

PERSONAL DATA BREACH NOTIFICATION PROCEDURE (TIER 2)

Document Control

Reference: GDPR DOC 2.5

Issue No: 1.0

Issue Date: 10/11/2023

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1. Scope

This procedure applies in the event of a personal data breach under Article 33 of the GDPR – *Notification of a personal data breach to the supervisory authority* – and Article 34 – *Communication of a personal data breach to the data subject*.

The GDPR draws a distinction between a 'data controller' and a 'data processor' in order to recognise that not all organisations involved in the processing of personal data have the same degree of responsibility. Each organisation should establish whether it is data controller, or a data processor for the same data processing activity; or whether it is a joint controller.

2. Responsibility

- 2.1 All users (whether Employees/Staff, contractors or temporary Employees/Staff and third party users) and Management Team of Mr Marine Group BV are required to be aware of, and to follow this procedure in the event of a personal data breach (reference Training Policy [GDPR DOC 1.1](#)).
- 2.2 All Employees/Staff, contractors or temporary personnel are responsible for reporting any personal data breach to the Data Protection Officer / IT Manager

3. Procedure – Breach notification data controller to supervisory authority

- 3.1 Mr Marine Group BV determines if the supervisory authority need to be notified in the event of a breach.
- 3.2 Mr Marine Group BV assesses whether the personal data breach is likely to result in a risk to the rights and freedoms of the data subjects affected by the personal data breach, by conducting *data protection impact assessment against the breach*.
- 3.3 If a risk to data subject(s) is likely, Mr Marine Group BV reports the personal data breach to the supervisory authority [Dutch Personal Data Authority] without undue delay, and not later than 72 hours.
- 3.4 If the data breach notification to the supervisory authority is not made within 72 hours, Mr Marine Group BV's Data Protection Officer / GDPR Owner submits it electronically with a justification for the delay.
- 3.5 If it is not possible to provide all the necessary information at the same time Mr Marine Group BV will provide the information in phases without undue further delay.
- 3.6 The following information needs to be provided to the supervisory authority ([GDPR REC 4.5](#)):
 - 3.6.1 A description of the nature of the breach.
 - 3.6.2 The categories of personal data affected.
 - 3.6.3 Approximate number of data subjects affected.

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- 3.6.4 Approximate number of personal data records affected.
 - 3.6.5 Name and contact details of the Data Protection Officer / GDPR Owner.
 - 3.6.6 Consequences of the breach.
 - 3.6.7 Any measures taken to address the breach.
 - 3.6.8 Any information relating to the data breach.
- 3.7 The Data Protection Officer / GDPR Owner notifies the supervisory authority [Dutch Personal Data Authority]. Contact details for the supervisory authority are recorded Mr. Marine's Privacy Notice.
- 3.8 In the event the supervisory authority assigns a specific contact in relation to a breach, these details are recorded in the Internal Breach Register.
- 3.9 The breach notification is made by email.
- 3.10 A confirmation of receipt of this information is made by email or phone.

4. Procedure – Breach notification data controller to data subject

- 4.1 If the personal data breach is likely to result in high risk to the rights and freedoms of the data subject, Mr Marine Group BV notifies those/the data subjects affected.
- 4.2 The notification to the data subject describes the breach in clear and plain language, in addition to information specified in clause 3.6 above.
- 4.3 Mr Marine Group BV takes measures to render the personal data unusable to any person who is not authorised to access it using *encryption/minimisation or obfuscation*.
- 4.4 The data controller takes subsequent measures to ensure that any risks to the rights and freedoms of the data subjects are no longer likely to occur by *conducting an incident review and updating policies / procedures where relevant*.
- 4.5 If the breach affects a high volume of data subjects and personal data records, Mr Marine Group BV makes a decision based on assessment of the amount of effort involved in notifying each data subject individually, and whether it will hinder the Mr Marine Group BV's ability to appropriately provide the notification within the specified time frame. In such a scenario a public communication or similar measure informs those affected in an equally effective manner.
- 4.6 If Mr Marine Group BV has not notified the data subject(s), and the supervisory authority considers the likelihood of a data breach will result in high risk, Mr Marine Group BV will communicate the data breach to the data subject by email in the next 72 hours.
- 4.7 Mr Marine Group BV documents any personal data breach(es), incorporating the facts relating to the personal data breach, its effects and the remedial action(s) taken.

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The Data Protection Officer / GDPR Owner is the owner of this document and is responsible for ensuring that this procedure is reviewed in line with the review requirements of the GDPR.

A current version of this document is available to *all* members of staff on the company's shared drive.

This procedure was approved by the Chief Operations Officer (COO) on *10/11/2023* and is issued on a version-controlled basis under his/her signature.

Signature:



Date: 14/11/2023

Change History Record

Issue	Description of Change	Approval	Date of Issue
1	Initial issue	Mihnea Radulescu	10/11/2023