

PREAMBLE

This Personal Data Protection Policy (hereinafter referred to as the "Policy") is intended for Internet users of the websites of Office des Postes et Télécommunications de Nouvelle-Calédonie (hereinafter referred to as "OPT-NC" or the "Office") listed and described using the "Our sites" link at the bottom of the www.opt.nc website, and their associated services (hereinafter referred to as the "Websites").

These sites are published by OPT-NC, a public industrial and commercial establishment (EPIC), registered in the Nouméa Trade and Companies Register under number B.132 720, with its head office at Port Plaisance, 2 rue Paul Montchovet, 98 841 Nouméa Cedex, New Caledonia.

In keeping with its public service remit, OPT-NC is aware of the importance of protecting and respecting personal data (hereinafter referred to as " Personal Data "). Accordingly, OPT-NC is committed to guaranteeing at all times the protection of the personal data of individuals concerned by the processing operations it implements.

In the interests of transparency, the purpose of this Policy is to specify :

- **the purposes** pursued by the processing of personal data placed under the responsibility of OPT-NC and likely to be implemented when visiting one of its Websites or through one of them;
- **the precautions taken** regarding such processing, whether in terms of
 - their lawfulness
 - the personal data processed
 - the retention periods applied to such data
 - the recipients of the data
 - the measures taken to guarantee the security of the data
 - of any transfers outside New Caledonia
 - information provided to the individuals concerned; ♣
- **the rights** of any natural person concerned using the OPT-NC websites and, more generally, concerned by the processing of personal data placed under the responsibility of OPT-NC and how to exercise them.

Further details report on the actions taken by the Office to ensure that such processing complies with the law on the protection of personal data and, in particular, Law 78-17 of January 6, 1978, as amended, relating to information technology, files, and freedoms (hereinafter the "Data Protection Act") and the provisions of Regulation No. 2016/679 of the European Parliament and of the Council of April 27, 2016, on the protection of individuals concerning the processing of

personal data and on the free movement of such data (hereinafter the "GDPR") applicable to New Caledonia.

ARTICLE 1. DEFINITIONS

Whether the terms below begin with an upper or lower case letter in this Policy or are used in the singular or plural, they have the meanings attributed to them hereinafter:

- **"Personal Information" or "Personal Data"** means any information relating to an identified or identifiable natural person, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to their physical, physiological, genetic, mental, economic, cultural or social identity;♣
- **"Processing of Personal Data" or "Processing of Personal Information" or "Processing"** means any operation or set of operations which is performed upon Personal Data or sets of Personal Data, whether or not by automatic means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;♣
- **"Data Controller"**: a natural or legal person who determines the purposes and essential means of the processing in question;♣
- **"Data Protection Officer" or "DPO"**: a natural or legal person appointed by the data controller to the Commission Nationale de l'Informatique et des Libertés (CNIL) to oversee the compliance of the personal data processing it implements;♣
- **"Sub-processor"**: a natural or legal person who processes personal data on behalf of the data controller;♣
- **"Data subject"**: a natural person to whom the personal data being processed relates.

Regarding Personal Data Protection Law, other useful definitions can be found in Article 4 of the GDPR, which can be consulted, for example, from the CNIL website.

Finally, the **"User"** refers to any person visiting an OPT-NC Website, whether or not using a service associated with it. He is a "Data Subject" when he is the subject of personal data processing from an OPT-NC Site.

ARTICLE 2. IDENTITY AND CONTACT DETAILS OF THE DATA CONTROLLER

Concerning the processing of personal data covered by this Policy, the person responsible is always OPT-NC, whose registered office is at 2 rue Paul Montchovet, 98 841 Nouméa Cedex, New Caledonia. OPT-NC is represented by its current Managing Director.

ARTICLE 3. CONTACT DETAILS FOR THE OPT-NC DATA PROTECTION OFFICER

OPT-NC has appointed a Data Protection Officer (DPO) to oversee the compliance of its personal data processing operations.

