

Belgium – Data Privacy

Belgium, as a member of the European Union (“EU”), was required to implement the EU Data Protection Directive 95/46/EC (the “Directive”) into its national legislation. The Directive was implemented in Belgium pursuant to the Law of 11 December 1998 which modified the **Data Processing Act** of 8 December 1992. A Royal Decree of 13 February 2001 executes and specifies various provisions of the Data Processing Act.

Collection and Processing of Personal Data	
<i>Compliance Alternatives</i>	The collection and processing of personal data is allowed where: 1) the employee consents; 2) it is necessary for the employment contract; 3) it is necessary for compliance with a legal obligation to which the employer is subject; 4) it is necessary to protect the vital interests of the employee; 5) it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the employer or in a third party to whom the data is disclosed; or 6) it is necessary for the legitimate interests pursued by the employer or by the third party to whom the data is disclosed, provided that the interests or fundamental rights and freedoms of the employee are not overridden.
<i>Disclosure/ Registration</i>	Notification of the collection/processing to the Belgian Privacy Commission (www.privacycommission.be) except in certain cases listed in the RD of 13 February 2001
<i>Other Requirements</i>	Data is collected/processed for specified and legitimate purposes and may not be processed further in a way incompatible with those purposes. Facts regarding the processing of personal data must be provided to employees at the time of the collection of the personal data. The employee also must be allowed to access the personal data to make sure it is accurate.
Transfer of Personal Data	
<i>Compliance Alternatives</i>	<p>Transfer of personal data from Belgium to EU countries is allowed following the same requirements than processing in Belgium (see above).</p> <p>Transfer of personal data from Belgium to non-EU/European Economic Area countries is permitted to the extent that such countries provide an adequate level of protection (see the list of countries providing an adequate level of protection, held by the European Commission). For the transfer of data to the US, Belgium will view compliance with the US/EU Safe Harbor principles as compliance with the cross-border transfer law in Belgium.</p> <p>If the non EU country concerned does not provide the adequate level of protection, Belgium has approved a standard contract for cross-border transfer to a data employer.</p> <p>The cross-border transfer of personal data (to non EU countries without an adequate level of protection) could be allowed punctually where: 1) the employee consents; 2) it is necessary for the employment contract; 3) it is necessary for the conclusion or performance of a contract between the employer and a third party that is in the interest of the employee; 4) it is necessary or legally required on important public interest or legal grounds; 5) it is necessary to protect the vital interests of the employee; or 6) the data is from a public register.</p>
<i>Other Requirements</i>	The employee must be given advance notice of any transfer to third party recipients.

This summary is intended to reflect local law and practice as at 1 May 2013. Please note, however, that recent amendments and legal interpretations of the local law may not be included in these summaries. In addition, corporate governance, administration, and option plan design facts that are specific to your company may impact how the local laws affect the company's equity based compensation plans. With these matters in mind, companies should not rely on the information provided in this summary when implementing their stock plans.