

**Crowley Carbon
Data Protection Policy**

May 2018

1. Introduction

Crowley Carbon Limited and its subsidiaries (“**Crowley Carbon**”) collects, processes and uses data (in electronic and manual format) for a variety of purposes about its employees and other individuals who come in contact with Crowley Carbon.

The General Data Protection Regulation (the “**GDPR**”) and the Data Protection Acts 1988 to 2018 (“**Data Protection Law**”) confer rights on individuals regarding their personal data as well as responsibilities on those persons processing personal data.

This policy outlines the obligations of Crowley Carbon under Data Protection Law and describes the steps to be taken to ensure compliance with those obligations.

This policy applies to Crowley Carbon’s employees and any other person who interacts with Crowley Carbon.

It is the responsibility of all employees of Crowley Carbon to comply with this policy.

2. Purpose

This policy is a statement of Crowley Carbon’s commitment to protect the rights and privacy of individuals, and to enable them to exercise their rights, in accordance with Data Protection Law. It is Crowley Carbon’s policy to ensure that it processes personal data in accordance with Data Protection Law and the terms of this policy.

3. Definitions

“**Controller or data controller**” means any person who, either alone or with others, controls the purposes and means of the processing of personal data. Controllers can be either legal entities such as universities, companies, government departments or voluntary organisations, or they can be individuals.

“**Processor or data processor**” means a person who processes personal data on behalf of a controller but does not include an employee of a controller who processes such data in the course of his/her employment.

“**Data subject**” means an individual who is the subject of personal data.

“**Personal data**” means information relating to a living individual who is or can be identified either directly or indirectly, including by reference to an identifier (such as a name, an identification number, location data or an online identifier or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual). This can be a very wide definition depending on the circumstances.

“**Processing**” means performing any operation or set of operations on personal data including: (a) recording the personal data; (b) collecting, organising, structuring, storing, altering or adopting the personal data; (c) retrieving, consulting or using the information or personal data; (d) disclosing the personal data by transmitting, disseminating or otherwise making it available; or (e) aligning, combining, restricting, erasing or destroying the personal data.

“**Special Categories of Personal Data**” means personal data relating to an individual’s: racial or ethnic origin; political opinions or religious or philosophical beliefs; trade union membership; genetic or biometric data processed for the purpose of uniquely identifying a natural person; physical or mental health, including in relation to the provision of healthcare services; sex life or sexual orientation.

Individuals have additional rights in relation to the processing of any such data.

4. Principles of Data Protection Law

As a controller, Crowley Carbon complies with its responsibilities under the legislation in accordance with the following general data protection principles:

a) *Personal data shall be processed lawfully and fairly.*

For personal data to be obtained fairly, data subjects must be provided with certain information, generally at the time at which the personal data is obtained. It is Crowley Carbon's policy to do so by setting out the relevant information in an appropriately worded data protection/privacy notice and to provide this to data subjects at the time that data is collected, where it is possible to do so. See: **Crowley Carbon Data Privacy Notice May 2018**.

The purposes of the processing of personal data by Crowley Carbon include the recruitment and payment of staff, contractual obligations and compliance with statutory obligations.

b) *Personal data shall be collected for one or more specified, explicit and legitimate purposes and shall not be processed in a manner that is incompatible with such purposes.*

Crowley Carbon only processes personal data for purposes that are specific, lawful and clearly stated. Employees should not collect information about people routinely and indiscriminately without having a sound, clear and legitimate purpose for doing so. Crowley Carbon's practice is to keep personal data for lawful purposes which are set out in the data privacy notice.

c) *Personal data shall be adequate, relevant and not excessive in relation to the purposes for which they are processed.*

Crowley Carbon's practice is to ensure that it collects and keeps only such personal data as is necessary for the purposes set out in its data privacy notice. The types of information about individuals which Crowley Carbon collects and keeps are periodically reviewed to ensure compliance with this requirement, and information that is no longer required is deleted in accordance with Crowley Carbon's Record Retention Policy.

d) *Personal data shall be accurate, and, where necessary, kept up to date, and every reasonable step shall be taken to ensure that inaccurate data, having regard to the purposes for which they are processed, is erased or rectified without delay.*

Crowley Carbon seeks to ensure that the personal data it holds is at all times accurate, complete and up to date. Crowley Carbon takes every reasonable step to ensure that personal data that is inaccurate, having regard to the purpose for which it is processed, is erased or rectified without delay and Crowley Carbon's Record Retention Policy.

e) *Personal data shall be kept in a form that permits the identification of a data subject for no longer than is necessary for the purposes for which the data are processed.*

Unless legally required, Crowley Carbon does not retain personal data in a form that permits the identification of data subjects indefinitely. Crowley Carbon's policy is to ensure that its record retention give effect to this principle. The Crowley Carbon records retention schedule

contains details of the periods for which Crowley Carbon retains the various categories of records that it holds.

- f) **Personal data shall be processed in a manner that ensures appropriate security of the data, including, by the implementation of appropriate technical or organisational measures, protection against— (i) unauthorised or unlawful processing, and (ii) accidental loss, destruction or damage.**

Crowley Carbon's practice is to ensure that access to personal data which is held by Crowley Carbon is restricted relevant to work processes. To the extent that any third-party processes personal data on behalf of Crowley Carbon, Crowley Carbon ensures that there is a written agreement in place which includes appropriate security obligations regarding such personal data.

