



Privacy regulation

Stichting Pensioenfonds SABIC

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SECTION 1 – GENERAL PROVISIONS

1. DEFINITIONS

1.1. In this Privacy Regulation (hereinafter referred to as ‘the Regulation’) the following terms have, in accordance with and in supplement to the General Data Protection Regulation, the following meanings:

DDPA	The Dutch Data Protection Authority as referred to in Article 6 of the Dutch GDPR Implementation Act.
GDPR	The General Data Protection Regulation.
Filing System	Any structured set of Personal Data which are accessible according to specific criteria, whether centralized, decentralized or dispersed on a functional or geographical basis.
Data Subject	The person to whom an item of personal data relates that is processed for the Controller's purposes.
Special Personal Data	Personal Data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of 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.
Biometric data	Personal data resulting from specific processing with respect to a natural person's physical, physiological or behaviour-related characteristics to enable or confirm the unique identification of that natural person, such as facial recognition.
DPIA (Data Protection Impact Assessment)	The Data Protection Impact Assessment as referred to in article 35 of the Dutch GDPR. The fund has included the implementation of a DPIA in its IT policy.
Third Party	Every person/body other than: (i) the Data Subject, (ii) the Controller, (iii) the Processor, or (iv) persons who, under the direct authority of the Controller or Processor, are authorized to process personal data.
Direct Marketing	Digital, telephone or postal transfer of information, including product information, by a Pension Fund to a Data Subject for commercial or idealistic purposes. This does not include the legally required pension information.
Data Protection Officer	The Data Protection Officer, also known as DPO, as referred to in Article 37 of the Dutch GDPR.
Code of Conduct	The Code of Conduct for the Processing of Personal Data by Pension Funds 2023.
Health Data	Personal data relating to the physical or mental health of a Data Subject, including incapacity percentage and treatment offered, which provide information on the Data Subject's health.

Data breach	A breach of security leading accidentally and/or unlawfully to the destruction, loss, alteration or unauthorised disclosure of, or unauthorised access to Personal Data that have been transmitted, stored or otherwise processed.
Recipient	The person/body to whom/which the Personal Data are disclosed.
SPF	Stichting Pensioenfonds SABIC, with its registered office in Sittard.
Pension Register	The website www.mijnpensioenoverzicht.nl , which any citizen can access using their DigiD, or other official internet identification standard, to view an indication of their pension entitlements or pension rights, as well as gain insight into the amount of the pension that will be obtained, the pension choices and consequences of these choices, and the consequences of important events on the pension.
Pension Act (PA)	The Pension Act and regulations and decisions based on this act.
Personal Data	Any information relating to an identified or identifiable living natural person (the data subject) by means of an identifier, including an online identifier, such as a name, identification number, location data, or one or more elements characterising the physical, physiological, genetic, psychological, economic, cultural or social identity of that natural person.
Personal Data of a Criminal Nature	Personal data relating to criminal convictions and offences or related security measures referred to in Article 10 of the regulation, as well as personal data relating to a court-sanctioned injunction following unlawful behaviour or harassment.
Profiling	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.
Privacy by Default	The default settings of systems are designed to be as privacy-friendly as possible. This includes ensuring that personal data are not publicly visible.
Privacy by Design	When designing products and services, privacy safeguards are established to ensure that the mechanisms and systems used take the Data Subject's privacy into account as far as possible.
Pseudonymisation	This refers to processing Personal Data in such a way that these Personal Data can no longer be linked to a specific Data Subject without the use of additional data, provided that such additional data are kept separately and technical and organisational measures are taken to ensure that the Personal Data are not linked to identified or identifiable natural persons.

