



## **DIGICEL MOBILE TELEPHONE SERVICES Privacy Notice**

Publication Date: 10<sup>th</sup> March 2023

At Digicel, we respect your privacy and we are committed to protecting your personal data and earning your trust. We take this Privacy Notice to give you clarity and transparency on the ways we may use your personal data. We take reasonable steps to ensure that your data is safe and secure, including putting in place technical safeguard, organizational measures, policies and procedures to comply with applicable laws and regulations.

This Privacy Notice is supplemental to the Terms and Conditions of Digicel Mobile Telephone Services and covers the following information:

- Scope of This Notice & Who We Are**
- The Data We Collect About You**
- How is Your Personal Data Collected?**
- How We Use Your Personal Data**
- Disclosures of Your Personal Data**
- International Transfers**
- Data Security**
- Data Retention**
- Your Legal Rights**

### **1. Scope of This Notice & Who We Are**

#### **When this Notice Applies**

This Privacy Notice applies to the information we collect when you use or access Digicel Post Paid Mobile Telephone Service, Digicel Pre Paid Mobile Telephone Service, Digicel Mobile Data Services over our mobile telecommunications network ("Service(s)" or "Digicel Mobile Service" and "Network" respectively).

This Privacy Notice does not apply to other Digicel brands, products, or services such as Digicel+, DigicelBusiness, Bip, Loop, SportsMax, GoLoud, Trend Media, shop.digicelgroup and Digicel

Foundation. It also does not apply to non-Digicel products, services, websites, and mobile applications that you may access or use through Digicel's Mobile Telephone Services.

Different Digicel branded or affiliated products and services collect different kinds of data. It is important that you read this Privacy Notice together with any other privacy, customer or regulatory notices we may provide for specific products and services, and on specific occasions when we are collecting or processing personal data about you, so that you are fully aware of how and why we are using your data. Where applicable, this Privacy Notice supplements other notices and Digicel privacy notices and is not intended to override them.

### **Purpose of this Privacy Notice**

This Privacy Notice aims to give you information on how Digicel collects and processes your personal data through your use of the Services.

Our goal is for you to understand i) how we look after your personal data when you use our Services and ii) your privacy rights and how the law protects you.

### **Data Controller**

The entities listed in Item 1 Schedule 1 of the Digicel Mobile Telephone Terms & Conditions are the data controllers (collectively and individually referred to as "Digicel", "we", "us" or "our" in this privacy notice). The particular data controlling entity for your data personal depends on the country in which you initiated your Services. All entities listed are a part of the Digicel Group of Companies.

### **How to Contact Us**

We have a Privacy Team responsible for handling all enquiries in relation to this Privacy Notice. If you have any questions about this Privacy Notice, including any requests to exercise your legal rights, you may contact the Group Privacy Team using the details set out below.

Depending on the market or territory within which you reside, you may also have the right to make a complaint to your regulator of privacy rights or data protection issues. However, before you do so, we would appreciate the chance to deal with your concerns before you approach your regulator, so please contact us in the first instance.

For all queries regarding this Privacy Notice or our privacy practices, please email us at [privacy@digicelgroup.com](mailto:privacy@digicelgroup.com).

## **2. The Data We Collect About You**

Personal data, or personal information, means any information about an individual from which that person can be identified. Depending on your country or market, this definition may also extend

to personally identifiable information for individuals who have been deceased for less than thirty years.

Personal data shall not be extended to or include any data where identifiable information has been removed (anonymous data) or an individual's identity is not ascertainable from the data set, whether on its own or combined with other known information.

The information we collect about you and how we collect it may vary depending on the Services that you use, how you have used the Services, and how you have interacted with Digicel, or what we have obtained from a third party with permission to share it with us.

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows:

- **Identity Data** includes first name, maiden name, last name, username or similar identifier, title, date of birth, gender, and copies of your identification card.
- **Contact Data** includes billing address, delivery address, email address and telephone numbers.
- **Financial Data** includes payment card details, and any other information provided for the provision of payment services, administration and billing processes.
- **Transaction Data** includes details about payments to and from you and other details of products, services, plans and/or subscriptions you have purchased from us.
- **Technical Data** includes internet protocol (IP) address, your login data, your geolocation, Mobile Station Integrated Services Digital Network (MSISDN), International Mobile Equipment Identity (IMEI), International Mobile Subscriber Identity (IMSI), unique device IDs browser plug-in types and versions, operating system and platform, and other network and device information.
- **Mobile & Call Data** includes information about how you use Services; records of correspondence and other communications including calls and text messages; and recordings of calls and online chats with our customer service, technical support and sales agents.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.
- **Performance and Diagnostic Data** includes performance and diagnostic data about your use of our network, networks you roam on, WiFi services or your performance information about your mobile device. For example, we may collect information about signal strength, dropped calls, data failures, battery strength, and other device or network performance issues. We may also collect information about applications on your device, such as the fact that an application has been added when an application

is launched or fails to launch, and the length of time an application has been running. Please be advised that other companies, like the manufacturer of your mobile device, the provider of the operating system on your device, and providers of mobile applications installed on your device, may also be able to access and collect some of this information.

