

Notification regarding the processing of personal data within ABOGAR SRL – Hotel Lido

1. How to contact us

ABOGAR SRL – Hotel Lido

J35/1236/1992

TAX CODE 2483866

18 – 20 Iosif Bulbuca Street

Timisoara, Timis county

ROMANIA

www.hotel-lido.ro

reservations@hotel-lido.ro

2 What does our Notification Note cover?

2.1

This notification:

1. 2.1.1 produces effects from: 25.05.2018
2. 2.1.2 is published on: 09.05. 2018

2.2

This notification note applies to:

3. 2.2.1 our website: www.hotel-lido.ro
4. 2.2.2 our email
5. 2.2.3our legitimate activity– Hotel Lido.

3 Why and how we protect your personal data ?

3.1 We collect your email for the registration and submission of the data requested on the www.hotel-lido.ro website, for reservations, for communicating with you, for the conduct of our legitimate activity.

3.2 We collect your name for your registration for accommodation, for your registration on the www.hotel-lido.ro website, for bookings, for the conduct of our legitimate business.

3.3 We collect data on your occupation for your accommodation registration and for the conduct of our legitimate business.

3.4 We collect data on your professional premises / address for your accommodation registration and for the conduct of our legitimate business.

3.5 We use the content of your written messages on the www.hotel-lido.ro website and the data transmitted by you for such content is necessary for your registration in order to accommodate and carry out our legitimate activity. The collection of this personal data and texts of your written messages on the www.hotel-lido.ro website is the result of an action by which you choose to make the respective data manifestly public and the processing of such data shall be done on the basis of our legitimate interest to offer accommodation and achieve the company's activity.

3.6 We collect the date of birth for your registration for the purpose of accommodation and the conduct of our legitimate business.

3.7 We collect your ID in order to allow you to log in, keep you logged in as you navigate through the pages of our site as well as to allow you to access the facilities of www.hotel-lido.ro account.

3.8. We collect video or audio materials from courses in virtue of our legitimate interest to transmit the materials produced by us as much as possible. By participating in the course and implicitly by accepting this set of terms and conditions, the participant agrees that ABOGAR SRL may use the pictures, video or audio material created by the ABOGAR SRL personnel or contractors during the courses, without the need for a special request of acceptance of the participant.

4 Who is responsible for processing your personal data?

4.1 ABOGAR SRL - Hotel Lido:

6. decides why your personal data is processed;

7. decides how your personal data is processed;

8. is responsible for processing your personal data.

4.2. We have a personal data protection officer.

5 From whom and how do we collect your personal data?

5.1 9. We collect your personal data directly from you.

5.2 10. We collect your personal data electronically using a web form.

11. We collect your personal data as a result of your voluntary transmission to us by any means, by virtue of our activity and of advertisements published in any media, by display or on-line.

5.3

12. When you provide us with your personal data, your supply is:

13. 5.3.1 Permitted and voluntary. You can provide it freely: name, email, phone, message content written in the site or email, professional address / home address, profession, date of birth;

5.3.2 permitted and mandatory. You need to provide: contact details and registration data for accommodation purposes.

5.4 If you fail to provide your voluntary personal data, then this can not affect you.

5.5 If you fail to provide us your mandatory personal data then it may affect you: You will not be able to benefit from the services we provide because it is related to the company's activity.

5.6

15. Mandatory provision of personal data is:

16. 5.6.1 a legal requirement.

17. 5.6.2 a contractual requirement.

18. 5.6.3 a requirement to enter into a contract.

6 What are our legal grounds for processing your personal data?

6.1

We process:

19. 6.1.1 "non-sensitive" personal data.

20. 6.1.2 "sensitive" personal data.

6.2

The legal basis for processing your "non-sensitive" personal data is:

21. 6.2.1 your consent.

22. 6.2.2 a contract to which you are a party.

23. 6.2.3 a request from you before entering into a contract. The request justifies the processing of your personal data.

24. 6.2.4 the need to comply with a legal obligation to which we are subject.

25. our legitimate interest or the legitimate interest of a third party.

We process your personal data based on interests that are:

26. legitimate;

27. real;

28 present.

Processing your personal data is necessary for the legitimate interests we are pursuing.

Our legitimate interests can be removed by your interests and your fundamental rights.

We adequately protect your interests and rights and freedoms.