Stichting Pensioenregister	The legal entity that is designated to implement the provisions of Section 51 of the Pensions Act, Section 62 of the Mandatory Occupational Pension Schemes Act and Section 164a (1) of the General Pensions Act for Political Office Holders (Pension Register) and that acts as a Processor.
Controller	The natural or legal person/entity, public authority, agency or other body that, alone or jointly with others, determines the purposes and means of the Processing of Personal Data. SPF, as the legal entity that determines the purposes and means of the Processing of Personal Data.
Consent	Any freely given, specific, informed and unambiguous indication of the Data Subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the Processing of Personal Data relating to him or her.
Processor	The person/body who or that processes Personal Data for the Controller's purposes.
Processing	Any operation or set of operations which is performed on Personal Data or on sets of Personal Data such as collecting, recording, organizing, structuring, storing, adapting or altering, retrieving, consulting, using, disclosing by transmitting, disseminating or making available in some other manner, aligning or combining, restricting, erasing, or destroying.

2. SCOPE

- 2.1. This Regulation applies to the processing of Personal Data of Data Subjects by wholly or partly automated means. This Regulation also applies to the processing of Personal Data of Data Subjects by non-automated means which form part of a Filing System or are intended to form part thereof. This relates to the Processing for which SPF qualifies as the Controller.

SECTION 2 – PROCESSING AND PERSONAL DATA

3. PURPOSES OF THE PROCESSING:

- 3.1. SPF processes the Personal Data exclusively to be able to meet its obligations prescribed by law and its objects laid down in the Articles of Incorporation, including:
- performing activities related to the fulfilment of obligations under the Articles of Incorporation, Administration Agreement and pension regulations and the management of the resultant relations, inclusive of the prevention of fraud;
 - processing for historical, statistical, or scientific purposes;
 - providing information about pension matters;
 - optimizing the services.

4. BASIS FOR PROCESSING

- 4.1. SPF processes Personal Data exclusively:
- with the Consent of the Data Subject or on the Data Subject's request; or
- 4.2. When this is necessary for:
- the performance of an agreement to which the Data Subject is a party;
 - SPF's fulfilment of or compliance with a statutory obligation; or, the representation of the legitimate interests of SPF or of a Third Party to which the data are provided, unless the interests or the fundamental rights and freedoms of the Data Subject, in particular the right to the protection of privacy, prevail.

5. OBTAINING PERSONAL DATA

- 5.1. The data that are processed are, in so far as they are not derived from other data being processed, obtained from
- the Data Subject or his/her legal representative;
 - the affiliated employer as referred to in the Articles of Incorporation, Administration Agreement, and pension regulations of SPF;
 - the Persons Database, including the *Register Niet-Ingezetenen* (non-residents database);
 - the Employee Insurance Agency (UWV) and other organizations engaged in the administration of social security legislation;
 - the Tax and Customs Administration (Belastingdienst);
 - a process server's process;
 - the former employer or employers of the Data Subject;
 - the former pension insurer or insurers of the Data Subject;
- other natural persons, bodies and organizations authorized by the Data Subject to provide data.

6. TYPES OF PERSONAL DATA:

6.1. SPF processes Personal Data including the following:

- Personal details, including title, surname, forenames, nationality, gender, date of birth, place of birth, country of birth, civil status, BSN, file guide, and signature
- Contact information, including home address, postal address, email address, and telephone number
- Correspondence, including statutory pension correspondence, personal correspondence, copy of proof of identity, bank statements, life certificate, and study certificate
- Pension details, including pension benefits and entitlements, years of membership and details of the previous employer and any previous pension administrators, where relevant
- Employment details, including employer, part-time percentage salary, personnel number, and degree of incapacity for work as determined by the Employee Insurance Agency (UWV)
- Education information, including certificates, diplomas, evaluations, assessments, and curriculum vitae
- Login details, including IP address, login name, and password

7. CATEGORIES OF DATA SUBJECTS

7.1. SPF processes Personal Data of the following categories of Data Subjects:

- Members (including deferred members)
- Pension beneficiaries
- Partners/former partners and children of Data Subjects classified under a) and b)
- Visitors to SPF's website
- Board members and members of pension fund bodies
- Contact persons of SPF's business contacts

8. PROCESSING OF PERSONAL DATA

8.1. SPF processes Personal Data in a proper and prudent manner, and in accordance with the applicable legislation and regulations, including the GDPR and Pensions Act.

