

**THE SAMRES GROUP**

**BINDING CORPORATE RULES FOR CONTROLLERS**

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## **BINDING CORPORATE RULES FOR CONTROLLERS**

The Samres Group Binding Corporate Rules for Controllers (“BCR-C”) is entered into between the following members of the Samres Group:

- 1) Samres AB, reg. no. 556433-7417, Västra Stationstorget 10, 222 37 Lund, Sweden (“Samres”);
- 2) Samreis Eesti AS, reg. no. 11055561, KÜÜNI 5B, Tartu, EE-51003, Estonia (“Samreis Eesti”);
- 3) Samres South East SRL, reg. no. 1007600039103, Str. Banulescu-Bodoni 27/1, MD-2005, Chisinau, Moldova (“Samres South East”); and
- 4) Samres Senegal SUARL, reg. no. 004337178, Boulevard de l’Est X 2, bis Point E Immeube Adjia Koone, BP 10700 Dakar, Senegal (“Samres Senegal”).

### **1 INTRODUCTION**

- 1.1 The company structure of the Samres Group and the contact details of the members of the Samres Group are specified in [Appendix 1](#).
- 1.2 The BCR-C is applicable throughout the Samres Group when a member of the group is the controller of personal data. The obligations set out in the BCR-C also applies to processors within the group, processing personal data on behalf of a member of the group acting as a controller. The members of the Samres Group established within the EEA regularly transfer personal data for processing to members of the Samres Group established outside the EEA. The purpose of the BCR-C is to ensure that there is an adequate level of protection for the transferring and processing of personal data by members of the Samres Group established outside the EEA. The BCR-C sets down clear standards that must be observed when processing personal data, provides information on the Samres Group internal compliance structures and processes, and grant enforceable rights to data subjects relating to the processing of their personal data.
- 1.3 The BCR-C is designed as an intra-group agreement that legally binds all members of the Samres Group. The BCR-C has also been attached to a data sharing agreement, that has been construed in accordance with Article 28 in the GDPR, that binds all members of the Samres Group. The BCR-C is also made legally binding towards personnel of the Samres Group by the employment contract or otherwise through a legally binding undertaking. All members of the Samres Group and their personnel have a duty to respect the BCR-C.

A group member acting as importer that ceases to be bound by the BCR-C may keep, return, or delete the data. If the exporter and importer agree that the data may be kept by the importer, protection must be maintained in accordance with GDPR regarding Transfers on the basis of an adequacy decision (Article 45) or Transfers subject to appropriate safeguards (Article 46) unless one of the derogations for specific situations pursuant to Article 49 in the GDPR applies (see Articles 45, 46 and 49 in BCR-C Appendix 4).

- 1.4 When a member of the Samres Group acts as a controller and uses processors for the processing of personal data, the processing of personal data will be governed by a binding Data Processing Agreement with the processor. The processor must obtain written consent from the member of the Samres Group before using any sub-processor to process personal data. The same provisions stated in the Data Processing Agreement between the member of the Samres Group and the processor must also apply to the sub-processor.

## 2 DEFINITIONS

- 2.1 Definitions and terms used in this document are defined as set forth below. Any term that is used in the GDPR that is not stated below is defined in accordance with Article 4 in the GDPR.

“Binding Corporate Rules for Controllers”	Personal data protection policies which are adhered to by members of the Samres Group acting as controller and established on the territory of a Member State for transfers or a set of transfers of personal data to a controller in one or more Third Countries within the Samres Group.
“Controller”	The natural or legal person, public authority, agency, or other body which, alone or jointly with others, determines the purposes and means of the Processing of Personal Data; where the purposes and means of such Processing are determined by European Union or Member State law, the Controller or the specific criteria for its nomination may be provided for by European Union or Member State law.
“Data Processing Agreement”	A contract between the controller and the processor that adheres to the provisions set up in Article 28 in the GDPR.

“Data Subject”	The living identifiable natural person, whose personal data is processed.
“EEA”	The European Economic Area, including the European Union, Norway, Iceland and Lichtenstein.
“GDPR”	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”).
“Instruction”	The documented instructions, which the Controller gives within the scope of a Data Processing Agreement.
“Member State”	A country that is member of the European Union.
“Personal Data”	Any information relating to an identified or identifiable natural person (“Data subject”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person.
“Personal Data Breach”	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, Personal Data transmitted, stored, or otherwise Processed.
“Processing”	Any operation or set of operations which is performed on Personal Data or on sets of Personal Data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
“Processor”	A natural or legal person, public authority, agency, or other body, which Processes Personal Data on behalf of the Controller.

