



The Global Crop Diversity Trust

Data Protection Policy

APPROVED BY EXECUTIVE SECRETARY ON 27 JANUARY 2022

Contents

| | |
|--|----------|
| 1. INTRODUCTION..... | 3 |
| 2. OBJECTIVE AND SCOPE | 3 |
| 3. DEFINITIONS | 3 |
| 4. GENERAL PRINCIPLES | 4 |
| 5. ACCOUNTABILITY..... | 4 |
| 6. GROUNDS FOR PROCESSING PERSONAL DATA..... | 4 |
| 7. RIGHTS OF THE DATA SUBJECT | 5 |
| 8. TRANSFER OF PERSONAL DATA | 6 |
| 9. COMPLIANCE..... | 7 |
| 10. RESPONSIBILITIES..... | 7 |
| 11. NOTIFICATION OF BREACH BY STAFF MEMBERS | 8 |
| 12. COMPLAINTS PROCEDURE..... | 8 |
| 13. IMPLEMENTATION | 9 |

1. INTRODUCTION

- 1.1 The Crop Trust is an autonomous international fund established under international law pursuing its objective to ensure the long-term conservation and availability of plant genetic resources for food and agriculture with a view to achieving global food security and sustainable agriculture.
- 1.2 Ensuring the highest standards of quality, efficiency, competence, integrity and ethics in its operations and in its co-operations with partners is among the paramount principles of the Crop Trust. The Crop Trust fully respects privacy of partners and it regards transparency as a compulsory requirement to meet integrity and ethical standards. It is against this background that the Crop Trust acknowledges the key principles on privacy and data protection of the United Nations.

2. OBJECTIVE AND SCOPE

- 2.1 This Policy lays down the rules and processes relating to the processing of personal data of natural persons by Crop Trust.
- 2.2 This Policy applies to the processing of personal data wholly or partly by automated means and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.

3. DEFINITIONS

For the purposes of this Policy:

- (a) **'consent'** of the data subject means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which they, by a statement or by a clear affirmative action, signify agreement to the processing of personal data relating to them;
- (b) **'data subject'** means the person whose data is processed;
- (c) **'filing system'** means any structured set of personal data which are accessible according to specific criteria, whether centralised or dispersed on a functional or geographical basis;
- (d) **'joint controller'** means the natural or legal person, public authority, agency or other body which, together with the Crop Trust, determines the purposes and means of the processing of personal data;
- (e) **'personal data'** means any information relating to an identified or identifiable natural person (**'data subject'**); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;
- (f) **'processing'** means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration,

- retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;
- (g) **'secure third countries'** means countries listed in Article 8.1 of this Policy for which the Crop Trust has confirmed a suitable level of data protection in compliance with this Policy is provided;
 - (h) **'sensitive personal data'** means personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership; genetic data, biometric data, data concerning health or data concerning a natural person's sex life or sexual orientation;
 - (i) **'third party'** means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

4. GENERAL PRINCIPLES

In accordance with the United Nations Personal Data Protection and Privacy Principles, personal data shall be:

- (a) processed fairly, lawfully and, in accordance with Crop Trust's mandate and governing instruments;
- (b) processed for specified purposes which are consistent with the mandate of the Crop Trust and take into account the balancing of relevant rights, freedoms and interests;
- (c) relevant, adequate and limited to what is necessary in relation to the specified purposes of personal data processing;
- (d) retained for the time that is necessary for the specified purposes.
- (e) accurate and, where necessary, up to date to fulfil the specified purposes.
- (f) processed with due regard to confidentiality;
- (g) processed by implementing appropriate organizational, administrative, physical and technical safeguards and procedures to protect the security of personal data, including against or from unauthorized or accidental access, damage, loss or other risks presented by data processing;
- (h) processed with transparency to the data subjects, as appropriate and whenever possible.

5. ACCOUNTABILITY

The Crop Trust shall have adequate procedures and tools in place to adhere to the General Principles set forth in Article 4.

6. GROUNDS FOR PROCESSING PERSONAL DATA

6.1 Processing data shall be lawful only if and to the extent that at least one of the following applies:

- (a) the data subject has given consent to the processing of their data, provided that the data subject can withdraw their consent anytime;

- (b) processing is necessary for Crop Trust to fulfil its contractual obligations or in order to establish a contractual relationship;
- (c) processing is necessary for Crop Trust's compliance with a legal obligation;
- (d) processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- (e) processing is necessary for the performance of a task carried out in the public interest;
- (f) processing is necessary for the purposes of Crop Trust's or a third party's legitimate interests, provided that such interests do not override the interests or fundamental rights and freedoms of the data subject.

6.2 Processing of sensitive data shall be lawful only if and to the extent that at least one of the following applies:

- (a) the data subject has given consent to the processing of their data, provided that the data subject can withdraw their consent anytime;
- (b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of Crop Trust or of the data subject arising out of the employment relationship;
- (c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;
- (d) processing relates to personal data which are manifestly made public by the data subject;
- (e) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
- (f) processing is necessary for reasons of substantial public interest;
- (g) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, provided that it is proportionate to the aim pursued, respects the essence of the right to data protection and provides for suitable and specific measures to safeguard the fundamental rights and interests of the data subject.

