

## Individual Data Rights Policy

The Harbour Group of Companies (**Harbour Group**) are committed to being responsible custodians of the information you provide to us and the information we collect while operating our business and providing administration, reporting and fiduciary services (**Services**).

The Harbour Group of Companies consists of the following:

- 1.1 Harbour International Trust Company Limited
- 1.2 Harbour Fiduciary Services Limited
- 1.3 Harbour Management Limited
- 1.4 HCD Limited
- 1.5 Harbour Administration (BVI) Limited
- 1.6 Kintyre Corp.
- 1.7 2k Limited
- 1.8 3K Limited

(Collectively, **Harbour** or the **Harbour Entities**)

### 1. What is 'Personal Information'?

The Personal Information Protection Act (**PIPA**) provides fundamental rights and more control over your personal information. Personal Information is any information that can be used to identify you or that we can link to you as an individual and may include:

- Full name, date of birth, passport, driving license or other photographic identity details;
- Company or organisation details;
- Contact information including postal address, email address and telephone number(s);
- Demographic information such as postcode, preferences and interests;
- Information pertinent to fulfilling our services on an individual's or organisation's behalf; and
- Information we collect automatically through cookies and similar tracking technologies through our website, mobile applications or other online services.

We may also collect, store and use the following special categories of more sensitive personal information including:

- Racial or ethnic origin;
- Political opinions, religious or philosophical beliefs;
- Trade union membership;

- Data concerning physical or mental health or disabilities;
- Genetic data or biometric data;
- Marital or family status; or
- Data concerning a natural person's sex life or sexual orientation.

## **2. What are your Individual Data Rights?**

### a) Right to be informed

Subject to discreet exceptions, PIPA mandates that Harbour must issue a privacy notice to individuals regarding their practices and policies with respect to personal information. Harbour must take all reasonably practicable steps to ensure that the privacy notice is provided either before or at the time of collection of personal information, or, where that is not possible, as soon thereafter as is reasonably practicable.

The following mandatory content must be included in the privacy notice:

- the fact that personal information is being used;
- the purposes for which personal information is or might be used;
- the identity and types of individuals or organisations to whom personal information might be disclosed;
- the identity and location of the organisation, including information on how to contact it about its handling of personal information;
- the name of the data privacy officer; and
- the choices and means that Harbour provides to an individual for limiting the use of, and for accessing, rectifying, blocking, erasing, and destroying their personal information.

### b) Right to access

Subject to specific exemptions, at the request of an individual for access to their personal information, and having regard to that which is reasonable, Harbour must provide the individual with access to:

- personal information about the individual in the custody or under the control of Harbour;
- the purposes for which the personal information has been and is being used by Harbour; and
- the names of the persons or types of persons to whom, and circumstances in which, the personal information has been and is being disclosed.

### c) Right to rectification

An individual may make a written request to Harbour to correct an error or omission in any of their personal information which is under the control of Harbour. If there is an error or omission in personal information in respect of which a request for a correction is received by Harbour, the company must correct the personal information as soon as reasonably practicable. Where Harbour has also disclosed the incorrect information to other organisations, Harbour must then send a notification containing the corrected information to each such organisation, if it is reasonable to do so.

d) Right to erasure

An individual may request Harbour to erase or destroy personal information about themselves where that personal information is no longer relevant for the purposes of its use. On receiving such a request, Harbour must erase or destroy the personal information that the individual has identified in their request or provide the individual with its written reasons as to why the use of such personal information is justified.

e) Right to object/opt-out

An individual may request Harbour to cease, or not to begin, using their personal information for the purposes of advertising, marketing, or public relations. On receiving such a request, Harbour must cease, or not begin, using the personal information for such purposes. An individual may also request Harbour to cease, or not to begin, using their personal information where the use of that personal information is causing or is likely to cause substantial damage or substantial distress to the individual or to another individual. On receiving such a request, Harbour must either cease, or not begin, using the personal information that the individual has identified in their request, or provide the individual with written reasons as to why the use of such personal information is justified.

f) Right to data portability

Although PIPA does not expressly provide for the right to data portability, it is possible that this activity could fall within the scope of the right of access and remains a matter for the interpretation of the Privacy Commissioner.

g) Right not to be subject to automated decision-making

PIPA currently does not expressly provide for the right not to be subject to automated decision-making however it is possible that this activity could fall within the scope of other rights and remains a matter for the interpretation of the Privacy Commissioner.

### **3. What is the procedure for making a request?**

To obtain access to your personal information or make a request for a correction to your personal information, you must provide a written request to Harbour setting out sufficient detail to enable Harbour to identify the personal information in respect of which the request is made.

You may ask for a copy of your personal information or ask to examine your personal information. Harbour shall promptly acknowledge receipt of the request in writing, including the date of the request, and Harbour should at the same time inform you, if there is insufficient detail in the request, and what information is required to complete the request.

When a completed request has been received, Harbour shall respond to you not later than 45 days from the day on which Harbour receives the written request.

Harbour may, with respect to a request made, extend the period for responding to the request by no more than 30 days, or for such longer period as the Commissioner may permit, if a large amount of personal information is requested or needs to be searched or corrected; and meeting the time limit would unreasonably interfere with the operations of the organisation; or more time is needed to consult with a third party before Harbour is able to determine whether or not to give you access to the requested personal information.

If the period for responding is extended, Harbour shall inform you of the reason for the extension; and the time when a response from Harbour can be expected.

Harbour reserves the right to charge a fee not exceeding the prescribed maximum for access to the personal information, except where the request results in the correction of an error or omission in the personal information about you that is under the control of the Harbour. If Harbour is intending to charge a fee for the service, we may require you to pay all or part of said fee in advance.

Written requests can be sent via email, by hand, or by post to Susan Trott, the Data Privacy Officer for Harbour as follows:

By Hand: Thistle House  
4 Burnaby Street, 2<sup>nd</sup> Floor  
Hamilton, HM 11  
Bermuda

By Post: P.O. Box HM 3014  
Hamilton, HM MX  
Bermuda

Email: [strott@harbour-fiduciary.com](mailto:strott@harbour-fiduciary.com)