

**Privacy statement**

**CAMERA USE BY THE HARBOUR MASTER OF ROTTERDAM**

**Rotterdam, July 2021**

With this privacy statement we inform you about the processing of personal data by the Harbour Master's Division ('Harbour Master') of the Port of Rotterdam Authority for the performance of the following Harbour Master tasks in the port area of Rotterdam where the Harbour Master is the competent authority:

- Traffic control and bridge and lock operation<sup>1</sup> with the cameras of the Traffic Guidance System (VBS)
- Incident control - test phase
- Port Security - test phase
- Supervision and Investigation (Enforcement) – test phase
- Traffic control with PoRCP cameras - test phase

The Harbour Master is the controller, as referred to in the General Data Protection Regulation ('GDPR').

This privacy statement should be read in combination with our general [privacy statement](#).

**Contact details**

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*If you have any questions or you would like to exercise one of your rights as an individual, then please contact us through the general GDPR mailbox [AVG@portofrotterdam.com](mailto:AVG@portofrotterdam.com)*

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<sup>1</sup> With respect to bridge and lock operation, this only concerns the Rozenburgsesluis and the two corresponding bridges.

## 1. The Harbour Master's tasks for which cameras are used

To carry out the above four Harbour Master tasks, the Harbour Master uses cameras in the public space and the camera images that are generated with them.

For the Harbour Master's task of Traffic Control and bridge and lock operation, the Harbour Master uses cameras specifically installed for this purpose. These cameras are not part of the Port of Rotterdam Camera Platform (hereinafter: PoRCP). These specific cameras are only used by the Harbour Master for this Harbour Master task.

For the Harbour Master tasks of Incident Control, Port Security, Supervision and Investigation (Enforcement) and Traffic Control (with the cameras of the PoRCP), the use of cameras by the Harbour Master is still in a test phase. The PoRCP cameras are used for these Harbour Master tasks. During this test phase, the Harbour Master wants to investigate whether using cameras and reading the footage live has added value for the work processes of the Harbour Master tasks. The aim is to make an extra contribution to a smooth and safe port and the performance of the Harbour Master's public tasks in the field of planning and safety.

The processing of personal data by means of the Harbour Master's Division using cameras is given below for each Harbour Master task.

## 2. Objective

1. Traffic control and bridge and lock operation (VBS)
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The objective laid down in the Shipping Traffic Act and the Inland Navigation Police Regulations is important for this Harbour Master task.

Article 3(1)(a) of the Shipping Traffic Act describes the objective: 'ensuring safety and the smooth operation of shipping traffic'. Traffic control and lock and bridge operation are necessary to achieve this objective.

Traffic control is defined in Article 1, paragraph 1(i) of the Shipping Traffic Act: 'effecting and maintaining safe and smooth shipping traffic in a systematic and interactive manner by means of a combination of personnel and infrastructure facilities'.

Further regulations regarding the use of cameras for nautical traffic control can be found in the May 2015 IALA Guidelines<sup>2</sup>.

The traffic control cameras are intended to support traffic control on the waterways in the port area of Rotterdam where the Harbour Master is the competent authority. This provides an improvement, because in

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<sup>2</sup> IALA is a non-profit, international technical association that has drawn up guidelines, including the IALA guideline 1111: [//www.iala-aism.org/product/preparation-of-operational-and-technical-performance-for-vts-equipment/](http://www.iala-aism.org/product/preparation-of-operational-and-technical-performance-for-vts-equipment/)

areas where radar does not provide (adequate) cover, these cameras support the VTS operators in their task to ensure that shipping traffic runs safely and smoothly. The fixed (non-operable) cameras are therefore all and exclusively aimed at the waterways. For movable cameras that can be operated remotely, if they could be aimed at nearby buildings, the image will automatically be partly or partially greyed out so that the buildings are never visible (masking).

The Rozenburgsesluis includes two bridges that are operated in the context of nautical traffic control. The operation of these bridges is necessary for the safe and smooth running of shipping traffic. The operation of the lock and the bridges has an effect on the safe flow of road traffic on site on public roads. An additional purpose of the cameras on site is therefore to increase and ensure the road safety of road users.

## 2. Incident control - test phase

The purpose of camera use in incident control is to create a live image of the incident for the Operational Manager (OM) at the Harbour Master's Harbour Coordination Centre (HCC) in the event of incidents in the Port Industrial Complex (HIC). This is in order to get a better picture of the scope of an incident, to better estimate its impact and to make the imaging of an incident more complete and accurate. This enables more efficient and safer deployment of staff and resources in the handling of incidents.

