

#### **IV. Data protection**

1. Under Section 10b of the Wet TTH, the (E)ETS provider has been designated as a data controller for the processing of personal data. The Toll charger and the (E)ETS provider exchange personal data between themselves in the performance of their duties and responsibilities under the Wet TTH. The Toll charger and the (E)ETS provider are both separately responsible for the processing of personal data processed under their own management.
2. The (E)ETS provider shall ensure that data of parties involved in the implementation of the EETS Domain Statement Blankenburgverbinding and the (E)ETS Agreement, including personal data of customers (holders or authorised representatives of the holder), are collected, processed and provided by itself or by others it calls upon for that purpose, in such a way that all current and future applicable privacy legislation, including but not limited to relevant fundamental rights, are complied with, the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) and Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) and relevant implementing and implementing laws including but not limited to the Act of 16 May 2018, laying down rules implementing Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) (OJEU 2016, L 119) (General Data Protection Implementation Act) (collectively: applicable privacy legislation). Where in this Annex IV terms are not defined separately, they should be understood as defined in the applicable privacy legislation.
3. The (E)ETS provider shall ensure that the provision of personal data of affected parties to the Toll charger is in line with applicable privacy laws, including but not limited to ensuring that (i) the personal data of affected parties provided by the (E)ETS provider to the Toll charger are adequate, relevant and limited and will be limited to what is necessary for the purposes of data processing as defined in the Wet TTH; (ii) where the personal data is obtained by the (E)ETS provider from the relevant parties, the relevant parties have been informed of the purposes for which and the manner in which such personal data will be processed by the (E)ETS provider and the Toll charger, in line with Article 14 of the General Data Protection Regulation; and (iii) in order to prevent the loss or unlawful processing of the personal data referred to in Art.1 of this Annex III referred to, the (E)ETS provider undertakes to implement appropriate technical and organisational security measures as referred to in Article 32 of the General Data Protection Regulation.
4. The (E)ETS provider shall, in support of the Toll charger's and, if necessary, other relevant authorities' own responsibility, provide

assistance to the Toll charger and other relevant authorities, where necessary, to comply with applicable data protection legislation under the EETS Domain Statement Blankenburgverbinding, the (E)ETS Agreement and its contractual relationship with the contracted holders. As part of that assistance, the (E)ETS provider shall; (i) anticipate, proactively address and inform the Toll chargers and/or those relevant authorities of potential risks or breaches regarding the processing of personal data; and shall (ii) make available to the Toll charger any information necessary to answer the queries of data protection authorities.

5. The (E)ETS provider undertakes to appoint a special contact person for the benefit of the Toll charger and, if necessary, other relevant authorities, for all data protection related questions. This special contact person may be the data protection officer of the (E)ETS provider.
6. The processing and storage of data of both the (E)ETS provider and any third parties with which the (E)ETS provider cooperates should take place within the European Union (EU) or the European Economic Area (EEA).
7. The customer contact centre or other processing of personal data may be located in the United Kingdom as long as there is a valid adequacy decision in respect of the United Kingdom within the meaning of Article 45 of the General Data Protection Regulation. In the event that there is no longer a valid adequacy decision, the (E)ETS provider shall ensure, in a timely manner and at its own expense and risk, that the obligations under the General Data Protection Regulation for transfer of personal data to the United Kingdom (by other means) are demonstrably complied with, or that the customer contact centre is transferred to a country within the EEA or a country outside the EEA for which an adequacy decision is in force.
8. The (E)ETS provider shall implement appropriate technical and organisational measures according to the principles of data protection by design and data protection by default settings referred to in Article 25 of the General Data Protection Regulation.