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Introduction

Welcome to the ICT's privacy notice (the "**Notice**").

ICT Limited (C 46930) of 1, Brewery Street, Birkirkara BKR 3000, Malta, [trading as ICT Solutions], ("**ICT**"; "**we**"; "**us**"; or "**our**") respects your privacy and is committed to protecting your personal data.

The purpose of this Notice is to set out the basis on which your personal data is processed by us and to inform you about how we will handle and look after your personal data when you visit our website <<http://www.ictsolutions.com.mt/>> (the "**Website**" or the "**Site**") (regardless of where you visit from), and to

tell you about (i) our obligations in regard to processing your personal data responsibly, (ii) your data protection rights as a data subject and (iii) how the law protects you.

We process your data in an appropriate and lawful manner, in accordance with the Data Protection Act (Chapter 440 of the Laws of Malta) (the “**Act**”) and the General Data Protection Regulation (Regulation (EU) 2016/679) (the “**GDPR**” or the “**Regulation**”), following its application on 25th May 2018.

This Notice is provided in a layered format so you can click through to the specific areas set out below. Alternatively, you can download a pdf version from www.ictsolutions.com.mt/privacy-policy.

Please also use the Glossary to understand the meaning of some of the terms used in this Notice.

1. Important information and who we are;

2. The data we collect about you;

3. How is your personal data collected;

4. How we use your personal data;

5. Disclosures of your personal data;

6. No international transfers;

7. Data security;

8. Data retention;

9. Your legal rights;

10. Glossary;

11. Google Analytics.

1. Important information and who we are

Purpose of this privacy notice

This Notice aims to give you information on how ICT, as defined above, collects and processes your personal information through your access and use of the Website, including any data you may provide via the Site when

you sign up to our newsletter, or when you purchase a product or service from us or take part in a promotional campaign.

The Website is not intended for children and we do not knowingly collect data relating to children.

It is important that you read this Notice, together with any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you, so that you are fully aware of how and why we are using your data. This Notice supplements the other notices and is not intended to override them. Moreover, certain processing activities will require your express consent in order to be carried out, as specifically indicated below in this Notice.

Controller

This Notice is also issued on behalf of our subsidiary, ICT Software Limited (C 47406) of 1, Brewery Street, Birkirkara BKR 3000, Malta, so when we mention “**ICT**”; “**we**”; “**us**”; or “**our**” in this Notice, we are referring to the relevant company in the ICT organisation responsible for processing your personal data. ICT Limited (C 46930) is the controller and responsible for this Website.

Contact details

Our full details are:

Full name of legal entity: ICT Limited

Name of data protection contact point: Simon Vella

Email address: dpcp@ictsolutions.com.mt

Postal address: TG Complex, 1st Floor, Brewery Street, Mriehel, BKR 3000, Malta

Telephone number: +356 2343 6550

You have the right to lodge a complaint at any time to the competent supervisory authority in your jurisdiction on data protection matters. In the case of Malta, this is the Information and Data Protection Commissioner (“**IDPC**”) (<https://idpc.org.mt/en/Pages/Home.aspx>). We would, however, appreciate the opportunity to deal with your concerns before you approach the supervisory authority, so please contact us in the first instance.

Changes to the privacy notice and your duty to inform us of changes

This version of the Notice was last updated on 1st August 2018.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

Third-party links

The Website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these

third-party websites and are not responsible for their privacy notices. When you leave our website, we encourage you to read the privacy notice of every website you visit.

2. The data we collect about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

Kindly note that information relating to a legal person (for example, a company or legal entity) does not amount to personal data in terms of applicable data protection and privacy law. In that regard, the definition of personal is strictly limited to information which relates to a natural person.

On this basis, the collection and use of information such as a company name, its company number, registered office and VAT number (i.e. “Company Information”), does not amount to the processing of personal data and, in turn, does not give rise to data controller obligations and data subject rights. Where collected, we will naturally still treat and handle such Company Information in an appropriately confidential and secure manner. This is particularly relevant to those of our customers which are businesses (i.e. where the relationship with ICT constitutes a business-to-business (B2B) relationship).