We provide a link to a document that explains that our legitimate interest has priority over your interests or fundamental rights and freedoms: www.hotel-lido.ro

6.3

29. The legal basis for processing your "sensitive" personal data is that processing refers to personal data that you clearly and voluntarily make public.

7 In what situations do we process your personal data?

7.1

30. We collect personal data:

31. 7.1.1 of partners and / or clients.

32. 7.1.2 Jobseekers, employees, readers, site users, community members, registered consultants, participants in events, etc.

7.2

We are a private enterprise.

7.3

We process your personal data from the private sector.

7.4

We process your personal data in a situation involving:

33. 7.4.1 an activity that is professional or commercial.

34. 7.4.2 an activity of providing services.

35. 7.4.3 an online activity.

36. 7.4.4 a contract or relating to an entry into a contract.

37. 7.4.5 your personal data, provided directly as a partner, beneficiary or customer.

8 We do not use automated profiling processes and automated decisions or profiling performed with human intervention.

9 About the purposes, for which we process personal data ,

9.1 We process your personal data for the purposes described in Section 3.

Our purposes for which we process personal data are:

38. real;

39. current;

40. legitimate.

9.2 We do not process your personal data for secondary purposes that are incompatible with the primary purposes for which your personal data is originally collected:

41. without your prior consent;

42. if there is no legitimate interest in this;

43. without a legal basis.

9.3 We inform you before processing your personal data for secondary purposes:

44. if we initially collect your personal data for a primary purpose;

45. if our secondary purpose is incompatible with the primary purpose.

10 How long do we keep your personal data?

46. 10.1.1 We limit the length of time your personal data is stored to what is required for our processing purposes.

47. 10.1.2 We review the need for your personal data to be retained: Every year, we analyze the data collected and processed in order to filter, sort and maintain only the of data where the purpose of the processing is current.

48. 10.1.3 We delete your personal data within a specified timeframe: We delete your data at one year from the date your relationship with us ends (the applicable clause for employment announcements and employment contracts or other types of contracts, from the moment you no longer have a contract with us).

49. 10.1.4 We delete your data at the moment you request it, except for the data whose supply and processing is required by a legal provision, which we delete within the time-limit prescribed by law (invoicing data in 5 years).

10.2 If the retention of your personal data is required for the purposes specified by law, we may retain your personal data.

11 Do we reveal your personal data?

11.1 We disclose your personal data to recipients /beneficiaries / clients.

11.2 The legal framework on which we disclose your personal data to recipients is your consent.

11.3 If in the future we will disclose your personal data to a recipient, then we will inform you of the timing of the disclosure and the name of the recipients.

12 Do we transfer your personal data outside the EU or EEA?

12.1 We do not transfer your personal data

50. in non-EU or EEA countries;

51. to international organizations.

13 Are your personal data kept safe?

13.1 We shall keep your personal data safe:

52. with appropriate technical measures;

53. with appropriate organizational measures;

54. with an adequate level of security;

55. against unauthorized processing;

56. against unlawful processing;

57. against accidental or unlawful loss;

58. against accidental or unlawful destruction;

59. against accidental or unlawful damages.

www.hotel-lido.ro/politica-securitatea-datelor

13.2 We have implemented measures to:

60. 13.2.1 discover the security breaches
61. 13.2.2 document the causes of the security incident.
62. 13.2.3 document which personal data are affected by the security incident.
63. 13.2.4 document the actions (and the reasons for the actions) for the remedy of the security breach.
64. 13.2.5 limit the consequences of the security incident.
65. 13.2.6 recover personal data.
66. 13.2.7 return to the normal state of processing personal data.

13.3 If we have a reasonable degree of certainty that a breach of the security in the processing of your personal data occurred, then:

