Transfer of personal data from the DIV directory to third parties: definitions and procedure.

A. **A few useful definitions**

Below are several useful terms as defined by the Act on the protection of privacy in relation to the processing of personal data (08/12/1992):

➢ ***CPP (Commission for the Protection of Privacy)*** : independent supervisory body responsible for making sure that personal data is not used in a way that is against the law. It is also responsible for responding to information requests and dealing with complaints.

➢ **SCFA** (***Sector Committee of the Federal Authorities***): body formed within the CPP under the Privacy Act. It is responsible for carrying out the necessary assessments for the implementation of electronic personal data flows within the federal administration and for monitoring these.

➢ ***Personal data***: all information that identifies or can identify a natural person, designated by said law as being being the "data subject", a person is considered identifiable if they may be identified, directly or indirectly, in particular with reference to an identification number or one or more specific elements, unique to their physical, physiological, psychological, financial, cultural or social identity (it can be the name of a person, telephone number, a code, an email address, a chassis number, a number in the national register, etc.).

➢ ***Processing:*** any operation or group of operations made or not with the help of automated procedures and applied to personal data, such as the collection, recording, organisation, storage, adaptation or modification, extraction, consultation, usage, transmission by transfer, distribution or any other form of making data available, putting it together or interconnecting it, as well as the locking, deleting or destruction of personal data (thus the management of the vehicle directory by the Registration service of the DIV is a *processing* of personal data).

➢ ***File:*** any structured unit of personal data accessible according to determined criteria, whether this unit be centralised, decentralised or allocated functionally or geographically (thus the directory of the DIV is a *file).*

➢ ***Controller:*** the natural or legal person, un-associated organisation or public service which, alone or jointly with others, determines the purpose and means of processing of personal data. If the purpose and means of processing are determined by or under a law, decree or prescription, the controller is the natural person, legal person, un-associated organisation or public service designated as being responsible for the processing by or under this law, decree or prescription (thus, the DIV is the *controller* of personal data).

➢ ***Processor:*** the natural or legal person, un-associated organisation or public service processing the personal data for the controller and is other than the person who, placed under the direct authority of the controller, is approved to process the data (thus the IT service is a *processor* of the DIV).

➢ ***Third party:*** the natural person, the legal person, the un-associated organisation or the public service, other than the data subject, the controller, the processor and the persons who, placed under the direct authority of the controller or the processor, are approved to process data

(thus, the recipient of personal data extracted from the DIV file, for example, municipal authorities, are *third-parties*).

➢ **Recipient**: the natural person*,* legal person, un-associated organisation or public service that receives data transfer, whether this is a third party or not (thus, for example, municipal authorities who receive personal data from the DIV file are also *recipients)*; administrative or legal authorities who are likely to receive data communication in the context of a specific enquiry are not considered as recipients.

➢ **Consent of the data subject**: any demonstration of willing, freely, specifically and informed, by which the data subject or their legal representative accepts the personal data concerning them being processed (thus the holder of a vehicle is a *data subject* for the processing of their personal data).

B. <u>The procedure</u>

1. A body that would like to access a file should fill in a number of documents available on the website of the Privacy Commission and send them to the Commission, <u>www.privacycommission.be</u> , chapter "Request authorisation > Sector Committee of the Federal Authorities".

2. Depending on positive findings by the Sector Committee of the Federal Authorities (SCFA, formed within the CPP to carry out the necessary assessments) on the safety measures, a confirmation that they have received authorisation is sent by the latter to the recipient, entitled "FA Resolution number + date". A copy of this document is sent to the DIV.

3. Following receipt of the copy of prior authorisation, the DIV sends the recipient of said authorisation their standard template for the convention on transfer of data (document already prepared in two copies) accompanied by a single computerised lay out (web service) containing a contact form to be filled in and sent to the DIV.

4. Subject to agreement by the recipient to the terms of the convention proposed by the DIV as well as provisions in the computerised lay out (agreement given by sending to the DIV 2 copies of the proposed convention signed by the recipient), a test phase will begin of electronic information flows by the IT department of FPS Mobility and Transport.

5. Following a positive outcome of this test phase, the copy of the convention on transfer of personal data is sent to the contracting partner and signed by the two parties. The convention is activated once this is sent.

6. Publication of said convention in the section "Road transport > Vehicle registration" of the website of the FPS Mobility and Transport.