“Samres Group”	The members of the Samres Group that are bound by the Binding Corporate Rules for Controllers.
“Sub-processor”	A natural or legal person, public authority, agency, or other body, hired by the Processor which Processes Personal Data on behalf of the Controller.
“Supervisory Authority”	An independent public authority, which is established by a Member State pursuant to Article 51 in the GDPR.
“Third Country”	A country outside the EEA.
“Third Party”	A natural or legal person, public authority, agency, or body other than the Data Subject, Controller, Processor and persons who, under the direct authority of the Controller or Processor, are authorised to Process Personal Data.

### **3 DOCUMENTS**

- 3.1 The BCR-C comprises this document, including the following appendices: Appendix 1 (The Samres Group), Appendix 2 (Description of Processing and Data Flows) and Appendix 3 (Training Program).
- 3.2 In the event of any contradiction between this document and the appendices, this document will take precedence, unless circumstances clearly stipulate or indicate otherwise.

### **4 MATERIAL SCOPE**

- 4.1 The expected nature of data transferred including the categories of personal data, anticipated types of processing and its purposes, types of data subjects concerned by the transfers, and the identification of the relevant Third Countries is specified in Appendix 2.

### **5 GOVERNING DATA PROTECTION PRINCIPLES**

- 5.1 The members of the Samres Group must observe the following data protection principles when transferring and processing personal data (all GDPR articles mentioned in this paragraph, BCR-C paragraph 5.1, can be found in BCR-P Appendix 4):

- Transparency, fairness and lawfulness (see Articles 5.1.a, 6, 9, 10, 13 and 14 in the GDPR)
  - o Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject. A member of the Samres Group acting as a controller and collects personal data shall inform the data subject in accordance with section 15.3.1 and 15.3.2 in the BCR-C. Any member of the Samres Group can only process personal data in a fair, appropriate, reasonable and proportional way in relation to the data subjects, and when doing so one of the following lawful grounds must be met for every instance of processing; (a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes; (b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract; (c) processing is necessary for compliance with a legal obligation to which the controller is subject; (d) processing is necessary in order to protect the vital interests of the data subject or of another natural person; (e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller; (f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child. Processing of special categories of personal data are treated in accordance with Article 9 in the GDPR.

Processing of personal data relating to criminal convictions and offences or related security measures based on Article 6(1) in the GDPR, the lawful grounds mentioned above, shall be carried out only under the control of official authority or when the processing is authorised by European Union or Member State law providing for appropriate safeguards for the rights and freedoms of data subjects. Any comprehensive register of criminal convictions shall be kept only under the control of official authority.

- Purpose limitation (see Article 5.1.b in the GDPR);
  - o A member of the Samres Group shall only collect personal data for specified, explicitly stated and legitimate purposes and only further process the data in a manner that is compatible with the initial purpose for collection.
- Data minimization and accuracy (see Articles 5.1.c and 5.1.d in the GDPR);
  - o Personal data that is processed by a member of the Samres Group is to be adequate, relevant and limited to what is necessary to fulfill the purposes of the processing. The members of the Samres Group shall ensure that the personal data is accurate and kept up to date. If any data are inaccurate

every reasonable step must be taken without undue delay to erase or rectify this data.

- Limited storage periods (see Article 5.1.e in the GDPR);
  - o A member of the Samres Group shall only retain personal data for as long as it is needed for the purpose of the processing of the data. All members of the Samres Group shall retain and/or delete data in accordance with laws, procedures or other applicable retention policies within the Samres Group.
- Processing of special categories of personal data (see Article 9 in the GDPR);
  - o All members of the Samres Group shall avoid processing special categories of personal data when possible. Exceptions may be made to follow applicable laws and to fulfill the members obligations as an employer, for example by processing data about health information related to accidents at work. Special categories of personal data shall only be processed to the extent the GDPR and applicable data privacy laws permit.
- Security, integrity and confidentiality (see Section 10 in the BCR-C and Articles 5.f and 32 in the GDPR);
  - o Members of the Samres Group shall process personal data in a manner that ensure that the data is well protected by taking appropriate security measures. This includes protection against unauthorised and/or unlawful processing, and accidental loss, destruction or damage.
- Restriction on transfers and onward transfers to controllers and processors that are not part of the Samres Group (see Section 6 in the BCR-C).

