



## Emmanuel DEBRAY – Quentin DEBRAY

Huissiers de Justice – Gerechtsdeurwaarders -

Judicial Officers

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## Policy on the protection and processing of personal data

In accordance with the General Data Protection Regulation (GDPR) which came into effect on 25 May 2018, Judicial Officers DEBRAY and staff undertake to respect the privacy of anyone availing of the Judicial Officer's services and of anyone who has any dealings with the Judicial Officer in the context of the office of Judicial Officer.

The GDPR stipulates that data subjects must be informed of the fact that personal data are collected, what they are collected for and of the terms of retention.

In view of the fact that judicial officers were already bound by a number of protective measures under the Data Protection Act of 8 December 1992, the provisions of the Criminal Code and the provisions governing professional secrecy, the GDPR provides a certain continuity.

This policy on the protection and processing of personal data does not apply to legal entities but only to the personal data of natural persons associated with a legal entity.

### What type of data do we collect?

We only process data that allow us to carry out our statutory and extralegal duties as set out under article 519 of the Judicial Code.

Article 43 of the Judicial Code in particular specifies what data we need in the context of our office of Judicial Officer.

In addition, we collect data that will expedite the performance of our statutory tasks such as contact details or financial data which allow us to follow up your file for accounting purposes.

We do not collect any data that fall within the special categories referred to in article 9 of the GDPR.

**If you are acting as principal - natural person (you entrusted us with an assignment in your capacity of lawyer, notary, private citizen, etc.), we collect:**

- Data to carry out our statutory duties: surname, first name, occupation, private or professional address.
- Contact details and data for financial management purposes: email addresses, landline and mobile numbers, details about your financial accounts, contact person, file reference number.

**If you are the claimant - natural person (i.e. we are acting at your request), we collect:**

- The data we need to carry out our statutory duties: surname, first name, gender, national register number, date of birth, place of domicile, place of residence or address for service, as applicable.
- Contact details and data for financial management purposes: email addresses, landline and mobile numbers, details about your financial accounts.

Sometimes we also need to collect data about your family situation. This may be to institute proceedings, but also in cases where a divorce judgment, a determination or declaration of paternity or a statement of gender reassignment has to be served. In situations such as these, your data are purely needed to serve the documents in question.

**If you are the defendant - natural person (the documents are drawn up at your expense), we collect:**

- The data we need to carry out our statutory duties: surname, first name, gender, national register number, date of birth, place of domicile, place of residence or address for service, as applicable.
- Your contact details and data for financial management purposes: email addresses, landline and mobile numbers, details about your financial accounts.

If we are dealing with an enforcement matter, we may need to determine your financial and family situation in which case we collect information about your sources of income or benefits, about any vehicles that are registered in your name, about your assets, your matrimonial property regime.

Sometimes we also need to collect data about your family situation. This may be to institute proceedings, but also in cases where a divorce judgment, a determination or declaration of paternity or a statement of gender reassignment has to be served. In situations such as these, your data are purely needed to serve the documents in question.

**If you are a supplier, a sub-processor or member of staff - natural person, we collect:**

- The data required to meet our accounting and tax obligations: your surname, first name, enterprise number, VAT number, address of your place of business, opening hours, contact details (email address, mobile number, landline number) and financial data (account number).

## Why do we collect data?

**If you are acting as principal - natural person (you entrusted us with an assignment in your capacity of lawyer, notary, private citizen, etc.), we collect the aforesaid data to:**

- Carry out our statutory duties listed above.
- Comply with our duty to inform and our obligation to forward the funds available as provided by law and under our code of ethics.
- Communicate with you so that your file is followed up swiftly and efficiently, more specifically to contact you for further instructions.

**If you are the claimant - natural person (i.e. we are acting at your request), we collect the aforesaid data to:**

- Carry out our statutory duties listed above.

- Comply with our duty to inform and our obligation to forward the funds available as provided by law and under our code of ethics, more specifically to refund any overpayments.
- Communicate with you so that your file is followed up swiftly and efficiently, more specifically to contact you for further instructions.

**If you are the defendant - natural person (the documents are drawn up at your expense) we**

- Mainly process your data to carry out our aforementioned statutory duties.
- Need your contact details so that we can contact you to establish what your intentions and options are in terms of complying with the order being enforced against you.
- Require your data to assess your financial situation, such as your sources of income or benefits, data about any vehicles that are registered in your name, about your immovable assets to establish whether you can comply with the order and, if need be, to bring the enforcement against you to a successful conclusion and to compel you to abide by a judgment that was delivered against you.

