

# **PRIVACY STATEMENT OF THE CENTRAL REGISTER OF SOLVENCY (RegSol) AND OF THE CENTRAL REGISTER FOR COLLECTIVE DEBT SETTLEMENT (JustRestart)**

(version: 17/10/2023)

Your privacy is important to us.

RegSol is the Central Register of Solvency in Belgium, the computerised database where files relating to amicable agreements, judicial reorganisation procedures, transfer under judicial authority or bankruptcy are stored and retained, as provided for in Book XX of the Code of Economic Law (CEL).

Courts (judges, examining magistrates, delegated judges and registrars), bankruptcy trustees, debtors and creditors use RegSol to create, store, sign and exchange key documents and procedural documents of an insolvency file online.

JustRestart is the Central Register of Collective Debt Settlement, the computerised database where files relating to debt counselling are stored and retained, as stipulated in Article 1675/10, 2 et seq.) Judicial Code (JC).

In this register, the documents and procedural documents of a debt counselling file are created, signed and exchanged online, by the courts, debt mediators, debtors and creditors.

These registers constitute a legally regulated directory or "authentic source". An authentic source is a database in which authentic data are kept and which serves as the reference for these specific data on persons and legal facts.

The Order of Flemish Bars (OVB) and the Ordre des Barreaux Francophones et Germanophone (OBFG) were established under to Art. XX. 16 CEL (RegSol) and Art. 1675/21 JC (JustRestart) has been appointed as administrator of this authentic source (hereinafter "we" or "us" or "our") and are jointly responsible for its setting up and management.

The technical organisation of setting up and managing the online application is an initiative of the "Digital Platform for Attorneys" ("DP-A").<sup>1</sup> DP-A's general privacy policy is available at: <https://dp-a.be/nl/verklaring-privacy-beleid>.

Management of access to the authentic source is strictly regulated by law.

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<sup>1</sup> DP-A is a partnership between OVB and OBFG.

All personal data that we receive from you in the context of insolvency proceedings (as defined below, in implementation of Book XX CEL) or debt counselling proceedings (in implementation of Art.1675/2 et seq. JC.) will be processed in accordance with the applicable data protection regulations, in particular the General Data Protection Regulation 2016/679 of 27 April 2016 (GDPR), as well as this Privacy Statement on Collective Debt Settlement ("Privacy Statement").

This privacy statement provides you with more information on what personal data we process, why we process it, how we obtain it, how long we retain it and with whom we share it.

<b>PRIVACYVERKLARING</b> .....	1
1. WAT IS EEN VERWERKING VAN PERSOONSgegevens .....	2
2. IDENTITEIT EN CONTACTgegevens VERWERKINGSVERANTWOORDELIJKE .....	3
3. PERSOONSgegevens - DOELEINDEN - RECHTSGROND .....	3
4. HOE LANG BEWAREN WE UW GEGEVENS? .....	9
5. WIE HEEFT ER TOEGANG TOT UW GEGEVENS / MET WIE DELEN WE UW GEGEVENS? .....	9
6. BEVEILIGING .....	10
7. RECHTEN .....	10
8. TOEPASSELIJK RECHT EN UPDATES .....	11

## **1. WHAT IS THE PROCESSING OF PERSONAL DATA**

Your personal data is processed in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data, on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation ) and the Act of 30 July 2018 on the protection of natural persons with regard to the processing of personal data ("Personal Data Protection Act").

Article 4 of the GDPR defines this as follows:

- 'personal data' refers to any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, 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 the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

- 'processing' refers to any operation or set of operations which is performed on personal data or on sets of personal data, whether or not carried out by automated 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, restriction, erasure or destruction of data.

The same definitions as those stated in Article 4 of the GDPR apply to other relevant terms.

## **2. IDENTITY AND CONTACT DETAILS OF CONTROLLER**

For the processing operations described in this privacy statement, the Federal Public Service for Justice and the Judiciary act as joint controllers in accordance with Article 26 of the GDPR:

- Order of Flemish Bars, Staatsbladstraat 8, 1000 Brussels, company number: 0267.393.267 (OVB);
- L'Ordre des Barreaux Francophones et Germanophones, Rue Haute 139, PO Box 20, 1000 Brussels, company number 0850.260.032 (OBFG).

