



PRIVACY STATEMENT

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1 Introduction

The Office of the Ombudsman for Telecommunications ensures that your personal data is protected and will never be misused.

“Personal data”: Any information relating to an identified or identifiable natural person, including the indirect personal data such as online identifiers or location data.

This Privacy Statement specifies how your personal data are collected, stored, used and protected, as well as your rights and the means of control at your disposal to protect your privacy.

Should you have any questions, remarks or concerns regarding any aspect of the processing of your personal data, please contact our Data Protection Officer: DPO@mediateurtelecom.be

2 General principles

The protection of your privacy is of great importance to the Office of the Ombudsman for Telecommunications. This Privacy Statement describes the measures taken to protect your privacy when your personal data are being processed and the rights of data subjects.

All the personal data (i.e. data enabling your identification directly or indirectly) you have provided to the Office of the Ombudsman for Telecommunications will be processed with proper care.

This naturally means that your personal data will always be processed in accordance with the General Data Protection Regulation of 27 April 2016.

We invite you to read the Privacy Statement carefully and to take note of its content. This Privacy Statement may be subject to changes in the future. Of course, new versions of this Privacy Statement will always comply with the above-mentioned regulation on the protection of personal data.

In this statement, we assume that the data shall not be transferred outside the EU. Nevertheless, the public services which do it as part of their tasks shall mention it in an additional statement.

2.1 Scope

This policy applies to all end-users who have contact with the Office of the Ombudsman for Telecommunications.

2.2 Purpose

The collection as well as the processing of personal data are necessary for the performance of the duties entrusted to the Office of the Ombudsman for Telecommunications pursuant to Article 43bis, §3, of the Act of 21 March 1991 on the reform of certain economic public companies.

The Office of the Ombudsman for Telecommunications has the following duties:

1. Analysing all the complaints of end-users regarding the activities of companies operating in the Belgian telecommunications market.
2. Serving as an intermediary to facilitate an amicable settlement between the companies referred to in §1 of this Article and the end-users.
3. Issuing a recommendation to the companies referred to in §1 if no settlement can be reached.

4. Assisting end-users contacting the Office of the Ombudsman for Telecommunications orally or in writing in their own best interest.
5. Issuing opinions within the framework of its duties, at the request of the Ministry of Telecommunications (of the Minister in charge of consumer protection) or of the Belgian Institute for Postal Services and Telecommunications or the Consultative Committee on Telecommunications (or the Ministers of the Communities as regards broadcasting programmes that are the competence of the Office of the Ombudsman for Telecommunications).
6. Examining the request of any person claiming to be the victim of the misuse of an electronic communications network or service to obtain the identity and the address of the network or electronic communications users who have inconvenienced them, provided that these data are available. The Office of the Ombudsman for Telecommunications shall grant the request provided that the following conditions are met.
7. Working with:
 - a. Other independent sectoral dispute-settlement commissions, or independent ombudsmen, among other things by forwarding complaints which do not fall within the competence of the Office of the Ombudsman for Telecommunications to the competent dispute-settlement commission or ombudsman.
 - b. Foreign ombudsmen or bodies with comparable tasks, which act as an appeal body for the handling of complaints for which the Office of the Ombudsman for Telecommunications is competent.
 - c. The regulators of the Belgian Communities.

2.3 Proportionality

The collected data are limited to what is absolutely necessary. The Office of the Ombudsman for Telecommunications pays particular attention to the storage and the processing of personal data, and this with the utmost respect for privacy.

We are committed to protecting your personal data and not to misusing or disclosing them. We shall process them with discretion.

We shall inform you regarding the processing of your personal data and how we collect and store them.

You will find below our principles regarding the confidentiality of personal data and the respect for your privacy.

3 Privacy policy

We strive to make our policy on the processing, use and security of your personal data, as described below, as clear as possible.

- We only request the personal data we need to handle your complaint.
- We allow you to check your personal data we are keeping, in order to ensure that they are correct and reflect reality.
- We assure you that your personal data are secured and protected at all times.
- Your personal data shall only be used for the purposes for which you gave them.
- We shall never sell your personal data and shall only share them within the framework of the cases as provided by law and for the necessity of the pending case.
- We shall inform you in case of a change to the transmission of your personal data and we shall remain responsible for the transmitted data.
- We shall only ask you the personal data necessary for the proper handling of the complaint and/or the proper conduct of the ongoing procedure.
- We shall use the personal data you shared with us to:
 - Answer your questions and requests;

- Communicate with you;
- Handle the case with the operators or bodies concerned;
- Provide the necessary information to the third parties involved in your case (expert, judge, operator, bailiff).

4 Other potential uses of your data

We can also use your personal data:

- To analyse, intervene in and solve any dispute or complaint.
- To detect and prevent fraudulent transactions.
- To comply with our legal obligations.