8.2. SPF maintains a record of processing activities in accordance with the provisions of the GDPR. This record contains all relevant information about the manner in which the Processing is performed.

8.3. SPF will not disclose the data to Third Parties unless required to do so by a court or regulations and/or except as provided for by the provisions of Article 10.

8.4. SPF's does not process data in a manner that is incompatible with the purposes for which they were obtained.

8.5. SPF does not process Special Personal Data or Sensitive Personal Data as referred to in Articles 7.5 and 7.6 of the *Gedraglijn Verwerking Persoonsgegevens Pensioenfondsen* (Code of Conduct for the Processing of Personal Data by Pension Funds) of the Pension Federation,

unless this is necessary for the purpose of the Processing and is permitted by the GDPR or the rules arising therefrom.

- 8.6. Personal Data are not retained for longer than is necessary for the purposes referred to in Article 3, unless a statutory retention obligation is applicable. SPF implements this standard in accordance with the *Servicedocument Bewaartermijnen van de Pensioen* (retention periods for pension service documents).
- 8.7. In principle, SPF processes Personal Data solely in the Netherlands. Personal Data are processed outside the Netherlands with the agreement of the Board and when, and to the extent that, the country in which the Personal Data are processed provides an adequate level of protection or other appropriate equivalent guarantees.

9. RECIPIENT OF THE PERSONAL DATA

- 9.1. Third Parties are provided with Personal Data solely to the extent that this arises from the purpose of the Processing or is required pursuant to any statutory provision. The provision of data arising from the purpose of the Processing is also considered to extend to the provision of data to Third Parties in relation to statistical research, market research, or opinion polls conducted by this Third Party for SPF in connection with the development of the pension policy, funding policy, or investment policy.
- 9.2. In all other cases data are provided to Third Parties solely with the express written agreement of the Data Subject.
- 9.3. Data are provided to Third Parties in hard copy form or when so required on an automatically processable data carrier.

SECTION 3 – RIGHTS AND OBLIGATIONS

10. RIGHT OF INFORMATION AND ACCESS

- 10.1. All Data Subjects can request SPF, in writing and at reasonable intervals, to notify him/her whether SPF is processing his/her Personal Data. When addressing this request, SPF is entitled to inquire after the Data Subject's reasons for his/her wishing to exercise this right to access so that SPF can more effectively serve the interests of the Data Subject.
- 10.2. Within one month, SPF notifies the Data Subject whether this is case in a message in a commonly used electronic form. When Personal Data of the Data Subject are being processed, this notification contains a comprehensible list of the categories of Personal Data with information including the purpose of the Processing, the categories of Personal Data, and the Recipients or categories of Recipients, as well as the available information about the origin of the Personal Data, the rights of the Data Subject, and the right to lodge a complaint with the competent supervisory authority. On request, SPF provides a copy of the Data Subject's Personal Data processed by SPF.
- 10.3. When SPF expects that a Third Party will have reservations about a notification as referred to in Article 10 then SPF, unless this is not feasible or would cost disproportionate effort, offers the Third Party an opportunity to express its opinion before SPF gives the aforementioned notification.
- 10.4. SPF can refuse the request as referred to in Article 10 when and to the extent that this is necessary in connection with the vital interests of persons other than the person making the request. SPF will then notify the person making the request accordingly, in writing and accompanied by reasons, as soon as possible and in any case within one month of the receipt of the request.

