

HOTEL

THE JAMES

EST. 2018 ▣ ROTTERDAM

PRIVACY STATEMENT THE JAMES

Updated: May 2020

1 Introduction

1.1 This External Privacy Statement (“**Statement**”) is used by Vaka Investment B.V. (“**VI**”), having its registered office in Eindhoven, and having its business offices in (5611 BM) Eindhoven at the Victoriapark 45, recorded in the registry of the Dutch Chamber of Commerce under registration number 17200519. VI can be contacted via michiel@thejames.nl for The James Hotel

1.2 VI is committed to protecting your privacy. The purpose of this Statement is to explain why and how data that identifies or may be used to identify natural persons with (“**Personal Data**”) is processed by VI.

1.3 This Statement applies to all processing of Personal Data in relation to our hotels:

Hotel The James
Aert van Nesstraat 25
3012 CA Rotterdam

Hereinafter jointly: “**Hotels**”.

1.4 In addition, this Statement applies to all processing of Personal Data that is conducted on our websites:

www.thejames.nl

Hereinafter jointly: “**Websites**”.

1.5 Unless stated otherwise below, VI is the ‘data controller’ as defined in the General Data Protection Regulation (“**GDPR**”) for the processing of Personal Data as set out in this Statement.

1.6 VI may amend this Statement at any time. In case the Statement is amended, the amended Statement will be made available to you through publication of the amended Statement on the Websites:

1.6.1 <https://www.thejames.nl/privacy-policy>

1.7 Should you have any questions after reading this Statement, or would like to exercise the rights as entailed in this Statement, please contact via the above stated details.

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2 Personal Data

2.1 VI may process Personal Data that relates to you in the following situations:

- 2.1.1 You are a customer of VI;
- 2.1.2 You visit the Websites;
- 2.1.3 You are a supplier of products or services to VI;
- 2.1.4 You work for a customer or supplier of VI, based on an employment contract or otherwise;
- 2.1.5 You apply for a job at VI;
- 2.1.6 You are somebody or you work (based on an employment contract or otherwise) for an entity that VI would like to offer its services to;

2.2 The Personal Data that may be processed by VI is:

- 2.2.1 Your first and last name;
- 2.2.2 Your contact details;
- 2.2.3 Your address details;
- 2.2.4 Data relating to the business or legal entity that you work for;
- 2.2.5 Your email address;
- 2.2.6 Your IP address;
- 2.2.7 Your nationality;
- 2.2.8 Your credit card number;

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- 2.2.9 A copy of your identification documents;
- 2.2.10 Your national identification number ('BSN');
- 2.2.11 Any other Personal Data, depending on the nature of the relation you have with VI;

2.3 In addition to the aforementioned Personal Data, it is possible that you provide us with other Personal Data in the course of your contact with VI. This may concern the following Personal Data:

- 2.3.1 The Personal Data that you provide to VI in the course of the services VI performs for you, such as but not limited to the Personal Data that are necessary to perform extra assistance at your request or the Personal Data that you may share when providing special requests to us;
- 2.3.2 The Personal Data that VI obtains through your use of the Websites, when you supply products or provide services to VI, contact VI or in any other way communicate with VI (such as via the contact forms or chat functionality on our Websites, whether or not on behalf of a business or legal entity);
- 2.3.3 The Personal Data you share with us if you write a review about our services and provide the review to us or to TripAdvisor LLC (or one of its affiliates);
- 2.3.4 The Personal Data we collect about you applying CCTV in the residential areas of the Hotels.

2.4 The provision of the requested Personal Data under 2.2 is, in principle, mandatory and a necessary requirement to enter into an agreement with VI. Where such Personal Data is not provided, VI may not be able to comply with obligations that VI is subject to or perform the agreement that has been or will be entered into. The provision of the Personal Data as described under 0 is, in principle, not mandatory and is not a necessary requirement to enter into an agreement with VI. Where such Personal Data is not provided, VI however may not be able to perform the services and obligations as intended.

3 Sources

- 3.1 In principle, VI obtains the Personal Data through you. This is not the case in the following situations:
 - 3.1.1 Where VI receives Personal Data from someone arranging the provision of services to you on your behalf (for example, your employer, parent, legal guardian, etc.);

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3.1.2 Where VI has engaged an employment agency, headhunter or similar service to recruit new employees;

3.1.3 Where you have written a review on the website(s) of TripAdvisor LLC (or one of its affiliates) about our services, we may obtain the Personal Data you have provided to TripAdvisor LLC (or one of its affiliates) to publish these on our Websites.

3.2 Personal Data via cookies and CCTV is collected automatically.

4 Legal grounds for processing

4.1 VI collects Personal Data based on the following legal grounds for processing:

4.1.1 The processing is necessary for the performance of a contract to which you are party or in order to take steps at your request prior to entering into an agreement;

4.1.2 The processing is necessary for compliance with a legal obligation to which VI is subject;

4.1.3 The processing is necessary for the purposes of legitimate interests pursued by VI, i.e. the commercial interest to perform its business activities, such as but not limited to the security of our customers and property, marketing activities, business development activities, the performance of the agreement as entered into with your business, your employer or any party that has arranged our services to be provided to you on your behalf, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child;

4.1.4 Where necessary, VI will request your additional consent for the processing of your Personal Data.

5 Purposes

5.1 VI is processing the Personal Data mentioned for the following purposes:

5.1.1 To allow VI to enter into an agreement with you or the business that you represent or that you work for and to perform this agreement, such as but not limited to the agreement to perform the services as requested, the agreement for the supply of products and services to VI or to register and manage the visitors to our Hotels, suppliers and customers;

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- 5.1.2 To allow VI to protect customers and property;
- 5.1.3 To allow VI to contact you and stay in contact with you;
- 5.1.4 To allow VI to comply with legal obligations to which VI is subject;
- 5.1.5 To allow VI to recruit new employees, assess them and hire them;
- 5.1.6 To allow VI to perform direct marketing activities, such as but not limited to informing you about our services, events and possibilities, to verify the effectiveness of such activities and to publish reviews about our services on our Websites.

