

CELESTYAL CRUISES LIMITED

SUBJECT ACCESS REQUEST POLICY

Policy Statement

The rights of data subjects to access personal data that Celestyal Cruises Limited (“the Company”) holds about them.

This policy applies to any personal data, including special categories of data (i.e. sensitive personal data and data relating to criminal convictions etc.), that the Company holds on its employees, customers and other individuals.

This policy will act as guidance for the Company in the event that it receives requests from any of the above individuals about personal data (“Subject Access Requests”). This includes confirmation that the Company processes personal data about that particular individual, details of the types of personal data held and processed (in accordance with our Privacy Policy and Fair Processing Notice), how the Company processes it. It also includes dealing with further requests to rectify, amend, delete or cease processing that personal data pursuant to a range of rights that individuals have under the General Data Protection Regulation (GDPR).

Ideally, the Subject Access Request will be delivered on the Company’s standard Subject Access Request and/or Rectification and Erasure Forms. Customers and other individuals will be encouraged to complete one of the forms. For employees, it will form part of the employee handbook.

Use of either form is not mandatory under GDPR, but it enables the Company to respond in a promptly and consistently so should always be encouraged.

What information is an individual entitled to under the GDPR?

Under Article 15 of the GDPR, individuals are entitled to obtain:

1. confirmation that the Company is processing their data;
2. the purposes for which it is doing so (which should correspond with stated purposes set out in the Privacy Policy); and
3. access to their personal data.

What is the purpose of the right of access under GDPR?

Under Recital 63 of GDPR, the reason for allowing individuals to make a Subject Access Request is so that they are aware of and can verify the lawfulness of the processing by the Company.

Transparency about personal data processing is a key requirement under GDPR and the Company will endeavour to be as open and transparent about how it handles personal data in accordance with its business practices, operational necessity and legal & regulatory obligations imposed on the Company.

Should we be charging a fee for dealing with a Subject Access Request?

We are obliged to provide a copy of the individual's personal data free of charge in the first instance. However, we can charge a reasonable fee when a request is either manifestly unfounded or excessive, particularly if it is repetitive. If there is any indication of a Subject Access Request being used in this way then advice of our Data Protection Officer (DPO) should be sought.

We are also allowed to charge a reasonable fee to comply with requests for further copies of the same information. This does not mean that we can charge for all subsequent Subject Access Requests that the individual may make in the future. It depends on the circumstances as to whether it might be deemed excessive or disproportionate or simply to be vexatious. Advice of the DPO should be sought.

The fee must be based on the administrative cost of providing the information. At present the Company charges between X and X EUR. The charges must be consistently applied for all Subject Access Requests.

How long do we have to comply with the request?

We will have less time to comply with a subject access request under the GDPR than under previous data protection rules.

Personal data must be provided without delay and at the latest within one month of receipt of the Subject Access Request.

We can extend the period of compliance with the Subject Access Request by a further two months if requests are complex or numerous. However, we must inform the individual within one month of the receipt of the request and explain why we need that extension. The DPO should be informed if this is ever the case as the DPO may need to justify it to the supervisory authority.

What if the Subject Access Request is manifestly unfounded or excessive?

Where requests are manifestly unfounded or excessive, in particular because they are repetitive, we can:

1. charge a reasonable fee taking into account the administrative costs of providing the information (as per above);
2. or refuse to respond.

If we refuse to respond to a request, then we must explain why we are doing so to the individual. We must also inform them of their right to complain to the supervisory authority and a right to a judicial remedy

We must do so without undue delay and at the latest within one month of receipt of the Subject Access Request.

The DPO should be consulted prior to any refusal.

How should the information be provided?

You must verify the identity of the person making the request, using “reasonable means” as set out in the Subject Access Request and Subject Rectification and Erasure Forms.

To help us establish the identity of the individual, the Subject Access Request must be accompanied by two pieces of identification that between them clearly show the individual’s name, date of birth and current address.

Individuals will need to enclose a copy of one of the following as proof of identity:

1. passport or photocard driving licence;
2. birth or adoption certificate; and
3. a copy of a bank statement or utility bill dated within the last three months.

This is to ensure that we are only sending information to the data subject and not to a third party. If none of these are available, then we will need to advise the individual on other acceptable forms of identification.

We will provide individuals with their personal data in a commonly used and machine-readable format, and individuals have the right to transmit those data to another controller provided such personal data porting does not adversely affect the rights and freedoms of others.

If technically feasible to do so, we will endeavour to transfer their personal data to a third party controller on their behalf.

What about requests for large amounts of personal data?

In the event that the Company starts to process a large quantity of information about an individual, we are entitled to ask the individual to specify the information to which the request relates. We have set this out in the Subject Access Request Form.

The GDPR does not introduce an exemption for requests that relate to large amounts of personal data, but we are still able to take a view as to whether the request is manifestly unfounded or excessive. The advice of the DPO must be sought.

Rectification and erasure

Under GDPR individuals can ask the Company to rectify any inaccurate personal data about them and/or to update and complete any incomplete personal data that we hold about them, including the addition of any corrective statements if necessary.

Subject to any legal requirements for processing (e.g. to comply with any Member State legal obligations etc.), individuals may ask the Company to restrict further processing of their personal data and/or erase it entirely from its systems.

Article 17 of GDPR allows individuals to seek erasure of personal data where:

- a) The personal data is no longer necessary for the purposes of an individual's employment (if relevant);
- b) The individual has decided to withdraw their consent to such personal data being processed where the processing is based on consent;

This may not apply in the employment context where processing is necessary for the performance of the employment contract or processing is necessary for the compliance of a legal duty on the company or where it is necessary for the defence of legal claims which the individual may bring against the Company.

- c) The individual objects on the grounds of direct marketing purposes, processing on the grounds of public interest or legitimate interests of the Company;
- d) The personal data has been unlawfully processed; or
- e) The personal data has to be erased to comply with a legal obligation to which the Company is subject.

Where one of the above grounds applies we will erase the personal data and take reasonable steps to erase personal data in the public domain, taking into account available technology and the cost of implementation – there is a limit to what can realistically be achieved once the data is in the public domain.

We will also take such reasonable steps, including technical measures, to inform other controllers which are processing the personal data to erase the relevant personal data.

The right to erasure will not apply even if any one of the grounds in a) to e) above are satisfied where the retention and processing is necessary for the compliance of a legal obligation by the Company or for the establishment, exercise or defence of legal claims against the Company.

Where the Company considers that personal data or part of the personal data held cannot be erased the individual will be informed why and will be able to raise a complaint with the supervisory authority. Advice of the DPO must be sought if we refuse to comply with the right to erasure.

Where erasure is justified we need to carry this out without any undue delay.

Restriction to further processing

GDPR Article 18 allows individuals to restrict the processing of their personal data where:

- a) The accuracy of the personal data is contested and for the period the Company needs to verify the accuracy of the personal data;
- b) The processing is unlawful; or
- c) The Company no longer needs the personal data for processing.

However, we may still lawfully process personal data for the establishment, exercise or defence of legal claims and further processing restrictions do not render invalid any processing prior to the date the request is made.

Advice of the DPO must be sought if we decide to continue processing personal data despite such a request to cease and desist.

Celestyal Cruises Limited 2018