11. RIGHT TO RECTIFICATION, DELETION, AND RESTRICTION OF DATA

- 11.1. The person who has received notification of his/her Personal Data in accordance with Article 10 can request SPF to rectify, supplement, delete, or restrict these data in the event that the data are factually incorrect, incomplete, or not of relevance to the purpose of the Processing, or will otherwise be processed in contravention of a provision of law. The request must at least state the changes to be made.
- 11.2. SPF issues the person making the request written notification as to whether, and if so to what extent, the request will be granted. This notification is sent within one month of the receipt of the request. Any refusal is accompanied by a statement of the reasons.
- 11.3. SPF implements a rectification, deletion, or restriction decision as soon as possible.

12. RIGHT TO ERASURE ('RIGHT TO BE FORGOTTEN')

- 12.1. A Data Subject can submit a request for the erasure of his/her Personal Data.
- 12.2. SPF will fulfil an erasure request when:

- the Personal Data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- the Data Subject withdraws consent on which the Processing is based and where there is no other legal ground for the Processing;
- the Data Subject has lodged an objection to the Processing and this objection is declared well-founded under the complaints and dispute settlement scheme, provided that this is not contrary to the aforementioned need for Processing relating to the implementation of the pension regulations and/or performance of the Administration Agreement;
- the Personal Data have been unlawfully processed;
- it is necessary to comply with a legal obligation in Union or Member State law to which SPF is subject.

12.3. SPF is entitled to deny the erasure request when the Processing is necessary:

- for compliance with a legal obligation in Union or Member State law to which SPF is subject;
- for, or for the prevention of, the establishment, exercise, or defence of legal claims;
- for archiving purposes in the public interest, scientific or historical research purposes, or statistical purposes;
- for the performance of an agreement.

12.4. SPF issues the person making the request written notification as to whether, and if so to what extent, the request will be granted. This notification is sent within one month of the receipt of the request. Any refusal is accompanied by a statement of the reasons.

12.5. SPF implements an erasure decision as soon as possible. When deletion is technically not feasible or would involve great costs, then SPF adequately restricts the data.

13. RIGHT TO RESTRICTION OF PROCESSING

13.1. A Data Subject can submit a request for the restriction of Processing.

13.2. SPF will fulfil a request to restrict the Processing when:

- The accuracy of the Personal Data is contested by the Data Subject, for a period enabling SPF to verify the accuracy of the Personal Data;
- The Processing by SPF is unlawful but the Data Subject opposes the erasure of the Personal Data and requests the restriction of their use instead;
- SPF no longer needs the Personal Data for the purposes of the Processing, but they are required by the Data Subject for the establishment, exercise, or defence of legal claims;
- The Data Subject has objected to processing, pending the answer to the question whether the legitimate grounds of SPF override those of the Data Subject.

13.3. SPF issues the person making the request written notification as to whether, and if so to what extent, the request will be granted. This notification is sent within one month of the receipt of the request. Any refusal is accompanied by a statement of the reasons.

14. RIGHT TO DATA PORTABILITY

- 14.1. A Data Subject can request the receipt of the data that he/she has provided to SPF in a structured, commonly used, and machine-readable format.
- SPF can grant this request when the Processing of the Personal Data is based on Consent or on a contract and is carried out by automated means.
 - The right to data portability does not immediately result in the deletion of the Personal Data, as SPF has adopted the specified retention periods.
- 14.2. The legal basis for the processing of Personal Data by SPF will usually be founded on a statutory obligation or a legitimate interest. Consequently, SPF will not then be able to meet the right to data portability. The right to value transfer relating to the transfer of pension entitlements as embodied in the Pensions Act is incorporated in the SPF pension regulations.
- 14.3. SPF issues the person making the request written notification as to whether, and if so to what extent, the request will be granted. This notification is sent within one month of the receipt of the request. Any refusal is accompanied by a statement of the reasons.

