

## Harbour Master's Division Privacy Statement

Rotterdam, 1 October 2022

This privacy statement serves to inform you about the processing of personal data by the Harbour Master's Division (DHMR) of the Port of Rotterdam Authority, Havenbedrijf Rotterdam N.V. (HBR) for the tasks it performs on behalf of the Harbour Master of Rotterdam, including the powers delegated to the Harbour Master of Rotterdam by the Municipality of Rotterdam, Dordrecht, Papendrecht, Zwijndrecht, Alblasterdam, Schiedam, Vlaardingen, Maassluis, Hardinxveld-Giessendam and Sliedrecht. The Harbour Master of Rotterdam is the controller as referred to in the General Data Protection Regulation ('GDPR').

This privacy statement should be read in combination with the [general privacy statement of the Port of Rotterdam Authority \(PoR\)](#).

### Contact details

*The Port of Rotterdam Authority*

*Wilhelminakade 909*

*3072 AP Rotterdam, the Netherlands*

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### Data Protection Officer

**Name:** C.D.Q. Hakvoort

**Email:** [FG@portofrotterdam.com](mailto:FG@portofrotterdam.com)

**Telephone number:** +31 6 22083376

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*If you have any questions or you would like to exercise one of your rights as an individual, please contact us through the general GDPR mailbox [AVG@portofrotterdam.com](mailto:AVG@portofrotterdam.com)*

## 1. Introduction

Your privacy as a DHMR Data Subject is important to us. We handle your data with care and we comply with the laws and regulations that apply to your privacy.

This privacy statement sets out everything concerned with the way in which your personal data is collected and how we handle this at DHMR. In addition, you will also find here all your rights regarding your data and how you can exercise them.

*What does this privacy statement cover?*

This privacy statement provides information on the processing of your personal data when you make use of, or come into contact with the following tasks of the Harbour Master of Rotterdam (Harbour Master's tasks') as a Data Subject:

- Planning and admission of vessels and traffic handling (**Harbour Master's task 1**);
- Traffic control/Vessel Traffic Services and bridge and lock operation (Rozenburgsesluis)\* (**Harbour Master's task 2**);
- Registration, analysis and evaluation of nautical accidents and/or incidents and risks (**Harbour Master's task 3**);
- Incident control\* (**Harbour Master's task 4**);
- Port Health Authority (**Harbour Master's task 5**);
- Port Security\* (**Harbour Master's task 6**);
- Administrative procedures (**Harbour Master's task 7**);
- Supervision and Investigation\* (**Harbour Master's task 8**);
- Customer interaction and communications (**Harbour Master's task 9**).

\*(Live) imaging cameras are also used for these Harbour Master's tasks. The additional privacy statement for this is available [here](#).

## 2. Processing of personal data

The Harbour Master of Rotterdam does not process more personal data than is strictly necessary for performing his public-law duties and powers.

The maximum categories of personal data collected for each Harbour Master's task are shown here (this can always be fewer personal data).

Harbour Master's tasks	Normal personal data	Special personal data and/or criminal records
1	<ul style="list-style-type: none"> <li>• Contact details of data subjects, including e.g. captain, shipping agents, water clerks, nautical service providers and vessel owners</li> <li>• Recording of telephone calls (name of caller, any personal data exchanged: telephone numbers and email addresses)</li> <li>• Identification of inland waterways vessel: name and ENI number</li> </ul>	No, unless the caller provides special personal data themselves
2	<ul style="list-style-type: none"> <li>• Camera: See for this the specific privacy statement 'Camera use by the Harbour Master of Rotterdam'.</li> <li>• Radar enhanced with AIS: name of inland waterways vessel, ENI number, MMSI number, location details</li> <li>• VHF maritime radio telephony: name of inland waterways vessel, pleasure craft, Automatic Terminal Information Service (ATIS) code, recognisable voices</li> </ul>	Camera: See for this the specific privacy statement ' <a href="#">Camera use by the Harbour Master of Rotterdam</a> '
3	<ul style="list-style-type: none"> <li>• Name of inland waterways vessel</li> <li>• Contact details of data subjects, such as shipper, captain, pilot, boatmen, witnesses</li> <li>• Contact details of participants in risk plans</li> </ul>	Possibly health data, if these were involved during the incident
4	<ul style="list-style-type: none"> <li>• Contact details of parties involved in an incident (e.g. details of emergency service providers, employee of the organisation involved, victims, witnesses)</li> </ul>	Health data of potential victims
5	<ul style="list-style-type: none"> <li>• Contact details of those who send in the Maritime Declaration of Health</li> <li>• Contact details and date/place of birth of patient</li> </ul>	Health details of crew members of the vessel who are sick

