

Privacy declaration

The federal government attaches much importance to the users' privacy. Although most of the information at or via this portal site is available without having to furnish personal data, it may be that the user is asked for personal information. In such a case the information shall be dealt with in accordance with the provisions of the Law dated 8 December 1992 in relation to the processing of personal data.

More specifically, this refers to the following rules:

- The sole purpose of gathering and processing personal data is to provide you with the information you have requested.
- The personal data shall neither be made known to third parties nor be used for direct marketing purposes.
- You shall always have the right of access to and the right to rectify your personal data.
- The federal government commits itself to taking the best possible safety measures to avoid third parties misusing the personal data that you have made available.

You will find the full Privacy Statement below:

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Section 1 – General Principles

The Federal government regards the protection of your personal privacy as being of the utmost importance. This privacy declaration describes the measures that are taken to protect your personal privacy when using the services organised within the framework of e-government by or on the authority of the Federal government and the rights that you, as user of these services, have.

All personal details (i.e.: data by which you can be directly or indirectly identified) that you have entrusted to the Federal government will be treated with the necessary care. Of course, this means that all the personal data processing is done in accordance with the Law of 8 December 1992 on the protection of the personal privacy with regard to the processing of personal data, amended by the Law of 11 December 1998 transposing Directive 95/46/EC of

the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (Belgian Official Gazette of 03 February 1999).

You are requested to read this privacy declaration through carefully and to take note of its contents. Future adjustments to this privacy declaration cannot be ruled out, which is why we ask you to have another look at it now and again to be *au fait* with these adjustments. It goes without saying that all new versions of the privacy declaration will still be in accordance with the abovementioned Law on the protection of privacy.

Within the context of this general privacy declaration there will be no further investigation of specific categories of data such as legal or medical data. For this we refer you to the public services processing such data. They will provide a supplementary declaration for these data.

We presume that, within the context of this declaration, the data will not be passed on outside the EU. The public services which nevertheless do this within the framework of their tasks, will indicate this in a supplementary declaration.

Section 2 – Field of application of the privacy declaration

The privacy declaration is applicable to all services that are organised by or on the authority of the Federal government in the framework of e-government.

The following are regarded as services within the ambit of this privacy declaration:

the applications that are offered to the citizens or enterprises by or on the authority of the Federal government, either as autonomous applications or as web-based applications that are embedded in a website.

the websites that are drawn up and maintained by or on behalf of the Federal government and that are intended to be used by the citizens or enterprises, with the exclusion of internal websites which are not accessible to the public at large

every electronic form of communication that is used to exchange data between the Federal government on the one hand and the citizens or enterprises on the other.

The following are regarded as Federal government within the ambit of this privacy declaration: the Federal public services, the Programming Federal public services and the Federal public administrations.

It is best to bear in mind the various services offered by or on the authority of the Federal government because their particular nature may make them subject to specific privacy declarations. Before registering to make use of a service it is advisable to check if that service has a separate privacy declaration which contains a more detailed regulation for that specific service. It goes without saying that these privacy declarations will also be compatible with the

abovementioned Law on the protection of privacy, and that these more specific privacy declarations will never be in contravention of this general privacy declaration.

Please note too that the websites drawn up and maintained by or on the authority of the Federal government may contain links to other websites of authorities, institutions and organisations over which the Federal government does not exercise any control, either technically or as regards content. The Federal government can therefore offer no guarantee whatsoever as to the privacy policy of these websites. That is also why the Federal government does not accept any responsibility for any direct or indirect damage ensuing from the consultation or use of such external websites. You are advised to take note of the privacy policy of such sites.

Section 3 – Public and anonymous access

The government makes use of various levels of security measures for the different services it offers. The lowest level consists of services that are offered on a public and anonymous basis.

In the case of services that are offered on a public and anonymous basis (i.e. without a prior registration procedure or further submission of data) only a limited amount of data can be gathered. This concerns data ensuing from the use of cookies and logging.

Cookies are small information files that are automatically saved on the hard disk of your computer when you visit a site, and which contain a unique identification number. With the aid of these cookies, access and navigation to the site is simplified and the latter can be used quicker and more efficiently. They can also be used to customise the site according to your personal preferences. Cookies allow one to analyse the use of a site in order to identify and remove any possible sticking points.

