
Standard message to be sent by Member to a person involved in an incident with regard to the Data Subject's rights

To: Data Subject (Employee and/or his/her lawyer)

From: Member (shipowner/manager/agent)

Date: Day/Month/Year

Re: M/V (fill in name of Ship) (hereinafter referred to as the "Ship") – Incident, (place and date) – notice about processing of personal data in accordance with the EU General Data Protection Regulations 2016/679

In our capacity as the owner or the agent for the owner of the Ship (hereinafter referred to as the "Owner") we have been notified that you have been involved in an incident which may fall within the scope of the P&I insurance cover taken out by us with Gard P. & I. (Bermuda) Ltd.

Assuranceforeningen Gard – gjensidig (hereinafter referred to as "Gard P&I"). For that reason, we will need to process personal data about you, either collected from you or obtained from others.

Please treat this message as a notice to you pursuant to, and in compliance with, the information requirements of the Owner set out in Articles 13 and 14 of the EU General Data Protection Regulations 2016/679 as implemented in governing law.

For ease of reference, we draw your attention to the following:

1. Identity and contact details of the Data Controller

The Controller as defined in GDPR is in this case the Owner. The Owner's address and contact details are as follows:

Owner's full name and address

(Optional) The Controller's representative in this case is the address and contact details are as follows:

Manager's full name and address

2. Data Protection Officer

(If relevant) The contact details of the Data Protection Officer are as follows:

...

3. Purpose of processing personal data

Processing personal data in this case is required for dealing with this incident, which may lead to an Insurance Claim, including determining whether the Owner owes a liability to you and whether and to what extent the Owner has a right to be indemnified in respect of the Insurance Claim under the relevant contract of insurance taken out with Gard P&I.

4. Legal basis for processing of personal data

The legal basis for processing personal data for the above purpose is GDPR article 6.1 (c) which states that processing is lawful when necessary for compliance with legal obligations to which the controller is subject. Further, processing of sensitive personal data as set out in GDPR article 9 is permitted because it is necessary for the establishment, exercise or defense of a possible legal claim.

5. Storage of personal data

The personal data will be stored as long as it is deemed necessary for the purpose of handling the Insurance Claim and as long as it is required in order for the Owner and Gard P&I to comply with statutory requirements as to accounting and regulatory reporting.

6. Rights of the Data Subject to lodge a complaint with supervisory authority

In your capacity as the Data Subject, you have a right to request access to and rectification of personal data in our possession. You also have a right to lodge a complaint with the relevant supervisory authority.

As to further details regarding your rights as Data Subject as defined in the GDPR, we refer to Chapter III of the Regulation. A copy of the Regulation is available on request.

This message shall not be treated as an admission of liability of the Owner and/or Gard P&I in respect of the Insurance Claim arising out of the incident claimed to have taken place at (place) on (date). All rights are reserved on behalf of the Owner and Gard P&I.

Yours faithfully