

2018

POLICY ON DATA PROTECTION AND PRIVACY

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Commitment to Data Protection and Privacy

BORGSTENA complies with all applicable Community and national legal standards on data protection, privacy and information security.

BORGSTENA is engaged in implementing a Personal Data Protection System and an Information Security System, to ensure legal compliance and to demonstrate or evidence its institutional responsibility in the area of data protection and information security, implementing all the technical and organisational measures necessary for compliance with the general legal regime of the current Data Protection Law, as well as for compliance with the special legal regime of the General Data Protection Regulation, applicable as from 25 May 2018.

For any clarification or additional information or to exercise rights in relation to this matter, please contact Borgstena's data protection officer – Manuel Melo by email:

rgpd@borgstena.com

Definitions

«Personal data»

«Personal data», information related to a natural person, identified or identifiable («data subject»); a natural person is deemed identifiable if he/she can be directly or indirectly identified, especially by reference to an identifier. Examples of personal identifiers include a name, an identification number, location data, online identifiers or one or more specific elements of physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

«Processing de Personal Data»

«Processing», an operation or a set of operations carried out on personal data or on sets of personal data, using automated or non-automated means, such as the 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.

«Cookies»

Cookies are small text files with information considered relevant, which the devices used for access (computers, mobile phone or portable mobile devices) download, through the internet browser, when an online site is visited by the customer or User.

Controller

BORGSTENA, with registered offices at EN 234 – km 87,7 (Chão do Pisco) Apartado 35 3521 – 909 Nelas, is the entity responsible for the online sites www.borgstena.com and the computerised applications, hereafter called channels or applications, through which users or customers have remote access to the services and products of BORGSTENA that are presented, commercialised or provided, at any moment, through them.

The use of the channels or applications by any user, applicant or customer may involve the carrying out of personal data processing operations, the protection, privacy and security of which BORGSTENA, as controller, ensures, in accordance with the terms of this Data Protection and Privacy Policy.

Contact Details for Controller

To contact the Borgstena data protection officer – Manuel Melo, please send an email to rgpd@borgstena.com, describing the subject of the request and giving an email address, a telephone number or mailing address.

For all other purposes, the following general contacts for Borgstena may be used:

- Mailing address:

EN 234 – km 87,7 (Chão do Pisco) Apartado 35 3521 – 909 Nelas

- General Telephone:

+351232427660

- General Fax:

+351232427661

Collection and Processing of Personal Data

BORGSTENA carries out the processing of personal data that is strictly necessary for making information available and for the functioning of its channels, in accordance with the uses made by users or customers, whether such data is provided by the users to register their requests or to obtain information, or it is provided by customers to sign up for those channels, as well as the data that results from the use of the services provided by BORGSTENA through the channels, such as access, consultations, instructions, transactions, and other records related to their use.

In particular, the use or enabling of certain functionalities of the channels may involve the processing of various direct or indirect personal identifiers, such as the name, home address, contact details, the addresses of the devices or the geographic location, whenever the user, applicant or customer has given express consent for such.

In any case, the users or customers shall always be informed of the need to access such data for the use of the functionalities of the channels in question.

The personal data collected by BORGSTENA is processed by computer, in certain cases in an automated manner, including the processing of files or the definition of profiles and within the scope of managing the pre-contractual, contractual or post-contractual relationship with the users or customers, under the national and Community standards in force.

Categories of Personal Data Processed

The categories or types of personal data of the users or customers that are processed are those set forth in Article 4(1) of Regulation (EU) 2016/679 of 27 April of the European Parliament and the Council (GRDP).

Legal Principles

All data processing operations comply with the fundamental legal principles related to data protection and privacy, specifically in regard to the circulation, lawfulness, fidelity, transparency, purpose, minimisation, storage, accuracy, integrity and confidentiality of the data, and BORGSTENA is willing and available to demonstrate its responsibility before the data subject or any other third-party entity that has a legitimate interest in this matter.

Grounds for Legitimacy

All data processing operations carried out by BORGSTENA have grounds for legitimacy, specifically, by the fact the data subject has given consent for the processing of his/her personal data for one or more specific purposes; by the fact that the processing is deemed necessary for the performance of a contract to which the data subject is a party, or for pre-contractual steps at the request of the data subject; by the fact that the processing is necessary to comply with a legal obligation the controller is under; by the fact that the processing is necessary for the purposes of the legitimate interests pursued by BORGSTENA or third parties.

