

EMCS Data Protection Policy

Clause 7.5.3

In accordance with EU General Data Protection Regulation (“GDPR”), and any related legislation that is passed by the Isle of Man Government, as of 25th May 2018, the following constitutes EMCS Data Protection Policy.

EMCS intentions are to adopt and embrace the purposes, principals, obligations and rights in accordance with GDPR as mentioned below.

EMCS recognise the purposes of GDPR which are:

- An evolution of the existing Data Protection Rules
- Trying to fix the shortcomings of data protection laws
- Update definitions of personal data
- Legislates common sense personal data security
- Takes a risk based approach

And the following principles of GDPR:

- 1) Lawfulness, fairness and transparency
- 2) Purpose limitation.
- 3) Data minimisation
- 4) Accuracy
- 5) Storage limitation
- 6) Integrity and confidentiality

And Obligations of GDPR:

- Privacy by design
- Data Protection Impact Assessments
- Breach Notifications
- Transparency
- Data Protection Officer

EMCS recognises the following rights of the data subject according to GDPR:

- Right to be informed
- Right of access
- Right to rectification
- Right to erasure
- Right to be forgotten
- Right to restrict processing
- Right to data portability
- Right to prevent automated individual decision making and profiling

Also in accordance with EMCS approval by the Isle of Man Flag's requirements as a "Recruitment and Placement Organisation" under the terms of MLC 2006 Title 1 Standard A 1.4.5, EMCS recognise the following article (i) of the Isle of Man Flag Maritime Labour Notice 1.4

<https://www.iomshipregistry.com/media/1327/mln-14-recruitment-and-placement.pdf> :

(i) determining, with due regard to the right to privacy and the need to protect confidentiality, the conditions under which seafarers' personal data may be processed by seafarer recruitment and placement services, including the collection, storage, combination and communication of such data to third parties; (EB,EA,PB)

Further EMCS Data Policy:

EMCS does not purchase or sell any data about companies or individuals.

EMCS does not purchase, sell or store data about members of the public who have not had any direct contact with EMCS or her sister companies.

It is strictly forbidden for any EMCS employee to release any data stored on the company server or company emails without prior written consent by a director of the company.

EMCS shreds any personal or commercially sensitive documents using the office shredder, rated High Security DIN P-5 "For secret documents, such as documents relevant to the safeguarding of personal livelihood or a company's existence" which meets or exceeds any demands we may have.

In accordance with EMCS Data Protection Policy and GDPR the following steps have been taken by EMCS to ensure that the above mentioned principals, obligations of GDPR and rights of the Data Subject:

1) Data Protection Officer

Richard George, Director will act in this capacity.

The Data Protection Officer will be responsible for enforcing EMCS Data Protection Policy and will make all steps possible to ensure this complies with GDPR.

Where required Richard is to liaise where necessary in relation to matters connected to GDPR with the relevant local authority which on the Isle of Man is the Isle of Man Information Commissioner (Mr Ian Macdonald).

The Data Subjects (persons from whom EMCS collect data for the purpose of employment in shipyards or on board vessels, for vessel inspection or consultancy purposes or for delegates on the Ship Superintendents' Training Course) will be notified of their rights and the purposes, principals, obligations of GDPR and EMCS associated policies and procedures (see also "Accountability and Transparency" below).

In the case of a data breach then the Isle of Man Information Commissioner will be contacted within 72 hours of the breach.

2) Awareness Raised/Accuracy/Lawfulness, fairness and transparency/Purpose limitation/ Data minimisation/ Integrity and confidentiality

- a) Richard George attended a GDPR Familiarisation Course “GDPR: An Introduction for Staff” delivered by TLC Business Solutions on 8th February 2018.
- b) GDPR Impact Assessment and Action Plan was undertaken in February and May 2018 which was drafted and updated in consultation with EMCS staff.
- c) EMCS have consulted with their manning agents to advise of the updated Data Protection Policy and also to request any record any steps taken on their side to check this complies with EMCS own policy.

3) Check and ensure Security/Storage Limitation

In line with GDPR EMCS have set up with their IT Service Provider (Argon) a secure network which is protected through passwords, antivirus software, a dedicated firewall and regularly backed up and monitored by Argon.

Please refer to EMCS IT Policy for further details.

A system has been set up where any sensitive or personal data is only held on file for 5 years by EMCS (this being EMCS proposed retention period of documentation and data based in the GDPR Impact Assessment and Action Plan)

4) Accountability and transparency

According to EMCS standard joining procedures a “Privacy Policy” is to be sent to the relevant parties whenever engaged by EMCS, as follows:

- 1) EMCS Worker (riding team/shipyard/consultant etc) Privacy Policy
- 2) EMCS Superintendents Course Delegate Privacy Policy
- 3) EMCS Consultancy/Vessel Inspection Privacy Policy