6.3 Processing of personal data of a child under the age of 16 is subject to the consent of the holder of parental responsibility over the child.

7. RIGHTS OF THE DATA SUBJECT

7.1 The data subject shall have:

- (a) the right to be informed about their personal data being processed and the grounds for processing;
- (b) the right to access their personal data that is being processed;
- (c) the right to rectify inaccurate or incomplete personal data;
- (d) the right to have their personal data erased, provided that the grounds for processing are no longer applicable;
- (e) the right to restriction of processing if the accuracy is contested by the data subject;
- (f) the right to object to the processing of their personal data provided that the processing is based on Articles 6.2(f) or (g) of this Policy and unless the Crop Trust demonstrates compelling legitimate grounds for the processing which override her or his interests.

7.2 The requests for information about the processing of personal data, as well as access, verification, rectification and/or deletion of that personal data shall be sent in writing to dataprotection@croptrust.org or by post to Platz der Vereinten Nationen 7, 53113 Bonn, Germany.

7.3 Crop Trust shall respond to the request within 30 calendar days and only after verifying the identity of the person making the request.

8. TRANSFER OF PERSONAL DATA

8.1 In carrying out its mandated activities, Crop Trust may transfer personal data to a third party, provided that under the circumstances, Crop Trust satisfies itself that the third party affords appropriate protection for the personal data. For the purposes of this Policy,

- (a) The United Nations and its specialised agencies;
- (b) European Union (EU) Member States and the European Free Trade Association (EFTA) Member States;
- (c) Secure third countries as confirmed by the European Commission;
are secure third countries and parties confirmed by the Crop Trust to either have adopted or are subject to rules affording appropriate protection for the personal data that are at least equivalent to the rules set forth hereunder.

8.2 Any transfer of personal data which are undergoing processing or are intended for processing to a third country or to an international organisation other than those listed in paragraph (1) of this Article shall take place only if at least one of the following conditions are met:

- (a) the third party is contractually or otherwise committed in legally binding and enforceable rules comprising all data protection principles and enforceable rights to ensure appropriate safeguards for data transfers;
- (b) the data subject has explicitly consented to the proposed transfer, after having been informed of the possible risks of such transfers for the data subject;
- (c) the transfer is necessary for the performance of a contract between the data subject and the Crop Trust or the implementation of pre-contractual measures taken at the data subject's request;
- (d) the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the Crop Trust and another natural or legal person;
- (e) the transfer is necessary for important reasons of public interest;
- (f) the transfer is necessary for the establishment, exercise or defence of legal claims;
- (g) the transfer is necessary in order to protect the vital interest of the data subject or of other persons, where the data subject is physically or legally incapable of giving consent.

8.3 Crop Trust shall conclude a data processing agreement with any third party that processes personal data on its behalf.

9. COMPLIANCE

9.1 Crop Trust and/or the third party data processor shall implement appropriate technical and organisational measures to ensure compliance with this Policy, including inter alia as appropriate:

- (a) the anonymisation, pseudonymisation and, where necessary, encryption of personal data;
- (b) the ability to ensure the ongoing confidentiality, integrity, availability and resilience processing systems and services;
- (c) the ability to restore the availability and access to personal data in a timely manner in the event of physical or technical incident;
- (d) data minimisation;
- (e) a process for regularly testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring security of processing.

9.2 Crop Trust shall maintain a record of processing activities under its responsibility which should include the following information:

- (a) the name and contact details of Crop Trust and where applicable, the joint controller;
- (b) the purpose of processing;
- (c) a description of the categories of data subjects and the categories of personal data;
- (d) the categories of recipients to whom the personal data have been or will be disclosed;
- (e) where applicable, transfers of personal data to a third country or an international organisation, including the documentation of the relevant safeguarding measures taken as per Article 8;
- (f) where possible, the envisaged time limits for erasure of the different categories of data;
- (g) where possible, a general description of the technical and organisational security measures taken to protect such data.

10. RESPONSIBILITIES

10.1 All Crop Trust staff, consultants, partners and any other third party engaging with the Crop Trust who handle personal data shall ensure that it is handled and processed in line with this Policy and data protection principles. The responsibilities of all Crop Trust staff shall include the following responsibilities:

- (a) Considering data protection at all times while performing their duties and responsibilities,
- (b) Where necessary, obtaining consent from data subjects and ensuring secure filing of the consent forms,
- (c) Notifying any personal data breach they detect or suspect as per Article 11 of this Policy,
- (d) Ensuring that personal data is physically or digitally filed, stored and otherwise processed in compliance with this Policy and the rights of the data subjects
- (e) Maintaining records of the processing activities under their responsibility as per Article 9(2) of this Policy;
- (f) Ensuring that personal data is stored on designated institutional systems safely and avoid keeping the personal data on personal equipment such as laptops, USB drives, or smart phones,

- (g) Taking any other measures and/or actions as may be necessary to ensure full and effective implementation of this Policy.