The Samres Group ensure that the principles are implemented in the organization by following the BCR-C and the work specified in its appendices and through the Samres Group's training of personnel. It is then followed up through the annual data protection audit in accordance with section 14 in the BCR-C.

## **6 RESTRICTIONS ON TRANSFERS AND ONWARD TRANSFERS**

- 6.1 Any member of the Samres Group acting as a controller is only allowed to transfer personal data to external processors, sub-processors and controllers established outside the EEA if adequate data protection is provided in accordance with Articles 45, 46, 47 and 48 in the GDPR, articles can be found in Appendix 4 of the BCR-C.

## **7 COOPERATION**

- 7.1 All members of the Samres Group have a duty to cooperate with and accept to be audited by the Supervisory Authorities and to taking into account the advice and to abide by decision of these Supervisory Authorities on any issue related to the BCR-C.

## **8 COMPLIANCE**

- 8.1 Any member of the Samres Group acting as a controller is responsible for and must be able to demonstrate compliance with the BCR-C upon request from the supervisory authority (see Articles 5.2 and 24 in the GDPR, articles can be found in BCR-C Appendix 4) or internally within the Samres Group as described in Section 14 in the BCR-C.
- 8.2 All members of the Samres Group must, in order to demonstrate compliance, maintain a record of all categories of processing activities carried out, containing:
- the name and contact details of the controller and, where applicable, the joint controller, the controller's representative and the data protection officer;
  - the purposes of the processing;
  - a description of the categories of data subjects and of the categories of personal data;
  - the categories of recipients to whom the personal data have been or will be disclosed including recipients in third countries or international organisations;
  - where applicable, transfers of personal data to a third country or an international organisation, including the identification of that third country or international organisation and, in the case of transfers referred to in the second subparagraph of Article 49(1) in the GDPR, the documentation of suitable safeguards (Article 49 can be found in BCR-C Appendix 4);
  - where possible, the envisaged time limits for erasure of the different categories of data;
  - where possible, a general description of the technical and organisational security measures referred to in Article 32(1) in the GDPR, see article in BCR-C Appendix 4.

The record is maintained in writing and in electronic form as well as made available to the Supervisory Authorities upon request.

- 8.3 All members of the Samres Group must, in order to enhance compliance and when required, carry out data protection impact assessments for processing operations that are likely to result in a high risk to the rights and freedoms of natural persons (in accordance with Article 35 in the GDPR, see article in BCR-C Appendix 4). If a data protection impact assessment indicates that the processing might result in a high risk in the absence of measures taken by the member of the Samres Group acting as a controller to mitigate the risk, that member of the Samres Group must consult with

the competent supervisory authority prior to that processing (in accordance with Article 36 in the GDPR, see article in BCR-C Appendix 4).

- 8.4 Taking into account the state of the art, the cost of implementation and the nature, scope, context and purposes of processing as well as the risks of varying likelihood and severity for rights and freedoms of natural persons posed by the processing, all members of the Samres Group must implement appropriate technical and organizational measures designed to implement data protection principles and to facilitate compliance with the requirements set up by the BCR-C in practice (in accordance with Article 25 in the GDPR, see article in BCR-C Appendix 4).

## **9 TRANSPARENCY**

- 9.1 The Samres Group will use the BCR-C as a tool for transfers only where they have assessed that the law and practices in the third country of destination applicable to the processing of the personal data by the member of the group acting as importer, including any requirements to disclose personal data or measures authorising access by public authorities, do not prevent it from fulfilling its obligations under the BCR-C.

