

Privacy Statement

CAMERA USE BY THE ROTTERDAM HARBOUR MASTER

Rotterdam, 27 October 2022

This privacy statement informs you about the processing of personal data by the Harbour Master's Division ("Harbour Master") of the Port of Rotterdam Authority for the purpose of carrying out the following Harbour Master duties in the Rotterdam port area where the Harbour Master is the competent authority:

- Traffic control and bridge and lock operation¹ with Traffic Control System (VBS) cameras
- Incident response with CHR cameras and bodycam/dashcam²
- Port security with CHR cameras
- Surveillance and Detection (Enforcement) with CHR cameras and drones
- Traffic Handling as part of the Harbour Master duty 'Planning and admission of vessels and traffic handling' with CHR cameras

The Harbour Master is the Controller as referred to in the General Data Protection Regulation ("GDPR").

This privacy notice must be read in conjunction with our general [privacy statement](#).

Contact details

Havenbedrijf Rotterdam N.V.

Wilhelminakade 909

NL- AP Rotterdam

Data Protection Officer

Name: C.D.Q. Hakvoort

Email: FG@portofrotterdam.com

Phone: +31 6 22083376

If you have any questions or want to exercise any of your individual rights, get in touch via the general GDPR mailbox AVG@portofrotterdam.com

¹ With regard to bridge and lock operation, this concerns only the Rozenburgse lock and its two associated bridges.

² The bodycam can be used at an incident by a duty officer but can also be used as a dashcam in the vehicle while driving with optical and sound signals.

1. The Harbour Master duties involving cameras

To carry out the Harbour Master duties referred to above, the Harbour Master uses cameras in public areas and the camera footage generated.

For the Harbour Master duty involving Traffic Control and bridge and lock operation, the Harbour Master uses specifically installed cameras. These cameras are not part of the Port of Rotterdam Camera Platform (hereafter: "CHR"). These specific cameras are used by the Harbour Master solely for this Harbour Master duty.

For the performance of the Harbour Master incident response duty, the Harbour Master uses CHR cameras as well as dashcams that can be deployed by the Duty Officers or Operational Managers during priority 1 or 2 trips with the Harbour Master deployment vehicles or bodycams that Duty Officers can wear during the incident response at the scene of the incident.

CHR cameras are used to carry out the Harbour Master duties of Traffic Handling, Port Security and Surveillance and Detection (Enforcement). Drones may also be used for supervisory tasks. If this is the case, a Notice to Skippers (BAS) will also be issued to inform skippers. For now, drones are only used as a test to assess whether the use of drones adds value to the port authority's monitoring and inspection tasks.

An explanation of the processing of personal data via cameras by the Harbour Master is given below for each Harbour Master duty.

2. Objective

1. Traffic Control and bridge and lock operation (VBS)
--

The objective laid down in the Dutch Shipping Traffic Act and the Dutch Inland Waterways Police Regulations is of relevance to this Harbour Master duty.

Section 3(1)(a) of the Shipping Traffic Act (Svw) defines the objective as follows: 'ensuring the safety and smooth flow of shipping traffic'. To achieve this objective, traffic control as well as lock and bridge operation is necessary.

Traffic control is defined in Section 1(1)(i) of the Svw as follows: 'to bring about and maintain safe and smooth shipping traffic in a systematic and interactive manner via a combination of human and infrastructural facilities'.

Further regulations on the use of cameras for nautical traffic control can be found in the IALA Guidelines of May 2015³.

³ IALA is a non-profit, international technical association that has drawn up guidelines including the [IALA guideline 1111:
//www.ialaism.org/product/preparation-of-operational-and-technical-performance-for-vts-equipment/](https://www.ialaism.org/product/preparation-of-operational-and-technical-performance-for-vts-equipment/)

The traffic control cameras are intended to support traffic control on the waterways in the Rotterdam port area where the Harbour Master is the Competent Authority. This provides an improvement opportunity, because in places where radar does not offer sufficient cover, these cameras support VTS operators in their task of keeping shipping traffic safe and running smoothly. To this end, the fixed (non-operated) cameras are also all focused exclusively on the waterways. If movable cameras that can be remotely controlled are directed at nearby buildings, the footage will be automatically partly or fully greyed out so that the buildings are never visible (masking).

Part of the Rozenburgse lock consists of two bridges operated as part of the nautical traffic control. Operating these bridges is necessary for the safe and smooth flow of shipping traffic. Operating the lock and bridges affects the safe flow of road traffic on site over public roads. An additional objective of on-site cameras is therefore to enhance and ensure traffic safety for road users.