67. 13.3.1 We report the security incident to the management of our company.
68. 13.3.2 designate a person responsible to:
 69. discover whether the breach of security may have adverse effects on you;
 70. inform the relevant staff in our organization;
 71. determine the extent to which it is necessary a notification to the Supervisory Authority concerning the security incident;
 72. determine whether it is necessary to disclose information about the security incident.
73. 13.3.3 investigate the security incident.
74. 13.3.4 We try to prevent the security incident from leading to:
 75. the accidental or unlawful destruction of personal data;
 76. accidental or unlawful loss of control of personal data;
 77. accidental or unlawful loss of access to personal data;
 78. accidental or unlawful alteration of personal data,
 79. unauthorized disclosure of personal data;
 80. unauthorized access to personal data.
81. 13.3.5 we make every effort to mitigate the immediate risk of injury.
82. 13.3.6 we notify the Supervision Authority regarding the security incident if the breach is likely to lead to a high risk for your rights and freedoms.
83. 13.3.7 We inform you of the breach of security:
 84. if the violation is likely to lead to a high risk for your rights and freedoms; 85. as soon as possible;
 86. via suitable contact channels, e.g. by e-mail, SMS, prominent banners on our site, postal communications, prominent advertisements in the media, etc.
87. 13.3.8 we are not obliged to inform you directly if:
 88. we have taken steps to make your personal data incomprehensible to anyone who is not authorized to access them;
 89. right after the security incident, we have taken steps to ensure that the high risk for your rights and freedoms is no longer possible;
 90. would involve disproportionate efforts. In such a case, we shall inform you through public networks.

14 Are we certified and have we adhered to a conduct code ?

14.1 We do not use an approved certification body to certify compliance with the law, for the sole reason that in Romania there is no such certified body yet.

14.2 We have not adhered to an approved conduct code, which demonstrates that we comply with the law when processing your personal data, for the sole reason that there is no such code approved by the Supervisory Authority in Romania. As soon as this entries into force, we will adhere to its principles.

15 What are your rights?

15.1 We respect your rights regarding the protection of your personal data.

15.2 You have the right to access your personal data.

In case you ask us to confirm whether we process your personal data or not, then you have a right according to which we must confirm that we:

91. process your personal data;

92. do not process your personal data.

Your right to obtain confirmation from us that we process (or do not process) your personal data:

93.does not include anonymous data;

94.includes only personal data concerning you;

95.includes pseudonym data that may be clearly related to you.

We must give you access to your personal information if:

96. you ask us to confirm whether we process your personal data or not;

97. we process your personal data;

98. request access to your personal data.

We need to provide you with a copy of your personal data if:

99. you ask to confirm whether or not we process your personal data;

100.we process your personal data;

101. you request a copy of your personal data.

If you request additional copies of your personal data, then we can charge you a reasonable fee, which is based on the administrative costs necessary to meet your request.

You are entitled to the warranty information that we have implemented for the transfer of your personal data to a country outside the EU and EEA in case :

102. you ask to confirm whether we process your personal data or not;

103. we transfer your personal data to a country outside the EU and EEA.

15.3 You have the right to rectify your personal data.

The right to obtain the rectification of your inaccurate personal data:

104. does not include anonymous data;

105. includes only personal data that concern you;

106. includes pseudonym data that may be clearly related to you. We need to rectify your personal data if:

107. we process your personal data;

108. your personal data is inaccurate;

109. ask for your personal data to be rectified.

We need to complete your personal data if:

110. we process your personal data;

111. your personal data is incomplete;

112. you request that you complete your personal data.

You have the right to provide us with an additional statement.

We must communicate rectification of your personal data to your recipients of personal data (if any).

We do not communicate the rectification of your personal data to the recipients of your personal data if the communication to the recipient:

113. is impossible;

114. involves a disproportionate effort.

15.4 You have the right to delete your personal data.

We need to delete your personal data without undue delay if:

115. you ask for the deletion of your personal data;

116. we process your personal data;

117. your personal data is not necessary for our purposes to process your personal data.

We need to delete your personal data without undue delay if:

118. you ask for personal data deletion;

119. we process your personal data;

120. withdraw the consent on which your personal data is processed;

121. there is no other legal basis for processing your personal data.

We must delete your personal data without undue delay if:

122. you request to have your personal data deleted;

123. we process your personal data;

124. the processing of your personal data is necessary for the performance of a public interest task ;

125. the processing of your personal data is necessary in the exercise of an official authority with which it is invested;

126. processing is necessary for the legitimate interests we pursue;

127. processing is necessary for the legitimate interests which a third party pursues;

128. you object against our processing of personal data;

129. your personal data processing has a legitimate reason that does not prevail over your objection.

We need to delete your personal data without undue delay if:

130. you ask for the deletion of your personal data;

131. process your personal data;

132. appeal to our processing of your personal data for direct marketing purposes;

133. processing your personal data is a legitimate reason that does not prevail over your objection.