	<ul style="list-style-type: none"> <li>Contact details of doctor/company doctor</li> <li>(if necessary, the Harbour Master may retrieve details; see for this the Safety Region Mandate Decree, Public Health Act, Harbour Master of Rotterdam and Article 11.8 of the Rotterdam Mandate, Power of Attorney and Authorisation Decree 2016)</li> </ul>	
6	<ul style="list-style-type: none"> <li>Contact details of Ship Security Officer/Company Security Officer/shipping company/ISPS test team, Port Security contact persons of other ports</li> <li>Contact details and any passport photograph (if provided) of the Port Facility Security Officer (PFSO)</li> <li>Contact details of the recipient of the newsletter</li> <li>Registration numbers of suspect vehicles, contact details of PFSO and contact details of security officers (for incident reports originating from the port facility)</li> </ul>	
7	<ul style="list-style-type: none"> <li>Contact details of the applicant and of the company, foundation or association.</li> <li>Contact details and dates/places of birth of persons to whom the application applies</li> <li>If applicable to the request: date of employment, employer's statement or employment contract</li> <li>Contact details of expert who issued the certificate of reliability</li> <li>If applicable to the request:</li> <li>Personal details in statutory documents, including ship documents, navigation licences, basic maritime radio telephony certificate, identifying numbers (such as Central Register of Vocational Courses (CREBO) number, certificate of conduct number, Portkey number (riggers and boatmen), boatman number)</li> <li>Name of the owner of the inland waterways vessel</li> </ul>	
8	<ul style="list-style-type: none"> <li>Contact details of the owner of an inland waterways vessel and ENI number</li> <li>Name of inland waterways vessel</li> <li>Contact details of shipper, captain, agent, shipping agent,</li> <li>Contact details of contact persons of customs, RWS, IL&amp;T, Maritime Port Police, DCMR</li> <li>Processed personal data of suspects in relation to investigation:</li> <li>Contact details, date/place of birth details, passport numbers and citizen service (BSN) numbers of suspect(s)/co-suspect(s), KENO code</li> <li>Processed personal data of offenders and/or persons under supervision in relation to supervision (administrative law):</li> <li>Contact details, date/place of birth details and passport number of the offender</li> <li>Contact details and date/place of birth details of witnesses</li> <li>Image materials (photographs and film) of criminal and/or penal offences (evidence)</li> <li>Reporting on whether a statement, supervisor's report or penalty report has been drawn up or whether a warning was issued</li> <li>Personal data present in statutory ship documents (name, address of document holder/shipowner/operator)</li> </ul>	<p>Special personal data will be processed if relevant and justified in the interests of the criminal or administrative proceedings</p> <p>Criminal law data are processed</p>

9	<ul style="list-style-type: none"> <li>• Name of inland waterways vessel (if possible, contact details of the shipper)</li> <li>• Contact details of subscribers</li> <li>• Contact details of parties that have filed a complaint or claim</li> <li>• Contact details of contact persons for events</li> <li>• Contact details of members of the Rotterdam Port Welfare Committee</li> <li>• Contact details of clients</li> </ul>	
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### 3. Personal data received from parties other than the data subject(s)

In order to be able to perform the Harbour Master's tasks, the Harbour Master may receive personal data that have not been obtained from the data subject(s). These could include information from supervisory authorities.

Inspection data related to inland shipping supervision are obtained from other supervisory authorities via the Inspectieview software program<sup>1</sup>. Exchanging inspection data among the supervisory authorities reduces the burden of supervision on inland shipping, and this improves the efficiency of supervision.