Do not hesitate to contact us with your questions, requests and complaints regarding the processing of your personal data in the context of the collective debt settlement and have mutually agreed on an arrangement that defines the respective responsibilities in particular with regard to your right to information and the exercise of your rights (see below).

Should you have any questions regarding the processing of your personal data, e.g. about the division of tasks between the OVB and the OBFG, you can always contact us as follows:

by email: <a href="mailto:info@dp-a.be">info@dp-a.be</a>
by telephone: 02 307 70 30;
or by post: FAO: Digital Platform for Attorneys* (DP-A) - Privacy Department, rue Royale 146, 1000 Brussels.

Pursuant to GDPR , we have also appointed a Data Protection Officer ("Data Protection Officer". The latter can be contacted as follows:

by email: <a href="mailto:privacy@dp-a.be">privacy@dp-a.be</a>
by telephone: 02 307 70 30;
or by post to the above address, FAO: Data Protection Officer

## **3. PERSONAL DATA – PURPOSES – LEGAL BASIS**

Insolvency proceedings ("proceedings") involve a whole range of persons all of whom have a role in the proceedings.

In the case of RegSol, this specifically concerns e.g. the debtor, the creditors, the liquidation expert, the delegated judges, and the examining magistrates, the lawyers, the staff of the judiciary, etc. In case of JustRestart, they include the debtor, creditors, debt mediator,

lawyers and magistrates. The detailed list of the various actors is available in the relevant legislation and implementing decrees.

We process the following personal data from the various actors, to the extent necessary:

a) Personal identification data

We process the contact details of all actors involved in the respective proceedings their contact details (email address and (optionally) a telephone number), as well as personal identification data.

**RegSol:**

- Debtor: the surname, first names, (name of debtor), date of birth, nationality, occupation, national register number and, address of registration in the population register or registered office and, if applicable, identification number in the Crossroads Bank for Enterprises;
- Legal representative: the surname, first names, place of residence and capacity;
- Mandated lawyer: surname, first name, office location and capacity;
- Creditor: the surname, first names and place of residence or, in the case of a legal person, the name, registration number with the CBE and registered office;
- Interested third parties, such as directors of the company, shareholders: surname, first name and contact details of contact persons;
- The other actors include the settlement expert, the debt mediator, the magistrates in their various capacities, the lawyers, the collaborators of justice: we process the data necessary to uniquely identify them, such as surname, first name and contact details of the contact persons.

**JustRestart:**

We process the contact details of all actors involved in the proceedings (email address and (optionally) a telephone number), as well as personal identification data, as follows.

- Applicant: the surname, first names, date of birth and place of residence of the applicant;
- Legal representative: the surname, first names, place of residence and capacity;
- Mandated lawyer: surname, first name, office location and capacity;
- Creditor: the surname, first names and place of residence or, in the case of a legal person, the name, registration number with the CBE and registered office;
- Debtor of the applicant: the applicant's surname, first names and place of residence or, in the case of a legal person, its designation, registration number with the CBE and registered office;
- Legal Partner: surname, first names, place of residence and date of birth of the applicant's spouse or legal cohabitant(s) of the applicant;
- Personal guarantor (Guarantor) ping a personal guarantee on the debtor's behalf: the surname, first names and place of residence or, in the case of a legal person, the name, registration number with the CBE and registered office;
- Interested third parties, such as organisations providing professional assistance (including surname, first name and contact details of contact persons);

- Any other actors include the debt counsellor and his/her deputy, the magistrates, the registrar, the public prosecutor at a labour tribunal, the FPS Economy staff, interested third parties (including surname, first name and contact details of contact persons).

**Both registers:** Identification data of some actors, namely the applicant, the legal representative and the legal partner, are also processed (i.e. national register number, company number and/or alien registration number). In addition, in some cases the national number of the debt counsellor may also be processed, especially when this is necessary for the unique identification of this actor in the authentic source. This is in implementation of and strictly limited to the situations authorised by the Act of 8 August 1983 regulating the National Register.

