AFD Privacy Policy

In line with the values expressed in its ethics charter, the AFD guarantees, within the framework of its activity, respect for the fundamental rights and freedoms of each natural person, regardless of nationality or residence, including in particular respect for the protection of personal data.

This "Personal Data Protection Policy" (hereinafter "the Policy") is based on French and European standards for the protection of personal data, as set out in particular in Convention 108 of the Council of Europe for *the Protection of Individuals with regard to Automatic Processing of Personal Data*, of *the Charter of Fundamental Rights of the European Union* in its Article 8, of the *General Regulations for Data Protection* and finally of the law n°17-78 of January 6, 1978 *relating to data processing, files and liberties*, known as the "Loi Informatique et Libertés".

The purpose of this Policy is not to replace the legal and regulatory texts applicable in this regard, but rather to specify the principles that will govern any processing of personal data carried out within or on behalf of the AFD Group, regardless of where the processing in question is implemented.

1. DEFINITIONS

For the purposes of this Policy, the notion of "personal data" or "personal data" means any information relating to an identified or identifiable natural person. A person is "identifiable" when he or she can be identified, directly or indirectly, in particular by reference to an identification number or to one or more elements specific to him or her.

“Processing" shall mean any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, limiting, erasure or destruction.

Furthermore, the expression "entity responsible for processing" refers to any entity of the AFD Group that defines the means and purposes of personal data processing. The aforesaid processing is therefore considered to be implemented under the responsibility of this entity.

Finally, the "data subject" of personal data processing is the person to whom the data being processed relate, regardless of the place of residence or nationality of the person.

2. COMPLIANCE WITH THE PRINCIPLES RELATING TO THE PROTECTION OF PERSONAL DATA

Any treatment implemented under the responsibility of the AFD Group entity shall comply with the following principles :

- Personal data shall be collected fairly and lawfully and in accordance with the data subject's right to information, except where the provision of such information is not necessary by virtue of legal exceptions or would be impossible or would require a disproportionate effort ;

- Personal data shall be collected for precise, explicit and legitimate purposes and shall not be further processed in a way incompatible with those purposes;

- The personal data are accurate and, if necessary, updated;

- The personal data collected and processed are adequate, relevant and proportionate to the purposes pursued;

- Personal data shall not be kept, in an identifiable form, for longer than is necessary for the purposes for which it was collected, unless otherwise provided for by the applicable regulations;

- Technical and organisational measures are put in place in order to guarantee the security and confidentiality of the personal data processed and to prevent any unauthorised access or dissemination, as well as any alteration, accidental or illicit destruction or accidental loss of the aforementioned data.

  Taking into account legal obligations, good practices and the costs involved in their implementation, the aforesaid measures must ensure a level of security appropriate and proportionate to the risks presented by the processing in question and the nature of the personal data processed. Where necessary, an impact assessment relating to the protection of personal data shall be carried out in order to identify the appropriate protection measures.

  Any person who notices or suspects the existence of a breach of security leading, accidentally or unlawfully, to the destruction, loss, alteration, unauthorised disclosure of or access to personal data, in the context of processing carried out by one of the entities of the AFD Group, shall notify it without delay by e-mail to the following address :

  DPO_notification@afd.fr

  No decision having legal effect with respect to a person may be based solely on automated processing of data intended to define the profile of the data subject or to evaluate certain personal aspects relating to him or her. Decisions are not regarded as taken solely on the basis of automated processing when taken in connection with the conclusion or performance of a contract and with respect to which the person concerned has been given the opportunity to submit his observations, or when satisfying the requests of the person concerned.

  Any processing operation implemented shall also be based on one of the following grounds :
  - The data subject has given his or her express, explicit and informed consent ; or

  - The processing is necessary for the performance of a contract to which the data subject is party or is necessary in order to take steps at the request of the data subject prior to entering into a contract ; or

- The processing is necessary for compliance with a legal obligation to which the entity responsible for processing is subject, such as processing operations carried out pursuant to the regulations governing the fight against money laundering and terrorist financing; or

- The processing is necessary in order to protect the vital interests of the data subject; or

- The processing is necessary for the achievement of the legitimate interest pursued by the entity responsible for processing, provided that the interest or fundamental rights and freedoms of the data subject are taken into account and respected.