2. Incident response

The objective of camera use in incident response is to ensure that in the case of incidents at the Port and Industrial Complex (HIC), live footage of the incident is created for the Operations Manager (OM) at the Harbour Coordination Centre (HCC) of the Harbour Master. This is to get a better picture of the scope of an incident, to better assess its impact and to make the imaging of an incident more complete and accurate. This will enable more efficient and safe deployment of own staff and resources in handling an incident.

The purpose of the dashcam in the service vehicles is evaluation of emergency trips made, liability investigations in the event of an accident, for criminal investigations and for the benefit of the safety of Duty Officers and the environment where they drive while using optical and sound signals.

The purpose of using bodycams during incident response by Duty Officers of the Harbour Master is feedback (learning from incidents), evidence in the case of aggression and violence and for safety while working as an emergency assistance provider. The Duty Officer operates independently. Obtaining feedback and learning from incidents is possible only by means of footage of the incident.

3. Port security

The purpose of using live camera footage in monitoring compliance with the Dutch Port Security Act (*Havenbeveiligingswet*) and the International Ship and Port Facility Security Code (ISPS) by inspectors from the Harbour Master, is to be able to carry out surveillance public duties in a more targeted manner. Inspectors can inspect and monitor compliance with the Port Security Act and ISPS regulations more effectively, safely and efficiently.

4. Surveillance and Detection (Enforcement)

The purpose of using live camera footage in the performance of surveillance duties by the shipping masters of the Harbour Master patrol vessel division is to enable more targeted performance of surveillance duties. This allows the crew of the patrol vessels to better prioritise and therefore carry out more effective, safe and

efficient surveillance and oversee the correct application of the Shipping Traffic Act (and the regulations based on it, including the Inland Waterways Police Regulations) and local Port Regulations.

The objective of using live camera footage in the performance of surveillance duties by inspectors of the Harbour Master Inspection Division is to carry out surveillance duties in a more targeted manner. This allows inspectors to carry out inspections more effectively, safely and efficiently and to monitor the correct application of local Port Regulations and other relevant legislation when conducting shipping activities, such as controlling the transport and transshipment of hazardous and other substances.

Drones can also be used to assess whether their deployment adds value to the port authority's monitoring and inspection tasks.

5. Traffic handling

CHR cameras are also used for traffic handling. During traffic handling, the cameras can support the safety and smooth flow of shipping traffic, as laid down in the Shipping Traffic Act.

3. Categories of personal data

1. Traffic Control and bridge and lock operation (VBS)
--

Traffic control:

The personal data processed by means of traffic control cameras are set out below.

Ordinary personal data

- Name of barge and ENI number (European vessel identification number).
- Possible persons in the footage. As the footage is very grainy when zoomed in, the people as such are not recognisable.

Criminal personal data

Offences may be committed that can be seen on camera.

Data Subjects

The names of barges observed may be traceable to skipper owners. Consequently, names of barges are considered by law as personal data for this reason. For many barge captains, their vessel is also their home.

On the camera footage, persons staying on board a vessel can be seen unrecognisably.

Bridge and lock operation:

The personal data processed by means of cameras at Rozenburgse lock are set out below.

Ordinary personal data

- Name of barge and ENI number (European vessel identification number).
- People visible on the footage
- Vehicle registration numbers

Criminal personal data

Offences may be committed that can be seen on camera.

Data Subjects

The names of barges observed may be traceable to skipper owners. Therefore, by law, names of barges qualify as personal data. For many barge captains, their vessel is also their home.

On the camera footage, persons staying on board a vessel may be observed as well as road users (in a vehicle, on a bicycle/scooter, walker) and people around the bridges and lock.

2. Incident response

Ordinary personal data

- Name of barge and ENI number (European vessel identification number)
- Possible persons on the footage
- Vehicle registration numbers

Criminal personal data

Offences may be committed that can be seen on camera.

Data Subjects

The names of barges observed may be traceable to skipper owners. Consequently, names of barges are considered by law as personal data for this reason. For many barge captains, their vessel is also their home.

On the camera footage, people staying on board a vessel or ashore can be seen recognisably.

Dashcam/ bodycam:

Ordinary personal data

- People recognisable on the footage
- Vehicle registration numbers
- Name of barge and ENI number (European vessel identification number)

Criminal personal data

There may be criminal offences that can be seen on camera, such as violence against emergency assistance providers.