The members of the Samres Group shall make an analysis of the legislation taking into account elements such as:

- the specific circumstances of the transfer, including the length of the processing chain, the number of actors involved, and the transmission channels used; intended onward transfers; the type of recipient; the purpose of processing; the categories and format of the transferred personal data; the economic sector in which the transfer occurs; the storage location of the data transferred;
- the laws and practices of the third country of destination – including those requiring the disclosure of data to public authorities or authorising access by such authorities – relevant in light of the specific circumstances of the transfer, and the applicable limitations and safeguards;
- any relevant contractual, technical or organisational safeguards put in place to supplement the safeguards under the BCR-C, including measures applied during transmission and to the processing of the personal data in the country of destination.

If a member of the Samres Group finds that any safeguards in addition to those envisaged under the BCR-C should be put in place, they must without undue delay inform and involve the members of the group in the EEA and the data protection officer in the assessment. The assessments and any eventual supplementary measures selected and implemented shall be documented and available to the competent supervisory authority upon request.

If a member of the Samres Group has reasons to believe that existing or future legislation applicable to it prevents it from fulfilling the BCR-C or has substantial effect on the guarantees provided by the BCR-C, it must inform Samres AB and the

data protection officer. Samres AB, with the help of the data protection officer, shall promptly identify appropriate measures to be adopted by the members of the Samres Group in order to enable them to fulfil the BCR-C, and to inform the members of the Samres Group about the analysis. If effective supplementary measures cannot be put in place or if instructed by the competent supervisory authority, Samres AB, with the help of the data protection officer, will decide if the data transfer shall be suspended or prohibited. Personal data that has been transferred prior to the suspension, and any copies thereof, should at the choice of the member of the Samres Group acting as data exporter be returned to it or destroyed in their entirety.

A member of the Samres Group acting as an exporter must on an ongoing basis, and where appropriate in collaboration with data importers, monitor the development in the third countries to which the data exporters have transferred personal data that could affect the initial assessment of the level of protection and the decisions taken accordingly on such transfers.

- 9.2 A member of the Samres Group which is subject to a legal requirement in a Third Country that is likely to have a substantial adverse effect on the guarantees provided by the BCR-C, shall report the requirement to the data exporter and, where possible, the data subject. This includes any legally binding request for disclosure of personal data by a law enforcement authority or state security body. In such a case, the report must clearly inform the data exporter and, where possible, the data subject about the request, including information about the data requested, the requesting body, and the legal basis for the disclosure, unless otherwise prohibited, such as a prohibition under criminal law to preserve the confidentiality of a law enforcement investigation. No personal data is transferred and stored locally in a third country within the Samres Group, see appendix 2 of the BCR-C.
- 9.3 If a member of the Samres Group is prohibited from informing the data exporter and/or the data subject, it must use its best efforts to obtain the right to waive the prohibition in order to communicate as much information as it can and as soon as possible. The member of the Samres Group must be able to demonstrate that it tried to obtain such a waiver.
- 9.4 If a member of the Samres Group, despite having used its best efforts, is not able to inform the data exporter, it must once a year provide the data exporter with general information about the requests it receives from the enforcement authority or state security body (in particular, number of requests, type of data requested, requesting authority/ies, whether requests have been challenged and the outcome of such challenges, etc.).

9.5 The data importer shall preserve the information pursuant to paragraph 9.2 to 9.4 in the BCR-C for the duration of the contract and make it available to the competent supervisory authority on request.

9.6 In any case, transfers of personal data by a member of the Samres Group to any public authority cannot be massive, disproportionate and indiscriminate in a manner that goes beyond what is necessary in a democratic society.

## **10 SECURITY**

10.1 Members of the Samres Group shall enter into contracts with all processors that comply with the requirements of Article 28.3 in the GDPR, article can be found in BCR-C Appendix 4.

10.2 Members of the Samres Group shall without undue delay notify Samres AB and the data protection officer after becoming aware of a personal data breach. The notification shall be made in accordance with the Samres Group's incident management routine, available to all members and its personnel, and reported to the supervisory authority (eligible in accordance with Article 55 in the GDPR, see article in BCR-C Appendix 4) no later than 72 hours after it was first discovered.

10.3 Members of the Samres Group have a duty to without undue delay notify any personal data breach to the data subjects if the personal data breach is likely to result in a high risk to their rights and freedoms.

10.4 Personal data breaches must be documented, and the documentation made available to the supervisory authorities upon request (in accordance with Articles 33 and 34 in the GDPR, see articles in BCR-C Appendix 4). The documentation must include the following information:

- Facts relating to the personal data breach;
- The effects of the personal data breach; and
- The remedial actions taken following the personal data breach.