3. SPECIAL CONDITIONS FOR THE PROCESSING OF SENSITIVE PERSONAL DATA

Under this Policy, sensitive personal data is considered to be any information relating to :

- racial or ethnic origin, political opinions, religious or philosophical convictions;
- social security number;
- membership in a trade union organization;
- physical, physiological or behavioural characteristics of a natural person that enable or confirm their unique identification, such as fingerprints;
- the physical or mental health or hereditary or acquired genetic characteristics of a natural person which give unique information about the physiology or state of health of that natural person and which result, inter alia, from an analysis of a biological sample of the natural person in question ;
- a person's sexual life or orientation ;
- the commission or suspected commission of a criminal offence by a natural person ;
- any proceedings instituted with respect to an offence committed or alleged to have been committed by a natural person.

The processing of sensitive personal data is prohibited, except in cases where :

- the data subject has given his or her express, explicit and informed consent to such processing; or
- processing is necessary to protect the vital interests of the data subject or of another person where the data subject is physically or legally incapable of giving consent; or
- the processing relates to sensitive personal data made public by the data subject; or
- the processing is necessary for the establishment, exercise or defence of a legal claim; or
- the treatment is necessary for the purpose of preventive medicine, medical diagnosis, the provision of care or treatment or the management of health-care services, insofar as the treatment is carried out by a health-care practitioner bound by professional secrecy under national law or regulations laid down by the competent national authorities, or by another person also bound by an equivalent obligation of confidentiality; or
- the treatment is authorised under the applicable legislation.

4. SUBCONTRACTING

Where the processing is carried out by a service provider acting on behalf of a controller, the controller must choose a service provider that guarantees the implementation of adequate technical and organisational security measures in accordance with the principles set out in this Policy.

The entity responsible for processing must ensure that the provider makes clear contractual commitments for the implementation of these measures and complies with them throughout the provision of services.

5. TRANSFERS OF PERSONAL DATA

For transfers of personal data from the European Economic Area (EEA) to an entity outside the AFD Group established in a country outside the EEA and not qualified as an "adequate country" by the European Commission, it is necessary to ensure, in particular by contract, that the aforesaid third party entity makes the necessary commitments and provides the necessary guarantees for the protection of personal data processed in accordance with European standards, based, for example, on the standard contractual clauses in force proposed by the European Commission or on an equivalent contract.

6. RIGHTS OF PERSONS CONCERNED

Persons concerned by a processing operation implemented under the responsibility of an entity of the AFD Group may submit a written request to "informatique.libertes@afd.fr" :

- to request information about the personal data processed about them, including information about the collection of such data ;
- to obtain a list of the recipients or categories of recipients to whom personal data concerning them are transferred ;
- to obtain information about the purposes for which their personal data are collected and transferred ;
- to require rectification of their personal data if they are inaccurate ;
- to object, for reasons relating to their particular situation, to the processing of personal data concerning them, unless otherwise provided for by the applicable regulations ;
- to obtain the cancellation or limitation of the processing of their data, in the cases defined by the applicable regulations ;
- to exercise their right to the portability of the data they have personally provided, where processing of such data is based on the consent of the person or the performance of a contract ;
- to issue advance directives on the processing of his/her data after his/her death.

7. METHODS OF IMPLEMENTATION OF THIS POLICY

The AFD Group appoints a Data Protection Officer, who coordinates and supports the application and compliance with this Policy and any applicable regulations on the protection of personal data.

To this end, he or she is consulted prior to the implementation of personal data processing according to the terms and conditions set out in the internal processes. She receives requests and complaints from data subjects and ensures that they are processed appropriately. She provides all useful recommendations and advice and informs the entities responsible for processing of any breach

observed. She controls the methods of implementation of existing processing operations and raises the awareness of all employees involved in the definition or execution of personal data processing.

She provides an annual report on its activities and the application of this Policy, which she presents to each of the entities responsible for processing within the AFD Group.

The Data Protection Officer's contact details are :

By email : informatique.libertes@afd.fr

By post : Déléguée à la protection des données de l'Agence Française de Développement
5, rue Roland Barthes
75598 Paris Cedex 12
FRANCE

8. LINKS BETWEEN THIS POLICY AND APPLICABLE NATIONAL LEGISLATION

AFD Group entities comply with the local legislation in force.

In the absence of personal data protection legislation, personal data will be processed in accordance with this Policy.

If local legislation provides a higher level of protection for personal data than the Policy, local legislation will prevail.

In the event that local law provides for a lower level of protection for Personal Data than the Policy, the Policy will prevail.