With that in mind, we may collect, use, store and transfer different kinds of data about you which we have grouped together follows:

- **Identity Data** includes your first name, last name, username or similar identifier (or if a company or other entity, that of your directors, officers or employees). This will form part of any account that you may register on the Website.
- **Contact Data** includes your billing address, delivery address, email address and telephone numbers.
- **Financial Data** includes your bank account and payment card details.
- **Transaction Data** includes details about payments to and from you, and other details of products and services you have purchased from us.
- **Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access the Site.
- **Profile Data** includes your username and password, purchases or orders made by you, your interests, preferences, feedback and survey responses.
- **Usage Data** includes information about how you use the Website, products and services.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does not directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific feature of the Site. However, if we combine or connect

Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this Notice.

We do not collect any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data). Nor do we collect any information about criminal convictions and offences.

If you fail to provide personal data

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with a product or service that you have requested). In this case, we may have to cancel that product or service, but we will notify you if this is the case at the time.

3. How is your personal data collected?

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your Identity, Contact and Financial Data by filling in forms, by making an inquiry or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you:
 - apply, or place an order for and/or purchase any of our products or services;
 - create an account on the Site;
 - subscribe to our service or publications;
 - request marketing to be sent to you;
 - enter a competition, promotion or survey; or
 - give us some feedback.
- **Automated technologies or interactions.** As you interact with the Site, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, server logs, and other similar technologies.
- **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources as set out below:
 - Technical Data from the following parties:
 - (a) analytics providers;
 - (b) advertising networks; and
 - (c) search information providers.
- Contact, Financial and Transaction Data from providers of technical, payment and delivery.
- Identity and Contact Data from publicly available sources such as the Malta Registry of Companies.

4. How we use your personal data

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.

See below to find out more about the types of lawful basis that we will rely on to process your personal data.

Generally we do not rely on consent as a legal basis for processing your personal data other than in relation to sending third party direct marketing communications to you via email or text message. You have the right to withdraw consent to marketing at any time by contacting us at dpcp@ictsolutions.com.mt

Purposes for which we will use your personal data

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are, where appropriate. Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us at dpcp@ictsolutions.com.mt if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To register you as a new customer (including in terms of account registration)	(a) Identity; (b) Contact.	Performance of a contract with you
To process and deliver your order including: (a) Manage payments, fees and charges (b) Collect and recover money owed to us	(a) Identity; (b) Contact; (c) Financial; (d) Transaction; and (e) Marketing and Communications.	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to recover debts due to us)
To manage our relationship with you which will include: (a) Notifying you about changes to our terms or privacy policy	(a) Identity; (b) Contact; (c) Profile; and	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how

<p>(b) To resolve any issues or disputes;</p> <p>(c) Asking you to provide feedback and/or take part in a survey.</p>	<p>(d) Marketing and Communications.</p>	<p>customers use the Site as well as our products and services)</p>
<p>To administer and protect our business and this Site (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)</p>	<p>(a) Identity;</p> <p>(b) Contact; and</p> <p>(c) Technical.</p>	<p>(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise)</p> <p>(b) Necessary to comply with a legal obligation</p>
<p>To deliver relevant website content and advertisements to you, and to measure or understand the effectiveness of the advertising we serve to you</p>	<p>(a) Identity;</p> <p>(b) Contact;</p> <p>(c) Profile;</p> <p>(d) Usage;</p> <p>(e) Marketing and Communications;</p> <p>(f) Technical.</p>	<p>Necessary for our legitimate interests (to study how customers use the Site and our products/services, to develop them, to grow our business and to inform our marketing strategy)</p>
<p>To use data analytics to improve our website, products/services, marketing, customer relationships and experiences</p>	<p>(a) Technical; and</p> <p>(b) Usage.</p>	<p>Necessary for our legitimate interests (to define types of customers for our products and services, to keep the Site updated and relevant, to develop our business and to inform our marketing strategy)</p>
<p>To make suggestions and recommendations to you about our goods or services that we feel may be of interest to you.</p>	<p>(a) Identity;</p> <p>(b) Contact;</p> <p>(c) Technical;</p> <p>(d) Usage; and</p> <p>(e) Profile.</p>	<p>Necessary for our legitimate interests (to develop our products/services and grow our business)</p>

Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around promotional, marketing and advertising campaigns and communications.