Purpose for Processing

All personal data processed within the scope of the BORGSTENA channels is used exclusively to provide information to the users, manage the personal information of users that is deemed necessary for the purposes of managing the relationship or communication, as well as providing the services contracted by customers, and in general, the management of the pre-contractual, contractual or post-contractual relationship with users or customers.

The personal data collected may also in the future be processed for statistical purposes, actions for the dissemination of information or promotions, and for commercial or marketing actions, specifically to promote actions to disclose new functionalities or new products and services, through direct communication, using mailings, emails, messages or telephone calls or any other service of electronic communications.

Advance notice and the collection of the express authorisation for these last purposes is guaranteed, but users or customers may, at any time, exercise their right to oppose the use of their personal data for other purposes that go beyond the management of the contractual relationship, specifically for marketing purposes, the sending of information communications or for inclusion in lists or information services, and for such, they should send a written request to the BORGSTENA Office of Data Protection, in accordance with the procedures set forth below.

Periods for Data Storage

The personal data shall be stored only for the period necessary for the purposes that served as the motive for its collection or its subsequent processing, and compliance with all applicable legal standards for data storage is guaranteed.

Use of Cookies

BORGSTENA may use two large categories of cookies: cookies within the scope of its online sites and cookies within the scope of the channels of direct electronic communication, and in either one of the categories, the users or customers are always guaranteed the possibility of disabling them.

BORGSTENA uses cookies on its online sites to improve the performance and the browsing experience of the users and customers and increase the speed and efficiency of the response on the one hand, whilst eliminating the need to repeatedly enter the same information.

The use of cookies helps online sites to recognise the devices of the users and customers the next time they visit the sites, and in some cases, they are indispensable for the functioning of the sites.

The cookies used by BORGSTENA in all its channels do not collect personal information that enables the identification of the users or customers, only storing generic information, specifically the form of access or the geographic location and the way the channels are used, among others. The cookies only retain information related to the preferences of the users and customers, no personal identifiers being recorded.

The users and customers may, at any time, through the computer application they use to browse the internet (browser), decide to be notified about the reception of cookies, as well as block the entry of cookies on their system.

In regard to the type of intended purposes, BORGSTENA may at a later time, whenever justified, use three different types of cookies, in accordance with the following specifications:

(i) essential cookies - some cookies are essential for accessing specific areas of the online channels, allowing the browsing and use of its applications, such as access to secure areas on the site, through the registration of the user - without these cookies, the services that require them cannot be provided;

(ii) functionality cookies - functionality cookies "remember" the user's preferences for browsing the online site, making it unnecessary to reconfigure and personalise the access each time the site is visited;

(iii) analytical cookies - these cookies are used to analyse the way users use the online sites, making it possible to highlight articles or services that may be of interest to the user, monitoring the performance of the sites, and learning which pages are the most popular, what method of linking pages is the most effective, or determining why some pages are receiving error messages - these cookies are only used to create and analyse statistics, and never collect personal information.

With these purposes, BORGSTENA can provide a high-quality experience to users or customers, personalising the information and offers and identifying or correcting any problems that may arise within the scope of the corresponding use.

In relation to their lifespan, cookies are of two types:

(i) persistent cookies – cookies that are stored on the devices used to access the channels (computers, mobile phones, etc.), at the level of the computer application used to navigate the internet (browser), being used whenever the users or customers make a return visit to any channel - generally, they are used to guide the browsing in accordance with the interests of the user or customer, allowing BORGSTENA to provide a more personalised service;

(ii) session cookies - temporary cookies that are generated and only available up to the close of the session, because the next time the customer/user accesses his internet browser, the cookies will no longer be stored - the information obtained allows the management of the sessions, the identification of problems, and the provision of a better browsing experience.

The users and customers may disable part or all the cookies at any time - and for this, they should follow the instructions given on each of the computer applications for browsing the internet (browser), however, disabling the cookies may cause them to lose access to some functionalities of the sites.

BORGSTENA, within the scope of the channels of direct electronic communication, may also use cookies in opening the various electronic communications sent, such as newsletters and email, for statistical purposes - allowing it to learn whether these communications are opened and to verify the clicks on the links or advertisements within the communications.