OPT-NC's DPO is the point of contact for those concerned by such processing.

Accordingly, any person concerned may exercise any of the rights listed in Article 11 of this Policy with the OPT-NC DPO using the contact details given in the same article.

In addition, any user of the OPT-NC websites or of a product or service offered from these websites who discovers a shortcoming, error, or inaccuracy likely to affect the compliance actions deployed by the OPT-NC is invited to contact the OPT-NC DPO to inform them of this.

ARTICLE 4. PROCESSED PERSONAL DATA

4.1 Minimization and Categories of Processed Personal Data

OPT-NC only processes personal data that is adequate, relevant, and limited to what is necessary for the purposes for which it is processed.

Without this list being exhaustive, the categories of data and personal data OPT-NC may process are as follows. They vary according to the data processing in question:

- **Identifying Data:** surname, first names, postal address, landline and/or mobile phone number, fax number, e-mail address, date of birth, internal processing code enabling customer identification, identification for verification purposes;
- **Data relating to the commercial relationship:** data relating to documentation requests, trial requests, products purchased, services or subscriptions subscribed to, quantity, amount, frequency, delivery address, purchase history, product returns, the origin of the sale (salesperson, representative) or order, correspondence with the customer and after-sales service data; ♣
- **Banking and Financial Data:** postal or bank details, transaction number, check number, credit card number, payment methods, discounts, receipts, outstanding payments, reminders, balances; ♣
- **Data relating to remote transactions by payment card:** number of bank cards used, expiry date, and visual cryptogram; ♣
- **Contact and Login Data:** data from online contact forms, correspondence addressed to OPT-NC, technical logs, computer logs, information on terminal security and use, and IP address.

As a matter of principle, OPT-NC does not collect "special" personal data within the meaning of the law on the protection of personal data, such as data relating to health, ethnic origins, political or trade union opinions, or religious beliefs.

4.2 Processed Personal Data Sources

OPT-NC will generally collect personal data directly from the persons concerned, usually through forms.

In such cases, OPT-NC systematically highlights the data that must be provided for the stated purpose, usually using an asterisk system.

More specifically, OPT-NC may sometimes collect personal data indirectly, without soliciting the data subjects, for example, in the following cases: ♣

- Data from publications/databases recognized as official by national or local authorities (official journals);
- Data from OPT-NC partners;
- Data from publicly available websites, social networks, or databases.

When OPT-NC collects personal data indirectly, it informs the persons concerned as soon as possible. For example, if the data is used to communicate with these people, they are informed of the source of the data and the resulting processing at the latest at the time of the first communication with them.

ARTICLE 5. PURPOSES OF PROCESSING PERSONAL DATA

OPT-NC collects personal data for purposes that are always specific, explicit, and legitimate as part of the operation of its websites and their associated services.

OPT-NC generally processes personal data in order to manage the use or subscription of the products and services it offers on its Sites, such as:

- The management of the conversational agent or chatbot "Cagou" designed to facilitate access to the information sought by users and specific steps they wish to take;
- Management of contact and information requests;
- Management of online appointment requests;
- Creation of member files for services such as telephone directories;
- Sending newsletters, solicitations, and promotional messages on condition that the user ticks the appropriate acceptance box when registering for the service;
- The organization of competitions and all promotional operations, except for online gambling;
- Management of user and customer accounts and associated services;
- Management of orders and related commercial relations;
- Management of opinions and surveys on OPT-NC products and services or on the content of the Sites.

In addition, OPT-NC processes personal data for the following purposes: ♣

- Management of unsolicited applications or applications in response to a job offer; ♣
- Compiling statistics and measuring the number of visitors to its websites; ♣
- Compliance with legal or regulatory requirements such as combating money laundering and the financing of terrorism, combating tax fraud, complying with tax inspection and reporting obligations, and complying with banking regulations (obligation to assess financial solvency, prevention of non-payment);
- Investigating official requests from duly recognized public or judicial authorities;
- Defending the Office's interests in court.

