



OFFICE OF THE OMBUDSMAN FOR  

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**TELECOMMUNICATIONS**

## PRIVACY STATEMENT

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## 1. INTRODUCTION

The Telecommunications Ombudsman service ensures that your personal data is protected and will never be used without thought.

‘Personal data’ means any information relating to an identified or identifiable natural person, including indirect personal data such as online identifiers or location data.

The privacy statement clarifies the way in which your personal data is collected, stored, used and protected, as well as the rights and means of control that you have to protect your privacy.

In case of questions, comments or concerns about any aspect related to the processing of your personal data, please contact our Data Protection Officer: [DPO@mediateurtelecom.be](mailto:DPO@mediateurtelecom.be)

## 2. GENERAL PRINCIPLES

The protection of your privacy is of great importance to the Telecommunications Ombudsman Service. This privacy statement describes the measures taken to protect privacy during the processing of personal data and the rights of the complainants/persons concerned.

All personal data (namely the data with which you can be directly or indirectly identified) that you entrust to the Telecommunications Ombudsman service will be processed with the necessary care.

This of course means that all processing of your personal data will take place in accordance with the General Regulation of 27 April 2016 on the protection of natural persons with regard to the processing of personal data.

You are invited to read this privacy statement carefully and to take note of its content. Future changes to this privacy statement cannot be excluded. It goes without saying that all new versions of the privacy statement will always comply with the aforementioned legislation on the protection of personal data.

In this statement, we are based on the principle that the data will not be transferred outside the EU. The public administrations that do so in the context of their tasks will mention it in a supplementary statement.

### 2.1. Scope

This policy is addressed to any end-user who has contact with the Telecommunications Ombudsman Service.

### 2.2. Purpose

The collection and processing of personal data are necessary for the performance of the tasks assigned to the Telecommunications Ombudsman in accordance with Article 43a, § 3, of the Law of 21 March 1991 on the reform of certain economic public enterprises.

For example, the Ombudsman Service for Telecommunications has the following tasks:

1. Investigate all end-user complaints related to the activities of the companies present on the Belgian telecommunications market.
2. Mediate to facilitate an amicable settlement for disputes between the undertakings referred to in § 1 of this article and the end users.
3. Address a recommendation to the undertakings referred to in § 1 if no amicable solution can be reached.

4. Inform end-users who address the service in writing or orally as well as possible about their interests.
5. At the request of the Minister responsible for telecommunications (of the Minister responsible for consumer affairs) or of the Belgian Institute for Postal Services and Telecommunications or of the Advisory Committee for Telecommunications (or of the Community Ministers on matters relating to broadcasting falling within the competence of the Telecommunications Ombudsman Service), issue opinions in the context of his assignments.
6. From any person claiming to be the victim of malicious use of an electronic communications network or service, investigate the request to obtain information on the identity and address of the users of electronic communications networks or services who have harassed that person, where such data is available. The Telecommunications Ombudsman will grant the request if the following conditions are met.
7. Collaborate with:
  - a. Other independent sectoral disputes committees or independent mediators, including by forwarding complaints that do not fall within the competence of the Telecommunications Ombudsman Service to the competent disputes committee or mediator.
  - b. Foreign ombudsmen or functionally equivalent bodies operating as an appeal body for the handling of complaints for which the Telecommunications Ombudsman Service is competent.
  - c. Community Regulators.

### 2.3. Proportionality

The data collected is limited to what is necessary. The Telecommunications Ombudsman pays particular attention to the storage as well as the processing of personal data, with maximum respect for the protection of privacy.

We are committed to protecting your personal data and not making incorrect use of it, nor disclosing it, and we treat it with discretion.

We inform you about the processing of your personal data, about the way in which it is collected and stored.

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

## 3. PRIVACY POLICY

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

- We only ask for the personal data that we need to handle your complaint.
- We give you the opportunity to check the personal data we hold about you, to ensure for you and for us that it is correct and reflects reality.
- We assure you that your personal data is always secure and protected.
- We only use your personal data for the purposes for which you have entrusted it to us.
- We will never sell your personal data and will only share it in the files as determined by law and for the benefit of the current case.
- We will let you know when there is a change in the distribution of your personal data and we remain responsible for it.
- We only ask you for the personal data that are necessary for the correct handling of the complaint and/or for the smooth running of the ongoing procedure.
- We use the personal data you share with us to:

- respond to your questions and requests;
- communicate with you;
- handle your file with the operators or the relevant authorities;
- provide information that is necessary for the third parties involved in your file (expert, judge, operator, bailiff).

#### 4. OTHER POTENTIAL USES OF YOUR DATA

We may also use your personal data:

- During the investigation, mediation and resolution of all disputes, complaints, disputes;
- To detect and prevent fraudulent transactions;
- To comply with our legal obligations.

