

# Privacy statement relating to kilometre levy



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## 1. Introduction

This information booklet relating to the protection of personal data (hereinafter referred to as the "**privacy statement**") is prepared in order to provide information about the personal data processed by the Société wallonne de financement complémentaire des infrastructures, acting as the data controller (hereinafter referred to as, the "**SOFICO, we, us or our**", as the case may be), whose registered office is established at rue Canal de-l'Ourthe 9/3, 4031 Liège, Belgium and which is registered with the Banque Carrefour des Entreprises (Crossroads Bank for Enterprises) under number 0252.151.302.

We attach great importance to the protection of personal data that we process in our capacity as **toll collectors** within the meaning of Article 2, 8° of the Walloon Decree of 16 July 2015 creating a road pricing toll for road usage by heavy vehicles (hereinafter referred to as the "**PKM Decree**") in relation to road users subject to the kilometre levy or - where companies are concerned - with the contact persons and/or drivers of heavy goods vehicle of those companies (hereinafter referred to as ("**you**")).

Thus, we **secure and protect your data in accordance with the applicable legislation**, including the General Data Protection Regulation<sup>1</sup> (hereinafter, the "**GDPR**") and the Belgian law of 30 July 2018 on the protection of individuals with regard to the processing of personal data.

Through this privacy statement, we would like to inform you about the personal data, pertaining to you, that we process, for what purpose we use it, and with whom we share it. We will provide details about the legal bases on which we process your data and explain to you your rights and the choices you have.

## 2. Which personal data about you do we process?

In the table below, we have indicated the categories of personal data that we process about you and how we collect it.

Data categories	Description of data
Identification data of persons liable to pay the kilometre levy pursuant to the PKM Decree or, in the case of companies, their contact persons	This refers to the data that you submit to us by completing the exemption application form (place of residence, surname, first name, postal address, telephone number, email address, legal form of the applicant) that is accessible directly from the site

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<sup>1</sup> REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC.

	<a href="https://www.exemption.sofico.org/stark-exoneration/fr/">https://www.exemption.sofico.org/stark-exoneration/fr/</a>
Data relating to the vehicle	This pertains to data that we receive directly using the exemption application form, directly from the website <a href="https://www.exemption.sofico.org/stark-exoneration/fr/">https://www.exemption.sofico.org/stark-exoneration/fr/</a> , (country of registration, registration number, <b>VIN</b> , vehicle category, registration certificate, comments, if any) in order to obtain exemption for a vehicle or to find out whether a vehicle is subject to the scope of application  of the kilometre levy

### 3. For what purposes do we use your personal data and on what legal basis?

In the table below, we have indicated the purposes for which we process your personal data, the associated legal bases on which we lawfully process your personal data and the categories of personal data (as identified above) used for those purposes:

Purpose	Legal basis	Data categories
Management of applications for exemption from the kilometre levy or applications to find out whether a vehicle falls within the scope of the kilometre levy	Our public interest mission as a toll collector pursuant to the PKM Decree	Your identification data and the information pertaining to your vehicle that you provide us by filling in the online form.

### 4. Who has access to your data?

In order to pursue the purposes specified above, we may share your personal data with the following recipients:

Categories of recipients	Reason for sharing
The Service Public de Wallonie Finance (SPW)	We provide it (directly and/or with the assistance of toll service-providers acting on our behalf) with the data that it needs to check the compliance with the PKM Decree and impose fines if necessary.

IT service-providers	We work with service-providers who work on our behalf and who may need access to some of your personal data in order to provide us with their services. These mainly include companies we have hired to provide a hosting service for our websites and our servers.
Toll service-providers	We work with toll service-providers with whom you have concluded a toll transaction so that they can help us calculate and collect the toll due and manage your requests in this regard (applications for exemption and complaints, if any).

Some of our service-providers are located in outside countries other than our own. When we transfer personal data to countries located **outside the European Economic Area**, which are considered by the European Commission as not providing an adequate level of protection for personal data, we use standard contractual clauses approved by the European Commission to ensure adequate protection. For more information, particularly to obtain a copy of the documents used to protect your personal data, please contact us as indicated in section 12 below.

