



Data protection information on processing of your data

As of 25 May 2018 the European General Data Protection Regulation (GDPR) is effective immediately. We hereby inform you about the data protection when processing your data (information to be provided in accordance with Art. 13, 14 of the GDPR).

I. Who is responsible and who can you contact?

Competent authority:

Berufsgenossenschaft
Verkehrswirtschaft Post-Logistik Telekommunikation
(German Social Accident Insurance Institution for Commercial Transport, Postal Logistics and Telecommunication)
represented by CEO
Ms. Sabine Kudzielka
Ottenser Hauptstraße 54
22765 Hamburg

Contact the data protection officer(s) at:

BG Verkehr
Europaplatz 2
72072 Tübingen
e-mail: datenschutz@bg-verkehr.de

II. What is the purpose of the processing?

The Ship Safety Division (Dienststelle Schiffssicherheit) holds a unique position within the BG Verkehr, as the body of the statutory accident insurance. It is not responsible for matters of the social accident insurance which is why it works to a large extent independently from other divisions of the BG Verkehr.

Processing of data occurs as part of the performance of tasks of the Federal Government delegated to the BG Verkehr in accordance with the "Seeaufgabengesetz" (federal maritime responsibility act - SeeAufG), Section 6. It comprises of the following areas:

- monitoring compliance with national and international rules and regulations concerning technical ship safety,
- monitoring compliance with rules and regulations concerning marine environment protection,
- determining the minimum safe manning on sea-going ships,
- monitoring compliance with rules and regulations concerning the International Safety Management Code (ISM Code),
- verification of living and working conditions of seafarers on board (Maritime Labour Convention),

- testing and certification body for lifesaving appliances, fire protection equipment and marine pollution prevention equipment,
- monitoring training facilities regarding training in accordance with the STCW Convention, and
- Port State Control of foreign-flagged ships in German ports.

Another part of the Ship Safety Division is the Maritime Medical Service (Seeärztlicher Dienst) which performs medical duties (SeeAufG, Section 1 No. 6 b, and German Maritime Labour Act, Section 2 No. 5). These duties comprise of inter alia:

- controlling and ensuring examinations of medical fitness for sea service of seafarers and of sea pilots;
- general and professional management of the committee for medical equipment in the maritime shipping sector ("Ausschuss für medizinische Ausstattung in der Seeschifffahrt"),
- approval of medical refresher courses for navigational officers,
- registration of ship's doctors,
- professional supervision of the Telemedical Assistance Service,
- editor of the medical manual "German Medical Guide for Ships" and the German version of the book "Anleitung zur Krankenfürsorge auf Kauffahrteischiffen", and
- advice on and assistance with all key questions concerning maritime medicine.

III. Based on which legal provisions is your data collected and processed?

1) Law

a) General activities of the Ship Safety Division

Your data is collected based on GDPR, Art. 6 Par. 1 Sentence 1 Lits. e) and d), in conjunction with SeeAufG, Sections 9e Subs. 1 and 6 Subs. 1, and subsequently processed in accordance with SeeAufG, Section 6 Subs. 1a. The Ship Safety Division is authorised to collect data as far as it serves the performance of their tasks.

The collection of data is allocated to a specific purpose in accordance with SeeAufG, Section 9e Subs. 2 Sentence 1. However, in accordance with SeeAufG, Section 9e Subs. 2 Sentence 2, data may be transferred to other public authorities as far as it serves the performance of delegated tasks, is required for security reasons, and is permitted with a sector-specific "Ermächtigungsgrundlage" (which is an enabling provision by which the administrative authority is allowed to act).

b) Maritime Medical Service

The Maritime Medical Service of BG Verkehr keeps a register of fitness for sea service. This is a register listing all conducted examinations of medical

fitness for sea service (Maritime Labour Act, Section 19 Subs. 1). As the application is filed, the authorised physician is to be presented with a proof of identity and given the surname, first name, gender, date, place and country of birth, citizenship, address and telecommunications data and function or capacity on board as well as proof of these if this is requested (Maritime Labour Act, Section 19 Subs. 4).

Data is processed and used to guarantee the implementation of examinations of medical fitness for sea service and the issuance of medical certificates, to ensure the monitoring of work of authorised physicians, to guarantee the settlement of accounts with the authorised physician in respect of the examinations of medical fitness for sea service, to avoid multiple examinations of medical fitness for sea service being carried out by different authorised physicians, to establish the authenticity and validity of medical certificates, and to facilitate statistical or scientific evaluations in an anonymised form (Maritime Labour Act, Section 19 Subs. 5).

To carry out its tasks, the Maritime Medical Service makes use of authorised physicians to some extent. Information such as name, date of birth, address and telecommunications data may be transferred to and used by them as far as this is necessary to perform their tasks (Maritime Labour Act, Section 19 Subs. 6 Sentence 1).