**Are you are a supplier, sub-processor or member of staff - natural person?**

- In that case we need the data in question for business administration purposes, i.e. to contact you if we wish to avail of your services and to allow us to settle your invoices.

<p><b>How do we collect the data relating to you?</b></p>
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**If you are acting as principal - natural person (you entrusted us with a task in your capacity of lawyer, notary, private citizen, etc.), we collect the data in question as follows:**

- If you entrust us with an assignment we collect the contact details you share with us in your correspondence, email messages, in the course of our telephone conversations, as well as any other personal data you provide us with at our request.

- If we don't have your banking details yet, we simply copy them from any payments you issue.

**If you are the claimant - natural person (i.e. we are acting at your request) we collect the data in question as follows:**

- If you entrusted us with an assignment we collect the contact details you share with us in your correspondence, email messages, in the course of our telephone conversations, as well as any other personal data you provide us with at our specific request.
- If we don't have your banking details yet, we simply copy them from any payments you issue.
- Where a principal intervenes, we also need to obtain data from your principal.
- With your express consent or if required in the context of the assignment, we can collect data from the national register of natural persons.

**If you are the defendant - natural person (the documents are drawn up at your expense), we collect the data in question as follows:**

- Via the principal and/or the claimant.
- We collect the contact details you share with us in your correspondence, email messages, in the course of our telephone conversations, as well as any other personal data you provide us with at our specific request.
- We copy your banking details from any payments you issue.
- We can also collect any data we need from the following sources:
  - o The judicial authorities (judgments we are entrusted with).
  - o The National Register: in the context of our statutory and additional activities.
  - o The Belgisch Staatsblad [Belgian Official Gazette]: a publication that is freely available.
  - o The Crossroads Bank for Enterprises: this open database is freely accessible.
  - o Foodweb: this open database is freely accessible.
  - o The Central Database of Notices of Distraint, Assignment, Transfer and Collective Debt Settlement.

- The Vehicle Registration Department: in the context of our statutory activities and on the basis of a judgment.
- The Crossroads Bank for Social Security (where you work or who pays your benefits): in the context of our statutory activities and more specifically in the case of an enforcement order.
- Your employer: in the context of an enforcement order.
- The Register of Pledges: this database is freely accessible.
- The Land Registry: in the context of a statutory activity; this database is freely accessible.
- Mortgages: this register is freely accessible.
- Registration office: this register is freely accessible.
- Judicial officer's findings: the judicial officer visits the place and draws up a report.
- Confrères: judicial officers exchange information about the enforcement options.
- Social networks and public data that are freely accessible on the Internet: these databases are freely accessible.

**Are you a supplier, sub-processor or member of staff - natural person?** In that case we collect the data in question as follows:

- If you entrust us with an assignment we collect the contact details you share with us in your correspondence, email messages, in the course of our telephone conversations, as well as any other personal data you provide us with at our specific request.

### **Transfer of data to third parties**

We only transfer your data to third parties if compelled to do so by law or in cases where the third party is a supplier or sub-processor whom we concluded a non-disclosure agreement with and who has taken the appropriate measures to protect your personal data.

When the data transfer is performed in virtue of a statutory provision, the authorities that request your data from us are obliged to use them for the specific purpose assigned to them by law.

Our firm always concludes a sub-processing agreement, i.e. a framework agreement, in accordance with the GDPR before we transfer any data to suppliers, sub-processors or members of staff. The data can only be used for the purpose described in that agreement. On no account is the sub-processor permitted to pass on your data to third parties.

**If you are acting as principal - natural person (you entrusted us with a task in your capacity of lawyer, notary, private citizen, etc.),** we transfer your files to third parties in the following cases:

- If the identity of the principal needs to be disclosed in the context of the action undertaken, on condition that the third parties have an interest in the action in question.
- Insofar as necessary for the successful outcome of the procedure and to allow us to contact you.