The configuration of most browsers allows you to accept or reject cookies and to let you know every time you use a cookie. You are free to reject these cookies, although the optimal navigation and functionality of the services on the site may be jeopardised. Please consult the help function of your browser for more information.

Unless indicated otherwise in the privacy declaration of a specific site, all allocated cookies are automatically deleted when you stop using the site.

Besides that, every time you make use of the services instituted by or on the authority of the Federal government it can be logged within the framework of e-government. This means that the following data can be gathered:

the IP address that you are allocated at the time of the connection;

date and time of access to the service;

the number of consulted pages, if any, during a specific time span;

the browser, if used;

the platform and/or the control system installed on your system;

the search engine and the key words that were used to find the site of the service;

the files that were downloaded. ;

language;

through which site you came.

The sole purpose of processing these data will be to find out the number of users of the different sections of the services and to improve the content of the services.

They will never be used to draw up a profile of a citizen.

Section 4 – Information submitted voluntarily

In order to be able to make use of some services with a higher level of security you will be requested to make certain personal details known to the Federal government. For this purpose, only the data necessary to render high-standing service will be requested.

As will be described below, the necessary measures will be taken in respect of these data to guarantee the protection of your personal privacy. Please note that specific services may complement these guarantees in more detail through a separate privacy declaration. It is therefore advisable to check if the service disposes of a separate privacy declaration. The security level used will also be clearly indicated in the privacy declaration or the user regulations of every service.

Higher security level services that are offered demand a number of typical requirements concerning your identification and authentication.

Depending on the security level, you will be requested to submit a number of data with a view to registration, identification and authentication.

This makes it possible to allocate the user number so that the public services are able to identify you correctly when you use the electronic services.

You will possibly also be able to use your electronic identity card, which has been provided with an identity certificate.

Besides these data, which are essential to render the services, you may also be requested to give certain feedback. It goes without saying that you are free to choose whether you want to comply with this request or not. By sending in this feedback you grant us the permission to process the personal details sent with the purpose of improving the user experience or enabling new services.

Section 5 – Use of contact information

You may sometimes be requested for your contact particulars to enable you to make use of the services (e.g. e-mail address, telephone or fax number). The sole purpose of the Federal government processing these data is to ensure that the service functions soundly, namely:

to contact you for essential supplementary data if necessary so as to guarantee that the service functions correctly; or

to supply all useful and relevant information about the changes in the provision of services which may influence your user experience in a non-trivial manner, such as messages regarding user control or service disruptions; or

to possibly report changes to the applicable privacy declaration or user regulations in order to keep you up to date with your rights and duties as user; or

if you give your explicit permission thereto, your e-mail address will be used by the Federal, regional and local authorities to communicate with you electronically.

This contact information will under no circumstances be used for publicity purposes or passed on to third parties. Institutions that are charged with standing in for a public service or with taking care of a task of general interest as based on an assignment by the government, irrespective of their legal form, are, within the ambit of this section, not regarded as third parties if they are directly or indirectly concerned with rendering services upon which this privacy declaration is applicable.

It goes without saying that these data will be dealt with in a confidential way, in accordance with the provisions of the abovementioned Law on the protection of privacy.

If you contact the Federal government via e-mail to obtain information or to ask for publications, then the government automatically acquires certain personal details. These personal details will be used to answer your message. They may also be saved in a user databank, in which case the provisions of the Law on the protection of privacy will apply. You have the right to view your details, you may amend them or have them deleted.

Section 6 – Safety and confidentiality

The Federal government will undertake all the necessary measures to guarantee the security of your personal details. In order to see to it that your details are protected against, amongst others, unjustified access, unlawful use, loss or the making of unjustified adjustments, the services make use of various security techniques and procedures. The necessary measures are taken at the physical, electronic as well as organisational levels to guarantee the safety and confidentiality of your personal details.

That is why the personal details that you have supplied are saved on servers that are accessible only to competent personnel, for example. This personnel was informed of this privacy declaration and of all the applicable internal directives that were issued for the protection of your personal details. They are obliged to respect the confidentiality of your personal details.

Moreover, sensitive personal details that are sent via the Internet are also secured by means of coding, such as the use of SSL-protocol (Secure Socket Layer).

More specific information on the measures that were taken for the protection of the safety and confidentiality in a specific service will, if necessary, be taken up in a separate privacy declaration of that service.

Your personal details will be passed on to third parties only with your permission or under the conditions described below.