15. REQUESTS ON THE BASIS OF ARTICLES 10 TO 14 INCLUSIVE:

- 15.1. When a Data Subject submits a request as referred to in articles 10 to 14 of this Privacy Regulation:
- SPF will, when a vital interest of the person making the request so requires, respond to the request other than in electronic form;
 - SPF will ensure that the identity of the person making the request is properly established;
 - the request, when the person making the request is younger than 16 or has been placed under conservatorship, must be submitted by the legal representative or representatives and SPF will address its response to this legal representative or these representatives;
 - SPF will, when it has rectified, deleted, or restricted Personal Data, notify Third Parties who had previously been provided with that data as quickly as possible unless this is not feasible or would cost disproportionate effort. SPF will, if so requested, inform the person making the request of the recipients of this notification.

16. RIGHT TO OBJECT

- 16.1. A Data Subject can lodge an objection to a Processing activity by SPF pursuant to the provisions of Article 4.2.c) in connection with his/her special personal circumstances
- 16.2. SPF assesses whether the objection is justified within one month of it being lodged. SPF will terminate the Processing immediately when the objection is justified. Any refusal is accompanied by a statement of the reasons.

17. RIGHT TO OBJECT TO AUTOMATED INDIVIDUAL DECISION-MAKING

- 17.1. A Data Subject has the right not to be subject to a decision based solely on automated Processing, including Profiling, which produces legal effects concerning him/her or similarly significantly affects him/ her, unless this decision:
- Is necessary to conclude or implement a contract between the Data Subject and the Pension Fund
 - Is authorised by a provision of Union or Member State law applicable to the Controller which also stipulates the measures appropriate to protect the Data Subject's rights, freedoms and legitimate interests
 - Is based on the explicit Consent of the Data Subject.
- 17.2. A Data Subject can lodge an objection to automated Processing.
- 17.3. SPF assesses whether the objection is justified within one month of it being lodged. SPF will terminate the automated Processing immediately when the objection is justified. Any refusal is accompanied by a statement of the reasons.

SECTION 4 – MISCELLANEOUS PROVISIONS

18. SECURITY AND CONFIDENTIALITY

- 18.1. SPF implements appropriate technical and organizational measures to protect Personal Data against loss or unlawful Processing. These measures guarantee, taking account of the state of the art and the costs incurred in the implementation, a suitable level of security as based on the risks associated with the Processing and nature of the data that are to be protected.

SPF ensures that all persons under its authority who are not already obliged to maintain confidentiality pursuant to their office, profession or any provision of law are required to maintain the confidentiality of Personal Data of which they take cognizance unless they are required by any provision of law or by the nature of their duties to disclose that data.

19. ENGAGING A PROCESSOR

- 19.1. SPF can engage a Processor to process Personal Data on behalf of SPF. SPF then ensures that this Processor provides sufficient guarantees for appropriate technical and organizational measures with respect to the Processing to be carried out.
- 19.2. SPF ensures that all persons under the authority of this Processor, and the Processor itself, who are not already obliged to maintain confidentiality pursuant to their office, profession, or any provision of law are required to maintain the confidentiality of Personal Data of which they take cognizance unless they are required by any provision of law or by the nature of their duties to disclose that data.

20. COMPLAINTS PROCEDURE

- 20.1. Data Subjects can lodge a complaint with SPF's complaints and dispute committee about the Processing of Personal Data other than with respect to an infringement of Personal Data protection (a data breach). The complaint will be handled in accordance with the Complaints and Disputes Regulation in line with advice from the Privacy Officer.

21. MONITORING

- 21.1. SPF monitors compliance with articles 3 to 17 inclusive and compliance with the measures and confidentiality obligations referred to in articles 18 and 19.

22. UNFORESEEN

- 22.1. In cases not provided for in these regulations, SPF will decide, with due observance of the provisions of the law and the purpose and purport of these regulations.

23. ADOPTION AND ANNOUNCEMENT

23.1. This regulation was adopted by the SPF Board on 2 February 2024 and replaces the Privacy Regulation as adopted by the SPF Board on 10 December 2021.

If an affiliated employer or a Data Subject requests this, these regulations will be provided to him or her free of charge. The regulation can also be consulted on the SPF website, spf-pensioenen.nl/en.