Through your Identity, Contact, Technical, Usage and Profile Data, we are able to form a view on what we think you may want or need, or what may be of interest to you. This would then enable us to ascertain which products and services may be relevant or of interests to you (we call this **marketing**).

You will receive marketing communications from us if you have registered an account on the Site or purchased products or services from us, and **provided that, in each case, you have not opted out of receiving such marketing**.

Third-Party Marketing

We will get your express **opt-in consent** before we share your personal data with any other company for marketing purposes.

Opting Out

You can ask us (i.e. ICT) or third parties to stop sending you marketing messages at any time by:

- logging into the Site and checking; or
- unchecking relevant boxes to adjust your marketing preferences or by following the opt-out links on any marketing message sent to you; or
- contacting us at dpcp@ictsolutions.com.mt at any time.

Where you opt out of receiving these marketing communications, this will not apply to personal data provided to us as a result of your account registration, orders or purchases, any service provision to you, your feedback and survey responses, or other transactions.

Change of Purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose.

If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us at dpcp@ictsolutions.com.mt.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without the need for obtaining your consent, in compliance with the above rules, where this is required or permitted by law.

5. Disclosures of your personal data

We may have to share your personal data with the parties set out below for the purposes set out in the table in paragraph 4 above.

- External Third Parties as set out in the *Glossary*.
- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this Notice.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

We may also disclose your data if we are under a duty to disclose or share your personal data to comply with any legal obligation, judgment or an order from a court, tribunal or authority.

We may also disclose your data to enforce our contractual terms with you, or to protect our rights, property or safety, that of our partners or other users of the Galleries and our services. This includes exchanging information with other companies, organisations, law enforcement agencies for the purposes of fraud protection and the detection, prevention and investigation of crime.

6. International transfers

Generally, we do not transfer your personal data to outside the European Economic Area (“**EEA**”) except as may be necessary for any contract you have or wish to enter into with us (e.g. for products or services you have requested or ordered from us). Where we do need to transfer your personal data to outside the EEA

(whether for the above purpose or for a different purpose), we will ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards applies:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission. For further details, see European Commission: Adequacy of the protection of personal data in non-EU countries.
- In the absence of an adequacy decision, we will use specific contracts approved by the European Commission which give personal data the same protection it has in Europe. For further details, see European Commission: Model contracts for the transfer of personal data to third countries.
- Where we use providers based in the U.S., we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between the Europe and the US. For further details, see European Commission: EU-US Privacy Shield.

Please contact us at dpcp@ictsolutions.com.mt if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

7. Data security

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

Furthermore, we have also put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

8. Data retention

How long will you use my personal data for?

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

By and large, our retention of your personal data shall not exceed the period of five (5) years from the conclusion or termination of your contractual relationship with us. This period of retention enables us to use your data for the assertion or defence of possible future legal claims (taking into account applicable statutes of limitation and prescriptive periods). In certain cases, we may need to retain your personal data for a period

of up to **ten (10) years** in order to comply with applicable accounting and tax laws (this will primarily consist of your Transaction Data).

In some circumstances you can ask us to delete your data. See **Request erasure** below for further information.

In other circumstances, we may also anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

Kindly contact our DPCP for further details about the retention periods that we apply.