## 3. Port Security - test phase

The purpose of using live images from the cameras to supervise compliance with the Port Security Act and the International Ship and Port Facility Security Code (ISPS) by inspectors from the Harbour Master's Division is to be able to perform the supervisory (public) tasks in a more targeted manner. Inspectors can inspect more effectively, safer and more efficiently and monitor compliance with the Port Security Act and the ISPS regulations.

## 4. Supervision and Investigation (Enforcement) – test phase

The purpose of the use of live camera images in the performance of the supervisory tasks by the shipping masters of the Patrol Vessels Department of the Harbour Master's Division is to be able to perform the supervisory tasks in a more targeted manner. This allows the patrol vessel crews to prioritise more effectively, and to carry out more effective, safer and more efficient supervision, and to supervise the correct application of the Shipping Traffic Act (and the regulations based on it, including the Inland Navigation Police Regulations) and the local Port Regulations.

The purpose of using live camera images in performing the supervisory tasks by the inspectors of the Inspection Department of the Harbour Master's Division is to perform the supervisory tasks in a more targeted manner. This allows inspectors to inspect more effectively, safer and more efficiently and to supervise the correct application of the local Port Regulations and other relevant legislation when carrying out shipping activities, such as the control of the transport and handling of (hazardous) substances.

5. Traffic control with PoRCP cameras - test phase
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The purpose of using live camera images in the performance of traffic control by the VTS operators of the Traffic Control Department of the Harbour Master's Division is to provide support for the VTS operators with camera images for the safe and smooth control of shipping traffic, as laid down in the Shipping Traffic Act.

### 3. Personal data categories

1. Traffic control and bridge and lock operation (VBS)
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Traffic control:

The personal data processed using the traffic control cameras are set out below.

*Normal personal data*

- Inland vessel name and ENI number (vessel identification number);
- Possible persons in image. Because the image is very grainy when zoomed in, the persons are not recognisable.

*Particular personal data*

None

*Criminal personal data*

It may happen that crimes are committed that can be seen on the cameras.

*Data subjects*

The names of inland vessels that are observed may possibly be traced back to skipper owners. That is why there is a legal provision in force to the effect that names of inland vessels are regarded as personal data.

For many inland skippers, their ship is also their home.

Persons staying on board a vessel may be perceived as unrecognisable on the camera images.

Bridge and lock operation

The personal data processed using the traffic control cameras at the Rozenburgsesluis are set out below.

*Normal personal data*

- Inland vessel name and ENI number (vessel identification number);
- Persons visible in images;
- Vehicle license plates.

*Particular personal data*

None

*Criminal personal data*

It may happen that crimes are committed that can be seen on the cameras.

*Data subjects*

The names of inland vessels that are observed may possibly be traced back to skipper owners. That is why there is a legal provision in force to the effect that names of inland vessels are regarded as personal data.

For many inland skippers, their ship is also their home.

Persons staying on board a vessel can be observed on camera images, as well as road users (in vehicle, on a bicycle/scooter, walker) and people who are loitering around the bridges and lock.

2. Incident control - test phase
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*Normal personal data*

- Inland vessel name and ENI number (vessel identification number);
- Possible persons in image;
- Vehicle license plates.

*Particular personal data*

None

*Criminal personal data*

It may happen that crimes are committed that can be seen on the cameras.

*Data subjects*

The names of inland vessels that are observed may possibly be traced back to skipper owners. That is why there is a legal provision in force to the effect that names of inland vessels are regarded as personal data.

For many inland skippers, their ship is also their home.

Persons staying on board a vessel or onshore may also be recognisable in the camera images.

3. Port Security - test phase
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*Normal personal data*

- Possible name of inland vessel and ENI number (vessel identification number);
- Persons in images;
- Vehicle license plates.

*Particular personal data*

None

*Criminal personal data*

It may happen that crimes are committed that can be seen on the cameras.

*Data subjects*

The names of inland vessels that are observed may possibly be traced back to skipper owners. That is why there is a legal provision in force to the effect that names of inland vessels are regarded as personal data.

For many inland skippers, their ship is also their home.

Persons staying on board a vessel or onshore may be recognisable in the camera images. Vehicle license plates and persons at the entrance to the port facilities may also be observed.

4. Supervision and Investigation (Enforcement) – test phase

*Normal personal data*

- Inland vessel name and ENI number (vessel identification number);
- Persons in images;
- Vehicle name plates.

*Particular personal data*

None

*Criminal personal data*

It may happen that crimes are committed that can be seen on the cameras.

*Data subjects*

The names of inland vessels that are observed may possibly be traced back to skipper owners. For that reason, it has been agreed nationally that the names of inland vessels are considered personal data. For many inland skippers, their ship is also their home.

Persons staying on board a vessel or onshore may be recognisable in the camera images. Vehicle license plates and persons can also be observed at the entrance to Port Facilities.

