be in breach of the Law, it shall inform the Customer immediately.

3. Confidentiality

POST processes Personal Data as confidential information.

POST undertakes not to disclose Personal Data except in accordance with the Customer's Instructions or under other obligations specified in Law or imposed by any other relevant control authority or court decision, in which case it shall (i) make all reasonable efforts to advise the Customer prior to this disclosure and, in all cases, immediately following it and (ii) take all possible measures to limit the disclosure of Personal Data to that which is strictly necessary in order to meet this obligation.

POST will make sure to impose confidentiality obligations on any staff members responsible for processing Personal Data, as well as on its own processors, where appropriate.

4. POST subcontractors

POST will not subcontract any Customer Data Processing operations without first informing the Customer.

Where POST uses subcontractors to assist it in performing Data Processing operations, POST shall ensure that these subcontractors are bound to maintain appropriate guarantees for the Processing of this Data in accordance with the Law.

5. Security

POST implements a reasonable set of technical and organisational measures in order to ensure a level of security for the Data and/or Customer Data Processing that is appropriate to the state of knowledge, the costs of implementation and the nature, scope, context and purposes of the Processing, as well as risks identified.

The security measures are intended to (i) protect Personal Data from destruction, accidental or unlawful loss, alteration, unauthorised disclosure of, or access to, Data transmitted, stored or otherwise processed and (ii) ensure a level of security appropriate to the risk, including, inter alia and as appropriate (these categories of measures are illustrative):
-   human resource security;
-   security and data protection awareness and training programme;
-   secure media handling (storage, transfer and disposal);
-   logical access control;
-   physical and environmental security;
-   cryptography;
-   IT service management processes (Security Incident management, change management, etc.);
-   separation of development, testing and operational environments;
-   protection of test data;
-   malware protection;
-   backups;
-   logging and monitoring;
-   technical vulnerability management;
-   network security;
-   system acquisition, development and maintenance;
-   compliance and security audit.

6. Rights of the Persons Concerned

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POST assists the Client appropriately with respect to the Processing in the responses to the requests of the Persons Concerned. POST reserves the right to charge this.

7. Personal Data Breach notification
In the event of a Personal Data Breach, the Party aware of it shall notify the other Party as soon as possible.

8. Deletion or return of Personal Data
On Customer's Instructions - unless otherwise provided by Law or unless a reversibility service has previously been negotiated in the Agreement, POST undertakes to return or delete all Customer's Data definitively upon expiry of the Agreement.

9. Audits
POST provides the Customer with all the information necessary to demonstrate, within the framework of the Agreement, the respect of the obligations as set out by Law to allow the performance of audit by the Customer or any other auditor it would have mandated, and to contribute to these audits.

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SPECIFIC DESCRIPTION

This Specific Description lists the Data Processing performed by POST in the context of the postal services contractually supplied to the Customer, based on the latter's documented Instructions. Capitalised terms have the meaning defined in the General Description or in the General Terms and Conditions of POST.

Purpose of Processing:	the provision of one or more POST service (s), in particular the collection, sorting and/or dispatching of Items, as subscribed by the Customer as Controller. The Processor processes Data on behalf of the Controller in order to be able to provide the service (s) subscribed by the Customer under the Agreement.
Contact details of the Processor Data Protection Officer (DPO):	Postal address : POST Luxembourg, DPO, 20 rue de Reims, L-2417 Luxembourg - E-mail : privacy@post.lu
Location of Processing:	geographically localised within the Grand Duchy of Luxembourg.
Retention period:	Processed Data are stored within the duration of the Agreement and in accordance with the terms stipulated therein of any other duration provided by Law.
Personal Data activities carried out by the Processor:	collection, recording, organisation, structuring, storage, adaptation, modification, retrieval, consultation, use, disclosure by transmission, alignment or combination, limitation, erasure or destruction.
Data or categories of Processed Data:	standard identification Data, electronic identification data, personal characteristics, banking details, geo-tracking Data, economic and financial Data, authentication Data
Categories of Persons Concerned:	beneficiaries or representatives of Customer
Categories of sub-Processors involved in the Processings:	transport and logistic companies for the collection and delivery of so-called "Business" Items, as well as the "Easy stamp".

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