


NFC Voucher

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 **Keyware**


Integri
Clear2Pay Card Division


Clear2Pay

 **ibbt**
connect.innovate.create

Legal Aspects

e-Money and Privacy

Content

- Research Topics
- e-Money
- Privacy

Research Topics

- E-Money
 - Legal requirements concerning voucher exchange
- Privacy
 - NFC transactions could be potentially harmful
 - Specify legal requirements for privacy-observance

E-Money: Initial Framework

- Issuing of electronic vouchers allowed
- Issues in initial Legal Framework
 - voucher issuer = e-money issuer
 - Only allowed for credit Institution located in Belgium
 - Stringent requirements for recognition as credit institution
 - Financial capital requirements
 - Managements requirements

E-Money Directive 2009/110/EC

- New Directive published late 2009
- Excludes meal vouchers from applicability
 - Not subject to provisions of Directive
 - Exempts issuer from stringent requirements imposed on credit institutions

Privacy: general (1)

- Different Controllers present
 - Issuer: vouchers
 - Employer: employee data
 - Affiliate: data on purchased goods
- All operations must be in compliance with data protection legislation

Privacy: general (2)

- Principles
 - Fair and lawful processing
 - Legitimate Purpose
 - Relevant and non-excessive
 - Accurate and up-to-date

Privacy: e-Voucher

- Different legal basis for processing
 - Employer-employee relationship
 - Contract between beneficiary and affiliate
- Use of Vouchers by beneficiary requires consent with terms of use
 - Freely given
 - Specific
 - informed

Privacy: Direct Marketing

- Free, specific and informed consent
- Opt-out (3 cumulative conditions)
 - Customers of service providers
 - Products or services of the same kind that he offers
 - Offer possibility of opposition free of cost and in an easy way

Recent Evolutions

- Belgian Government is setting up framework for e-Vouchers
 - Royal Decree and Ministerial Decree (awaiting publication)

Thank you for your attention!

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