We undertake never to pass on your personal information to anyone outside the legal framework of your file, so that this entity can use it for its own marketing or other purposes.

If your contact details change, please let us know so that we can stay in touch.

#### 5. SHARING WITH THIRD PARTIES

We may be led to share certain personal data (such as your contact details and transactional information) with third parties who help us detect and prevent the fraudulent transactions.

We are responsible for the personal data you share with us and ask the third parties with whom we share it to maintain the same level of protection as that set out in this Privacy Policy.

That is why we guarantee that the companies with which we could work have their own regulations on the protection of personal data and respect for privacy.

We will also share your personal information if required by law, including in connection with legal proceedings, such as a court order or subpoena or to comply with a national, federal, state or local law.

#### 6. RETENTION PERIOD OF PERSONAL DATA

We will only retain your personal data for as long as necessary to use it for the reasons stated in this privacy policy and for the duration required by law.

#### 7. RIGHTS OF THE PERSONS CONCERNED

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

Although the exercise of one of these rights may hinder or even render impossible the mission of the Telecommunications Ombudsman Service, you can also:

- Prevent us from using your personal data for certain purposes;
- Ask us to restrict the use of your personal data;
- Ask us to delete personal data concerning you;
- Prohibit us from sharing your personal data with a third-party service provider.

If you wish to exercise these rights with regard to your personal data, you can report this to us at the address: [DPO@mediateurtelecom.be](mailto:DPO@mediateurtelecom.be)

## 8. RESPONSIBILITY OF THE COMPLAINANT

Although the Telecommunications Ombudsman service makes every possible effort to protect your privacy, effective protection is of course only possible if you also take the necessary measures to protect your privacy.

This means that you are obliged to:

- Provide complete, accurate, truthful and non-deceptive information;
- To ensure the confidentiality of any data of the persons concerned, so that such data remains accessible only to you;
- Provide valid and useful contact details so that you can be contacted within a reasonable period of time and in a reasonably confidential manner.

## 9. SECURITY AND CONFIDENTIALITY

The Telecommunications Ombudsman takes all necessary steps to secure your personal data. To ensure that your data is protected, in particular against unauthorized access, unauthorized use, loss or unauthorized changes, the services use various security techniques and procedures. Physically, electronically and organizationally, the necessary measures have been taken to guarantee the security and confidentiality of your personal data.

For example, the personal data you provide is registered on servers that are only accessible to authorized personnel. That staff has been informed of this privacy statement and of all applicable internal guidelines issued for the protection of your personal data. They are obliged to respect the confidentiality of your personal data.

The sensitive personal data transmitted via the Internet will also be secured by means of encryption, for example through the use of the SSL protocol (Secure Socket Layer).

The specific information on the measures taken to protect security and confidentiality in a specific service will, where appropriate, be included in the separate privacy statement of that service.

Your personal data will only be passed on to third parties with your consent or in the circumstances described below.

## 10. OPENNESS OF GOVERNMENT

Under the Law of 11 April 1994 on open government, the federal administrative authorities are obliged to grant access to the administrative documents in their possession. This means that every citizen has the right to consult administrative documents from a federal administrative government and get a copy of them.

However, for administrative documents of a personal nature (i.e. documents containing an assessment or value judgement of a named or easily identifiable natural person or the description of a conduct the publicity of which may manifestly harm that person), that right to public access only applies if the applicant demonstrates a personal, well-founded, current, direct and certain interest.

Requests for access to such administrative documents can be addressed to the competent federal administrative authority indicated in the privacy statement of the specific project.

That authority may refuse the request, in particular if it is obliged to maintain secrecy by law, or if it considers that the disclosure of the administrative document affects the privacy of the person concerned,

unless the person concerned has consented to the inspection, explanation or statement in copy.

## 10.1. Archive

The information that has been processed as part of the services can also be voluntarily deposited with the State Archives after a certain period of time at the request of the government to whom the information belongs, if it is no longer useful for the administration. After this filing, the information is in principle public.

In that case, too, access to the archive remains subject to the legislation on open government.

Access may therefore be refused in particular if the state archivist is obliged to comply with an obligation of confidentiality established by law, or if the disclosure of the administrative document affects the privacy of the person concerned, unless the person concerned has consented to the inspection, explanation or communication in a copy.

This archive can be stored in the State Archives for an unlimited period of time and may only be destroyed with the permission of the government that transferred the documents.

## 11. CHANGES TO THE PRIVACY STATEMENT

The latest revisions and updates to this privacy policy were implemented in December 2020.

Our privacy statement is reviewed at regular intervals and at least once a year.

After each adjustment, the date on which this document was last updated will also be changed. It goes without saying that all new versions of the privacy policy will always comply with the law on the protection of privacy.

If the privacy statement is amended in a non-insignificant manner, you will be informed as far as possible. To this end, we will be able to use a notice on the service's website.

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