



**FOYLE**  
**PORT**

**PRIVACY**  
**POLICY**

**JANUARY 2021**

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# 1. IMPORTANT INFORMATION AND WHO WE ARE

## **Purpose of this Privacy Notice**

This privacy notice aims to give you information on how we collect and process your personal data in a variety of circumstances. It is important that you read this privacy notice so that you are fully aware of how and why we are using your data. This version was last updated on 14<sup>th</sup> January 2021 and previous versions can be obtained by contacting us.

## **Controller**

**Londonderry Port and Harbour Commissioners** is the controller and responsible for your personal data (collectively referred to as **we, us** or **our** in this privacy notice). If you have any questions about this privacy notice (including any requests to exercise any of your legal rights) please contact us in writing at Foyle Port, Port Road, Lisahally, Co. Derry, BT47 6FL or by contacting the Harbour Office by telephone on 02871 860555.

## **Data Protection Officer**

Our data protection officer can be contacted if you have any queries about this notice and how we use your data, you want to make a complaint or exercise any of your rights over your personal data or you have any other queries related to your personal data. Our data protection officer is Lynette McKinney, who can be contacted at [info@foyleport.com](mailto:info@foyleport.com)

## **Third-Party Links**

Our website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy notice of every website you visit.

# 2. THE DATA WE HOLD ABOUT YOU

Personal data means any information about an individual from which that person can be identified. We may collect, use, store and transfer different kinds of personal data about you which we have grouped together follows:

- **Identity Data** includes first name, last name, image, online username or similar identifier, title, date of birth, nationality and gender;
- **Contact Data** includes email address, physical address and telephone numbers;
- **Financial Data** includes bank account and payment card details;
- **Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access our website;
- **Usage Data** includes information about how you use our website and services;
- **Marketing and Communications Data** includes your preferences in receiving

marketing from us and our third parties and your communication preferences;

- **Employment Data** includes data which may be provided to us during a recruitment campaign, including your racial or ethnic origin, religious or philosophical beliefs or trade union membership.

Other than Employment Data, we do not collect any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data) through use of the website or when otherwise dealing with or concerning you (unless provided incidentally through use of CCTV or voluntarily by you). Nor do we collect any information about criminal convictions and offences.

### **If you fail to provide personal data**

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with services). In this case, we may have to cancel a service you have with us but we will notify you if this is the case at the time.

### **Your Duty to inform us of Changes**

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

## **3. HOW IS YOUR PERSONAL DATA COLLECTED?**

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

<b>Process of Collection</b>	<b>Types of data collected</b>
A/ during direct interactions whenever you provide the personal data in person, by post, by phone, via our website, by email, via social media, in writing or otherwise (including when entering into a contract with us) or when you are visible on any of our CCTV equipment	Identity Data Contact Data Financial Data Marketing and Communications Data
B/ as you interact with our website we may use cookies, server logs and similar technologies	Technical Data Usage Data Marketing and Communications Data
C/ from third parties including your employer, analytics providers, advertising networks, electronic payment providers, data aggregators, architects or other professional contractors that we work with, shipping agents or charitable bodies that we work with	Identity Data Contact Data Financial Data Technical Data
D/ from vessel owners or their agents prior to	Identity Data

arrival of a vessel at our Ports	Contact Data
E/ from publicly available sources (like Companies House, the Electoral Register and social media)	Identity Data Contact Data
F/ during recruitment campaigns from third party recruitment service providers or from you	Employment Data

## 4. How we use your personal data

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data under the following conditions:

- where we need to perform a contract we are about to enter into, or have entered into, with you;
- whenever we are carrying out public tasks, where it is necessary for performance of a task carried out in the public interest or in the exercise of official authority vested in us due to any of our establishing legislation or other laws (referred to as a “**public task**” for this notice).
- whenever we are carrying out any actions that are non-public tasks, where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests; or
- where we need to comply with a legal or regulatory obligation.

Generally we do not rely on consent as a legal basis for processing your personal data other than where expressly asked for separately than in this notice, in relation to certain cookies and if necessary for 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.

### Purposes for, and legal basis on, which we will use your personal data

We have set out below a description of all the ways we may use your personal data, and which of the legal bases we rely on to do so (including a description of the legitimate interest pursued). Note that we may process your personal data for more than one basis depending on the specific purpose for which we are using your data, but will only rely on the “performance of a contract” basis whenever the contract is with the individual to whom the personal data relates.