Section 7 – Legality and transparency

With every service that is organised by or on the authority of the Federal government and within the framework of e-government, the following information will clearly be included in the accompanying privacy declaration of that service:

the personal details that are to be processed

the aims for which they are being processed

who will vouch for the correct processing

whether the details may or may not be passed on to third parties and, if they may, to which third party(ies)

the source of possible personal details that have not been communicated by yourself, but have been taken from authentic sources (such as the National Registry, for example)

contact information on exercising your right to access and correction, as described below.

If you have not personally submitted the personal details (e.g. because the government already disposes of them) and the Federal government acts only as intermediate organisation, then this notice may be passed over on condition that the Federal government, through or in terms of a Law, has received the express assignment to collect the personal details and to code them, which subjects it to specific measures, through or in terms of a Law, through which your privacy is protected.

The possible legal norm on which the permission for the processing of the details for the service is based will also be explicitly mentioned in the privacy declaration of every specific service.

Unless the privacy declaration of a specific service expressly provides otherwise, the Federal government is responsible for the processing. Contact information in the case of questions or remarks will also be included.

Section 8 – Finality

With every service that is organised by or on the authority of the Federal government within the framework of e-government, a clear description will be given of the specific purpose that the processing of your personal details accompanying the privacy declaration of the service serves, in so far as this has not already been clearly indicated in this privacy declaration. The

personal details that are gathered when the service is used are processed to render and to manage the service.

In support of the services that are organised by or on the authority of the Federal government within the framework of e-government, your personal details can be processed in order to improve your user experience and to simplify the services by not requiring you to repeatedly type the same details or by adjusting the services to your preferences or interests.

To this end as much use as possible will be made of the so-called authentic sources when organising every service. These are data sources (databanks) that are kept by order of the Federal government and where official data concerning a person or enterprise are collected. The Federal government aims at never requesting the citizen or enterprise for this information again after the one-off collection. Where possible, each service will therefore make use of these sources. The access to the data in the authentic sources are checked and authorised by sectoral committees (established within the Commission for the protection of privacy) that see to it that legislation for the protection of privacy is respected.

In actual terms this means that the data from authentic sources (such as the National Registry, for example) are used to identify users and that, after identification, access may be granted to other databanks. This makes for optimal protection of the users' privacy: because there is only one single source, the data protection can be centralised.

The information that is gathered through the use of a service can be combined with personal details that is gathered through the use of other services so that your interaction with the Federal government becomes as consistent as possible.

The legal norm on which the processing of the details is based will also be explicitly mentioned in the privacy declaration of every specific service.

Section 9 – Proportionality

The Federal government sees to it that the gathered personal details are adequate, relevant and not overabundant bearing in mind the finality of the processing as indicated in the privacy declaration of every specific service. Your personal details will not be kept longer than necessary to realise the aim of the processing, unless keeping them is ordained by law, decree or ordinance.

Section 10 – Right of access and correction

You have a right to access and correct the personal details that concern you.

For every service that is organised by or on the authority of the Federal government in the framework of e-government, a procedure to exercise these rights will be included in the privacy declaration of the service.

Herein you will find the necessary contact information which will allow you to obtain information on the following:

personal details themselves which are processed in the framework of the service and that concern you

the origin of such data

the aims for which they are being processed

the receivers to whom the personal details can be provided

the logic that forms the underlying principle of a possible automated processing of these personal details if this processing has legal consequences for you or if it concerns you to any other remarkable extent

the steps that you can undertake to correct or complete possible incorrect or incomplete details

the possibility of perhaps opposing the processing if you have the right to do so. This will only be the case if the processing is not essential to comply with an obligation to which the person responsible for the processing is subject or in accordance with a law, decree or ordinance and when you moreover have weighty and justified reasons for your opposition, which are connected to your exceptional situation.

Section 11 – The user’s responsibility

Although the Federal government makes all possible efforts to protect your personal privacy, effective protection is naturally only possible if you yourself also take the necessary measures to safeguard your privacy.

