

# Data Privacy Notice

Applicable for **suppliers** of any of the Companies entities named under point 1 hereunder.

**June, 2018**

The following information provides **all suppliers** of Hupac (in the following, referred to as “Hupac”) with an overview of **how we process your personal data** and **your rights** under data protection law. The **personal data** are **used in the framework of an agreement** based on which you or your company provides us with goods or services.

## 1. Who is responsible for the data processing and who can I contact in this regard?

Entities:	You can reach our person of contact with respect to data protection:
<b>Switzerland</b> (for Switzerland, please refer also to Section 2a below).	
<b>For suppliers of Hupac Intermodal SA</b> Hupac Intermodal SA Viale R. Manzoni 6 CH-6830 Chiasso T: +41 58 855 88 00 F: +41 58 855 88 81	<b>Federico Centonze</b> Head of legal services Hupac Intermodal SA Viale R. Manzoni 6 CH-6830 Chiasso T: +41 58 855 86 10 Privacy.CH@hupac.com
<b>Germany</b>	
<b>For suppliers of Hupac GmbH</b> Hupac GmbH Terminal-Vertretung Köln Am Eifeltor 6 D-50997 Köln T: +49 221 363074	<b>Ulrich Behnke</b> Hupac GmbH Zum Umschlagbahnhof 2 D-78224 Singen T: +49 7731 8790 30 Privacy.DE@hupac.com

<b>Italy</b>	
<p><b>For suppliers of Hupac SpA</b></p> <p>Hupac SpA Via Dogana 8 I-21052 Busto Arsizio T: +39 0331 373300 F: +39 0331 381146</p>	<p><b>Giacometti Monica</b></p> <p>Hupac SpA Via Dogana 8 I-21052 Busto Arsizio T: +39 0331 – 373141 privacy.hupacspa@hupac.com</p>
<p><b>For suppliers of Hupac Intermodal Italia Srl</b></p> <p>Hupac Intermodal Italia Srl Via Dogana, 2 I-21052 Busto Arsizio T: +39 0331 373800 F: +39 0331 373810</p>	<p><b>Tumbiolo Claudia</b></p> <p>Hupac Intermodal Italia Srl Via Dogana, 2 I-21052 Busto Arsizio +39 0331 - 373802 privacy.hiita@hupac.com</p>
<p><b>For suppliers of Termi SpA</b></p> <p>Termi SpA Via Dogana 8 I-21052 Busto Arsizio T: +39 0331 608540 F: +39 0331 382880</p>	<p><b>Giacometti Monica</b></p> <p>Termi SpA Via Dogana 8 I-21052 Busto Arsizio T: +39 0331 – 373141 privacy.termispa@hupac.com</p>
<p><b>For suppliers of Fidia SpA</b></p> <p>Fidia SpA Via Dogana, 2 I-21052 Busto Arsizio T: +39 0321 998155 F: +39 0321 992628</p>	<p><b>Oldani Nicoletta</b></p> <p>Fidia SpA Via Dogana, 2 I-21052 Busto Arsizio T: +39 0331 - 373701 privacy@fidia-spa.it</p>
<p><b>For suppliers of Centro Intermodale SpA</b></p> <p>Via Bertani, 6 I-20154 Milano T: +39 0331 339251 F: +39 0331 685293</p>	<p><b>Oldani Nicoletta</b></p> <p>Centro Intermodale SpA Via Bertani, 6 I-20154 Milano T: +39 0331 – 373701 privacy@centrointermodale.it</p>
<p><b>For suppliers of Piacenza Intermodale SpA</b></p> <p>Piacenza Intermodale SpA Via Coppalati 6 I-29122 Piacenza T: +39 0523 695070 F: +39 0523 570096</p>	<p><b>Paolo Busini</b></p> <p>Piacenza Intermodale SpA Via Coppalati 6 I-29122 Piacenza T: +39 0523.695070 privacy@piacenzaintermodale.it</p>
<p><b>For suppliers of Terminal Piacenza Intermodale Srl</b></p> <p>Terminal Piacenza Intermodale Srl Via Carlo Strinati, 7/9 T: +39 0523 570097</p>	<p><b>Russo Laura</b></p> <p>Terminal Piacenza Intermodale Srl Via Carlo Strinati, 7/9 I-29122 Piacenza</p>