We must delete personal data without undue delay if:

134. you demand your personal data deletion;

135. processing your personal data is illegal.

We have to delete personal data without undue delay if:

136. you ask for the deletion of your personal data;

137. personal data must be deleted for compliance with a legal obligation not covered by Union or national law.

We must delete your personal data without undue delay if:

138. you ask for personal data deletion;

139. your personal data has been collected in connection with the provision of information society services.

We must notify the deletion of your personal data to the recipients we disclose (if any).

We do not notify your personal data deletion to the recipients to whom we disclosed it already, if notification to the recipient:

140. is impossible;

141. involves a disproportionate effort.

15.5 You have the right to obtain from us the restriction of the processing of your personal data.

Your right to obtain restrictions on the processing of your personal data

142. does not include anonymous data;

143. includes personal data that concerns you;

144. includes pseudonym data that may be clearly related to you.

We must restrict the processing of your personal data for a period of time in order to verify the accuracy of your personal data if:

145. you request to obtain a restriction of your personal data processing;

146. you challenge the accuracy of your personal data.

We must restrict the processing of your personal data if:

147. you request that you restrict the processing of your personal data;

148. processing your personal data is illegal;

149. you oppose against the deletion of your personal data.

We must restrict the processing of your personal data if:

- 150. you request to obtain a restriction over the processing of your personal data;
- 151. we do not need your personal data for our processing;
- 152. you request your personal data to establish a legal complaint;
- 153. request your personal data to make a legal complaint;
- 154. you need your personal data to defend yourself against a legal complaint.

We need to restrict the processing of your personal data if:

- 155. you request restriction over the processing of your personal data;
- 156. you object to processing of your personal data necessary for the performance of a task we perform in the public interest;
- 157. you oppose against the processing of your personal data that is necessary for the exercise of an official authority entrusted to us;
- 158. you oppose the processing of your personal data that is necessary for the legitimate interests we pursue;
- 159. you expect to see if processing of your personal data has a legitimate reason that does not exceed your objection.

We must notify the restriction of processing your personal data to recipients of your personal data (if any).

We do not communicate restricting the processing of your personal data to the recipients of your personal data if the communication to the recipient:

- 160. is impossible;
- 161. involves a disproportionate effort.

If we restrict the processing of your personal data, then we can:

- 162. store your personal data;
- 163. process your personal data based on your consent;
- 164. process your personal data to establish a legal claim;
- 165. process your personal data to make a legal complaint;
- 166. process your personal data to defend ourselves against a legal complaint;
- 167. process your personal data to protect a person's rights;
- 168. process your personal data for reasons of public interest of the Union or of a Member State.

If you obtain a restriction on the processing of your personal data, we need to inform you before the restriction withdrawal.

15.6 If we process your personal data for direct marketing purposes, including profiling (to the extent that it is related to such direct marketing), you have the right to object to the processing of your personal data for that purpose.

Your right to object to the processing of your personal data for direct marketing purposes:

- 169. it is a right that you have at all times;
- 170. does not include anonymous data;
- 171. includes personal data that concern you;
- 172. does not include personal data that do not concern you;
- 173. includes pseudonym data that may be clearly related to you.

If you object to the processing of your personal data for direct marketing purposes then we must omit the processing of your personal data for this purpose.

If we process your personal data for direct marketing purposes, including profiling (insofar as it is related to such direct marketing), then:

- 174. we must notify this right to you at the latest time at our first communication with you;
- 175. we must present this right in a clear and separate way from any other information.

16 How can you exercise your rights?

16.1 We invite you to communicate with us about the exercise of your personal data protection rights.

16.2 We only accept written requests because we can not deal with verbal requests immediately, without first analysing the content of the request and without identifying you first.

Your application must contain a detailed and precise description of the right you wish to exercise.

You need to provide us with a copy of an identification document to confirm your identity as, for example:

- 176. identity card;
- 177. passport.

The document must contain:

- 178. an identification number;
- 179. the country of issue;

180. the period of validity;

181. your name;

182. your address;

183. Your birth date.

Any other data contained in the copy of the identification document, such as a photo or any other personal features, may be masked.

We will not accept other means of assuring your identity.

If you want to propose alternatives, we will evaluate them on a case-by-case basis.

