



PRIVACY NOTICE

Purpose of Privacy Notice

At the Gibraltar Port Authority (hereinafter known as the 'GPA') we are committed to protecting and respecting your right to privacy. This privacy notice aims to provide you with information on what data we collect about you, what we do with that information and why we do it, who we share it with, and how we protect your privacy.

This notice covers all personal data collected by the GPA and where we tell other organisations to collect information for us. This is the same whether the data are collected by letter, email, face to face, telephone or online.

The GPA holds and processes personal data in accordance with the European Union's General Data Protection Regulation ("GDPR") and the Data Protection Act 2004.

It is important that you read this privacy notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal data about you, so that you are fully aware of how and why we are using your data.

We may change this privacy notice from time to time, so please check this page occasionally to ensure that you are happy with any changes.

Personal Data

Personal data are information that identifies a living person. That can be obvious information like a name or an address, but it may also be something like an IP address.

This includes information you tell us about yourself, information we are provided by other people or organisations, or what we learn when you use services we provide.

Some information is considered more sensitive or special:

- ❖ sexuality and sexual health;
- ❖ religious or philosophical beliefs;
- ❖ ethnicity;
- ❖ physical or mental health;
- ❖ trade union membership;
- ❖ political opinion;
- ❖ genetic/biometric data;
- ❖ criminal history,

If for any reason we have to process any sensitive personal data we will inform you about this in our privacy notice, and take extra care when we process such personal data.

Who We Are

The GPA is the data controller for the purpose of this privacy notice and is responsible for your personal data (collectively referred to as the GPA, “we”, “us” or “our” in this privacy notice).

If you have any questions about this privacy notice or any of our privacy practices, please contact either the Data Controller or our Data Protection Officer who has oversight and is also responsible for our Privacy policies, contact details as follows:-

Department name: Gibraltar Port Authority

Email address: gdp@port.gov.gi

Postal address: 12 Windmill Hill Road, PO BOX 1179, Gibraltar, GX11 1AA

Telephone number: +350 200 46254

HM Government of Gibraltar’s Data Protection Officer -

Email address: dpo@gibraltar.gov.gi

Postal address: Government Law Offices, No.40 Town Range, Gibraltar, GX11 1AA

What Personal Data Do We Collect?

Personal data means any information about you from which you can be identified. It does not include data where the identity has been removed (anonymisation).

We may collect, use, store and transfer different kinds of personal data about you as follows:

- ❖ **Identity Data** – this includes [first name, last name, username or similar identifier, marital status, title, date of birth and gender];
- ❖ **Contact Data** – this includes [residential address, email address and telephone numbers];
- ❖ **Financial Data** – this includes [bank account, sort code];
- ❖ **Government identifiers** – this includes [Tax reference number, Social Insurance number];
- ❖ **Technical Data** – this includes [internet protocol (IP) address].

In some circumstances we will anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

How We Collect Your Personal Data

We use different methods to collect data from and about you including through:

- ❖ **Direct interactions.** You may give us your [Identity, Contact and Financial Data] by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you:
 - Apply for employment with us;
 - Apply for a license with us;
 - Raise a complaint with us;
 - Apply for our products or services;
 - Request marketing to be sent to you; or
 - Give us feedback or contact us.
- ❖ **Automated technologies or interactions.** As you interact with our website, we will automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies and other similar technologies.

Please see our cookie policy available on the port website at www.gibraltarport.com for further details.

How We Use Your Personal Data

We will only use your personal data for the purpose for which we collected it, which includes the following:

- ❖ To register you as a new Customer/Agent/License holder;
- ❖ Process your application for employment purposes;
- ❖ Where we need to comply with a legal obligation;
- ❖ Where we need to perform the contract we are about to enter into or have entered into with you;
- ❖ To manage your relationship with us;
- ❖ To enable you to complete a survey;
- ❖ To improve our website, products/services, marketing or customer relationships;
- ❖ To recommend products or services which, may be of interest to you;

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data.

Generally, we do not rely on consent as a legal basis for processing your personal data, although we will get your consent before sending third party direct marketing communications to you via email or text message. You have the right to withdraw consent to marketing at any time by contacting us.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To register you as a new customer	(a) Identity (b) Contact	Performance of a contract with you
To process and deliver our services including: (a) Manage payments, fees and charges (b) Collect and recover money owed to us	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in us as a data controller (c) Necessary for our legitimate interests (to recover debts due to us)
To manage our relationship with you which will include: (a) Notifying you about changes to our terms or privacy notice	(a) Identity (b) Contact (c) Profile	(a) Performance of a contract with you (b) Necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in us as a data controller

Security, Sharing And Disclosure Of Personal Data

The security and confidentiality of your data is very important to us.

We will:

- ❖ Ensure safeguards are in place to make sure personal data is kept secure in compliance with Government's Information Security Policy;
- ❖ Ensure that your data remains under the control of our authorised controllers and processors with adequate safeguards to protect your rights;
- ❖ Ensure only authorised staff are able to view your data;
- ❖ Not make your information available for commercial use;

- ❖ Only ask you for what is needed.
- ❖ Personal information will be included in a public register in accordance with our statutory responsibility under the Port Operations (Registration and Licensing) Act 2005. In order to protect your right to privacy we do not allow for an online search of this information, requests must be made at our offices. The information which will be provided will be limited to name of entity and activity for which licence has been issued.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

All of our staff are trained in the importance of protecting personal and other sensitive information. All civil servants are required to work in line with the core values set out in the General Orders, including; integrity and honesty.

Transferring Your Personal Data Internationally

We may be required to transfer your personal data outside the European Economic Area (EEA).

Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- ❖ We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission. For further details, see European Commission: Adequacy of the protection of personal data in non-EU countries.
- ❖ Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe. For further details, see European Commission: Model contracts for the transfer of personal data to third countries.
- ❖ Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between Europe and the US. For further details, see European Commission: EU-US Privacy Shield.

Retention Of Personal Data

We will only retain your personal data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or

reporting requirements. We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.

To determine the appropriate retention period for personal data, we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.

Details of retention periods for different aspects of your personal data are set out in the table below:

Records	7 years
Licenses	7 years
Red Books	7 years
Financial Information	20 years
Employment applications & associated documents	2 years
Contracts, Agreements & MOU's	6 years
Port Passes (applications)	20 years

All retention periods begin after the last date of entry/inactivity/expiration.

You're Rights

You have the right to ask us:

- ❖ to confirm whether we hold any of your personal data;
- ❖ to provide you with a copy of any personal data that we hold about you;
- ❖ to correct any inaccuracies in your personal data and to modify it in such a way if you believe the personal data we hold is incomplete;
- ❖ to delete (in as much as is possible in the specific circumstances) any of your personal data, where we are required to do so by law;
- ❖ to stop processing your personal data, where required to do so by law;
- ❖ to let you have a portable copy of the personal data we hold about you, where required to do so by law;
- ❖ to stop processing any of your personal data that is processed by us on the basis of our legitimate interests; and
- ❖ where we process your personal data on the basis that you have given us your consent to do so, you may contact us at any time to withdraw your consent.

If you wish to exercise any of these rights, or object to our processing your personal data, please email gdpr@port.gov.gi or write to us at the Gibraltar Port Authority, 12 Windmill Hill Road, PO Box 1179, Gibraltar GX11 1AA

If you remain dissatisfied, you can lodge a complaint about the way we process your personal information with the Gibraltar Regulatory Authority at privacy@gra.gi.