## **11 LIABILITY**

11.1 Samres AB accept responsibility for, and take necessary action to remedy the acts, of other members of the Samres Group established outside the EEA as well as pay

compensation for material and non-material damages resulting from a violation of the BCR-C by these members of the Samres Group.

11.2 If a member of the Samres Group established outside the EEA violates the BCR-C, the courts or other competent authorities in the EEA have jurisdiction and the Data Subjects have the rights and remedies against Samres AB as if the violation had been caused by Samres AB in Sweden.

11.3 Samres AB has the burden of proof to demonstrate that the member of the Samres Group established outside the EEA is not responsible for any violation of the BCR-C, which has resulted in the Data Subject claiming damages. If Samres AB can demonstrate that the member of the Samres Group established outside the EEA is not responsible for the violation of the BCR-C, Samres AB may discharge itself from any responsibility.

## **12 TRAINING PROGRAM**

12.1 Each member of the Samres Group ensures that appropriate training on the GDPR and BCR-C is provided to personnel who have permanent or regular access to Personal Data, who are involved in the collection of Personal Data or who are engaged in the development of tools used to process Personal Data. The training program is specified in [Appendix 3](#).

## **13 DATA PROTECTION OFFICER**

13.1 A data protection officer is designated with the responsibility to monitor the compliance of the Samres Group with the BCR-C (in accordance with Article 37 in the GDPR, see article in BCR-C Appendix 4).

13.2 The data protection officer enjoys the highest management support and reports directly to the board of management of the Samres Group (in accordance with Article 38.3 in the GDPR, see article in BCR-C Appendix 4).

13.3 The data protection officer has, at least, the following responsibilities:

- Monitor the proper implementation of, and compliance to, the BCR-C;
- Inform and advise the board of management of the Samres Group on the implementation of, and compliance to, the BCR-C;
- Develop a data protection training program as well as ensure and monitor that the personnel are appropriately educated about data protection in accordance with that training program;

- Decide on an internal data protection audit program, ensure that internal data protection audits are regularly carried out, address internal data protection audit findings and communicate them to the board of management of the Samres Group;
- Handle requests from data subjects;
- Deal with external data protection audits and investigations from supervisory authorities;
- Communicating with supervisory authorities about data privacy issues;
- Monitor that Personal Data Breaches are recognized and that appropriate measures are taken to alleviate and prevent future personal data breaches; and
- To keep a fully updated list of the BCR-C members and to track and record any update of the BCR-C.

13.4 The data protection officer is assisted by an internal team called “Samres Data Protection Committee”. The Samres Data Protection Committee consist of Samres data protection officer, CEO, and CTO. The Samres Holding Group employs a legal assistant in periods depending on the workload, this resource also joins the team when working.

The Samres Data Protection Committee has regular meetings discussing the Samres Group’s data protection works and what recourses/assistance the data protection officer needs. In turn, there is a recurring discussion item on the agenda for Samres Group’s executive management meetings called “report from Samres Data Protection Committee”, where the data protection officer is invited for discussions.

The Samres Group also has established legal contacts, such as law firms, which together form a competent network to which the data protection officer can turn for expert assistance.

## **14 AUDIT PROGRAM**

14.1 The data protection officer has a duty to decide when the legal assistant shall conduct the internal data protection audits to ensure that the Samres Group and their personnel comply with the provisions of the BCR-C. The audits take place in September or October each year. Additional audits can occur on the specific request of the data protection officer.

14.2 The internal data protection audits cover all aspects of the BCR-C, including methods of ensuring that corrective actions are taken if needed. These audits include all members of the Samres Group and consist, at least, of the following parts:

- Routines for informing personnel about updates of European Union or Member State data protection laws;
- Training programs used for educating personnel about data protection;
- Routines for managing requests from data subjects;
- IT systems used when processing personal data;
- Databases processing personal data;
- Onward transfers of personal data to members of the Samres Group and external processors established outside the EEA;
- Company decisions taken regarding requirements under national laws that go against the BCR-C;
- Routines for informing personnel about updates in the BCR-C;
- Reviews of Data Processing Agreements and processors; and
- Corrective actions taken in response to personal data breaches.