The use of the information in your identification document:

184. is limited to affirmation of your identity;

185. will not generate a storage of your personal data more than is necessary for that purpose or for the purpose of our legitimate activity which you have consented to by transmitting the document.

You may submit your request for the protection of your personal data on:

186. our web form: www.hotel-lido.ro;

187. e-mail address: reservations@hotel-lido.ro;

188. the email address of the contact person and / or responsible for protection of personal data;

189. directly to the company's headquarters or work points registered with the ORC;

190. other contact addresses notified to you

16.3 You will receive our response to your requests for the protection of your personal data on our web form <https://www.hotel-lido.ro> and / or directly to your contact addresses officially notified to us: e-mail, home address, workplace, etc.

16.4 We have appointed a person in charge of handling your requests for the protection of your personal data.

16.5 We have implemented policies to ensure that a of your personal data protection request is acknowledged and resolved within the deadlines set by law.

16.6 We inform you about how we handle your application (exercising your rights) regarding the protection of your personal data within one month from your application receipt.

17 Do you have the right to file a complaint?

17.1 You can file a complaint with a supervisor:

- 191. at your usual EU and EEA domicile;
- 192. your place of work in the EU and the EEA;
- 193. at the place of the alleged infringement in the EU and the EEA.

The Supervisory Authority must inform you within a reasonable time of the progress and the outcome of the complaint.

17.2 You can mandate an organization to file a complaint on your behalf with a supervisor.

The supervisory authority must inform you within a reasonable time of the progress of the complaint and the outcome of the complaint.

17.3 You have the right to seek legal redress in the EU and the EEA against an Operator, a Proxy and a Surveillance Authority.

17.4 You may mandate an organization to exercise, on your behalf, the right to a judicial remedy and to compensation for damage resulting from a personal data breach.

18 Can you choose privacy settings?

18.1 At this time, you cannot declare your choice of processing your personal data.

19 Will you be informed about changes to privacy policy?

19.1 If we change the privacy policy, we will publish a new version of it.

19.2 We do not provide previous versions of our privacy policy.

20 Explanation of the terms and phrases used in this Notification Note

20.1 All terms and expressions used in this Notification Note will have the meaning given below, unless otherwise specified in the Notification Note:

20.1.1 "personal data" means any information relating to an identified or identifiable natural person ("the data subject")

- an identifiable natural person is a person who can be identified, directly or indirectly, in particular by reference to an identifier such as:

194. a name

- 195. an identification number
- 196. location data
- 197. an online identifier
- 198. the physical identity of a natural person
- 199. the physiological identity of a natural person
- 200. the genetic identity of a natural person
- 201. the mental identity of a natural person
- 202. the economic identity of a natural person
- 203. the cultural identity of a natural person
- 204. the social identity of a natural person

20.1.2 Sensitive personal data are - according to GDPR - called special categories of personal data:

- Personal data is sensitive if the processing of such personal data reveals:

- 205. racial origin;
- 206. Ethical origin;
- 207. political opinions;
- 208. religious beliefs;
- 209. philosophical beliefs;
- 210. belonging to a trade union.
- 211. Personal data is also sensitive if:
- 212. genetic data is processed for the purpose of uniquely identifying a natural person;
- 213. biometric data is processed for the purpose of uniquely identifying a natural person.
- 214. Sensitive personal data also includes:
 - 215. data relating to health state;
 - 216. data relating to the sexual life of a natural person;
 - 217. data relating to the sexual orientation of a natural person.

20.1.3 The usual personal data is - in GDPR - personal data that is not special categories of personal data. There is no exhaustive list of these personal data.

20.1.4 Pseudonymization of Personal Data means the processing of personal data in such a way that it can no longer be attributed to a particular data subject without the use of additional information provided that such additional information is stored separately and is subject to technical and organizational measures to ensure that such personal data are not allocated to an identified or identifiable natural person.

20.1.5 Processing means any operation or set of operations performed on personal data or on personal data sets with or without the use of automated means such as:

- 218. collection;

- 219. registration;
- 220. organization;
- 221. structuring;
- 222. the storage;
- 223. adaptation;
- 224. alteration;
- 225. extraction;
- 226. consultation;
- 227. the use;
- 228. deletion or destruction;
- 229. etc.