In the first examination of medical fitness for sea service of a crew member, an authorised physician may collect data, e.g. identification details or medically relevant details (Maritime Labour Act, Section 19 Subs. 6 Sentence 3). In a follow-up examination, an authorised physician may store or modify some of these data (compare Maritime Labour Act, Section 19 Subs. 6 Sentence 4).

2) Consent

Aside from the legal obligations/authorities, processing of data is also possible with your consent (GDPR, Art.6 Par. 1 Sentence 1 Lit. a) and Art. 9 Subs. 2 Lit. a)).

IV. Which categories of personal data may be processed?

Relevant personal data are:

- details on the person (name, first name, date and place of birth, gender, citizenship, etc.),
- contact details (address, phone number, e-mail address, etc.),
- medically relevant information, and
- bank details.

V. Who gains knowledge of your data?

Transfer of data to bodies outside of the Ship Safety Division only occur on the basis of legal transfer authorisations or with your consent.

Possible categories of recipients:

- other authorities (e.g. Federal Police, Waterway Police and the Maritime and Hydrographic Agency (Bundesamt für Seeschifffahrt und Hydrographie – BSH)),
- lawyers, courts,
- authorised physicians and practice personnel as well as their representing and consulting physicians,
- competent authorities of other States, or international or European organisations,
- companies.

VI. Will your data be transferred to a third country or an international organisation?

1) General activities of the Ship Safety Division

A transfer to a third country or an international organisation occurs in relation with delegated tasks. For instance, this pertains to infringements against the applicable international rules and standards for seaworthiness of the ship as well as against provisions regarding protection of the marine environment detected during surveys.

A transfer of personal data is only considered if the requirements regarding data protection of the GDPR are complied with (GDPR, Art. 44). Provided that the third country or international organisation has an adequate level of security under the EU Commission's decision, a transfer of data without a specific authorisation is permitted (GDPR, Art. 45 Par.1). If this is not the case, a transfer may only take place pursuant to binding corporate rules subject to appropriate safeguards (GDPR, Arts. 46,47). A transfer of data may still be considered if this is necessary for reasons of public interest, for example (GDPR, Art. 49 Sentence 1 Lit. d)). A transfer of data could be considered with infringements against international conventions such as SOLAS and MARPOL discovered during Port State Control inspections.

2) Maritime Medical Service

To determine the authenticity and validity of medical certificates, upon application, data such as surname, first names, gender, date of birth, validity and number of the medical certificate may be transferred to competent authorities of other states or international or European organisations and used by them as far as this is necessary to perform their tasks (Maritime Labour Act, Section 19 Subs. 8 Sentence 2). In this case, the recipients are notified that the data is only permitted to be processed and used for the performance of their tasks (Maritime Labour Act, Section 19 Subs. 8 Sentence 2). A transfer only takes place if the recipient guarantees a suitable data protection standard and if no interests of the person concerned are impaired thereby (Maritime Labour Act, Section 19 Subs. 8 Sentence 3).

VII. For how long does your data get stored?

1) General activities of the Ship Safety Division

The data will be stored for the time required to perform the tasks including the required fulfilment of the legal, statutory or contractual obligation of data retention.

The extent of the storage period depends on different factors:

Data are stored for the time required to process the fulfilment of the legal obligations or as long as public reasons make it necessary.

Furthermore, storage of personal data which must be erased does not occur, irrespective of whether you demand an erasure of the data (GDPR, Art. 17 Subs. 1).

2) Maritime Medical Service

The stored and transferred personal data are erased as far as they are no longer required for the performance of the tasks. At the latest, they are to be erased ten years after the day they were last permitted to be stored (Maritime Labour Act, Section 19 Subs. 10 Sentence 2). If a doctor's application for authorisation is refused, the data is erased without delay (Maritime Labour Act, Section 19 Subs, 10 Sentence 3).

VIII. Which data protection rights do you have?

At any time, you have the right of access to information about the processing of your data and the right to inspect your file. Under certain conditions restrictions are legally intended, in particular, where rights of third parties are affected.

So long as the legal conditions are fulfilled, you have the right to rectification, erasure, restriction of processing.

IX. Your right to withdraw consent

If the processing of the data was done with your consent, you have the right to withdraw your consent at any time. However, please note that the withdrawal cannot be retroactive, i.e. the processing done prior to the withdrawal remains lawful.

You can submit your withdrawal to the competent authority (compare No. I. above).

X. Your right to lodge a complaint

If you are of the opinion that your rights have been infringed throughout the processing of your personal data, you can also contact the data protection supervisory authority.

The competent data protection supervisory authority of the accident insurance body is the federal officer for data protection and freedom of information:

Die Bundesbeauftragte für den Datenschutz
und die Informationsfreiheit

Husarenstr. 30

53117 Bonn

Germany

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