

ICMP POLICY ON PERSONAL DATA PROCESSING AND PROTECTION

1. Definitions

- a. “Biological sample” refers to any sample of biological material (for example blood and bone cells) in which nucleic acids are present and which contains the characteristic genetic make-up of a data subject.
- b. “Consent” refers to the informed and free affirmation of the wish of a data subject to allow his or her personal data to be used for the specific purpose for which data is intended according to information provided at the time the personal data is given.
- c. “Collecting” data refers to asking a data subject to provide personal data and recording such data.
- d. “Data processing” refers to any operation or set of operations to which personal data is subjected, while under the control of ICMP, including data collection, registration, recording, storing, arrangement, transformation, utilization, transfer, transmission and dissemination, “freezing” or deletion.
- e. “Data processing system” refers to a structured body of personal data that is accessible on the basis of processing criteria.
- f. “Data recipient” refers to a natural or a legal person to whom personal data is disclosed.
- g. “Data subject” refers to a natural person who may be directly or indirectly identified by personal data.
- h. “Member of Staff” refers to anyone who holds a full or part-time office for wages, salary, or other remuneration with ICMP as well as interns.
- i. “Personal data” refers to any information relating to a natural person.
- j. “Record” refers to any document, correspondence, original paper, map, drawing, chart, index, plan, memoranda, sound recordings, microfilm, motion-picture or other photographic records or materials in the possession or under the control of ICMP including electronic or computer generated records, databases and data processing systems for defining, creating, manipulating, controlling, managing, and using databases and the system that controls the creation, organization, and modification of a database and access to the data stored within it.
- k. “Sensitive personal data” refers to personal data that indicate the race, ethnic origin, religious, philosophical or political convictions of a data subject, or the health or sexual life of a data subject, as well as data on the characteristic genetic make-up of a data subject and data relative to criminal prosecution and convictions.

2. Applicability

- a. This Policy applies to members of ICMP staff.
- b. For purposes of this Policy, biological samples and data derived from such samples shall be regarded sensitive personal data under Section 3 (3) below.

3. Policy

1. It is ICMP policy to protect personal data from unauthorized processing.
2. Personal data, other than sensitive personal data, may be processed, provided such processing is mandated by ICMP's purposes and functions, there are no contrary stipulations under agreements or other binding commitments that ICMP concluded in exercise of its purposes and functions, and at least one of the following conditions is met:
 - a. The data subject concerned has given his or her consent;
 - b. The data processing conforms to a substantial public interest and is commensurate with the rights of data subjects concerned;
 - c. Data processing is necessary for the needs of scientific or statistical research and does not violate the rights of data subjects concerned, such as the right to privacy.
3. Processing sensitive personal data is permitted on one of the following grounds:
 - a. The data subject has provided his or her express and informed consent in writing for the processing of his or her sensitive personal data. In lieu of writing, a data subject may provide a fingerprint to a consent statement read to the data subject and signed by a witness;
 - b. It is necessary to protect the life and health of the data subject or another person, and the data subject is not legally or physically able to express consent;
 - c. It is necessary as part of scientific or statistical research instrumental to the fulfillment of the purposes and functions of ICMP provided the personal data is processed in such a manner that it is commensurate with the rights of persons concerned and permanently dissociates the sensitive personal data from other data that would permit identifying the data subject or data subjects concerned;
 - d. The data is in the public domain;
 - e. In cases where consent may be replaced by the requisite legal proceedings under national law, such as by order of a Court of Law, ICMP may accept such proceedings in lieu of consent by the data subject concerned provided ICMP can reliably ascertain that such proceedings conform to a substantial public interest and are commensurate with the rights of persons concerned.
4. When collecting data from a data subject, the data subject shall be provided with the address and other coordinates of the ICMP, the collecting staff member's name, as well as the purpose for the data processing. The data subject shall also be given adequate information on the data recipient and the data subject's right to gain access to and to amend or withdraw his or her data.
5. Data shall be processed in a manner to ensure that the data is accurate, updated, rectified or erased in a timely manner.
6. Personal data may only be transferred to third parties with the data subject's consent, and only if the third party respects international standards applicable to the protection of personal data, such as those set forth in the EU Directive 95/46/EC.
7. Any physical transfer of records containing personal data or biological samples shall be conducted in specifically marked containers or vehicles, such as diplomatic vehicles, so as to ensure the inviolability of their contents under principles of international law. Any electronic transfer of personal data shall employ adequate protective encryption or similar measures.
8. This policy shall be implemented according to conforming standard operating procedures (SOP) on personal data protection.

9. Personal data shall at all times be treated as confidential and shall be processed in accordance with the ICMP Policy on Confidentiality. Strict confidentiality shall at all times apply to sensitive personal data.
10. Disciplinary measure in line with the Personnel Policy applies to violations of this policy.