

BBA Aviation

**DATA PROTECTION AND PRIVACY
GUIDELINES**

December 2011

STATEMENT OF POLICY

The purpose of these data protection and privacy guidelines is to alert the management of BBA Aviation companies to the importance of data protection and privacy, the need to have a company specific policy in place to cover privacy and data protection and to serve as a checklist of issues to consider when drawing up such a policy.

Each BBA Aviation company deals with personal information and therefore needs to comply with local privacy and data protection laws. These laws apply to the collection, processing and disclosure of personal information whether in hard copy form or electronically. Policies should be put in place to cover these three key areas and we recommend that regular assessments are carried out to check that such policies are effective.

1. PERSONAL INFORMATION

Data protection and privacy laws apply to personal information (otherwise known as Personal Data). This is information that can identify a living person, such as a name, address, e-mail and phone number. All BBA Aviation companies will deal with personal information of some sort, whether it be employee information, customer information or supplier information (eg an individual named contact at a supplier company will be personal information).

2. SENSITIVE INFORMATION

Some personal information will be classed as “sensitive”, such as information regarding health, criminal convictions, trade union membership, religious beliefs and ethnic/racial origin. Each country has its own special rules for dealing with this information and normally it is necessary to have explicit consent from the individual concerned before it can be used or disclosed to anyone else. Approval may also need to be sought from the local data protection authority, if any.

3. REGISTRATION

Most countries require a user of personal data to be registered with the local data protection authority. In those countries, each BBA Aviation company should check that it is registered and that it is only using personal data for the purposes listed in its registration, otherwise it could be liable to a fine or even commit a criminal offence (for which the directors could be held personally liable). The BBA Aviation company should also check that its registration covers all uses it makes, or may potentially make, of personal information and amend its registration if necessary.

Some countries (eg Germany) may require a company to appoint a data protection officer. This is good practice in any case and we recommend that each BBA Aviation company has a data protection officer with overall responsibility for implementing the data protection and privacy policy.

4. COLLECTION OF PERSONAL DATA

Care should be taken when collecting personal information as local law may prevent its use for any purposes that are not communicated to the individual at the time the information was collected.

The individual should be given certain information when the information is collected such as the identity of the collector and the use to which the information may be put. It may be necessary to obtain specific consent from the individual for certain uses, for example direct marketing. Most jurisdictions require consent to be explicit although some countries will accept implied consent. Only relevant information should be collected; it could be unlawful to collect excessive information about an individual.

5. USE OF PERSONAL DATA

Personal information should only be used for the purpose that was communicated to the individual when the data was collected and the purposes for which the BBA Aviation company is registered to use that data. Use of the data for any other purpose could be a

criminal offence and render the company liable to fines or be the subject of a formal “stop” order. The individual may also be able to sue for damages for the damage and distress they suffer as a result of the misuse of their personal data.

The BBA Aviation company must have appropriate security measures in place to protect the personal information it holds. The level of these measures will depend on the nature of the data and the harm that could result from unauthorised disclosure of it. Stricter procedures are therefore needed for sensitive data such as health data.

6. DATA QUALITY AND INDIVIDUAL RIGHTS

Individuals usually have the right to request that their data is corrected or deleted. There should be procedures to check and ensure that the data is accurate and where necessary kept up to date.

The data protection policy should tie in with any data retention policies in place at the company. Personal information should not be kept for longer than necessary.

Most jurisdictions give an individual the right to see copies of information that is held on them. There need to be procedures in place to deal with requests for data and such requests should be referred to the company’s data protection officer. There may be statutory time limits which must be complied with. If a particularly burdensome and wide-ranging request is received, the search by the company and the resulting disclosure may be restricted to what is reasonable and proportionate. If you are in any doubt please contact a member of the BBA Legal Department.

Individuals have other rights such as to ask that processing which causes substantial damage or distress, ceases and to ask for any wholly automated decision taken about them to be re-taken manually.

7. DISCLOSURE/TRANSFER OF PERSONAL DATA

BBA Aviation companies should not disclose data outside their organisation (including to other BBA Aviation companies) without first checking whether such disclosure is permitted. Some jurisdictions require consent from the individual whose data is to be transferred (particularly where sensitive data is concerned).

If the BBA Aviation company wishes to appoint a sub-contractor to carry out a process that will involve using personal information, such as outsourcing a payroll function or appointing a print company to send out a mailshot, local law should be checked to see whether the individual needs to be informed and give explicit consent to this. Consent may be needed where sensitive data is to be transferred to the sub-contractor. In all cases where a sub-contractor is appointed, a written contract should be put in place controlling what the sub-contractor can do with the data and ensuring that they have adequate security measures in place, since BBA may remain responsible for any misuse the sub-contractor may make of the data.

Transfers of personal data to a different country needs careful scrutiny. Where a BBA Aviation company is based in Europe and it wishes to transfer data outside the European Economic Area (the 27 EU Member States plus Norway, Iceland and Lichtenstein), this will only be permitted where the country to which the data is being transferred offers an “adequate level of protection”. Only certain countries (Argentina, Canada, Switzerland, Guernsey and the Isle of Man) have been deemed to have an adequate level of protection. US companies that have signed up to the “safe harbor” principles are also deemed adequate. It is still possible to transfer personal information to countries that have not been deemed to have an adequate level of protection, but to do so requires measures to protect the information such as the use of EU-approved “model clauses”. The consent of the local data protection authority to such a transfer may be needed in addition to this.

8. QUERIES

If you are in any doubt as to how the data protection regulations in your country are to be applied, or have any other queries on data protection generally, please contact the BBA Legal Department who will be able to assist.

9. COMPLIANCE

Compliance with these Guidelines will be treated in the same manner as other BBA Aviation-wide policies. All Managing Directors will be required to sign a disclosure statement twice each year (mid-year and year-end) acknowledging their receipt of a copy of these Guidelines; their dissemination of the Guidelines to their direct reports; and their disclosure of any known

violations of the Guidelines, to the extent not previously reported as required under the Guidelines.

This policy and compliance with it will be the subject of review as part of the BBA Aviation Internal Audit Programme.