14.3 The material for the internal data protection audits are gathered from e.g. interviews with the leading managers of each member of the Samres Group as well as with those in charge of the IT-department of the Samres Group, analyses of internal IT systems, databases, agreements, claims or requests, routines and policies, site inspections when appropriate, and analyses of the development within the GDPR-subject in general that could affect the Samres Group, such as existing or future legislation that could prevent the Samres Group from fulfilling the BCR-C.

14.4 The results of the internal data protection audits are reported by the legal assistant to the data protection officer and the board of management of the Samres Group, who will, without undue delay, remedy any revealed data protection deficiencies.

14.5 The results of the internal data protection audits are made accessible to the supervisory authorities, which can carry out external data protection audits of any member of the Samres Group, if required.

## **15 THIRD PARTY BENEFICIARY RIGHTS**

15.1 The data subject can enforce at least the following elements of the BCR-C as Third Party beneficiaries against any member of the Samres Group (all GDPR articles

mentioned in this paragraph, BCR-C paragraph 15.1, can be found in BCR-P Appendix 4):

- Duty to apply the data protection principles as set out in Sections 5, 6, 10 and 8 in the BCR-C and Article 47.2.d in the GDPR;
- Right to transparency and easy access to the BCR-C (Sections 5, 6, 10, 8, 15.3 and 17.3 in the BCR-C and Article 47.2.g in the GDPR);
- Duty to accommodate objections to processing as well as requests of access, rectification, erasure, restriction and not wanting to be subject to decisions based solely on automated processing, including profiling (see Articles 15, 16, 17, 18, 21, 22 and 47.2.e in the GDPR);
- National legislation preventing respect of the BCR-C, see section 9 in the BCR-C (Article 47.2.m in the GDPR);
- Right to complain through the internal complaint handling procedure of the Samres Group (see Section 16 in the BCR-C and Article 47.1.i in the GDPR);
- Duty to cooperate with supervisory authorities (see Section 7 in the BCR-C and Articles 47.2.k and 47.2.l in the GDPR); and
- Duty to follow the liability, compensation and jurisdiction provisions (see Sections 11 and 15 in the BCR-C and Articles 47.2.e and 47.2.f in the GDPR), in particular the right to lodge a complaint to the competent supervisory authority and to the competent court of the Member States (in accordance with Articles 77 and 79 in the GDPR).

15.2 The data subjects have the right to judicial remedies and the right to obtain redress as well as, where appropriate, receive compensation for any damage, in case of any violation of their Third Party beneficiary rights as enumerated in Section 15.1 in the BCR-C (see Articles 77 to 82 in the GDPR, articles can be found in BCR-C Appendix 4). The responsibility for addressing the rights of the data subjects is specified in Section 11 in the BCR-C.

15.3 The data subjects are provided information about their Third Party beneficiary rights as required by Articles 13 and 14 in the GDPR (articles can be found in BCR-C Appendix 4), including information about the processing of their personal data and the means to exercise those rights as well as the information in Sections 11 and 5 in the BCR-C. Information will usually be provided by way of a privacy notice and every data subject has the right to easy access to this information. For that purpose, also

the entire BCR-C including annexes and appendices is published on the official website of Samres.

- 15.3.1 Information to be provided where personal data are collected from the data subject, in accordance with Article 13 in the GDPR:
1. Where personal data relating to a data subject are collected from the data subject, the controller shall, at the time when personal data are obtained, provide the data subject with all of the following information:
    - a. the identity and the contact details of the controller and, where applicable, of the controller's representative;
    - b. the contact details of the data protection officer, where applicable;
    - c. the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;
    - d. where the processing is based on point (f) of Article 6(1) in the GDPR, the legitimate interests pursued by the controller or by a third party (article 6 can be found in BCR-C Appendix 4);
    - e. the recipients or categories of recipients of the personal data, if any;
    - f. where applicable, the fact that the controller intends to transfer personal data to a third country or international organisation and the existence or absence of an adequacy decision by the European Commission, or in the case of transfers referred to in Article 46 or 47 or the second subparagraph of Article 49(1) in the GDPR (articles can be found in BCR-C Appendix 4), reference to the appropriate or suitable safeguards and the means by which to obtain a copy of them or where they have been made available.
  2. In addition to the information referred to in 15.3.1 subparagraph 1, the controller shall, at the time when personal data are obtained, provide the data subject with the following further information necessary to ensure fair and transparent processing:
    - a. the period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period;
    - b. the existence of the right to request from the controller access to and rectification or erasure of personal data or restriction of processing concerning

the data subject or to object to processing as well as the right to data portability;