F: +39 0523 570096	T: +39 0523-570015 privacy@terminalpcintermodale.it
<b>Netherlands</b>	
<b>For suppliers of Hupac Intermodal NV</b> Hupac Intermodal NV A. Plesmanweg 107C NL-3088 GC Rotterdam T: +31 10 4952522 F: +31 10 4950915	<b>Alina Van Meggelen</b> Hupac Intermodal NV A. Plesmanweg 107C NL-3088 GC Rotterdam +31 10 4952522 Privacy.NL@hupac.com
<b>Belgium</b>	
<b>For suppliers of Hupac Intermodal BVBA</b> Hupac Intermodal BVBA Muisbroeklaan, Kaai 468 B-2030 Antwerpen T: +32 3 5417269 F: +32 3 5417669	<b>Dirk Fleerackers</b> Hupac Intermodal BVBA Muisbroeklaan, Kaai 468 B-2030 Antwerpen +32 3 5417269 Privacy.BE@hupac.com
<b>Poland</b>	
<b>For suppliers of Hupac Terminal Brwinów Sp. z o.o.</b> Hupac Terminal Brwinów Sp. z o.o. Al. Jerozolimskie 125/127, lok. 406 PL-02-017 Warszawa T: +48 22 6997221 F: +48 22 8910211	<b>Diana Batko</b> Hupac Terminal Brwinów Sp. z o.o. Al. Jerozolimskie 125/127, lok. 406 PL-02-017 Warszawa Privacy.BE@hupac.com

## 2. What sources and data do we use and for which purpose?

We process personal data which we receive from you or from your employer in the context of our business relationships. In particular, your personal data are used for the following purposes and/or in following processes:

- a) in general, we keep your business contacts in the framework of our contractual relationship with your company,
- b) if you have a function which is safety-relevant with respect to the rolling stock, your name and function may be kept in the production or maintenance documentation,
- c) if you or your employer indicated you as an user of our WOLF platform, your identification data have been linked to your username. The utilization of the online booking services are traced using your log for purposes of fulfill our and your/your employer's contractual obligations,

d) if you or your employer applied to a procurement process for which a criminal clearance shall be made pursuant to the applicable laws and regulations, you might be required to provide us with criminal records checks.

To the extent necessary in order to provide your services, we also process **personal data** which we lawfully (e. g., for executing orders, performing contracts or on the basis of your consent) receive from other entities within the Group Hupac or other third parties (for instance, other intermodal operators).

We also process **personal data** from publicly available sources (e. g., debtor directories, land registers, commercial registers and registers of associations, press, media, Internet) which we lawfully obtain and are permitted to process.

Relevant **personal data** collected and processed in the context of our business relationship may be:

- Identification data (name, business phone number, business addresses, function)
- Ev. criminal records checks

## **2a. For the customers of Swiss Companies**

With respect to Switzerland and our Swiss Companies, please be advised that the GDPR is not applicable to them, but, instead the Swiss Act on Data Protection. Therefore, any reference made to GDPR in this notice, as per our Swiss Companies, is to be considered as a reference to our internal policies, which follows in an analogical way the principles laid down in GDPR.

## **3. What is the legal basis?**

We process the aforementioned personal data in compliance with the provisions of the EU General Data Protection Regulation (GDPR) as well as the data protection laws and regulations, which are applicable locally (in Switzerland and in the EEA/EU area):

### **a. for the performance of contractual obligations (article 6 (1) b) GDPR)**

If you (as an individual) are the contracting party, the processing of personal data is carried out in order to take steps necessary for entering into a contract or for performing a contract in the field of freight forwarding and transportation related services, in the field of assets purchase (e.g. purchasing of wagons and rolling stock), maintenance services, other services. For further details on the purpose of the data processing, please refer to the respective contractual documentation and terms and conditions.

