

This document is designed to provide users of the Helia by OPT-NC Service with comprehensive information on:

- The processing of a user's personal data,
- User rights over their personal data,
- The proposed provisions for exercising such rights.

TERMINOLOGY

For the purposes of this document, whether the following terms begin with a letter in uppercase or lowercase, or are used in the singular or plural:

- The "Personal Data",
- The "Processing of personal data",
- The "Data controller",
- The "Data subject",
- The "Subcontractor",
- The "Recipient",
- And the "Third Party" have the same meaning as that given to them by Article 4 of Regulation (EU) 2016/679 of the

European Parliament and of the Council of 27 April 2016 (hereinafter "GDPR"), which can be consulted on the CNIL website, under "Official Texts".

Additionally:

- The "Data Protection legislation" refers hereinafter to both the law known as the "Data Protection Act" and the GDPR,
- The "**User**" refers hereinafter to any natural person who downloads the Helia by OPT-NC App for the purposes of subscribing to and using the Mobilis Service ; he/she is a "data subject" within the meaning of the Data Protection legislation ;
- The "**Helia by OPT-NC Service**" or the "**Service**" refers hereinafter to the service provided by the Helia by OPT-NC App and its associated services, as referenced in the General Conditions of Use (GCU) of the Application.

RESPONSIBILITY AND CONTACT

The Office des Postes et des Télécommunications de Nouvelle-Calédonie (New Caledonia Post and Telecommunications Office) (hereinafter : "OPT-NC") is responsible for the processing of personal data carried out in connection with subscription to the Helia by OPT-NC Service, within the limits set out below.

Any request regarding such processing operations can be addressed to the OPT-NC Data Protection Officer at the email address dpo@opt.nc.

PURPOSES FOR WHICH PERSONAL DATA ARE PROCESSED

OPT-NC collects personal data to ensure proper management of its Mobilis Service.
To that end, OPT-NC processes personal data for the following purposes:

- **Management of Service subscription requests**
- **Management of personal space administration on the Mobilis application (which supports tracking of calls, SMS and Internet usage)**
- **Management of credit recharge purchase requests, and mobile internet**, depending on the bundle to which the User has subscribed, including **purchase history management**
- **Management of notifications**
- **Management of Service enhancement, including statistics management**

In addition to these purposes, the User's personal data may be disclosed and used for direct marketing purposes by OPT-NC or passed on to its partners for the marketing of products and services, provided that the prior consent of the user has been obtained. The list of these partners can be found in the appendix to the OPT-NC Data Protection Policy, available on the "Documentation" page at the bottom of the website www.helia.nc.

Furthermore, the User is informed that the management of banking transactions is not the responsibility of OPT-NC. For more detailed information on the processing of personal data in respect of banking transactions, the User should refer to the relevant information provided by the bank concerned when making the transaction (Data Protection Policy or GCU).

LEGAL BASIS FOR THE PROCESSING OF PERSONAL DATA

Depending on the case, the processing of personal data for Helia by OPT-NC Service management purposes is based on:

- **Performance of the contract** concluded at the request of the User, upon acceptance of the General Conditions of Use and, where applicable, the General Conditions of Sale for the Helia by OPT-NC Application: for the management of Service subscription requests, the management of personal space administration, the management of call and/or SMS recharge purchases and mobile internet requests, including purchase history management, notifications management, support requests management, claims management, and security incident management;
 - **The legitimate interests** pursued by OPT-NC: for the improvement of the Helia by OPT-NC Service;
 - **The consent** of the User: for the management of direct marketing by OPT-NC sales departments, or for the management of direct marketing by OPT-NC partners, undertaken on their own account.
- When the User's consent is obtained, the User may change their option at any time from their personal space, from the menu at the top right of the Helia by OPT-NC application.**

CATEGORIES OF PERSONAL DATA PROCESSED

In general, OPT-NC shall process only personal data which is adequate, relevant and limited to what is necessary in regard to the purposes for which it is processed.