ARTICLE 6. LAWFULNESS OF PROCESSING OF PERSONAL DATA

Any processing of personal data for which OPT-NC is responsible and carried out when you visit one of the OPT-NC Websites or through one of the Websites is based on a legal basis authorized by the law on the protection of personal data.

Depending on the case, the processing in question is necessary:

- the fulfillment of a mission of public interest or relating to the exercise of public authority vested in OPT-NC in compliance with the provisions of the New Caledonian Post and Telecommunications Code;
- or to comply with a legal obligation to which OPT-NC is subject;
- or the performance of a contract to which the data subject is a party,
- or the execution of pre-contractual measures taken at the request of the data subject; ♣
- or the pursuit of OPT-NC's legitimate interests;
- or the processing in question may be based on the data subject's consent.

If there is any doubt as to which legal basis is preferable, OPT-NC chooses the one most favorable to the data subject.

The legal basis chosen is one of the items of information appearing on the personal data collection documents produced by OPT-NC, as explained above in the article on informing data subjects.

ARTICLE 7. CATEGORIES OF DATA SUBJECTS

The data subjects of the processing operations falling within the scope of this Policy are always users of the Websites published by OPT-NC and, where applicable, of the products and services offered therein. Data subjects may therefore be users or customers of OPT-NC or may not be users or customers of OPT-NC.

ARTICLE 8. RECIPIENTS AND TRANSFERS OF PROCESSED PERSONAL DATA

The authorized staff of OPT-NC departments and divisions are the recipients of the processed personal data from or through the OPT-NC websites within their "need to know" limits.

Under this rule, only OPT-NC personnel who can demonstrate a genuine need to access personal data in the context of a specific task and for the proper performance of a specific mission may access such data.

In some instances, personal data may be entrusted to service providers under a subcontracting agreement.

Lastly, personal data may be transferred to third parties other than OPT-NC's service providers, such as commercial partners or public authorities, in performing their duties under certain conditions.

In any event, all data flows, whether internal or external to OPT-NC, are subject to special attention aimed at guaranteeing the security of the personal data concerned, particularly their confidentiality and integrity, as specified below.

8.1 Sub-processed Data

In the event that OPT-NC entrusts the implementation of all or part of a personal data processing operation to a subcontractor, it shall ensure that the latter is chosen based on the guarantees it provides regarding the implementation of appropriate technical and organizational measures, particularly in terms of security for the data concerned.

In all cases, OPT-NC requires the conclusion of contractual clauses that protect the personal data in question and comply with applicable law.

8.2 Data Transferred to Business Partners

OPT-NC may transfer personal data to its business partners subject to the following conditions:

- The transfer is always preceded by clear and comprehensible prior information associated with a specific, free and unambiguous consent-gathering process;
- The information includes a reference to an exhaustive and updated list of the partners concerned, including their identity and a link to their data protection policy (see list in Appendix 1 of this Policy);
- When consent to the transfer has been obtained, it may be withdrawn at any time following procedures specifically made known to the person concerned or, failing this, to the OPT-NC DPO.

8.3 Data Transferred to Public Authorities

OPT-NC may also be required to communicate personal data to comply with a legal obligation at the request of an administrative or judicial authority as part of a control or investigation mission, such as:

- judicial, police and gendarmerie administrations,
- tax authorities,
- or bailiffs.

Internal processes organize the processing of this type of request to limit communication to the strictly necessary data in a secure environment.

8.4 Data transferred outside New Caledonia

Generally speaking, OPT-NC endeavors to limit the geographical area of its personal data processing to New Caledonia or countries members of the European Union, all of which are subject to the GDPR.

Thus, as a matter of principle, no transfer of personal data outside the European Union is carried out.