5. Traffic control with PoRCP cameras - test phase

*Normal personal data*

- Inland vessel name and ENI number (vessel identification number);
- Persons in images;
- Vehicle license plates.

*Particular personal data*

None

*Criminal personal data*

It may happen that crimes are committed that can be seen on the cameras.

*Data subjects*

The names of inland vessels that are observed may possibly be traced back to skipper owners. For that reason, it has been agreed nationally that the names of inland vessels are considered personal data. For many inland skippers, their ship is also their home.

Persons staying on board a vessel or onshore may be recognisable in the camera images.

#### 4. Basis

##### 1. Traffic control and bridge and lock operation (VBS)

Article 6 of the General Data Protection Regulation (GDPR) sets out the conditions under which the processing of personal data is lawful. Data processing is necessary for compliance with a legal obligation as well as for the performance of a task carried out in the public interest.

The use of cameras is not a statutory duty in itself, but it is necessary to comply with the statutory duty to ensure the safe and smooth running of shipping traffic and for road safety at the Rozenburgsesluis bridges pursuant Article 3(1)(a) of the Shipping Traffic Act. This means that the Harbour Master has a legitimate interest in using cameras both in traffic control and in operating the Rozenburgsesluis and the two bridges.

##### 2. Incident control - test phase

Personal data is processed based on 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 - test phase

Personal data is processed based on 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.

##### 4. Supervision and Investigation (Enforcement) – test phase

Personal data is processed based on 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.

##### 5. Traffic control with PoRCP cameras - test phase

Personal data is processed based on 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.

#### 5. Source

##### 1. Traffic control and bridge and lock operation (VBS)

An external source is not applied for traffic control and the bridge and lock operation.

2. Incident control - test phase
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The CHR cameras are used for incident control.

3. Port Security - test phase
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The PoRCP cameras are used for Port Security.

4. Supervision and Investigation (Enforcement) – test phase
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The PoRCP cameras are used for supervision and investigation.

5. Traffic control with PoRCP cameras - test phase
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The PoRCP cameras are used for traffic control in the test phase.

## 6. Recipients

For all four Harbour Master tasks, the camera images are only provided to third parties insofar as there is a legal basis that obliges the Harbour Master to do so, such as criminal investigations by investigating officers.

When there is a reasonable suspicion on the camera images during the test phase that a crime has been or is being committed, Articles 160 to 162 of the Code of Criminal Procedure apply (an official/legal person who is aware of a crime is obliged to report this).

## 7. Transfer

Not applicable

## 8. Retention periods

1. Traffic control and bridge and lock operation (VBS)
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Traffic control:

- Temporary storage of the camera images on which the personal data as mentioned above are registered. The standard retention period is approximately 1 month. Usually it is just over a month due to the storage capacity at the storage location. Thereafter, the images will be overwritten.
- Securing the images in the event of an incident. The standard retention period of the camera images in the event of incidents is 1 year. If the camera images are claimed for a criminal investigation or procedure, the standard retention period will be extended to 7 years.

**Bridge and lock operation:**

- Temporary storage of the camera images on which the personal data as mentioned above are registered. The standard retention period is 7 days maximum.
- Securing the images if they are required by investigating officers. If the camera images are required for a criminal investigation or procedure, the standard retention period is 7 years.

2. Incident control - test phase
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DHMR does not store any images.

3. Port Security - test phase
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DHMR does not store any images.

4. Supervision and Investigation (Enforcement) – test phase
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DHMR does not store any images.

5. Traffic control with PoRCP cameras - test phase
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DHMR does not store any images.

## 9. Rights of Data Subjects

Under the GDPR your rights as a Data Subject are as follows:

- The right to access and copies;
- The right to rectification;
- The right to be forgotten;
- The right to restriction of the processing;
- The right to object to the processing;
- The right to data portability.

If you wish to exercise your rights, you can submit a request through the HBR's general GDPR mailbox [AVG@portofrotterdam.com](mailto:AVG@portofrotterdam.com) or by using the Data Subject's rights form, which can be found on the HBR's corporate [website](#). Please note: the above rights are not absolute. This means that HBR is not always required to comply with a request to exercise one of the aforementioned rights.

## 10. Complaints

Although we make every effort to protect your privacy, if you are unhappy about the way the departments concerned process your personal data and/or handle your rights, you may lodge a complaint to the Dutch Data Protection Authority ('Dutch DPA'). The Dutch DPA's contact details can be found on its [website](#).

### **11. Privacy statement amendments**

This privacy statement was drawn up on 1 July 2021. DHMR reserves the right to make changes to this privacy statement. We will make the latest privacy statement available at all times on the PoR's corporate [website](#).