Data Subjects

Personal data may be processed from the following Data Subjects:

- emergency assistance providers from various organisations, such as the coast guard, fire brigade, police, security region, ambulance and Port of Rotterdam Authority's Harbour Master
- those on board vessel where the incident response is taking place
- employees of companies where an incident is taking place
- bystanders or witnesses
- road users

3. Port security

Ordinary personal data

- Possible name of barge and ENI number (European vessel identification number)
- Persons on the footage
- Vehicle registration numbers

Criminal personal data

Offences may be committed that can be seen on camera.

Data Subjects

The names of barges observed may be traceable to skipper owners. Consequently, names of barges are considered by law as personal data for this reason. For many barge captains, their vessel is also their home.

On the camera footage, people staying on board a vessel or ashore can be seen recognisably. Number plates of vehicles and persons may also be visible at the entrance to port facilities.

4. Surveillance and Detection (Enforcement)

Ordinary personal data

- Name of barge and ENI number (European vessel identification number)
- Persons on the footage
- Vehicle registration numbers

Criminal personal data

Offences may be committed that can be seen on camera.

Data Subjects

The names of barges observed may be traceable to skipper owners. It has been agreed nationwide that for this reason, names of barges are considered personal data. For many barge captains, their vessel is also their home.

On the camera footage, people staying on board a vessel or ashore can be seen recognisably. Number plates of vehicles and persons may also be visible at the entrance to port facilities.

5. Traffic handling

Ordinary personal data

- Name of barge and ENI number (European vessel identification number)
- Persons on the footage
- Vehicle registration numbers

Criminal personal data

Offences may be committed that can be seen on camera.

Data Subjects

The names of barges observed may be traceable to skipper owners. It has been agreed nationwide that for this reason, names of barges are considered personal data. For many barge captains, their vessel is also their home.

On the camera footage, people staying on board a vessel or ashore can be seen recognisably. Number plates of vehicles and persons may also be visible at the entrance to port facilities.

4. Basis

1. Traffic Control and bridge and lock operation (VBS)

Article 6 of the General Data Protection Regulation (GDPR) sets out conditions under which processing of personal data is lawful. Data processing is necessary for the fulfilment of a statutory obligation as well as for the performance of a duty carried out in the public interest. These are laid down in Article 6(1)(c) and Article 6(1)(e) of the GDPR.

The use of cameras in itself is not a statutory obligation, but is necessary to fulfil the statutory obligation of ensuring the safe and smooth flow of shipping traffic and road safety at the Rozenburgse lock bridges under Section 3(1)(a) of the Shipping Traffic Act. The Harbour Master therefore has a legitimate interest in deploying cameras for both traffic control and the operation of the Rozenburg lock and the two bridges.

2. Incident response

The basis for processing personal data is Article 6(1)(e) of the GDPR:

The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Controller.

3. Port security

Article 6 of the General Data Protection Regulation (GDPR) sets out conditions under which processing of personal data is lawful. Data processing is necessary for the fulfilment of a statutory obligation as well as for the performance of a duty carried out in the public interest. These are laid down in Article 6(1)(e) of the GDPR.

4. Surveillance and Detection (Enforcement)

Article 6 of the General Data Protection Regulation (GDPR) sets out conditions under which processing of personal data is lawful. Data processing is necessary for the fulfilment of a statutory obligation as well as for the performance of a duty carried out in the public interest. These are laid down in Article 6(1)(e) of the GDPR.

5. Traffic handling

Article 6 of the General Data Protection Regulation (GDPR) sets out conditions under which processing of personal data is lawful. Data processing is necessary for the fulfilment of a statutory obligation as well as for

the performance of a duty carried out in the public interest. These are laid down in Article 6(1)(e) of the GDPR.

5. Source

1. Traffic Control and bridge and lock operation (VBS)

No external source is used for traffic control and bridge and lock operation.

2. Incident response

CHR cameras are used for incident response, as well as dashcam/bodycam.

3. Port security

CHR cameras are used for Port Security.

4. Surveillance and Detection (Enforcement)

CHR cameras and drones are used for surveillance.

5. Traffic handling

CHR cameras are used for traffic handling.

5. Recipients

For all the above Harbour Master duties, camera footage is provided to third parties only in so far as there is a statutory basis requiring the Harbour Master to do so, such as criminal investigations by investigating officers or, for example, an incident investigation by the Dutch Safety Board.

If a reasonable suspicion arises from camera footage that a crime has been or is being committed, Sections 160 up to and including 162 of the Dutch Code of Criminal Procedure will apply (an official/legal person who learns of a crime is obliged to report it).