With regard to the use of the services that are organised by or on the authority of the Federal government in the framework of e-government, you are under an obligation to do the following:

supply full, accurate, true and non-misleading information;

take the necessary care of the confidentiality of possible user details (such as user name, a password, a token or a PIN code) so that these details remain accessible to you alone. These details are strictly personal and not transferable. ;

the user is responsible for choosing a safe password. This means that it must be composed of at least 8 characters, containing both letters and other characters, which are placed in an order which will not be easily discovered. Every user is himself/herself responsible for cases where a password that has not been composed according to these rules is discovered and/or misused.

pass on valid and useful contact information so that you may be contacted within a reasonable term and with reasonable confidentiality.

Section 12 – Passing on to third parties

Your personal details will never be made available to third parties, except when such communication is imposed by or in terms of a law, decree or ordinance.

The institutions that have been charged with standing in for a public service or taking charge of a task of general interest based on an assignment of the government, irrespective of its legal form, will not be regarded as third parties in the meaning of this section if the co-operation of this institution is indispensable to the correct implementation of the services to be rendered. This co-operation with other branches of the government (including at other levels, such as communities, regions and municipalities) will be organised via framework agreements or protocol agreements.

If your personal details are perhaps submitted to such institutions the privacy declaration of the service in question is to indicate which personal details are concerned and to which processing they will be subjected by this institution.

Your personal details will never be used for publicity purposes, nor be passed on to third parties who would use these details for similar purposes.

Your personal details will never be processed by an institution or enterprise that is established outside the European Union.

Section 13 – The disclosure of information by the administration

As a result of the Law of 11 April 1994 concerning the disclosure of information by the administration the Federal administrative authorities are obliged to grant access to the administration documents that they have at their disposal. This implies that every citizen has the right to consult administrative documents of the Federal administrative authorities and to receive copies. All information on what the Federal government has at its disposal that becomes available within the framework of the services that are organised by or on the authority of the Federal government in the framework of e-government may be regarded as an administration document and is therefore subject to the legal provisions in connection with the disclosure of information by the administration.

For administration documents of personal nature (i.e. documents which contain an assessment or a value judgement of a natural person who is specified by name or easily identifiable, or which contains a description of behaviour which, if made known to that person, would clearly be to his/her disadvantage) this right to disclosure is, however, only applicable if the person appealing to this right gives evidence of a personal, justified, real, direct and fixed interest.

Requests for access to such administration documents may be made to the competent Federal administrative authorities which are indicated in the privacy declaration of the specific project. These authorities may refuse the request, for example if they are held to a legal obligation to remain silent or if they are of the opinion that the disclosure of the administration document will be detrimental to the privacy of the person concerned, unless the latter has agreed to the copying of the inspection, the explanation or the communication. The Federal administrative authorities who cannot immediately respond to a request for disclosure or who reject it, is to inform the person making the request of the reasons for the

postponement or the rejection within a term of thirty days after receipt. In the case of postponement, the term may never be extended for longer than fifteen days.

It goes without saying that these rules are applicable only to the Federal administrative authorities. At other policy levels (such as communities, regions and municipalities) other legal rules may apply. If the authorities on other levels have information at their disposal which you wish to obtain, then it is advisable to check which rules are applicable to that level regarding the disclosure of information by the administration.

The information that is processed as part of the services may after a while also be deposited voluntarily in the National Archives upon the request of the public service to which it belongs if the information no longer serves any purpose for the administrative services. After such a deposit the information will, in principle, become public. In this case too, the access to the archive documents will remain subject to the legislation concerning disclosure of information by the administration. Access may therefore be refused, for example, if the National Archivist is of the opinion that he is under a legal obligation to remain silent or if the disclosure of the administration document will be detrimental to the privacy of the person concerned, unless the latter has agreed to the copying of the inspection, the explanation or the communication.

Similar archive documents may be kept in the National Archives for an unlimited time, and may only be destroyed with the permission of the public service that has brought in the documents.

Section 14 – Adjustments to the privacy declaration

Future adjustments to this privacy declaration cannot be ruled out, which is why we ask you to have another look at it now and again to be *au fait* with these adjustments. After every amendment the date on which this document was last adjusted is also changed. It goes without saying that all new versions of the privacy declaration will still be in accordance with the abovementioned Law on the protection of privacy.

If the privacy declaration is adjusted in a non-trivial manner, you will, as far as is possible, be informed of this. This can be done by an announcement on the website of the service, and the contact information that you may have submitted when you registered for the use of the service.

Every use that is made of the services is subject to the provisions of the version applicable to the privacy declaration at that time. Archived versions of older privacy declarations will be made available via the website of the service.