**If you are the claimant - natural person (i.e. we are acting on your behalf),** we transfer your files to third parties in the following cases:

- Whenever we are asked to draft documents or reports in relation to a file you entrusted us with, including any letters that should ensure the successful outcome of the procedure, we are obliged to disclose your statutorily required personal details (surname, first name, gender, place of domicile or residence), as well as your national register number if a court summons needs to be issued).
- Where stipulated by law, we must share our documents with certain bodies; this can be done by way of a copy (Registration, the Public Prosecutor, the PCSW, the Registry, other judicial officers) or by extract (Inland Revenue, the Central Database of Notices of Distraint).
- If you are not represented by a principal, your contact details may be passed on to third parties to facilitate the successful outcome of the procedure so that they can contact you.

**If you are the defendant - natural person (the documents are drawn up at your expense),** we pass on your files to third parties in the following cases:

- Whenever we have been asked to draft documents or reports at your expense, your statutorily required personal details (surname, first name, gender, place of domicile or residence) must be included, as well as your national register number if a document needs to be registered for mortgage purposes).
- Where stipulated by law, we must share our documents with certain bodies; this can be done by way of a copy (Registration, the Public Prosecutor, the PCSW, the Registry, other judicial officers) or by extract (Inland Revenue, the Central Database of Notices of Dstraint).

**If you are a supplier, sub-processor or member of staff - natural person,** we transfer your files to third parties in the following cases:

- If the law stipulates that the supplier, sub-processor or member of staff must be identified, in particular in cases where third parties file a liability claim.

## **Your consent**

Whether you are a principal, claimant or defendant, the judicial officers and their staff only process your personal data in the context of the statutory assignment the judicial officer, charged with a task in the public interest, was entrusted with in the context of the exercise of his official authority (GDPR art. 6,1, e). In this respect your consent is not required since your data must be processed to carry out our statutorily defined duties.

If you are a supplier, sub-processor or member of staff, your consent will be expressly included in the sub-processing agreement

**General protection of personal data on the website  
[www.debray.be](http://www.debray.be) and the underlying sites**

To enhance your browsing experience, the website [www.debray.be](http://www.debray.be) uses **cookies**. Cookies are tiny digital files that are transmitted to and stored on your computer. The next time you visit our website, the data are sent back to the site administrator to allow him to tailor our website to your specific requirements. Cookies inter alia store information about the number of times you visit our website, about how often you visit our website and about the pages you browse. For statistical purposes we also collect your IP address to allow us to determine where you connected to our website from.

Via your browser settings, you can either refuse cookies or ask to be notified any time cookies are about to be placed on your computer. Your browser also allows you to delete cookies.

Purely for statistical purposes and to prevent any hacking, the data we collect via these cookies are retained for 6 months. On no account do we transmit these data to third parties or use them for purposes other than the ones specified above.

## Your rights

Articles 15 to 18 of the GDPR list the rights you can exercise.

For instance, you are entitled to access any data relating to you we have in our possession that were collected by us. You are free to exercise this right at any time.

If the data prove to be incorrect, you are entitled to have them rectified. This right can be exercised only with respect to data we did not obtain via another source. Where the data that need to be corrected come from another data source (NR, VRD, Land Registry, Registration, CBSS, etc.) you will need to contact the relevant database administrator.

You are entitled to have your data erased once their retention period has expired.

We systematically erase all data within the year of their retention period having expired.

## Data retention period

Data are stored for a period of 10 years after the judicial officer's task has been completed; this is the maximum retention period to allow us to comply with our statutory, fiscal and accounting obligations and the obligations in matters of civil liability.

## **How do we ensure that your data are protected?**

We take all the appropriate technical and organisational measures to secure and protect the personal data we collect via our website or via the assignments you entrust us with.

We store these data on internal servers that are protected by means of a firewall and are based at our premises. Furthermore, we keep an encrypted backup in a secure data centre located within the territory of the European Union (we do not use a Cloud service). The employees involved in the processing of personal data are contractually bound to maintain the strictest confidentiality. Your data are accessible only to the people authorised to deal with your query or file. These persons must identify themselves and log in via their electronic identity card, issued by the Belgian State, and a personal password. To guarantee the continuous traceability of all processing activities, all processing of personal data is indelibly traced whenever data are entered, consulted, amended and erased.

## **Data Controller**

Our data controllers are Me Quentin Debray, judicial officer in 1150 Sint-Pieters-Woluwe, and the BVBA EDKD, CBE 0479.100.321, Herendal 15-19 in B-1150 Sint-Pieters-Woluwe (Belgium).

You can contact our data protection officer (DPO) at the following email address: [privacy@debray.be](mailto:privacy@debray.be).