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data could be derived from your personal data but is not considered personal data in law as this data will **not** directly or indirectly reveal your identity. For example, we may aggregate your Mobile & Call Data to calculate the percentage of users making calls on the weekend. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this Privacy Notice.

We do not intentionally seek to collect any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health, and genetic and biometric data). Nor do we collect any information about criminal convictions and offences.

We do not knowingly collect data from or about individuals under the legal minimum age without the permission of a parent or guardian. When we do collect that data, we might do it directly, like when you sign up for a service or initiate a transaction. We might also collect it automatically if the child uses the Service. If you believe your child may have provided us with personal information without proper consent, you can contact us and request that we delete the information.

### **If you fail to provide personal data**

Where we need to collect personal data by law, or under the terms of a contract (in order to provide you with Services) and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (or provide you with the Service). In this case, we may have to cancel or terminate the Service you have with us but we will notify you if this is the case at the time.

### **3. How is Your Personal Data Collected?**

We use different methods to collect data from and about you including through:

- **Direct Interactions.** You may give us your Identity, Contact and Financial Data by filling out online forms or by corresponding with us in stores, by post, phone, email or otherwise. This includes personal data you provide when you:
  - buy, register, use or subscribe to our Services;
  - sign-up or create an account on our applications or websites;
  - interact with our application and website, including making customer enquiries, registering for information or other services, or download our application;

- enter a competition, promotion or survey, provide feedback, or respond to communications from us (such as SMS, emails, questionnaires); or
- contact us and provide your information via online customer support, customer call centres or our physical locations.
- **Automated Technologies or Interactions.** As you interact with our applications and website, we will automatically collect Technical Data about your equipment, browsing actions, in-app activity and patterns. We collect this personal data by using application permissions where applicable, cookies and other similar technologies. These technologies may also receive Technical Data about you if you visit other websites. Please see the cookie notices of our websites that you may interact with for further details.
- **Your Use of our Services.** As part of our normal course of business, we generate and collect Mobile & Call Data as well as Performance and Diagnostic Data to provide our Services, to detect unauthorized reception of our Services, to improve our Services and for other purposes described in Section 4 below.
- **Third Parties or Publicly Available Sources.** To assist us in providing you with the best experience, we may receive and/or share any personal data about you deemed necessary for any of the purposes noted under Section 4.

#### 4. How We Use Your Personal Data

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where you provide consent to the use of your information. Consent may be withdrawn at any time by notifying us or by terminating or cancelling your Service with us.
- Where we need to perform the contract we are about to enter into or have entered into with you. As an example, in order for you to make calls and text messages, we must process things like the numbers you dial, the length of the call and your general geographical location to connect you to the closest cell site for the call. This will also allow us to generate your bill, based on the length and nature of your usage.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests. For example, fraud prevention, maintaining the security of our network and services and improvement of our Services.
- Where we need to comply with a legal obligation such as law enforcement disclosures, or meeting regulatory obligations that are subject to strict internal policies and procedures (such as retention periods).

## Purposes for Which We Will Use Your Personal Data

We have set out below, in a table format, a description of all the ways we use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are, where appropriate.

Note that we may process your personal data for more than one legal basis depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal basis on which we are relying to process your personal data.

*Table 1: Purposes for use of your personal data*

<b>Purpose/Activity</b>	<b>Type of data</b>	<b>Legal basis for processing</b>
To register you as a new customer	(a) Identity (b) Contact (c) Financial	(a) Performance of a contract with you  (b) Consent
To process and deliver Services: (a) Manage payments, fees and charges (b) To process plans and subscriptions (c) To use our Network for transmission of calls and messages (d) Collect and recover money owed to us	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Technical (f) Mobile & Cell Data (g) Marketing and Communications (h) Performance & Diagnostic	(a) Performance of a contract with you  (b) Necessary for our legitimate interests  (c) Consent
To manage our relationship with you	(a) Identity (b) Contact (c) Financial (d) Marketing and Communications (e) Performance & Diagnostic	(a) Performance of a contract with you  (b) Necessary to comply with a legal obligation  (c) Necessary for our legitimate interests  (d) Consent
To enable you to partake in a prize draw, competition or complete a survey	(a) Identity (b) Contact (c) Financial (d) Technical	(a) Performance of a contract with you  (b) Necessary to comply with a legal obligation

