

General Data Protection Regulation

Amendment of Existing Supplier Agreements

Q&A EN

EU Regulation 2016/679 of 27 April 2016

Article 2.1

This Regulation

applies to

the processing of personal data wholly or partly **by automated means**

and to

the processing **other than by automated means** of personal data

which form part of a filing system

or are intended to form part of a filing system.

Article 28 of EU Regulation 2016/679

Article 28.3

Processing by a processor shall be governed by a contract ... that is binding on the processor with regard to the controller and that sets out

the subject-matter and duration of the processing,
the nature and purpose of the processing,
the type of personal data and categories of data subjects
and the obligations and rights of the controller.

That contract ... shall stipulate, in particular, that the processor:

→ *List of obligations and prohibitions*

Q & A

GDPR ?

What is the **General Data Protection Regulation**, the new European Regulation of the 27th of April 2016 concerning the protection of personal data.

Dutch : Algemene Verordening Gegevensbescherming (AVG)

English: General Data Protection Regulation (GDPR)

French : Règlement Général sur la Protection des Données (RGPD)

German : Datenschutz-Grundverordnung (DG)

It is a **European Regulation that is immediately applicable from 25/05/2018 in all member states without having to be converted into national legislation.**

Q & A

What is in the GDPR-contract ?

The specific rights, obligations and information relating to the processing of personal data, as required by Article 28.3 of the General Data Protection Regulation to register them in any agreement with suppliers that process personal data.

The GDPR-contract is largely literal texts of this European Regulation.

The Regulation requires these texts to be signed by both parties.

Q & A

Why is a GDPR-contract sent to suppliers for signature as an amendment to the Agreement in reference?

Because **article 28.3** of the General Data Protection Regulation requires that specific rights, obligations and information concerning the processing of personal data must be registered on 25 May 2018 in all existing contracts with suppliers that process personal data.

The GDPR-contract that we have sent to suppliers contains everything that must be included in the contracts on 25/05/2018 according to this European Regulation.

GDPR is a European Regulation that is immediately applicable from 25/05/2018 in all European states without having to be converted into national legislation.

Q & A

In which language ?

There are GDPR-contracts in attachment in Dutch, French and English, which language should I choose?

Preferably the language in which our Agreement is drawn up. You can find the number of our Agreement in the text of the email.

If this is not possible: the language of your choice.

The GDPR-contracts in the 3 languages are identical in content:

In NL : OVEREENKOMST BETREFFENDE DE VERWERKING VAN PERSOONSgegevens

En FR : CONTRAT CONCERNANT LE TRAITEMENT DE DONNEES A CARACTERE PERSONNEL

In EN : PERSONAL DATA PROCESSING AGREEMENT

Q & A

What do I need to fill in the GDPR-contract and its GDPR-Annex?

- 1 Your company data
- 2 The number of the Agreement mentioned in the text of the email must be mentioned on page 2 and on the first page of the GDPR-Annex.
- 3 The concrete data of the processing of personal data in the GDPR-Annex.

Example: Completing the "type of personal data" section:

If the word "identification data" is entered, this is incorrect because it is too vague.

If the words "name, street, municipality, email" are entered, this is concrete enough.

The concrete information to be entered in the GDPR-Annex is an obligation imposed by the Regulation.

Q & A

Where do I have to return the PDF of the signed GDPR-contract and its completed GDPR-Annex?

Send back in PDF via email : proximus.procurement@proximus.com

Subject of your email : “GDPR-contract for Agreement nr. 46xxxxxxxx * ”

* Replace 46xxxxxxxx by the number of the Agreement.

I can not create a PDF, what should I do?

If you do not have the possibility to send the GDPR-contract in PDF via email, you can send a paper version to: Proximus

T.a.v. Procurement – GDPR

Koning Albert II-laan 27

1030 BRUSSEL

Q & A

When will I have to return this GDPR-contract?

Return **within the month** after you have received the email with the invitation to fill in and send it back.

I need more time, do I get more time?

We can extend the period by **15 days**, on condition that you confirm via email (**proximus.procurement@proximus.com**) the date on which you will send back.

Q & A

Is GDPR applicable to me, I am NOT established in Europe?

The General Data Protection Regulation applies to all suppliers who, in order to deliver goods and services within the European Economic Area, process personal data of individuals, regardless of whether these individuals are Europeans themselves.

GDPR therefore also applies to a supplier based outside Europe.

Outside Europe there are several seminars and consultancy assignments to prepare these non-European companies, which deliver within the European Economic Area, for GDPR. (see also Youtube)

Q & A

**I received the GDPR-contract via email, but does this apply to my company?
I think we do not process personal data?**

Given the importance of this new European Regulation, we request that you contact your Proximus buyer urgently to discuss this further.

Please send your remark to email: proximus.procurement@proximus.com

Q & A

Our Agreement has expired, why did you send me this?

Either an administrative error has occurred and it has not been registered that our Agreement has been terminated.

Either our Agreement has not yet expired, because the end date has not yet been reached or our Agreement has not yet been formally terminated.

Please send your remark to email: proximus.procurement@proximus.com

We ask our buyer to check this information and contact you again..

Q & A

I do not agree with a particular clause or a wording of the GDPR-contract?

The GDPR-contract contains the specific rights, obligations and information relating to the processing of personal data, of which Article 28.3 of the General Data Protection Regulation requires that these be registered in any agreement with suppliers that process personal data.

Given the importance of this new European Regulation, we request that you contact your Proximus buyer urgently to discuss this further.

Please send your remark to email: proximus.procurement@proximus.com