#### a) Financial data

In both registers, processing of certain actors also includes certain financial data, in particular:

- the detailed statement and estimate of the income and expenses of the applicant/debtor's assets, of the joint assets if married under a community property regime and of the assets of the spouse or cohabitant(s);
- the detailed statement and estimate of the assets disposed of within the six months preceding the initiation of proceedings, which formed part of the assets;
- the declaration of the claim: the nature of the claim, its justification, the principal amount, interest and costs, any grounds of priority and procedures to which it may give rise;
- if applicable, living expenses of the applicant (as determined by the debt mediator);
- if applicable, amicable settlement (detailed and updated statement of the family's income and available resources);
- in addition (available only to the court): a detailed statement of the debtor's charges and assets and, where appropriate, the charges and assets of his/her family:
- where appropriate, court-imposed debt settlement scheme:
- if applicable, declaration of unreasonableness;
- report of the debt debt counsellor/bankruptcy trustee;
- mediation account/bankruptcy account;
- the fee payable.

#### b) Judicial data

We also process certain judicial data, in particular data related to the judicial restructuring file, the bankruptcy file and the debt counselling file, such as e.g. the court where the proceedings are pending and the documents of the proceedings.

#### c) Cookies

This statement applies to all visitors and users of our websites([www.regsol.be](http://www.regsol.be), [private.regsol.be](http://private.regsol.be) and [private.justrestart.be](http://private.justrestart.be)) (hereinafter "Website"). Cookies are small information files that are temporarily or permanently stored on your

computer or device by the Website's server through the browser, enabling the use of our Website.

We use only cookies that are strictly necessary. These cookies are activated automatically without your consent. They are necessary for the functioning of the Website and the use of basic functions (such as page navigation and access to secure areas of the Website). They cannot be disabled in our systems. They are set only in response to an action on your part to enable visiting the Website and the use of all its features.

If you want to avoid these types of cookies completely, you can set your browser to block these cookies or to warn you about them, but if you disable the use of these cookies, some parts of the Website may not work or may not work optimally.

If personal data is processed, it is done on the basis of our legitimate interest for the purposes described in the table below.

They are used on the Website and placed on your device by the following third parties: FAS (Federal Authentication Service) and Zetes. We refer to the cookie policy of these providers:

- Zetes: <https://www.zetes.com/en/legal/use-of-cookies-on-our-websites>
- FAS: <https://bosa.belgium.be/nl/cookiebeleid>. Please note that BOSA provides the users with the option of accepting or refusing additional (e.g. functional, analytical) cookies, see BOSA's cookie policy for more information.

d) Account details

If you choose to do so on the Website, it is possible to link your profile data (in particular your identification data and contact data) on JustRestart to RegSol's profile and vice versa.

The aforementioned data allow us to set up and manage this authentic resource. More specifically, this involves the processing of the following personal data:

<b>Processing of personal data as part of the set up and management of the authentic source</b>	
<b>A. Set up and management of the authentic resource</b>	<p>All proceedings documents are stored in the authentic source (judgements, petitions, orders, minutes, reports, declarations of claim, etc.). The set up and management of the authentic source includes the registration, consultation, modification, renewal, deletion of data in the register and management of the file.</p> <p>The initial set up of the authentic source includes the migration of the existing debt counselling files to the JustRestart register in close cooperation with the various justice actors.</p>