10.2 A staff member shall be identified among the Crop Trust staff to undertake the following tasks and responsibilities:

- (a) Advising on compliance with this Policy to the extent possible,
- (b) Coordinating development and implementation of organisational and technical measures to ensure compliance with this Policy,
- (c) Drafting the data protection statements and consent forms,
- (d) Reviewing Crop Trust's policies and processes on data protection in line with the Crop Trust procedures,
- (e) Organising data protection trainings to the relevant staff and third parties, where necessary.
- (f) Acting as the contact point for data protection related questions and inquiries from the Crop Trust staff and third parties.

10.3 The IT team shall be responsible for:

- (a) Ensuring relevant technical measures as appropriate for data protection are put in place and soundly implemented,
- (b) Ensuring all information systems meet the security standards for data protection and this Policy,
- (c) Performing regular checks to minimize weaknesses or breaches of security,
- (d) Assessing any third party IT services that the Crop Trust is considering for storing or processing personal data on its behalf.

11. NOTIFICATION OF BREACH BY STAFF MEMBERS

11.1 Crop Trust staff members shall submit any personal data breach they detect or suspect within the Crop Trust to dataprotection@croptrust.org without undue delay. The designated staff member shall coordinate to ensure termination of the breach as soon as possible.

11.2 Crop Trust designated staff member(s) shall document any personal data breaches, comprising the facts relating to the personal data breach, its effects and the remedial action taken.

11.3 When the personal data breach is likely to result in a high risk to the rights and freedoms of data subject, the Crop Trust shall communicate the personal data breach to the data subject without undue delay.

12. COMPLAINTS PROCEDURE

12.1 All data subjects have the right to file a complaint with the Crop Trust concerning the processing of their personal data.

12.2 Any complaint shall be addressed to the Crop Trust and sent in writing to dataprotection@croptrust.org or by post to Platz der Vereinten Nationen 7, 53113 Bonn, Germany.

12.3 In case of a complaint, an ad hoc Claim Management Committee consisting of three members shall be established by the Executive Secretary within 30 calendar days following the receipt of the complaint to investigate and decide on the complaint. Depending on the specificities of the case and the need for technical expertise, the Executive Secretary may assign external members to the Committee.

12.4 The appointed Claim Management Committee, upon confirming the identity of the complainant, shall utilize all necessary means to gather the facts leading to the subject matter of the complaint. The Committee shall decide on the case in writing within three months following the appointment and communicate it to the complainant. The decision should include a written report on the results of the investigation and the justification of the decision.

12.5 The complainant has the right to appeal against the Claim Management Committee's decision within 15 days following the notification of the decision to her or him. In case of a request for appeal, the Executive Secretary shall review the Committee's decision and give a final decision within 30 days following the receipt of the request for appeal.

13. IMPLEMENTATION

With a view to ensuring compliance with this Policy, the following measures are being taken at the organisational and technical levels by the Crop Trust:

| Objective | Organisational & Technical Measure |
|--|--|
| Informing staff members and travellers on the data being processed by the Crop Trust | Each Crop Trust staff member is provided with the Crop Trust Staff Member Privacy Statement |
| Obtaining consent from data subjects | -All consultancy position applicants and job applicants are requested to submit a signed consent form for processing their personal data. -An organisational structure is established to ensure development and delivery of consent forms tailored for ad hoc requirements. |
| Ensuring that personal data is accessible only on a 'needs to know' basis | Relevant restrictions are put in place in the Crop Trust information systems and relevant organisational measures are taken for non-digital information. |
| Ensuring that the Crop Trust staff members handle and process personal data in accordance with this Policy | -Internal trainings are organised as needed. -Data protection and compliance with this Policy is defined among the responsibilities and codes of conduct of all staff members. -Compliance with this Policy is identified among the contractual obligations of consultants, providers, and any other third-party partners. |
| Ensuring email security | Encryption in transit |
| Ensuring compliance with this Policy by third party data processors | The relevant providers are selected to make sure that data processing remains within the secure third countries' territories. |

| | |
|--|--|
| Managing data protection in the Crop Trust website | Visitors are informed about their rights and asked whether they give consent to cookies. |
| Managing data security in the Crop Trust newsletter subscriptions | -All subscribers are asked to give consent to the processing of their data. -The subscribers are given the option to withdraw their consent and unsubscribe anytime they like. |
| Data minimisation | Data that is no longer necessary to be stored is disposed of from physical files and information is deleted from the information systems or anonymised as appropriate. |
| Monitoring | -A notification system is established for the Crop Trust staff members to use in case they detect or suspect any personal data breach. -Organisational structures are established to monitor compliance with this Policy and to constantly improve data security. |
| Investigating complaints | A mechanism is established to investigate and resolve complaints relating to data privacy. |
| Communication to ensure data subjects can enjoy their rights under this Policy | A communication mechanism is established to receive and respond to requests for information about the processing of personal data, as well as access, verification, rectification, or deletion of personal data. |