Purpose/Activity	Legal basis for processing including basis of legitimate interest
To register you as a new customer or supplier and administer any contracts with you	Performance of a contract with you
To manage our relationship with you	(a) Performance of a contract with you

which may include notifying you about changes to our terms or privacy policy and asking you to leave a review or take a survey	(b) Necessary to comply with a legal obligation (c) Necessary for a public task
To enable you to participate in a prize draw, competition or complete a survey	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to study how customers use our products/services, to develop them and grow our business) (c) Necessary for a public task
To administer a contract with an organisation you are associated with (e.g. your employer), including to verify pricing and historical personnel details	(a) Necessary for a public task
To report to Competent Authorities as required by law, regulations or codes which we are subject to	(a) Necessary for a public task (b) Necessary to comply with a legal obligation
To administer and protect our business and our website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with a legal obligation (c) Necessary for a public task
To deliver relevant website content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you	(a) Necessary for our legitimate interests (to study how customers use our products/services, to develop them, to grow our business and to inform our marketing strategy) (b) Necessary for a public task
To use data analytics to improve our website, products/services, marketing, customer relationships and experiences	Necessary for our legitimate interests (to define types of customers for our products and services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)
To make suggestions and recommendations to you about goods or services that may be of interest to you	(a) Necessary for our legitimate interests (to develop our products/services and grow our business) (b) Necessary for a public task
To manage the recruitment process, including setting up and conducting	(a) Performance of a contract with you (b) Necessary for public task

interviews, evaluating the results and as otherwise needed in the recruitment and hiring process	(c) Necessary to comply with a legal obligation
To ensure and protect health, security and safety on or around any of our locations	(a) Necessary for a public task (b) Necessary to comply with a legal obligation

**NOTE:**

**Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law).

**Marketing**

If you are a customer of ours, we may contact you from time to time by call or email to provide some information about our products or services. You can ask us or third parties to stop sending you marketing messages at any time by following the opt-out links on any marketing message sent to you or by contacting our data protection officer, as appropriate, at any time. Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of a service experience or other transactions.

We will get your express opt-in consent before we share your personal data with any company outside of our own for marketing unconnected to our organisation.

**5. DISCLOSURES OF YOUR PERSONAL DATA**

We may have to share your personal data with the parties (who may be based outside the United Kingdom) set out below for the purposes set out in the table in paragraph 4 above:

- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy notice.
- HM Revenue & Customs, Police Service of Northern Ireland, Northern Ireland Fire & Rescue Service, Maritime & Coastguard Agency, Health & Safety Executive for Northern Ireland, central Government, Port Authority, Marine Accident Investigation Branch, Department of Infrastructure, Department of Agriculture, Environmental and Rural Affairs, regulators and other authorities acting as processors, controllers in common or joint controllers who require reporting of processing activities in certain circumstances;
- Customers of our customers, on whose behalf we manage premises;

- Professional advisers acting as processors or joint controllers including lawyers, bankers, auditors and insurers based in the European Union and/or United Kingdom who provide consultancy, banking, legal, insurance and accounting services;
- Service providers acting as processors, including
  - Ships' Agents;
  - Hauliers;
  - PR Service providers;
  - IT Service providers;
  - Confidential Data Disposal Service Providers;
  - Architects/ Construction Companies (as relevant for Foyle Consulting Engineers);as at the date noted above and who may be updated from time to time.

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.

## **6. INTERNATIONAL TRANSFERS**

We may transfer your personal data outside the United Kingdom, including to the European Economic Area (“**EEA**”), the United States of America (“**USA**”) and Canada. For these recipients, we ensure that a similar degree of protection is enforced as is required within the United Kingdom by either ensuring that the recipient countries have been deemed to provide an adequate level of protection by the United Kingdom government, or requiring those recipients to enter into Standard Contractual Clauses for the transfer of personal data. If you require further information about these protective measures, please contact our Data Protection Officer.

## **7. DATA SECURITY**

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. 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. 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 use various industry-standard methods and mechanisms to protect information, such as firewalls, intrusion monitoring, encryption and password protections. Multiple physical security methods such as locking devices and 24 hour premise monitoring are also employed.

## 8. DATA RETENTION

### How long will you use my Personal Data for?

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

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, how long a legal claim may be taken and whether we can achieve those purposes through other means, and the applicable legal requirements. In some circumstances we may 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.

## 9. YOUR LEGAL RIGHTS

Under certain circumstances, you have rights under data protection laws in relation to your personal data. You have the right to:

- **Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you.
- **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it, where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- **Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- **Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish,

exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

- **Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- **Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please contact us.

### **No fee is usually required**

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

### **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

### **Time limit to respond**

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

### **Supervisory Authority Contact**

You have the right to make a complaint at any time to the Information Commissioner's Office (**ICO**), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.