	Finally, this processing also involves the provision of a helpdesk (first line) and support services (second and third line).			
<b>B. Monitoring the use of the authentic source</b>	This includes (a) the management of the actors (from the courts, tribunals, debt mediators, settlement experts, etc.) authorised to act in their respective capacities in the proceedings and (b) the management of access to documents by those who have been legally entitled to do so. This includes logging and monitoring.			
<b>C. Creating statistics</b>	<p>Creation of non-coded statistics and reports in order to improve service delivery, operations and reporting, for the benefit of the courts and tribunals. Creation of anonymous statistics for reporting and budgeting on behalf of the FPS Justice.</p> <p>Creation of other statistics, where permitted by law.</p> <p>This processing of personal data is performed as stipulated in the anonymisation and pseudonymisation strategy of the administrator and is in line with Title 4 of the Act of 30 July 2018 (Personal Data Protection Framework Act).</p>			
<b>D. Necessary cookies</b>	<b>Application</b>	<b>Surname</b>	<b>Duration</b>	<b>Purpose</b>
	JustRestart Private	.AspNetCore.Antiforgery.xxx xxxxxxx	Per session	Contains randomly generated string. The application will compare the stored token with the token in the cookie.
	JustRestart Private	OIGIDA	Per session	Stickiness load balancing, ensures that the user is sent to the same server.
	JustRestart Private	.AspNetCore.Cookies	Per session	Maintains user session status for client-side authentication purposes
	JustRestart Private	.AspNetCore.Session	Per session	Maintains user session status for authentication purposes server side
	Public (JustRestart and RegSol)	ASP.NET_SessionId	Per session	Authentication
	Public (JustRestart and RegSol)	fol	1 year	Stores the user's language.
	Public (JustRestart and RegSol)	Product	1 year	Remember choice of application RegSol or JustRestart

	Public (JustRestart and RegSol)	Origin	5 minutes	Remembers choice of application JustRestart Public or Private
	<b>Application</b>	<b>Surname</b>	<b>Duration</b>	<b>Target</b>
	FAS (Federal Authentication Service)	BIGipServerF2W	Per session	Assigns a server to process requests from the same user.
	FAS (Federal Authentication Service)	TS01448b0 (characters after 'TS' may vary)	Per session	Assigns a server to process requests from the same user.
	Zetes	JSESSIONID New Relic	Per session	Stores user status across page requests.
	Zetes	ELOQUA	13 months	Records a unique ID that identifies the user's device on repeated visits. Used for automatic form completion and to validate whether a particular contact is registered with an email group.
<b>E. Account data migration</b>	<p>If you choose to do so on the Website, it is possible to link your profile data on JustRestart to RegSol's profile (and vice versa).</p> <p>If you choose to do so, the data you entered on one application will also be used for the other application and vice versa. This will also be confirmed to you by email. You can easily revoke this choice later by submitting a request to our helpdesk (as above; by post, email or phone).</p>			

The legal basis for processing personal data A, B and C is our public interest task (Art. 6.1(e) GDPR) arising from the aforementioned articles of the Code of Economic Law and the Judicial Code. The legal basis for processing D is our legitimate interest to provide you with proper service through the Website (Art. 6.1(f) GDPR). The legal basis for processing E is your informed consent (Art. 6.1(a) GDPR).



We generally obtain this personal data directly from you, as an actor in the proceedings (e.g. when you use the RegSol or JustRestart application), or indirectly from third parties who have a legitimate ground processing for processing data.

#### **4. How long do we retain your data?**

For purposes of the aforementioned processing operations, we apply the statutory retention periods:

- Logs of individual searches: ten years after follow-up of the query/follow-up of reporting the problem;
- data in the authentic source RegSol are retained for 30 years from the court decision terminating the insolvency proceedings (Art. XX.16 §2 CEL). The data from the authentic source JustRestart is retained for five years following the end of the final transactions of the proceedings (Art.1675/24 JC) After these deadlines have expired, the data will be transferred there, electronically and in accordance with the administrative guidelines of the State Archives.
- The contact details of lawyers are linked to the lists managed by the OVB and the OBFGE in accordance with Article 430 JC, and are retained in accordance with this retention period, i.e. 30 years from the date of conclusion of the judicial year in which you were removed from the register or the list of interns.
- Regarding the compilation of statistics, data is retained for the time necessary to perform the task of strategic analysis, budgeting and reporting to the competent authorities. In the case of anonymised data, the anonymised data are not considered personal data.
- Cookies are processed, as mentioned above, for the periods indicated.

#### **5. WHO HAS ACCESS TO YOUR DATA/WITH WHOM DO WE SHARE YOUR DATA?**

The above-mentioned personal data can be accessed by authorised employees of the joint controllers.

We also rely on processors for the business and technical analysis, coordination and technical support (e.g. IT suppliers, such as DIPLAD CV) of the authentic source. A list of processors, including the nature and purpose of the processing and, where applicable, the country where the data is processed, is available upon request.