7. Your legal rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data. Please click on the links below to find out more about these rights:

- *Request access to your personal data.*
- *Request correction of your personal data.*
- *Request erasure of your personal data.*
- *Object to processing of your personal data.*
- *Request restriction of processing your personal data.*
- *Request transfer of your personal data.*
- *Right to withdraw consent.*

If you wish to exercise any of the rights set out above, please contact us at dpcp@ictsolutions.com.mt.

No fee usually required

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

Time limit to respond

We try to respond to all legitimate requests within one (1) month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

8. Glossary

LAWFUL BASIS

Legitimate Interest means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and

balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us at dpcp@ictsolutions.com.mt.

Performance of Contract means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

Comply with a legal or regulatory obligation means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

THIRD PARTIES

External Third Parties

- Service providers who provide IT and system administration services.
- Service providers who provide payment and payment processing services for the Site.
- Professional advisers including lawyers, bankers, auditors and insurers who provide consultancy, banking, legal, insurance and accounting services.
- Commissioner of Inland Revenue, regulators and other based in Malta, who require reporting of our processing activities in certain circumstances.

YOUR LEGAL RIGHTS

You have the right to:

Request access to your personal data (commonly known as a “**data subject access request**”). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

You may send an email to dpcp@ictsolutions.com.mt requesting information as the personal data which we process. You shall receive one copy free of charge via email of the personal data which is undergoing processing. [Any further copies of the information processed shall incur a charge of € 25.00 excl. VAT].

Right to information when collecting and processing personal data about you from publicly accessible or third party sources. When this takes place, we will inform you, within a reasonable timeframe, about the third party or publicly accessible source from which we have collected your personal data.

Request correction or rectification of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected and/or updated, though we may need to verify the accuracy of the new data you provide to us.

Request erasure of your personal data. This enables you to ask us to delete or remove personal data where:

- there is no good reason for us continuing to process it;
- you have successfully exercised your right to object to processing (see below);
- we may have processed your information unlawfully; or
- we are required to erase your personal data to comply with local law.

Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request. Most commonly, this will be where further processing of the personal data is required by us for:

- compliance with a legal obligation to which we are subject;
- assertion, exercise or defence of legal claims (including possible future claims).

Object to processing of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes.

In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms. We will notify you if this is the case at the time.

Request restriction of processing of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios:

- if you want us to establish the data's accuracy;
- where our use of the data is unlawful but you do not want us to erase it;
- where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or
- you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

Request the transfer (data portability) of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

Withdraw consent at any time where we are relying on consent to process your personal data, as above indicated. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. Please note that, in spite of such withdrawal, we may continue to hold onto your personal data (rather than erase) if there are specific legal reasons which justify us doing so. Main instances would be a legal obligation requiring us to continue to hold onto such data or for the purposes of legal claims.

9. Google Analytics

So as to improve the quality and overall user experience of the Website, we are using Google Analytics Advertising Features, including Google AdWords and Google Webmaster Tools, a web analysis service from Google Inc., 1600 Amphitheatre Parkway, Mountain View, CA 94043 USA (“Google”).

Through Google Analytics measurements are taken of how users interact with website content. As a user navigates between web pages, Google Analytics provides website owners JavaScript tags (libraries) to record information about the page a user has seen, for example the URL of the page.

If you would like to opt-out of Google Analytics for display advertising, you may do so by using the *Ads Preference Manager*. In addition, there is also a Google Analytics Opt-Out browser add-on that you can download at <https://tools.google.com/dlpage/gaoptout>.

10. Conclusion

Any changes that we may make in the future to this Notice will be visibly posted on the Site and, if appropriate, notified to you via email.

If you have any questions regarding our privacy policy, or if you would like to send us your comments, please contact us today or alternatively write to our Data Protection Officer using the details below.

Name: Simon Vella

Address: TG Complex, 1st Floor, Brewery Street, Mriehel, BKR 3000, Malta

Telephone No: +356 2343 6550

Email: dpcp@ictsolutions.com.mt

Please check back frequently to see any updates or changes to this Policy.