- c. where the processing is based on point (a) of Article 6(1) or point (a) of Article 9(2) in the GDPR (articles can be found in BCR-C Appendix 4), the existence of the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;
  - d. the right to lodge a complaint with a supervisory authority;
  - e. whether the provision of personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether the data subject is obliged to provide the personal data and of the possible consequences of failure to provide such data;
  - f. the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) in the GDPR and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject. Article 22 in the GDPR can be found in BCR-C Appendix 4, “profiling” is described in article 4 as *“‘profiling’ means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person’s performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements”*.
3. Where the controller intends to further process the personal data for a purpose other than that for which the personal data were collected, the controller shall provide the data subject prior to that further processing with information on that other purpose and with any relevant further information as referred to in 15.3.1 subparagraph 2.
  4. 15.3.1 subparagraphs 1, 2 and 3 shall not apply where and insofar as the data subject already has the information.

15.3.2 Information to be provided where personal data have not been obtained from the data subject, in accordance with Article 14 in the GDPR:

1. Where personal data have not been obtained from the data subject, the controller shall provide the data subject with the following information:

- a. the identity and the contact details of the controller and, where applicable, of the controller's representative;
  - b. the contact details of the data protection officer, where applicable;
  - c. the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;
  - d. the categories of personal data concerned;
  - e. the recipients or categories of recipients of the personal data, if any;
  - f. where applicable, that the controller intends to transfer personal data to a recipient in a third country or international organisation and the existence or absence of an adequacy decision by the Commission, or in the case of transfers referred to in Article 46 or 47 or the second subparagraph of Article 49(1) in the GDPR (articles can be found in BCR-C Appendix 4), reference to the appropriate or suitable safeguards and the means to obtain a copy of them or where they have been made available.
2. In addition to the information referred to in 15.3.2 subparagraph 1, the controller shall provide the data subject with the following information necessary to ensure fair and transparent processing in respect of the data subject:
- a. the period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period;
  - b. where the processing is based on point (f) of Article 6(1) in the GDPR, the legitimate interests pursued by the controller or by a third party (Article 6 can be found in BCR-C Appendix 4);
  - c. the existence of the right to request from the controller access to and rectification or erasure of personal data or restriction of processing concerning the data subject and to object to processing as well as the right to data portability;
  - d. where processing is based on point (a) of Article 6(1) or point (a) of Article 9(2) in the GDPR (articles can be found in BCR-C Appendix 4), the existence of the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;
  - e. the right to lodge a complaint with a supervisory authority;

- f. from which source the personal data originate, and if applicable, whether it came from publicly accessible sources;
  - g. the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) in the GDPR and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject. Article 22 of the GDPR can be found in BCR-C Appendix 4, “profiling” is described in article 4 as *“‘profiling’ means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person’s performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements”*.
3. The controller shall provide the information referred to in 15.3.2 subparagraphs 1 and 2:
- a. within a reasonable period after obtaining the personal data, but at the latest within one month, having regard to the specific circumstances in which the personal data are processed;
  - b. if the personal data are to be used for communication with the data subject, at the latest at the time of the first communication to that data subject; or
  - c. if a disclosure to another recipient is envisaged, at the latest when the personal data are first disclosed.
4. Where the controller intends to further process the personal data for a purpose other than that for which the personal data were obtained, the controller shall provide the data subject prior to that further processing with information on that other purpose and with any relevant further information as referred to in 15.3.2 subparagraph 2.
5. 15.3.2 subparagraphs 1, 2, 3, and 4 shall not apply where and insofar as:
- a. the data subject already has the information;
  - b. the provision of such information proves impossible or would involve a disproportionate effort, in particular for processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, subject to the conditions and safeguards referred to in Article 89(1) in the GDPR or in so far as the obligation referred to in 15.3.2 subparagraph 1