In this category of cookies, also, the users and customers always have the possibility of disabling the sending of electronic communications through the specific option in the footer of the communication.

Communication of Data to Other Entities

In making information available or providing services to its users or customers through these channels, BORGSTENA may resort to the services of third-party processors, including entities with head offices outside the European Union, in order to provide certain services, which may entail the access to the personal data of users or customers by those entities.

In these circumstances and whenever necessary, BORGSTENA will only turn to processors that give sufficient guarantees for executing appropriate technical and organisational measures in such manner that the processing meets the requirements of the applicable standards, said guarantees being formalised in a contract signed between BORGSTENA and each one of the third-party entities.

Recipients of Data

Except when complying with legal obligations, in no case whatsoever shall there be communication of personal data of users or customers to third-party entities who are not processors or legitimate recipients within the scope of human resources management consultancy, nor shall there be any other communication for purposes other than those referred to above.

International Data Transfers

Any transfer of personal data to a third-party country or an international organisation shall only be carried out within the framework of legal obligations or if compliance with the applicable Community and national legal standards in these matters is guaranteed.

Security Measures

Taking into account the most advanced techniques, the costs of application and the nature, scope, context and purposes for the processing, as well as the probability and variable seriousness of risks to the users or customers, BORGSTENA and all the processors apply the technical and organisational measures adequate to ensure a level of security appropriate to the risk.

For this purpose, various security measures are adopted to protect the personal data against its dissemination, loss, improper use, alteration, unauthorised processing or access, and against any other form of unlawful processing.

It is the sole responsibility of the users or customers to keep their access codes secret, not sharing them with third parties, and in the particular case of computer applications used to access the channels, to maintain and guard the access devices in secure conditions and follow the manufacturer's/operator's advice on security practices, specifically in regard to the installation and updating of the required security applications, including, among others, antivirus applications.

If there is a need for third-party processors, who may have access to the personal data of users or customers, the processors of BORGSTENA shall be obligated to adopt security measures and protocols at the organisational level and the technical measures needed to protect the confidentiality and security of the personal data and to prevent unauthorised access, losses or the destruction of personal data.

Exercise of Data Subjects' Rights

The users and customers of BORGSTENA may at any time, as data subjects, exercise their data protection and privacy rights, specifically the rights of access, rectification, erasure, portability, restriction or opposition to the processing, under the terms and with the limitations provided for in the applicable standards.

Any request to exercise the data protection and privacy rights must be sent in writing by the corresponding data subject, addressed to the data protection officer, in accordance with the procedure and contact details described below.

Complaints or Suggestions and Communication of Incidents

The users and customers of BORGSTENA have the right to present complaints by recording their complaint in the Complaint Book, or by presenting a complaint to the regulatory authorities.

The users and customers of BORGSTENA may also make suggestions by means of email addressed to the data protection officer.

Communication of Incidents

BORGSTENA has implemented an incident management system for the area of data protection, privacy and information security.

Should any user or customer wish to communicate the occurrence of any situation of breach of personal data that accidentally or unlawfully causes the destruction, loss, alteration, disclosure of or unauthorised access to personal data transmitted, stored or processed in any other manner, he may contact the data protection officer or use the general contacts of BORGSTENA given above.

Amendment to Privacy Policy

In order to guarantee the updating, development and continued improvement of this policy, BORGSTENA may at any time, make amendments to this Data Protection and Privacy Policy as it deems suitable or necessary, ensuring their publication on the different channels to guarantee the corresponding transparency and information to users and customers.

Express Consent and Acceptance

The terms of the Data Protection and Privacy Policy are complementary to the terms and provisions on personal data, as set forth in the General Use Conditions of the BORGSTENA channels.

The free, specific and informed availability of the personal data made by the corresponding data subject implies the knowledge and acceptance of the conditions contained in this

Policy, it being deemed that, by the fact of using the channels or by the fact of making their personal data available, the users and customers are expressly authorising its processing, in accordance with the rules defined on each of the channels or applicable collection instruments.

Data Protection Officer

To exercise any type of data protection and privacy rights or for any matter related to the subject of data protection, privacy and information security, the users and customers of BORGSTENA may contact the data protection officer through the email address rgpd@borgstena.com, describing the subject of the request and giving an email address, telephone number or mailing address for the reply.