As part of the User's subscription to the Mobilis Service and its use, the User shall disclose **directly** personal data which is automatically processed:

- **Contact data** (phone number, email address)
- **Data regarding purchases made by the User**, and any associated information (solicited offer(s), purchase request(s), surname, first name and User's phone number and bank details, invoice(s))

When collecting this data, OPT-NC uses an asterisk to indicate the data that must be disclosed to use the Service. If this data is not disclosed, OPT-NC cannot respond to the User's request.

The user is asked to update, if necessary, his or her identification and contact data from the menu at the top right of the application.

In addition, to ensure Helia by OPT-NC Service management, personal data is also collected **indirectly**:

- **Data relating to the operating system** of the browser or devices used by
- The User to Access the Helia by OPT-NC Service
- **Technical data** relating to the use of the Helia by OPT-NC Service
- **Data relating to purchases** made by the User, and any associated information (purchase history).

CATEGORIES OF RECIPIENTS OF PERSONAL DATA

The personal data processed is received by or accessible to:

- **Authorised OPT-NC personnel** responsible for:
 - The technical and IT development and maintenance of the Helia by OPT-NC Service - communication activities relating to new OPT-NC offers (unless refused by the User).
 - Marketing and research
 - Customer support
 - Personal information updates within OPT-NC.
- **The authorized personnel of OPT-NC subcontractors** responsible for:
 - The technical and IT development and maintenance of the Helia by OPT-NC Service
 - Mobilis service testing
 - Research and communication
- **The authorized personnel of banks and financial institutions** involved in transactions,
- **Public authorities authorized**, exceptionally and in the performance of their investigative or supervisory duties (e.g. police or gendarmerie services)
- Possibly and **subject to the User's prior consent, to the business partners** of OPT-NC.

In any event, very careful attention shall be paid to any flow of personal data, whether internal or external to OPT-NC, to ensure the security of the data concerned and in particular the confidentiality and integrity thereof.

Specifically, access to personal data is, on principle, solely on a "need to know" basis : this rule restricts any sharing of information to persons providing proof of the required level of authorization but also of their need to know such data as part of a specific role and for the proper performance of a specific assignment.

STORAGE PERIODS FOR PERSONAL DATA

Regarding data processed strictly for the purposes of Helia by OPT-NC Service management, this is stored for up to five (5) years from the end of the commercial relationship between the User and OPT-NC, except for billing data which is stored for a period of ten (10) years from the date of issue.

Regarding data processed for direct marketing purposes, this is stored for the period of the commercial relationship with OPT-NC, then up to three (3) years from the end of such relationship, unless the User refuses to receive direct marketing or withdraws his/her consent to direct marketing via his/her personal space, from the menu at the top right of the Helia by OPT-NC application.

These periods may vary in the event of a right being exercised over the data concerned, or in the event of a dispute.

RIGHTS OF THE USER OVER HIS/HER DATA AND PROVISIONS FOR THE EXERCISE OF HIS/HER RIGHTS

Any data subject whose personal data is processed shall have rights over his or her data. Therefore, as a "data subject", the Helia by OPT-NC Service User has the following rights to his/her data processed for purposes of management of the said Service, pursuant to the conditions and limits provided for by the Data Protection legislation: right of access, right of rectification, right to erasure (right to be forgotten), right of opposition, right to restriction of processing, right to portability. He/she can also give instructions regarding the storage, deletion and disclosure of his/her personal data after his/her death.

To exercise his or her rights, the User must use all appropriate means to provide proof of identity. His or her request shall be addressed:

By post to: Office des Postes et des Télécommunications de Nouvelle-Calédonie
Data Protection Officer
2 rue Paul Montchovet 98841 Noumea Cedex
New Caledonia
or by email to: dpo@opt.nc

Subject to a breach of the above provisions, the User is entitled to lodge a complaint with the CNIL, by post or on its website: www.cnil.fr

Finally, the User can obtain additional information on the nature of his/her rights, together with the personal data protection measures implemented and commitments made by OPT-NC regarding the protection of personal data by referring to the Personal Data Protection Policy available on the "Documentation" page at the bottom of the website www.helia.nc.