### **b. for the purposes of safeguarding legitimate interests (article 6 (1) f) GDPR)**

Where necessary, we process your data above and beyond the actual performance of our contractual obligations in order to safeguard the legitimate interests pursued by us or by a third party. Examples:

- Granting security within our terminals
- Granting the identification of persons entitled to act in name and for the account of our Clients in the booking process or by consignment and take over.
- Granting traceability of maintenance activities performed on our rolling stock.
- Conclusion and performance of a contract in the field of freight forwarding and transportation related services, in the field of assets purchase (e.g. purchasing of wagons and rolling stock), maintenance services, other services, between Hupac and your company.

#### **c. on the basis of your consent (article 6 (1) a) GDPR)**

Insofar as you have granted us consent to the processing of personal data for specific purposes, the lawfulness of such processing is based on your consent. Any consent granted may be revoked at any time. This also applies to the revocation of declarations of consent that are granted to us prior to the entry into force of the EU General Data Protection Regulation, i. e., prior to 25 May 2018. Please be advised that the revocation shall only have effect for the future.

This is in particular the case for our newsletters and information about new products. Please refer to the section [Newsletters](#) in the Section Privacy Policy of our Homepage.

Any processing that was carried out prior to the revocation shall not be affected thereby. You can request a status overview of the consents you have granted from us at any time or view some of them.

#### **d. for compliance with a legal obligation (article 6 (1) c) GDPR) or in the public interest (article 6 (1) e) GDPR)**

As an intermodal operator, we are also subject to various legal obligations, i. e., statutory requirements.

Examples:

- Security obligations,
- Safety obligations (e.g. traceability of operations and safety-relevant activities with respect to rolling stock),
- Compliance obligations.

#### **4. Who receives my data?**

**Within** and **outside** Hupac, those recipient are given access to your data which require them in order to perform our **contractual** and **statutory obligations**. Moreover, those recipients may be given access to

your data which **require them for the purpose of our legitimate interest** according to the “need-to-know-principle”.

**Within** Hupac it may be the following recipients:

- Accounting
- Operations
- Fleet Management
- Sales
- Marketing
- Legal Services

**Outside** Hupac it may be the following recipients:

- Tax authorities
- Maintenance providers
- Other suppliers (such as other maintenance providers)
- Ev. Customs authorities

## **5. Is data transferred to a third country or to an international organization?**

Only your identification data for business purposes (name, business phone number, business addresses, function) may be transferred to countries outside the EU or the EEA (so called third countries), if this is required for the **execution of a contract** between HISA and your company (or you, if prescribed by law (e. g. tax law, customs law) or if you have given us your **consent**. The relevant third countries are Russia and People’s Republic of China.

If service providers in a third country are used, they are obliged to comply with the data protection level in Europe in addition to written instructions by agreement of the **EU standard contractual clauses**.

## **6. How long will my data be stored?**

We process and store your personal data as long as it is necessary for the performance of our contractual and statutory obligations.

If the data are no longer required for the performance of our contractual and statutory obligations, they are regularly deleted, unless their further processing (for a limited time) is necessary for the following purposes:

- Compliance with records retention periods under commercial and tax law
- Legal proceedings
- Etc.

## 7. What data protection rights do I have?

Every data subject has a right of **access** (article 15 GDPR) to the processed data, a right to **rectification** (article 16 GDPR) a right to **erasure** (article 17 GDPR), a right to **restriction** of processing (article 18 GDPR), a right to object (article 21 GDPR) and a right to data portability (article 20 GDPR).

Data subjects also have a right to lodge a complaint with a supervisory authority (article 77 GDPR).