We also provide access to your data to the actors of insolvency proceedings and collective debt settlement, as well as in all other cases as required by law, each within their capacity and role provided for that purpose. Specifically, this includes the following persons:

(a) the magistrates, clerks and staff of the Commercial Court, Labour Court, Courts of Appeal and Labour Courts of Appeal, FPS Economy (the latter only for JustRestart), in the context of fulfilling their respective legal assignments;

(b) the actors of the proceedings, such as the debtor and creditors, debt counsellors and bankruptcy trustees, as well as mandated persons (such as the lawyer);

(c) the administrator, to intervene in technical problems in the framework of the aforementioned tasks of set up and management;

(d) interested third parties, such as officials responsible for collecting tax debt collection, bodies collecting social security contributions and granting social benefits, and social insurance funds;

(e) the State Archives;

(f) the order or disciplinary body to which the third party belongs.

We ensure that the various actors can only access the data relevant to them.

## **6. SECURITY**

We have implemented appropriate technical and organisational measures to safeguard the confidentiality of your personal data and protect your data against accidental or unlawful destruction, loss, alteration, unauthorised disclosure or access. These measures include (but are not limited to) encryption techniques, control of physical and computer access, confidentiality obligations.

We have concluded contractual arrangements with the third parties we work with and will not transfer your personal data outside the European Economic Area unless there is a guarantee that your data will continue to have an equivalent level of protection.

## **7. RIGHTS**

We respect all rights in relation to your personal data, to which you are entitled under applicable law.

You can always contact us to exercise the following rights:

- – a request for inspection and rectification of personal data. You have the right to ask us for a copy of your information in order to review and/or correct it. If you wish to correct any information, such as your name, e-mail address, and/or any other data, you can easily do so by contacting us (see below).
- – a request for deletion of your personal data. You have the right to the deletion of your personal data processed by us as described in this privacy statement. In any case, these are not retained longer than necessary for the purposes for which the data were initially processed. If you request that they be deleted, or if you have objected to a processing described in this privacy statement, we will comply with this

- unless we are obligated to retain them for longer because the data is part of a processing that requires us to keep the data for longer (e.g. due to a legal obligation).
- – a request to restrict the processing of your personal data. Under certain circumstances, as described in the GDPR, you may ask us to restrict the processing of your personal data. This is the case, for example, when you dispute the accuracy of your personal data. In such a case, we will restrict processing until we are able to verify the accuracy of your data.
  - – an objection to the processing of your data. You may at any time exercise your right to object to the processing of your personal data in the context of authentic source JustRestart, specifying the reasons relating to your specific situation (for more information, see
  - **PERSONAL DATA** – -LEGAL GROUND). We will stop the processing of your personal data unless we consider that there are compelling legitimate grounds that outweigh the interests, rights and freedoms you claim.

We will respond to your request as soon as possible, but no later than one month after receiving your request. Depending on the complexity of your request, this deadline may be extended by two months. In such case, we will notify you of this extension within a month of receiving your form. In all circumstances, we are obligated to take into account the rights and freedoms of other persons.

You can exercise your rights at any time via the contact details provided above.

For identification purposes, we may ask you for additional information necessary to prove your identity, such as a copy of the front of your identity card.

Of course, you are also entitled to file a complaint with us if you believe we are not acting in accordance with applicable data protection legislation. You can always contact us for this purpose by sending an email to the contact details above.

Finally, you can also decide to file a complaint with the Belgian DataProtection Authority:

Drukpersstraat 35, 1000 Brussels  
Telephone: +32 (0)2 274 48 00  
Fax: +32 (0)2 274 48 35  
Email: [contact@apd-gba.be](mailto:contact@apd-gba.be)

For more information on complaints and possible remedies, please see the following page of the Data Protection Authority.

## **8. APPLICABLE LAW AND UPDATES**

This privacy statement is governed by Belgian law. Any dispute relating to the interpretation or implementation of this Privacy Statement is subject to Belgian law.

This privacy statement may be amended from time to time, within the limits of applicable data protection regulations. You can access the most up-to-date version on our Website (<https://dp-a.be/nl/features/dpa-regsol>), and at <https://www.regsol.be/> and [www.justonweb.be](http://www.justonweb.be).