5. Data Subject Rights

Data subjects for whom Crowley Carbon holds personal data have the following rights in relation to the processing of their personal data (subject to certain limited exceptions):

- i. **The right to obtain access to personal data.** Data subjects have the right to be provided with copies of their personal data along with certain details in relation to the processing of their personal data.
- ii. **The right to information.** Data subjects have the right to be provided with certain information, generally at the time at which their personal data is obtained. Crowley Carbon complies with this obligation via its data privacy notice.
- iii. **The right to rectification.** Data subjects have the right to have inaccurate personal data that a controller holds in relation to them rectified.
- iv. **The right to object and restrict processing.** Data subjects have the right to require that a controller restricts its processing of their data in some circumstances and have the right to object to the processing of their personal data in certain circumstances.
- v. **Rights in relation to automated decision making.** Data subjects have the right not to be subjected to processing which is wholly automated, and which produces legal effects or otherwise which significantly affects them, and which is intended to evaluate certain personal matters, such as creditworthiness or performance at work, unless one of a number of limited exceptions applies.
- vi. **The right to request erasure of personal data.** Under certain circumstances a data subject has the right to request the erasure of their personal data.
- vii. **The right to data portability.** Under certain circumstances, Crowley Carbon may be required to provide a data subject with a copy of their personal data in a structured, commonly used and machine-readable format.

Crowley Carbon is obliged to comply with any requests by a data subject to exercise the above rights within strict timelines imposed under Data Protection Law (20 days).

6. Third Parties Processors

Engaging Processors

A processor is a third party that processes personal data on behalf of Crowley Carbon. If a third party has access to personal data that belongs to or is controlled by Crowley Carbon in order to provide a service to Crowley Carbon, then the third party is acting as a processor on behalf of Crowley Carbon.

Prior to engaging processors, Crowley Carbon:

- a) undertakes due diligence to ensure that it is appropriate to engage the processor; and
- b) ensures that it puts in place an agreement in writing with the processor that complies with the requirements under Data Protection Law.

Transfers of Personal Data Outside the European Economic Area (EEA)

Under Data Protection Law, Crowley Carbon may not (save where one of a limited number of exceptions applies) transfer personal data outside of the EEA to any third country, unless that third country is deemed by the European Commission to provide an adequate level of protection in relation to the processing of personal data. The most relevant exceptions are:

- a) the data subject has explicitly consented to the transfer, after having been informed of the possible risks of such transfers for the data subject due to the absence of an adequacy decision and appropriate safeguards;
- b) a data transfer agreement, incorporating the model clauses in the form approved by the EU Commission;
- c) the transfer is made pursuant to a Code of Conduct or a certification mechanism that has been approved under applicable Data Protection Law, together with binding and enforceable commitments of the controller or processor in the third country to apply the appropriate safeguards, including as regards data subjects' rights; and
- d) the data importer is subject to a framework approved by the European Commission to facilitate transfers (e.g. the EU – U.S. Privacy Shield).

7. Data Security

Crowley Carbon implements appropriate technical and organisational measures to ensure a level of security appropriate to the risks to personal data that may arise in connection with the processing activities Crowley Carbon undertakes.

8. Data Incidents and Breaches

Data Protection Law defines a 'personal data breach' as a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.

It is essential that all data security incidents and breaches or suspected incidents and breaches are reported to Brian Monaghan immediately: brian.monaghan@crowleycarbon.com Tel +353 1 274 8880.

Where a personal data breach occurs, it must be reported to the Data Protection Commissioners Office without delay and, where feasible, not later than 72 hours after Crowley Carbon becomes aware of the breach.

9. Responsibilities

Crowley Carbon has overall responsibility for ensuring compliance with the Data Protection law.

All employees and any other person who interacts with Crowley Carbon who collects and/or controls the contents and use of personal data are also responsible for compliance with the Data Protection legislation.

Employees and any other person who interacts with Crowley Carbon must report any personal data security breaches to Brian Monaghan immediately.

10. Contact us

If you wish to make an access request or exercise your rights as outlined under Data Protection Law or have any queries about this policy, please contact Brian Monaghan at:

Crowley Carbon Limited
Powerscourt House
Powerscourt Estate
Enniskerry
County Wicklow
Telephone: +353 1 274 8880
Email: brian.monaghan@crowleycarbon.com

11. Complaints

If you are dissatisfied with the decision of Crowley Carbon, you have the right to make a complaint to the Data Protection Commissioner:

Lo Call Number: 1890 252 231

Fax: +353 57 868 4757

E-mail: info@dataprotection.ie

Postal Address: Data Protection Commissioner, Canal House, Station Road, Portarlington, Co. Laois, R32 AP23.

12. Updates

Crowley Carbon may occasionally update this policy. We encourage you to periodically review this policy for the latest information on our privacy practices. We also encourage you to advise us of any changes to your personal data which we hold so that we can ensure that your personal data is accurate and up to date.