The Harbour Master receives inland shipping AIS data from Rijkswaterstaat for the locations where the Harbour Master does not receive these himself but does need them to be able to perform the tasks assigned to him by various municipalities (Dordrecht, Papendrecht, Zwijndrecht, Moerdijk and small sea ports) and to guarantee the safe and smooth flow of shipping traffic at those locations. This concerns the passage to the Drechtsteden behind the Harbour Master's management area, the passage via the Boven and Beneden Merwede to Nijmegen, the passage to Moerdijk via the Haringvliet and the Hollandsch Diep and the passage from the Drechtsteden via the Dordtsche Kil to Moerdijk. This is necessary in order to be able to perform the public tasks delegated and attributed to the Harbour Master of Rotterdam.

### 4. Purposes

The aforementioned personal data, or certain parts of it, will only be processed for the specific Harbour Master's tasks summarised above. The Harbour Master's tasks are aimed at the general objectives:

- ensuring the safe, smooth, sustainable and secure handling of shipping in the ports of Rotterdam, Dordrecht, Papendrecht, Zwijndrecht, Schiedam and Vlaardingen.
- For the ports of Alblasterdam, Maassluis, Hardinxveld-Giessendam and Sliedrecht the Harbour Master only processes personal data for the secure handling of shipping (International Ship and Port Facility Security, ISPS).
- Implementation of the Harbour Master's tasks:
  - Planning and admission of vessels;
  - Traffic control/Vessel Traffic Services and bridge and lock operation (Rozenburgsesluis);
  - Registration, analysis and evaluation of nautical accidents and/or incidents and risks;
  - Incident control;
  - Port Health Authority;
  - Port Security;
  - Administrative procedures;
  - Supervision and Investigation;
  - Customer interaction and communications
- Implementing laws and regulations
- Improving products and services
- Internal audits
- Executing contracts

<sup>1</sup> Inspectieview is an internal government system for the exchange of inspection data between (national) inspectorates and supervisors. Providers of information for Inspectieview determine themselves which information they will and not share. More information can be found at [www.ilent.nl/onderwerpen.inspectieview-en-privacy](http://www.ilent.nl/onderwerpen.inspectieview-en-privacy)

**5. Lawful bases**

DHMR will only process your personal data if there are grounds for doing so. Article 6 of the GDPR specifies the legal bases under which personal data may be processed. These legal bases are:

- **Basis 1** – The data subject has given consent to the processing of his or her personal data for one or more specific purposes.
- **Basis 2** – The processing is necessary for the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract, for example with regard to a subscription with the data subject.
- **Basis 3** – The processing is necessary for compliance with a legal obligation to which the Harbour Master is subject.
- **Basis 4** – The processing is necessary to protect the vital interests of the data subject or of another natural person.
- **Basis 5** – The processing is necessary for the performance of a task carried out in the public interest or in the exercising of official authority vested in the Harbour Master.
- **Basis 6** – The processing is necessary for the protection of the legitimate interests of the controller or of a third party, except where the interests or fundamental rights and freedoms of the data subject, which require the protection of personal data, outweigh those interests, in particular when the data subject is a child.

The table below shows the legal basis under Article 6 of the GDPR that applies to the processing of personal data for the specific Harbour Master task.

Harbour Master's tasks	Basis 1	Basis 2	Basis 3	Basis 4	Basis 5	Basis 6
1		x	x		x	x
2			x		x	x
3		x	x			
4			x	x	x	
5			x	x		
6	x		x			
7			x		x	
8			x		x	
9	x	x	x			x

If we process personal data on the grounds of consent, you have the right to withdraw this consent again at any time by making use of the opt-out function. This can be done using the opt-out offered via the digital newsletter if you have subscribed for this. Withdrawal of your consent will not affect the legal validity of the processing prior to the withdrawal.

**6. Consequences of not providing personal data**

As a Data Subject, you are not obliged to provide personal data. However, if you do not provide us with any or sufficient personal data, we may be unable to carry out our work.

**7. Retention periods**

The Harbour Master's Division does not store the personal data for any longer than required by law or longer than necessary for the purposes for which the data were obtained. A very well-considered decision is made for each processing. With regard to the personal data provided on the basis of a consent, these personal data are deleted as soon as the consent is withdrawn.