20.1.6 Restriction of processing means the marking of personal data stored in order to limit their processing in the future.

20.1.7 The purpose of the processing is the reason for the processing of personal data.

230. Profiling:

231. (1) must be an automatic form of processing, including:

232. Automatic Exclusive Processing (referred to in Article 22 of GDPR);

233. partially automatic processing (if a person is involved in the processing of personal data does not necessarily mean that processing is not profiling).

234. (2) must be carried out with respect to personal data;

235. (3) the purpose of profiling should be to assess the personal aspects of a natural person, in particular to analyze or make predictions about individuals.

Note that simply rating or categorizing people automatically based on characteristics such as their age, gender, and height could be considered automated profiling, regardless of the predictive purpose.

20.1.9 Decisions based solely on automatic processing:

236. (1) means making decisions by technological means without human involvement;

237. (2) is based on personal data:

238. provided directly by the persons concerned (such as answers to a questionnaire);

239. observed with regard to individuals (such as location data collected through an application);

240. derived or deducted, such as the profile of the person who has already been created (e.g., a credit score) can be made with or without profiling; profiling can take place without making automated decisions.

20.1.10 Operator refers to a natural or legal person, a public authority, an agency or other body which, alone or with others, that establishes the purposes and means of

processing personal data; where the purposes and means of processing are laid down by Union or national law, the operator or the specific criteria for designating it may be laid down in Union or national law.

20.1.11 Entitled means the natural or legal person, public authority, agency or other body processing personal data in the name and on behalf of the operator.

20.1.12 Recipient means the natural or legal person, public authority, agency or other body to which personal data is disclosed, whether or not it is a third party. However, public authorities to whom personal data may be communicated in a particular investigation under Union or national law shall not be considered as recipients; the processing of such data by the respective public authorities complies with the applicable data protection rules in accordance with the purposes of the processing.

20.1.13 Third Party means a natural or legal person, a public authority, an agency or body other than the data subject, the operator, the person empowered by the controller and the persons under the direct authority of the operator or the person empowered by the operator to process data personal.

20.1.14 Representative means a natural or legal person established in the Union, designated in writing by the operator or the person empowered by the operator pursuant to Article 27, representing the operator or the person empowered to do so in respect of their respective obligations under this Regulation .

20.1.15 Supervisory Authority means an independent public authority set up by a Member State pursuant to Article 51 of the GDPR.

20.1.16 Mandatory corporate rules refers to policies on the protection of personal data to be respected by an operator or a person empowered by an operator established in the territory of a Member State in respect of transfers or sets of personal data transfers to an operator or person empowered by the operator in one or more third countries within a group of undertakings or a group of undertakings engaged in a joint economic activity.

20.1.17 EU-US Privacy Shield:

241. The EU-US Privacy Shield was set up by the US Department of Commerce and the European Commission to provide companies on both sides of the Atlantic with a mechanism to comply with data protection requirements when transferring data staff from the European Union to the United States in support of transatlantic trade. On July 12, 2016, the European Commission approved the EU-US Privacy Shield as appropriate to allow data transfer in line with EU law.

20.1.18 Commission Determination Decisions:

242. The European Commission has the competence to determine, according to the Article 45 of the GDPR, whether a non-EU country provides an adequate level of data protection either through its internal legislation or through the international commitments it has made.

243. The effect of such a decision is that personal data may come from the EEA (EU and Norway, Liechtenstein and Iceland) in that third country without any further protection needed.

244. The European Commission has so far recognized an adequate level of protection for Andorra, Argentina, Canada (trade organizations - PIPEDA), the Faroe Islands, Guernsey, Israel, Man Island, Jersey, New Zealand, Switzerland, Uruguay and the USA (limited within Privacy Shield).

20.1.19 Violation of personal data security refers to a security breach that accidentally or unlawfully leads to the unauthorized destruction, loss, modification, or disclosure of personal data transmitted, stored or otherwise processed; or to unauthorized access to them.

20.1.20 An enterprise refers to a natural or legal person carrying on an economic activity, irrespective of its legal form, including partnerships or associations which regularly carry out an economic activity.

20.1.21 "Business group" refers to an undertaking exercising control and the undertakings controlled by it;

20.1.22 International Organization refers to an organization and its subordinate bodies governed by public international law or any other body established by an agreement concluded between two or more countries or pursuant to such an agreement.