

## Privacy Policy –Frequency Containment Reserve ('FCR') services

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Elia Transmission Belgium (hereafter “**we**”, “**our**”, or “**Elia**”) is committed to respecting and protecting your privacy.

This Privacy Policy aims to clarify how we process the personal data (“**data**”; “**personal data**”) that we collect from you as grid users (household-prosumers) or users, or that you provide to us (“**you**”, “**your**”). Please read the following carefully to understand our practices regarding your personal data and how we will use it.

The terms “**personal data**”, “**processing**”, and “**controller**” are defined in the General Data Protection Regulation n° 679/2016 (GDPR).

Our Privacy Policy contains the following sections:

### 1. Who is responsible for the collection and use of your personal data and who can you contact?

The following entity is responsible (controller) for the collection and use of your personal data: Elia Transmission Belgium SA/NV, a public limited company organized under the laws of Belgium with registered office Boulevard de l'Empereur 20, 1000 Brussels and registered with the Register of Legal Entities of Brussels under company number BE 0731.852.231. We operate the website [www.elia.be](http://www.elia.be).

We have appointed a Data Protection Officer. Questions, comments, and requests regarding this Privacy Policy should be addressed at: [privacy@elia.be](mailto:privacy@elia.be).

### 2. Personal information we collect from you

Depending on the nature of the relationship you have with Elia, we may collect your personal data, directly or indirectly, in several ways when personal data are provided directly by you or collected with your authorisation, e.g. via a balancing service provider (“**BSP**”).

### 3. Why do we collect and use your personal data?

Personal data may only be collected and processed for specified and lawful purposes and may not be processed in a manner incompatible with those purposes. We use the data we hold about you in the following ways:

#### **To balance supply and demand in the electricity grid**

- Collection to balance supply and demand in the electricity grid and check the quality of service provided to and by Elia ;
- Allowing verifications for technical requirements and quality checks: in case there would be multiple BSPs active under the same EAN, Elia has to be able to identify the concerned asset, as a technical requirement;
- Reducing fraud/mistakes if grid users are trying to register for several BSPs with the same device ID misleading FCR volume and double selling its volume;
- Activation & Authenticity control/audits: validating that the aggregated signal is correctly calculated from the underlying assets.

#### **To protect ELIA**

- When we may be required by law enforcement authorities or courts to disclose your data;
- For the exercise or defence of legal claims, and to exercise and protect the rights of Elia, including determining our liability;

We may also process your personal data:

- To carry out corporate restructuring operations;
- For internal and external audits;
- For the management of disputes with our grid users, suppliers, and other data subjects.

#### **4. Which personal data will be collected?**

We may collect, use, store and transfer different kinds of personal data about you as follows:

- Identity information (e.g. first and last name);
- Contact information (e.g. your address, phone number, and email address);
- Data related to your devices/installations (e.g. device ID, power measurements of the delivery point);
- EAN information (e.g. EAN code number, EAN address);
- Metering data on electricity consumption (e.g. power measurement data (Delivery Point measured) of the grid users), including these metering data per 2 seconds in real time or ex post; and
- Information you give us (e.g. counterpart user first and last name);

Elia does not seek to collect personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, or genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

#### **5. What are the legal bases for our use of your data?**

Your personal data is being collected and processed on the following legal bases:

- If it is necessary to ensure compliance with a legal or regulatory obligation to which we are subject; or
- If it is necessary for pursuing our legitimate interests, considering these interests are not overridden by your fundamental rights and freedoms.

#### **6. Recipients of your personal data**

You agree that we have the right to share your personal data with selected recipients, including:

- our affiliates/other entities within the Elia Group;
- our internal services if and to the extent necessary to fulfil certain legal obligations or to safeguard our legitimate interests. This may be the case, for example, for internal administrative purposes. This includes the coordination of services provided to our partners, the centralised provision of internal services, etc.;
- public authorities (including judicial and police authorities and regulators);
- our professional advisors (e.g. lawyers, consultants);
- our suppliers;
- courts and tribunals in the event of a dispute involving you;

We will also disclose information to third parties under the following circumstances:

- In the event of the purchase or sale of a business or assets, we reserve the right to disclose your data to the vendor or purchaser of the business or assets. During such transactions, if Elia or all of its assets were to be purchased by a third party, the information concerning you would be part of the assets transferred;
- Where we are required to disclose or share your information to comply with a legal obligation or to protect the rights, property, or security of Elia, of you, or of others. This includes the sharing of information with public authorities in the event of, for example, a cyber incident.