Should such a transfer take place: ♣

- OPT-NC would ensure, as a first intention, to choose a third country recognized by the European Commission as guaranteeing a level of protection of personal data equivalent to that guaranteed by the GDPR and national legislation in the European Union;
- Failing this, OPT-NC would rely on, as a second option,
 - Or on one of the so-called "appropriate" guarantees organized by the GDPR, such as the conclusion of standard contractual clauses adopted by the European Commission with the recipient of the data; In addition to these guarantees and in order to strengthen the protection of data transferred outside the European Union, OPT-NC could implement additional guarantees over which it would have sole control.
 - Or, as a last resort, on one of the derogations provided for by the GDPR for exceptional cases, such as the transfer necessary for exercising or defending legal rights.

ARTICLE 9. DATA RETENTION PERIODS FOR PROCESSED PERSONAL DATA

OPT-NC keeps the personal data processed on or through its Websites for limited periods based on the following:

- or on legal or regulatory provisions

- For example, following the French Commercial Code, OPT-NC stores personal accounting data for 10 years from the end of the financial year; ♣
- or based on sector-specific or CNIL recommendations
 - For example, in the application of CNIL recommendations, personal data processed for canvassing purposes is kept
 - outside any commercial relationship: for 3 years after the last contact from the prospect;
 - within the framework of a commercial relationship: for 3 years after the end of the commercial relationship;

In all cases, if the person withdraws consent to be canvassed, the data used for this canvassing is immediately deleted; ♣

- or for operational purposes in line with the purposes for which they were collected.
 - For example, personal data processed for customer survey purposes are not kept beyond the time required for their analysis; ♣
- or on the administrative or legal interest they present, in particular in the event of an inspection by a competent authority or in the event of litigation
 - For example, personal data processed in the performance of a contract with OPT-NC are, in principle, kept for 5 years after the end of the contractual relationship; this period is based on the statute of limitations for liability claims.

However, certain personal data must be kept by OPT-NC for unlimited periods for archival purposes in the public interest.

ARTICLE 10. DATA SUBJECT INFORMATION OPT-NC

ensures that all persons involved in processing personal data that it implements are provided with the information required by the French Data Protection Act (Loi Informatique et Libertés) and the GDPR.

In particular, OPT-NC makes every effort to ensure that each personal data collection document, including online, specifies the following:

- the identity and contact details of the data controller;
- the purpose(s) of the data processing and its legal basis;
- the categories of data recipients;
- where applicable, the fact that OPT-NC intends to transfer data to a third country or an international organization, and the measures in place to guarantee data protection;
- the duration of data retention or, where this is not possible, the criteria used to determine it;

- an inventory of the rights that any person may exercise concerning their data and how to exercise them;
- information on whether or not the provision of data is mandatory and on the possible consequences of not providing such data;
- where applicable, the existence of automated decision-making, including profiling, and at least in such cases, useful information concerning the underlying logic, as well as the significance and anticipated consequences of such processing for the data subject;
- the contact details of the Data Protection Officer.

For most data collection documents, this information is provided in two stages.

Firstly, a short statement attached to the document specifies the essential elements relating to processing the data requested.

Secondly, a hypertext link is provided to the present Policy to complete the initial elements, particularly those related to the rights of the persons concerned and the procedures for exercising them.

When personal data is to be processed for another purpose than that stated at the time of collection, the OPT-NC will first provide the data subject with all relevant information concerning this new purpose and their rights.

As indicated in Article 3 of this Policy, OPT-NC's Data Protection Officer (DPO) is at the disposal of any person who, while browsing an OPT-NC Website and/or using one of its Services, finds that all or part of the information listed in this Article is lacking at the time of collection of personal data.