is likely to render impossible or seriously impair the achievement of the objectives of that processing. In such cases the controller shall take appropriate measures to protect the data subject's rights and freedoms and legitimate interests, including making the information publicly available. Article 89(1) in the GDPR says: *“Processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, shall be subject to appropriate safeguards, in accordance with this Regulation, for the rights and freedoms of the data subject. Those safeguards shall ensure that technical and organisational measures are in place in particular in order to ensure respect for the principle of data minimisation. Those measures may include pseudonymisation provided that those purposes can be fulfilled in that manner. Where those purposes can be fulfilled by further processing which does not permit or no longer permits the identification of data subjects, those purposes shall be fulfilled in that manner.”*;

- c. obtaining or disclosure is expressly laid down by European Union or Member State law to which the controller is subject and which provides appropriate measures to protect the data subject's legitimate interests; or
- d. where the personal data must remain confidential subject to an obligation of professional secrecy regulated by European Union or Member State law, including a statutory obligation of secrecy.

## **16 COMPLAINT HANDLING PROCEDURE**

- 16.1 The Samres Group offers a specific contact point for Data Subjects who wish to file a claim or request regarding the Processing of their Personal Data and in particular their Third Party beneficiary rights. The claim or request are sent by email to [dpo@samres.se](mailto:dpo@samres.se) which is monitored by the data protection officer. The email should be in English or Swedish, which are the working languages of the group, for efficient handling. However, The Samres Group will do their best efforts to answer all claims or requests sent to this email. Further instructions on how to file complaints or requests are published on the official website [www.samres.se](http://www.samres.se).
- 16.2 Complaints are handled by the data protection officer and must be handled without undue delay. The complaining party shall be provided with a response within one month from submitting the complaint. If, considering the complexity and the number of requests, a response cannot be given within one month, the data protection officer must advise the data subjects about the fact of the delay and the reason of such delay within the same one month, and provide an estimation of when they will

receive a response. However, this extended period to handle the complaint can be no longer than two additional months.

- 16.3 The data protection officer must notify the data subjects in writing whether their complaint is rejected or considered justified. If the complaint is considered as justified, the relevant member of the Samres Group must ensure that appropriate and corrective actions are taken to process personal data in accordance with the BCR-C and applicable legislation. If a complaint is rejected, the data protection officer must provide the data subject with an explanation on the reason of rejection.
- 16.4 The data protection officer must inform the data subjects about their right to lodge a complaint before the supervisory authority or the competent court of the relevant Member State.

## **17 UPDATES**

- 17.1 Updates of the BCR-C are reported without undue delay to the members of the Samres Group and relevant supervisory authorities, via the competent supervisory authority.
- 17.2 Updates of the BCR-C that adhere to the following provisions do not need to be re-submitted for approval by the supervisory authorities:
- The data protection officer must keep a list of the members of the Samres Group and make that list accessible to the data subjects and relevant supervisory authorities;
  - The data protection officer must track and record any update of the BCR-C and systematically provide any necessary information about it to the data subjects and, upon request, to the supervisory authorities;
  - No transfer of personal data can be made to a new member of the Samres Group until the new member of the Samres Group has been effectively bound by the BCR-C and can deliver compliance;
  - Updates of the BCR-C or the list of members of the Samres Group must be reported once a year to the relevant supervisory authorities, via the competent supervisory authority, with a brief explanation justifying the updates; and
  - If an update affects the level of protection offered by the BCR-C or significantly affects the BCR-C, it must be promptly communicated to the relevant supervisory authorities, via the competent supervisory authority.

17.3 The updated BCR-C and the list of members of the Samres Group are published on the official website of Samres.

**18 GOVERNING LAW**

18.1 The BCR-C is, unless it indicates otherwise, governed by and construed in accordance with the laws of Sweden. In any event, personal data must be processed in accordance with the applicable law as provided by Article 5 in the GDPR (article can be found in BCR-C Appendix 4) and the relevant local legislation. If Swedish legislation or any other local legislation requires a higher level of protection for personal data, it must nevertheless take precedence over the BCR-C.

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The BCR-C has been duly executed in four (4) original copies, of which each member of the Samres Group has taken one copy.

**Samres AB**

**Samreis Eesti AS**

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**Samres South East SRL**

**Samres Senegal SUARL**

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