	<ul style="list-style-type: none"> <li>(e) Mobile &amp; Cell Data</li> <li>(f) Transaction</li> <li>(g) Marketing and Communications</li> </ul>	<ul style="list-style-type: none"> <li>(c) Necessary for our legitimate interests</li> <li>(d) Consent</li> </ul>
<p>To administer and protect our business including our Services, our applications and website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)</p>	<ul style="list-style-type: none"> <li>(a) Identity</li> <li>(b) Contact</li> <li>(c) Technical</li> <li>(d) Mobile &amp; Cell Data</li> <li>(e) Performance &amp; Diagnostic</li> </ul>	<ul style="list-style-type: none"> <li>(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise)</li> <li>(b) Necessary to comply with a legal obligation</li> <li>(c) Consent</li> </ul>
<p>To deliver content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you</p>	<ul style="list-style-type: none"> <li>(a) Identity</li> <li>(b) Contact</li> <li>(c) Financial</li> <li>(d) Marketing and Communications</li> <li>(e) Technical</li> <li>(f) Mobile &amp; Cell Data</li> <li>(g) Performance &amp; Diagnostic</li> </ul>	<ul style="list-style-type: none"> <li>(a) Necessary for our legitimate interests (to study how customers use our products/services, to develop them, to grow our business and to inform our marketing strategy)</li> <li>(b) Consent</li> </ul>
<p>To use data analytics to improve our application and website, products/services, marketing, customer relationships and experiences</p>	<ul style="list-style-type: none"> <li>(a) Technical</li> <li>(b) Mobile &amp; Cell Data</li> <li>(c) Performance &amp; Diagnostic</li> <li>(d) Aggregated Data</li> </ul>	<ul style="list-style-type: none"> <li>(a) Necessary for our legitimate interests (to define types of customers for our products and services, to keep our application and website updated and relevant, to develop our business and to inform our marketing strategy)</li> <li>(b) Consent</li> </ul>

To make suggestions and recommendations to you about goods or services (i.e. plans and/or subscriptions) that may be of interest to you	(a) Identity (b) Contact (c) Technical (d) Mobile & Cell Data (e) Performance & Diagnostic (f) Marketing and Communications	(a) Necessary for our legitimate interests (to develop our products/services and grow our business) (b) Consent
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**Marketing**

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising.

**Promotional Offers from Us**

We may use the data we gather to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services and offers may be relevant for you (we call this marketing).

You will receive marketing communications from us if you have requested information from us or purchased goods or services (including plans and/or subscriptions) from us and you have not opted out of receiving direct marketing communications.

**Opting Out**

You can ask us to stop sending you marketing messages at any time by following the opt-out links, directions on any marketing message sent to you, by contacting customer care at [customercare@digicelgroup.com](mailto:customercare@digicelgroup.com) or at your local Digicel customer care hotline.

Where you opt out of receiving these marketing messages, this will not apply to messaging regarding a product/service purchase, product/service experience or other transactions that you conduct.

**Third-party Devices & Carriers**

You may utilize third party devices to access your mobile services, either manually via inserting a SIM card into a device or electronically through the use of our eSim services. These include mobile phone devices or connected devices such as smart speakers or smart watches.

When you connect your SIM to these devices those third parties may record your SIM details or your interaction with the Network. The third-party device manufacturers will process your personal



data in accordance with their privacy policies and your device settings; we recommend that you read and understand these before choosing to connect.

Where you choose to roam on or connect to the network of another wireless carrier or WiFi service provider, your wireless telephone number, your location, the numbers you dial, and other information about your usage will be available to that carrier to facilitate that service.

## **5. Disclosures of Your Personal Data**

We may share your personal data with the parties set out below for the purposes set out in the [Table 1: Purposes for use of personal data](#) above.

We may also share your personal data with third parties to whom we may choose to sell, transfer or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this Privacy Notice.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

## **6. International Transfers**

We share your personal data within entities throughout the Digicel Group of Companies.

Whenever we transfer your personal data out of the country of origin, however, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data.
- Where we use certain service providers, we may use special contracts that ensure that an adequate level of protection through the use of technical and organizational measures.

Please contact us if you want further information on the specific mechanism used by us when transferring your personal data internationally.

## **7. Data Security**

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorized way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties

who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

## **8. Data Retention**

### **How Long Will You Use My Personal Data for?**

We will only retain your personal data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.

To determine the appropriate retention period for personal data, we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorized use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.

Where you have decided to withdraw the consent you have given, we will delete your personal data within 24 hours, unless we are required to keep it for the reasons explained herein. We may need to keep a piece of your contact information e.g. email address, in our records, so we know that you have withdrawn your consent and therefore ensure we honour your choice.

If you are inactive on the network for more than ninety days, a recycle process will be initiated and you will be removed from the list of active customers, therefore deleting your personal data.

Details of retention periods for different aspects of your personal data are available in our retention schedule which you can request from us by contacting us at [privacy@digicelgroup.com](mailto:privacy@digicelgroup.com).

## **9. Your Legal Rights**

In some countries and under certain circumstances, you have rights in relation to your personal data. You have the right to:

**Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

**Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

**Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

**Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

**Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios:

- If you want us to establish the data's accuracy.
- Where our use of the data is unlawful but you do not want us to erase it.
- Where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims.
- You have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

**Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

**Withdraw consent at any time** where we are relying solely on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to enquire about the exercise of any of the rights set out above, please contact the Group Privacy Team at [privacy@digicelgroup.com](mailto:privacy@digicelgroup.com).

### **What We May Need from You**

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive

it. We may also contact you to ask you for further information in relation to your request to speed up our response.

### **Time Limit to Respond**

We try to respond to all legitimate requests within sixty days. Occasionally it could take us longer than sixty days if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

### **Changes to the Privacy Notice and Your Duty to Inform Us of Changes**

We endeavour to keep our Privacy Notice under annual review. This version was last updated on 10<sup>th</sup> March 2023.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.