## S. Use of cookies

Cookies are small text files placed in the browser of your computer (or other digital device used) by the websites you visit. They are generally used to enable websites to function or function more efficiently, as well as to provide information to website owners.

### 5.1 Cookies that do not require consent

Our Site uses **cookies in order to function**. Cookies that do not require consent. They cannot be refused if you wish to visit the Website as they are strictly required for its proper functioning. Please refer to the table below for all relevant information about these cookies.

	Domain that places the cookie	Cookie de première partie ou de tierce partie					
JSESSIO NID	www.exemption.sofico.org	1st party	Session ID	Identify the internet user during the different steps of the form	Legitimate interest	Session	No

### #Cookie of the first party or the third party.

#### 6. Retention period

We will retain your personal data in accordance with our data retention policy only **for as long as is necessary** to fulfil the purposes described in **section 3.** above or in accordance with the statutory limitation periods for claims.

#### 7. Security of your data

We set put **technical and organisational measures**, which conform to standard industry practices, to ensure an appropriate level of security for the personal data that is processed. Nevertheless, security requires the efforts of all the parties involved. We thus encourage you to contribute to these efforts by taking appropriate security measures yourself.

#### 8. Automated decision-making and profiling

No automated decisions or profiles will be prepared by us about you in the context of the processing of personal data described in this privacy statement.

#### 9. Children

The content of this website is **not intended for children below the age of 13 years.** We do not knowingly or directly collect information from children who are below the age of 13 years.

If you are under 13 years of age, please do not use this site and do not provide any personal data. If you are a parent or legal guardian and you believe that your child has provided us with personal data, please contact us using the details provided in **section 11** below.

## **10. What are your rights?**

The GDPR gives individuals certain rights with regard to their personal data. Accordingly, we are at your disposal to assist you in availing of these rights. Unless there are any limitations imposed by the applicable legislation and subject to applicability, individuals are granted the following rights:

- Right of access: the right to be informed and obtain access to the personal data that we process concerning you;
- Right of rectification: the right to obtain that we rectify or update your personal data when it is inaccurate or incomplete;
- Right to erasure: the right to obtain that we erase your personal data;
- Right to restrict processing: the right to obtain that we temporarily or permanently cease processing all or a part of your personal data;
- Right to object:
  - the right to object, at any time, to the processing of your personal data on grounds pertaining to your particular situation;
  - the right to object to the processing of your personal data for canvassing purposes;
- Right to data portability: the right to receive a copy of your personal data in an electronic format and the right to transmit this personal data for use by a third-party service; and
- Right to object to automated decision-making: the right to not be the subject of a decision based solely on automated processing, including profiling, which produces legal effects concerning you or which significantly affects you in a similar way.

These rights may be limited, for example, if the execution of your request reveals personal data about another person, or if you ask us to delete information that we are required to retain pursuant to the law or by compelling legitimate interests.

Where we have asked for your consent, you may withdraw it at any time without providing any reason. If you ask to withdraw your consent to our Newsletter, this will not affect the legality of the processing based on consent carried out prior to the withdrawal of consent.

To exercise your rights, please contact us using the details given in **section 12** below.

Finally, as a data subject, you have the right to lodge a complaint with a supervisory authority (particularly in the Member State of the European Union of your place of habitual residence, or of your place of work, or of the place of the breach) if you consider that the processing of your personal data breaches the legislation applicable as regards the protection of personal data. For your information, you will find the contact details of the Belgian Data Protection Authority on its website: <https://www.autoriteprotectiondonnees.be/citoyen>.

#### **11. How to contact us**

If you have any questions pertaining to this privacy statement or if you wish to exercise your rights, please contact our Data Protection Officer by e-mailing us at [dpo@sofico.org](mailto:dpo@sofico.org) or by writing to us at the following postal address: SOFICO, Data Protection Officer, rue Canal-de-l'Ourthe 9/3, 4031 Liège, Belgium.

#### **12. Date of update and changes**

This privacy statement was last updated on 06/02/2023. We may make changes to it from time to time. Please refer to this page for the most recent version.