We are committed to never forwarding your personal data to anyone outside the legal framework of your case, so that this body can use them for their own marketing purposes or other purposes.

Should your contact details change, please notice us so that we can maintain contact.

5 Sharing with third parties

We may have to share certain personal data (such as your contact details and information on the transaction) with third parties helping us to detect and prevent fraudulent transactions.

We are responsible for the personal data you have shared with us and ask the third parties with which we share them to apply the same level of protection than the one provided in this privacy policy.

By so doing, we guarantee that the companies with which we could work have their own personal data protection and privacy policy.

We shall also share your personal data if required by law, including following legal proceedings, such as a court order or summons, or to comply with any national, federal, provincial or local law.

6 Retention period for personal data

We shall only keep your personal data for as long as necessary, to use them for the purposes stated in this privacy policy and for the duration required by law.

7 Rights of data subjects

You have the right to access, update and modify your personal data.

Even though exercising one of these rights may hinder the mission of the Office of the Ombudsman for Telecommunications, or even make it impossible, you may also:

- object to the processing of your personal data for certain purposes;
- ask us to limit the use of your personal data;
- ask us to delete your personal data;
- forbid us to share your personal data with a third-party service provider.

Should you wish to exercise these rights concerning your personal data, please notify us at this address: DPO@mediateurtelecom.be

8 Responsibility of the complainant

Even though the Office of the Ombudsman for Telecommunications makes all efforts to protect your privacy, effective protection is naturally only possible if you take the necessary measures to protect your privacy.

This means that you must:

- Provide complete, accurate, truthful and non-misleading information;
- Ensure the confidentiality of possible data of data subjects, so that those data only remain accessible to you.
- Provide valid and usable contact details so that you can be contacted within a reasonable timeframe and in a reasonably confidential manner.

9 Security and confidentiality

The Office of the Ombudsman for Telecommunications takes all the necessary steps to guarantee the security of your personal data. To ensure that your data are protected against unauthorised access, unlawful use, loss or unauthorised modifications, among other things, our services use different security techniques and procedures. The necessary measures have been taken on the physical, electronic and organisational level to ensure the security and confidentiality of your personal data.

For instance, the personal data you provide are stored on servers which are only available to competent personnel. That personnel has been made aware of this privacy statement and of all the applicable internal guidelines which have been adopted to protect your personal data. They must respect the confidentiality of your personal data.

Sensitive personal data which are sent over the Internet will also be secured via coding, for instance using the SSL (Secure Socket Layer) protocol.

Specific information on the measures taken to protect security and confidentiality in a specific service will be mentioned if appropriate in the separate privacy statement of that service.

Your personal data will only be transmitted to third parties with your authorisation or under the conditions described above.

10 Public nature of the administration

Pursuant to the Act of 11 April 1994 on the public nature of the administration, the federal administrative authorities must provide access to the administrative documents they possess. This means that any citizen has the right to consult administrative documents of a federal administrative authority and to receive a copy of these documents.

Regarding personal administrative documents (i.e. documents containing an assessment or value judgement concerning a named or easily identifiable natural person, or the description of a behaviour the disclosure of which could clearly cause prejudice to that person), this right to public insight is only applicable when the applicant demonstrates a personal, legitimate, current, direct and definite interest.

Requests to access such administrative documents can be sent to the competent federal administrative authority which is mentioned in the privacy statement of the specific project.

That authority may refuse the request, in particular when it must respect a legal obligation of confidentiality, or when it considers that the publication of the administrative document would harm the privacy of the data subject, unless the latter gave his or her consent concerning the consultation of the document, the explanations regarding the document or its disclosure in the form of a copy.

10.1 Archives

The information processed within the framework of the services can, after a certain period of time, be voluntarily filed with the State Archives of Belgium at the request of the public authority to which it belongs, if this information is no longer useful to the administration. Once filed, this information is in principle public.

In that case as well, access to the archives is subject to the legislation on the public nature of the administration. Access may notably be denied if the State Archivist considers that he is under a legal confidentiality obligation, or when the publication of the administrative document would harm the privacy of the data subject, unless the latter gave his or her consent concerning the consultation of the document, the explanations regarding the document or its disclosure in the form of a copy.

These archives can be stored indefinitely at the State Archives of Belgium and can only be destroyed with the authorisation of the authority which transmitted the documents.

11 Modifications to the Privacy Statement

The latest revisions and updates of this privacy policy were carried out in December 2020. Our Privacy Statement is regularly reviewed and at least once a year.

After each modification, the date this document was updated for the last time will also be modified. Of course, each new version of the privacy policy will always comply with the Act on the protection of privacy. You will be informed, to the extent possible, if the privacy statement is modified in a significant way. To that end, we may publish a notification on the website of the Office of the Ombudsman for Telecommunications.

Any use of the services is subject to the provisions of the version of the privacy statement which is applicable at that time.