6 Retention times

- 6.1 VI retains your Personal Data for as long as necessary in order to fulfil the associated purposes as set out above. After that, we may retain your Personal Data if this is required or necessary in order to comply with applicable law or in order to be able to satisfy any legal, reporting or audit requirements and/or obligations. Where possible we anonymize or pseudo-anonymize your Personal Data or retain it in an aggregated form only.
- 6.2 The retention periods for the following categories of Personal Data are as follows:
 - 6.2.1 Personal Data of (persons employed by or otherwise working for) customers and suppliers: two years after the relevant agreement has ended;
 - 6.2.2 Personal Data of (persons employed by or otherwise working for) prospects: two years after the last contact with VI;
 - 6.2.3 Personal Data of job applicants: four weeks after the end of an application procedure where such was unsuccessful, unless the applicant has provided consent to retain for one year after the end of the application (where the applicant is hired, the processing of Personal Data shall fall under the internal privacy policy of VI);
 - 6.2.4 Personal Data provided via the contact form on our Website: one year after our last contact with you.

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7 Recipients and transfer

7.1 VI may transfer your Personal Data to third parties and recipients, being:

- 7.1.1 Suppliers: when such is necessary to enable the use of the Websites and services, we may transfer your Personal Data to suppliers, subcontractors and business partners, such as but not limited to our hosting partner that hosts the Websites and the payment provider we engaged to ensure correct payment.
- 7.1.2 Visitors: in case you write a review about our services, we provide your surname and the date of your stay or review to the visitors on the Website;
- 7.1.3 Group companies: we may provide Personal Data to other companies within the VI group of companies, if this is necessary for compliance, internal reporting, auditing or security purposes.
- 7.1.4 Advertisement partners: when you visit the Websites, information may be provided to advertisement partners in order to serve you with (relevant) advertisements on our Websites and elsewhere, and to measure effectiveness of advertisements.
- 7.1.5 Law enforcement agencies: we may be under an obligation to provide your information to law enforcement, regulators, courts or other public authorities in relation to an official (court) order. In addition we may provide your data to law enforcement agencies, regulators, courts or otherwise in order to exercise our rights.
- 7.1.6 Fraud prevention: we may engage third parties in order to investigate or prevent any fraudulent acts or to protect our assets and/or rights.

8 Possible recipients and transfer

8.1 In addition to the recipients as referred to in article 7, it is possible that VI discloses Personal Data in the below mentioned situations:

- 8.1.1 VI is the subject of a merger or acquisition, in which case it is possible that Personal Data is transferred to a prospective buyer or seller and the Personal Data is disclosed under this Statement;
- 8.1.2 Where VI will substantially or fully be the subject of an acquisition, in which case the Personal Data will be transferred as an asset;

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8.1.3 Where VI is legally obliged to provide Personal Data or to perform the Statement, the general terms and conditions of VI or the agreement with you, to protect the rights, property and freedoms of VI or her clients or other third parties, VI will transfer Personal Data as well.

9 International transfer

9.1 VI in principle does not transfer Personal Data outside of the European Union or to international organisations.

9.2 If VI transfers Personal Data outside of the European Union in any other way or to international organisations, VI will determine whether an adequacy decision as stated in the relevant legislation applies and, where such is not the case, transfer will only be conducted if adequate safeguards applies. At your request you can receive a copy of the relevant adequate safeguards.

10 Security

10.1 We highly value the security of Personal Data. Therefore we have implemented technical and organizational measures to protect your Personal Data against accidental or unlawful destruction or accidental loss, alteration, unauthorized disclosure or access. To keep your Personal Data safe, the following measures are implemented:

10.1.1 Encrypt the transfers of data via the Websites;

10.1.2 Protect the servers on which your Personal Data is stored with passwords and appropriate security measures;

10.1.3 Access to Personal Data within VI is only provided on a 'need to know' basis;

11 Rights

11.1 The GDPR provides data subjects, depending on the situation, with the following rights:

11.1.1 The right to access to Personal Data;

11.1.2 The right to rectification of Personal Data;

11.1.3 The right to request from VI the erasure of Personal Data;

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- 11.1.4 The right to request VI whether the processing of the Personal Data may be restricted;
- 11.1.5 The right to object to processing;
- 11.1.6 The right to data portability;
- 11.1.7 Where the processing is based on consent: the right to withdraw such consent at any time, without such withdrawal having effect on the legitimacy of the processing prior to withdrawal;
- 11.1.8 The right to lodge a complaint at a supervisory authority.

11.2 When performing these rights, VI may request specific additional information. Such additional information will only be processed for the purpose of performing the rights mentioned.

12 Cookies

12.1 When you visit the Websites of VI, cookies are placed by VI and other third parties. An overview of these cookies is available in the Cookie Policy via the website: <https://thejames.nl>

13 Applicable law

13.1 The laws of the Netherlands exclusively apply to this Statement and all agreements and legal relationships between you and VI. Any disputes relating to or arising from this Statement and the use of Websites will only be submitted to the competent court in the district of Oost-Brabant, location 's-Hertogenbosch, the Netherlands.