## 7. Will my data be transferred to other countries?

We will not transfer your personal data to a destination outside the European Economic Area.

## 8. What are my rights in relation to my Personal Data?

Subject to data protection legislation, you have certain rights regarding the personal data we hold about you. These rights can be exercised by contacting us in accordance with section 1:

- The **right to be informed**: You have the right to be provided with clear, transparent, and easily understandable information about how we use your data and your rights related thereto. This is in part why we are providing you with the information in this Privacy Policy;
- The **right of access**: You have the right to obtain access to your data. You may wish to access your Personal Data to confirm our use in accordance with GDPR;
- The **right to rectification**: You are entitled to have your data rectified if they are inaccurate or incomplete;
- The **right to erasure**: This is also known as “the right to be forgotten” and, in simple terms, enables you to request the deletion or removal of your personal data where there is no compelling reason for us to keep using it. Please note that this is not an absolute right and exceptions apply;
- The **right to restrict processing**: You have rights to block or prevent further use of your personal data. When processing is restricted, we can still store your personal data, but our use of your data will be restricted;
- The **right to data portability**: You have the right to obtain and reuse your personal data for your own purposes across different services. For example, if your relationship with us ends, this right enables you to move, copy, or transfer your personal data easily between our IT systems and those of another service provider, without affecting its usability. Please note that this is not an absolute right and exceptions apply. Also, this right can be applied only in certain circumstances and provided it does not adversely affect others’ rights (for example, it can be applied with regard to the personal data you provided to us, which we processed in order to fulfil our contract with you);
- The **right to object to processing**: Where the processing is based on our legitimate interest, you have the right to object to such processing unless we have a compelling and legitimate reason to continue processing your personal data;
- The **right to object** at any time to the processing of your personal data for direct marketing purposes by unsubscribing from our mailing list or by sending an email to our correspondent at [privacy@elia.be](mailto:privacy@elia.be);
- The **right to lodge a complaint**: You have the right to lodge a complaint about the way we handle or process your personal data with the Belgian data protection authority. The competent supervisory authority for Belgium can be contacted at: Data Protection Authority, 35 Rue de la Presse / Drukpersstraat, 1000 Brussels, Belgium, +32 (0)2 274 48 00, [contact@apd-gba.be](mailto:contact@apd-gba.be);
- The **right not to be subject to automated-decision making**: You have the right not to be subject to a decision that is based solely on automated processing (including profiling) and that produces legal effects for you or similarly significantly affects you.

However, note that we may need to retain certain information, for example for legal or administrative purposes (e.g. keeping of accounting records).

For all requests set out above, please send us an e-mail with “data privacy request” in the subject line and include a copy of your identity card or another proof of your identity to help us prevent unauthorised individuals from accessing, changing, or deleting your personal data. We will respond to your request as soon as practically possible. If we need more than one month (from receipt of your request) to respond to your request, we will come back to you and let you know.

## 9. Is my Personal Data secured?

Elia will implement appropriate technical and organizational security measures to protect your Personal Data against accidental or unlawful destruction or accidental loss, alteration, unauthorized disclosure, or access, and against all other unlawful forms of processing.

## **10. Retention of your personal data**

We ensure that your personal data are only kept for a period that does not exceed that which is necessary for the purposes for which it is processed. The data will be kept for as long as the Grid user is participating to the service. Once the grid user stops, the data will be kept an additional 6 months to complete all settlement flows.

Unless:

- the processing of your personal data is necessary in connection with any actual or potential dispute (e.g. we need this information to establish or defend legal claims), in which case we will keep your personal data until the end of such dispute; and/or
- the retention is necessary for us to comply with any legal or regulatory obligation (e.g. for tax purposes), in which case we will keep your personal data for as long as required by that obligation.

## **11. Changes to our Privacy Policy**

Elia reserves the right to update this Privacy Policy from time to time. This version was last updated on 13 May 2022. Any changes we make to our Privacy Policy in the future will be posted on this page and, where appropriate, notified to you by e-mail. Please check back frequently to see if the Privacy Policy has been changed or updated.

In the event of a conflict or incompatibility between a provision of this Privacy Policy and a provision of another Elia policy or document relating to data processing, the provision of this Privacy Policy shall prevail.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your data changes during our relationship with you.