



DATA PROCESSING ADDENDUM

KUWAIT PETROLEUM (NEDERLAND) B.V., with registered office at NL – 2595 AE Den Haag, Schenkkade 50 , VAT NL 001250590B01, KvK 24025263, hereinafter “**KPN**”, is in specific situations a processor of limited personal data on behalf of the **Participant** as further detailed below.

Hereinafter KPB and the Participant are also individually referred to as a “Party” and together as “Parties”,

WHEREAS

Article 14 of the General Terms and Conditions for Q8 Liberty Cards sets out the processing of personal data. Whilst KPB is processing personal data as a controller from its Participants and Participants’ representatives, it is in specific situations also a processor of limited personal data of certain Cardholders on behalf of the **Participant**.

The General Data Protection Regulation 2016/679 (‘GDPR’) requires controllers and processors to have a contract or other legal act in place for such a processing role in accordance with the new provisions (Article 28.3 GDPR).

The present Data Processing Addendum is made in this context in order to satisfy the above-mentioned common obligation which lies on KPB as well as on the Participant and is referred to in the update of Article 14 of the General Terms and Conditions for Q8 Liberty Cards. This Data Processing Addendum is an integral part of the Contract with regard to the use of the Q8Liberty Card between the Parties and the General Terms and Conditions for Q8 Liberty Cards (GTC’s) from KPB and any other agreement between the Parties that is governed by the Q8Liberty Contract pursuant to an explicit referral thereto, hereinafter referred to as the “Contract” and shall apply in accordance with Article 17.1 GTC’s.

THE PARTIES ACCEPT

this Data Processing Addendum to govern the specific situations where KPB processes limited personal data on behalf of Participant.



The provisions of the Contract shall fully apply to this Data Processing Addendum unless explicitly stated otherwise, and more specifically, provisions in the Contract relating to data protection shall be supplemented by the terms of this Data Processing Addendum.

1. Data processing obligations

As part of the provision of the Q8 Liberty fuel card services and for the entire duration thereof, KPB will be led to process (use, modify, store, ...) limited personal data of certain Cardholders within the meaning of applicable data protection law, in the manner set out in Section 2 hereunder. To the extent that this processing is not carried out for KPB's own purposes, KPB shall, with respect to such processing:

(a) process such personal data only on the instructions from Participant set out in Section 2 hereunder, unless required to do so by European Union or Member State law to which KPB is subject; in such a case, KPB shall inform Participant of that legal requirement before processing, unless that law prohibits such information on important grounds of public interest;

(b) only process such personal data in Member States of the European Union or European Economic Area or Whitelisted countries or with additional safeguards in countries without adequate protection (e.g. EU Model Clauses);

(c) ensure that persons authorised to process such personal data have committed themselves to confidentiality or are under an appropriate statutory obligation of confidentiality;

(d) implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk, taking into account in particular the risks that are presented by processing, in particular from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data transmitted, stored or otherwise processed, and ensure that any natural person acting under the authority of KPB who has access to personal data does not process them except on instructions from Participant, unless he or she is required to do so by Union or Member State law;

(e) respect the following conditions for engaging any processor other than those listed in Section 2(5) hereunder:

- KPB shall inform Participant of any intended changes concerning the addition or replacement of other processors, thereby giving Participant the opportunity to object to such changes;
- Where KPB engages another processor for carrying out specific processing activities on behalf of Participant, KPB shall impose on that other processor the same data protection obligations as set out in this Data Processing Addendum, by way of a contract or other legal act under Union or Member State law. Where that other processor fails to fulfil its data protection obligations, KPB shall remain liable to Participant for the performance of that other processor's obligations.

(f) taking into account the nature of the processing, assist Participant by appropriate technical and organisational measures, insofar as this is possible, for the fulfilment of Participant's obligation to respond to requests for exercising the data subject's rights under applicable data protection legislation;

(g) taking into account the nature of processing and the information available to KPB, assist Participant in ensuring compliance with the obligations under applicable data protection legislation in relation to security of processing, to the notification of any breach of personal data to supervisory authorities and data subjects where relevant, to the carrying out of data protection impact assessments where required and to prior consultation of the supervisory authority;

(h) at the choice of Participant, delete or return all such personal data to Participant after the end of the provision of the Q8 Liberty fuel card services, and delete existing copies unless (i) European Union or Member State law requires storage of the personal data or (ii) the applicable statute of limitations has not yet expired;

(i) make available to Participant all information necessary to demonstrate compliance with these obligations and allow for and contribute to audits, including inspections, conducted by Participant or another auditor mandated by Participant.

2. Description of processing activities

The processing covered by this addendum shall take the following form:

- (i) categories of personal data: identification data and contact details, fuel-related transactions
- (ii) categories of data subjects: employees of Participant

(iii) nature and purpose of the processing: fleet management, management of fuel consumption and expenses

(iv) instructions of the Participant:

(a) create the fuel cards with integration of (personal) data provided by the Participant to KPB;

(b) host and make available through the Q8 Liberty portal (personal) data provided by the Participant to KPB;

(c) upon specific request, use driver lists for the distribution of cards.

(v) pre-authorized sub-processors:

(a) for creation and distribution of fuel cards and PIN mails: Zetes NV (BE)

(b) transaction management system Eazyfuel: Smartcentric Technologies International Ltd (IE)

(c) for data warehousing: Delaware Consulting (BE)