6. Transfer

Not applicable

7. Data retention periods

Footage of the Traffic Control System (VBS):

Traffic control:

- Temporary storage of the camera footage on which the personal data as referred to above are registered. The standard retention period is approximately one (1) month. It is usually slightly longer than one (1) month because of the storage capacity at the storage location. Subsequently, the footage is overwritten.
- Securing footage in the case of an incident. The standard retention period of camera footage in the case of incidents is one (1) year. If the camera footage is requested for the purpose of a criminal investigation or proceedings, the standard retention period will be extended to seven (7) years.

Bridge and lock operation:

- Temporary storage of the camera footage on which the personal data as referred to above are registered. The standard retention period will not exceed seven (7) days.
- Securing the footage in the event that it is requested by investigating officers. If the camera footage is requested for the purpose of a criminal investigation or proceedings, the standard retention period will be seven (7) years.

CHR footage:

- Temporary storage of the camera footage on which the personal data as referred to above are registered. The standard retention period is seven (7) days after which the footage will be overwritten.
- Securing footage in the case of an incident (export medium) (retention period: one (1) year if not requested and seven (7) years if requested
- Securing footage in the case of an incident. If the camera footage is requested for the purpose of a criminal investigation or proceedings, the standard retention period will be extended to seven (7) years.

Dashcam/bodycam footage:

- Dashcam/bodycam footage will not be stored for longer than necessary. The footage will be stored for no more than four (4) weeks.
- The securing period for footage in the case of a request will be seven (7) years.

Images of the drones:

- Images of the drones will not be kept longer than necessary to assess the test but at the latest until the end of 2023.

8. Rights of Data Subjects

General

Under the GDPR, you have the following rights as a Data Subject:

- The right to access and to obtain a copy

- The right to rectification
- The right to be forgotten
- The right to restriction of processing
- The right to object to the processing of your data
- The right to data portability.

If you want to exercise one of the above rights, you can submit a request via the Port of Rotterdam Authority's general GDPR mailbox at AVG@portofrotterdam.com or via the Data Subjects' rights form, which can be found on the Port of Rotterdam Authority's corporate website. Please note that the above rights are not absolute. This means that the Port of Rotterdam Authority does not have to comply with a request to exercise one of the above rights in all cases.

Data Subjects can also exercise their rights via the process set up for the Harbour Master. This form can be found at www.portofrotterdam.com/privacy.

Dashcam/bodycam:

The bodycams are worn visibly by the Harbour Master Duty Officer. The Duty Officer wears recognisable clothing of the Harbour Master. The Harbour Master service vehicles have special striping and as such are recognisable as service vehicles of the Harbour Master of the Port of Rotterdam Authority. A sticker is also visibly affixed to the vehicle to indicate camera surveillance.



CHR footage:

In order to inform Data Subjects about the CHR, information about the CHR was distributed via press and media and a targeted mailing. All rights of Data Subjects are stated on the website www.havencamera.nl.

Signs have been placed in the area alerting Data Subjects to the fact that camera surveillance is taking place in the area with a reference to this website. A separate signage plan has been drawn up for this purpose.



For CHR general, the complaints number is the Customs Information Line 0800 0143 (free of charge). The Customs Information Line is available from Monday to Thursday, inclusive, from 8 a.m. to 8 p.m. and on Friday from 8 a.m. to 5 p.m. (see also <https://www.belastingdienst.nl/wps/wcm/connect/nl/contact/content/belastingtelefoon-douane>). Should it be the case that a Data Subject's complaint relates to another user (Seaport Police, Harbour Master, etc.), the Customs Information Line will redirect this complaint to the user organisation.

Images of the drones:

Since, in case of drones, it is difficult to comply with the information requirement (stickers are not or poorly legible), a Notice to Skippers is also issued so that at least skippers and captains know that the drones are used by the Division of Harbour Master for the purposes contained therein.

9. Complaints

If, despite the care with which the Data Subject departments treat your personal data, you have a complaint about the way in which we process your personal data and/or deal with your rights, you can file a complaint with the Dutch Data Protection Authority ("AP"). The contact details can be found on [the website](#) of the AP.

10. Privacy statement amendments

This privacy notice was last amended on 27 October 2022. The Rotterdam Harbour Master's Division reserves the right to make amendments to this privacy statement. We will always make the most recent privacy statement available on the Port of Rotterdam Authority's corporate [website](#) .