ARTICLE 11. RIGHTS OF DATA SUBJECTS

Under the law on the protection of personal data, any person concerned by data processing carried out under the responsibility of OPT-NC has the following rights in respect of their data, subject to a number of conditions:

- **Right of Access:** any person concerned may question OPT-NC in order to obtain confirmation as to whether or not data concerning them is being processed and, if so, to obtain disclosure of their personal data;
- **Right of Rectification:** any data subject may request OPT-NC to update their data or to rectify any inaccuracies;
- **Right to Erasure (right to oblivion):** any data subject may require OPT-NC to erase their personal data to the extent permitted by applicable law;
- **Right to Object:** any data subject may object to the processing of their data on grounds relating to their particular situation, within the limits of what is provided for by the applicable law;

- **Right to Restrict Processing:** any data subject may request OPT-NC to temporarily freeze the processing of their data and exercise any other right. During this period, the data will no longer be used by OPT-NC but will be stored.
- **Right to Data Portability:** any data subject may request OPT-NC to retrieve the data they have provided in a format that is as interoperable as possible for their personal use or transmission to the third party of their choice;
- **Right not to be the subject of a fully automated decision:** any person has the right to demand human intervention from OPT-NC when a decision is taken in a fully automated way and produces a legal effect or significantly affects the person;
- **The right to define directives concerning the conservation, erasure, and communication of personal data after death;**
- **The right to withdraw consent to processing one's data** at any time, where the processing in question is based on the individual's consent.

These rights may be exercised:

- by post to the following address:

Office des Postes et des Télécommunications de Nouvelle Calédonie (OPT-NC)
For the attention of the Data Protection Officer (DPO)
2 rue Paul Montchovet 98841 Nouméa Cedex,
New Caledonia

- or by e-mail to the following address: dpo@opt.nc

When doing so, it is important to clearly state your first and last name and the precise purpose of your request.

As a matter of principle, exercising a right is free of charge. However, regarding access rights, a reasonable fee based on reproduction costs may be charged for any additional copies of the data requested.

Proof of identity may be requested when processing a request to exercise a right.

Finally, subject to any breach of the above provisions, the user has the right to file a complaint with the CNIL using the teleservice dedicated to this purpose on its website.

ARTICLE 12. SECURITY

OPT-NC implements all technical and organizational security measures necessary to guarantee the safety and confidentiality of personal data collected and processed. In particular, these measures aim to prevent data from being distorted, damaged, or communicated to unauthorized third parties by ensuring a level of security appropriate to the risks associated with the processing

and the nature of the data to be protected. In choosing these measures, OPT-NC also considers their technological level and the cost of implementing them.

ARTICLE 13. COOKIES

When visiting OPT-NC websites, cookies may be deposited on the user's terminal.

On each OPT-NC Site, a "Cookies" link at the bottom of the page provides useful information on how cookies are used or may be used and how to configure them.

ARTICLE 14. LIMITATION OF LIABILITY

OPT-NC may provide users of its Websites with links enabling them to access the information it publishes on social networks. OPT-NC is not responsible for the data processing carried out by these networks, particularly regarding the cookies they may use. Users are, therefore, strongly encouraged to familiarize themselves with the data protection policies of these networks and the browsing information they may collect during a visit.

In addition, OPT-NC websites may contain hypertext links to other sites that OPT-NC has not developed. In this case, OPT-NC has no means of controlling the content of these third-party websites, which remain totally independent of its own websites. A link to a third-party site on the OPT-NC websites does not constitute an endorsement of said website or its content, nor of any use that may be made thereof. OPT-NC cannot be held responsible for these third-party sites' content and/or data protection practices.

ARTICLE 15. UPDATES AND MODIFICATIONS TO THIS POLICY

This Policy may be updated, particularly in the event of any legislative, regulatory, or doctrinal changes affecting it. It may also be modified to reflect new decisions taken by OPT-NC in the organization and operation of the data processing it uses. Users are therefore invited to regularly review the version available at www.tourismcard.nc to check the date of update and any relevant changes.

The Office guarantees that it will use its various websites and the usual means of communication to announce any substantial changes made to this Policy.

APPENDIX 1. LIST OF OPT-NC BUSINESS PARTNERS

To date, OPT-NC does not communicate any personal data to partners for commercial prospecting purposes on their own behalf.