<b>Suppliers of Swiss entities</b>	<b>Eidgenössischer Datenschutz- und Öffentlichkeitsbeauftragter</b> Feldeggweg 1 CH-3003 Bern Telefon: +41 (0)58 462 43 95
<b>Suppliers of German entities</b>	<b>Die Bundesbeauftragte für den Datenschutz und die Informationsfreiheit</b> Husarenstraße 30 53117 Bonn Tel. +49 228 997799 0; +49 228 81995 0 Fax +49 228 997799 550; +49 228 81995 550 e-mail: poststelle@bfdi.bund.de Website: <a href="http://www.bfdi.bund.de/">http://www.bfdi.bund.de/</a>
<b>Suppliers of Italian entities</b>	<b>Garante per la protezione dei dati personali</b> Piazza di Monte Citorio, 121 00186 Roma Tel. +39 06 69677 1 Fax +39 06 69677 785 e-mail: garante@garanteprivacy.it Website: <a href="http://www.garanteprivacy.it/">http://www.garanteprivacy.it/</a>
<b>Suppliers of Belgian entity</b>	<b>Commission de la protection de la vie privée</b> Rue de la Presse 35 1000 Bruxelles Tel. +32 2 274 48 00 Fax +32 2 274 48 10 e-mail: commission@privacycommission.be Website: <a href="http://www.privacycommission.be/">http://www.privacycommission.be/</a>
<b>Suppliers of Dutch entity</b>	<b>Autoriteit Persoonsgegevens</b> Prins Clauslaan 60 P.O. Box 93374 2509 AJ Den Haag/The Hague Tel. +31 70 888 8500 Fax +31 70 888 8501 e-mail: info@autoriteitpersoonsgegevens.nl Website: <a href="https://autoriteitpersoonsgegevens.nl/nl">https://autoriteitpersoonsgegevens.nl/nl</a>

<b>Suppliers of Polish entity</b>	<b>The Bureau of the Inspector General for the Protection of Personal Data - GIODO</b> ul. Stawki 2 00-193 Warsaw Tel. +48 22 53 10 440 Fax +48 22 53 10 441 e-mail: kancelaria@giodo.gov.pl; desiwm@giodo.gov.pl Website: <a href="http://www.giodo.gov.pl/">http://www.giodo.gov.pl/</a>
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If data processing is based on your consent, you have the possibility to revoke this at any time. This includes also consent, which was granted before the coming in force of the GDPR on 25th of May 2018. However, revocation of the consent has no retroactive effect. Any personal data that was processed before the revocation is not concerned.

#### **8. Am I under any obligation to provide data?**

Within the scope of our **business relationship**, you must provide personal data **which is necessary for the initiation and execution of a business relationship** and the **performance of the associated contractual obligations** or which we are **legally obliged to collect**. As a rule, we would not be able to enter into any contract or execute the order without these data or we may no longer be able to carry out an existing contract and would have to terminate it.

#### **9. To what extent is automated decision making (including profiling) carried out?**

As a rule, we do not make decisions based solely on automated processing as defined in article 22 GDPR to establish and implement the business relationship. Provided that this is prescribed by law, we will inform you separately about automated decision making.

#### **10. Is “profiling” used?**

In some cases, we process your data automatically with the aim of evaluating certain personal aspects (profiling).

Information on your right to object under article 21 of the EU GDPR

<b>Note: Information on your right to object under article 21 of the EU General Data Protection Regulation (GDPR)</b>
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<b>1. Ad hoc right to object</b>
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You have the right to object, on grounds relating to your particular situation, at any time to processing of personal data concerning you which is based on article 6 (1) e) GDPR (processing in the public interest) and article 6 (1) f) GDPR (processing for the purposes of safeguarding legitimate interests); this includes any profiling based on those provisions within the meaning of article 4 (4) GDPR. If you lodge an objection, we will no longer process your personal data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or unless the processing is for the establishment, exercise or defense of legal claims.

## **2. Right to object to the processing of data for marketing purposes**

In certain cases, we process your personal data for direct marketing purposes. You have the right to object at any time to processing of personal data concerning yourself for such marketing, which includes profiling to the extent that it is related to such direct marketing. If you object to processing for direct marketing purposes, we will no longer process your personal data for such purposes.

**There are no formal requirements for lodging an objection; where possible it should be made via email:**

<b>to our Swiss entities:</b>	<b>Privacy.CH@hupac.com</b>
<b>to our Italian entities:</b>	<b><i>please, refer to the list under Point 1 above</i></b>
<b>to our German entities:</b>	<b>Privacy.DE@hupac.com</b>
<b>to our Dutch entity:</b>	<b>Privacy.NL@hupac.com</b>
<b>to our Belgian entity:</b>	<b>Privacy.BE@hupac.com</b>
<b>to our Polish entity:</b>	<b>Privacy.PL@hupac.com</b>