**8. Exchange of personal data**

Personal data are only provided to the following third parties if there is a legal basis or a legal obligation to do so, or on the grounds of a processing agreement in the case of a processor:

Competent and/or fellow authorities and judicial institutions, such as:

- The European Union
- International organisations
- Central government and municipal authorities
- Supervisory, competent and regional authorities
- Police and Department of Public Prosecutions
- GGD
- Rotterdam Safety Region
- Safety Investigation Council
- District Courts, Administrative Justice Department of the Council of State, Appeal Courts, etc.

Direct working relations, such as:

- Nautical services
- DHMR services
- Emergency services

Private Parties, such as:

- Third-party stakeholders in administrative proceedings (case documents)
- Lawyers and insurers
- Commercial parties to promote trade and transport in the logistics chain (Article 8(2) of the Shipping (Reporting Formalities and Data Processing) Decree).
- Other parties in order to comply with legal and regulatory obligations

The inspection data relating to inland shipping supervision are passed on to the other supervisory authorities via the Inspectievew software program. The inspection data is updated daily, and the transfer concerns a new data set every day for the past 5 years. The transfer of data to third parties only takes place when, besides there usually being a legal obligation to do so, this is required under (processor) agreement.

#### *Transfer of personal data within the European Economic Area (EEA)*

Pursuant to a legal obligation imposed by the European Union<sup>2</sup>, the name of a captain of a seagoing vessel and the name, e-mail address and telephone number of a Company Security Officer are forwarded via Safe Sea Net to the EMSA (European Maritime Safety Agency).

DAO<sup>3</sup> inspections are processed in Thetis EU (the database provided by the EU (EMSA) for DAO inspections, to which all EU countries have access). The name of the Ship Security Officer and of the supervisory authority are shared. The EU itself is the controller for these data.

#### *How do we protect your data?*

DHMR has taken appropriate organisational, contractual and legal measures with the parties with which it shares personal data, including the conclusion of processing contracts. These measures ensure that personal data is processed carefully and securely in accordance with the GDPR.

## **9. Transfer of personal data outside the EEA**

The Harbour Master of Rotterdam provides personal data to countries outside the European Economic Area (EEA). ISPS information is shared with the International Maritime Organization (IMO) (UK). This concerns the contact details of PFSOs and the name of an ISPS assistant at DHMR.

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<sup>2</sup> This follows from Directive (EU) 2010/65, which has been implemented in the Shipping (Reporting Formalities and Data Processing) Decree (see, inter alia, Article 12 of the Shipping (Reporting Formalities and Data Processing) Decree in conjunction with Article 11 of the Shipping (Reporting Formalities and Data Processing) Decree) and the Notification and Communication (shipping) Regulation (see in particular Article 17 of this regulation)

<sup>3</sup> DAO stands for 'Duly Authorised Officer'

If the Harbour Master of Rotterdam shares personal data with countries outside the EEA, appropriate assurances for the protection of these data are always provided.

#### **10. Rights of data subjects**

Under the GDPR your rights as a Data Subject are as follows:

- The right to access and copies;
- The right to rectification;
- The right to be forgotten;
- The right to restriction of the processing;
- The right to object to the processing;
- The right to portability of your data.

If you wish to exercise these rights, you can submit a request through the HBR's general GDPR mailbox [AVG@portofrotterdam.com](mailto:AVG@portofrotterdam.com) or by using the Data Subject's rights form, which is available on the HBR's corporate website. Please note: the above rights are not absolute. This means that HBR is not always required to comply with a request to exercise one of the aforementioned rights.

#### **11. Complaints**

Although DHMR makes every effort to protect your privacy, if you are unhappy about the way in which we process your personal data and/or handle your rights, you may lodge a complaint to the Dutch Data Protection Authority ('Dutch DPA'). The Dutch DPA's contact details can be found on its website.

#### **12. Privacy statement amendments**

This privacy statement was drawn up on 15 June 2021. DHMR reserves the right to make changes to this privacy statement. DHMR will make the latest privacy statement available at all times on the HBR's corporate website.