



Fair processing notice relating to Inshore Vessel Monitoring System tracking devices

Version 1.1 - Nov 2021

This notice explains how the Devon & Severn Inshore Fisheries Conservation Authority (D&S IFCA) (**we/our**) collect and process “personal data” in relation to the use of Inshore Vessel Monitoring System (**IVMS**) tracking devices.

If we need to make any changes to this policy, we will notify you in advance and explain what such changes mean for you.

If you have any questions in relation to this notice or wish to exercise any of the rights described below, you should email office@devonandsevernifca.gov.uk.

Data Controller

We are a statutory authority established under section 149 of the Marine and Coastal Access Act 2009 by way of The Devon and Severn Inshore Fisheries and Conservation Order 2010.

We are registered as a “data controller” for the purposes of data protection law with the Information Commissioner’s Office (**ICO**) under number Z9030921.

The personal data we collect about you

“Personal data” means any data that identifies or can be used to identify a person. It does not include data where the identity has been removed (anonymous data).

You may provide, or we may collect, the following types of personal data about you:

- Name and contact details of skippers/masters and vessel owners (or their nominated representatives)
- Vessel name, PLN, radio call sign and RSS number
- Vessel positional data such as vessel identification, geographical position, date/time (UTC) of fixing of position, course and speed of vessel (including IVMS reports, to the extent that such reports contain personal data)

We may also collect and use data that is derived from your personal data but which has been anonymised so that it does not directly or indirectly reveal your identity. This data may be combined with data collected about other vessels. Unless we combine this data with other data that can be used to directly or indirectly identify you, such data does not constitute personal data.

How we will process your personal data

In accordance with our statutory obligations as an inshore fisheries and conservation authority, we will collect your personal data, including vessel positioning data, for the purposes set out below. In relation to each purpose, we have identified the legal basis relied upon us for such processing.

Category	Purpose(s)	Lawful basis
Vessel owner, skipper and/or nominated representatives' contact details	Confirming vessel ownership and eligibility for IVMS installation	Performance of a contract (where vessel is owned by a sole trader or unincorporated partnership) Legitimate interests – ensuring IVMS only installed on eligible vessels in accordance with grant funding conditions
	Making arrangements with third party installer for installation of the IVMS	Performance of a contract (where vessel is owned by a sole trader or unincorporated partnership) Legitimate interests - installation of the IVMS
	Providing your details to the supplier of the IVMS to register the IVMS product warranty	Performance of a contract (where vessel is owned by a sole trader or unincorporated partnership) Legitimate interests – enabling product registration for warranty purposes and establishing and maintaining IVMS connection
Vessel name, PLN, radio call sign and RSS number	Identifying the vessel with the vessel positional data	Performance of a public task in the exercise of official authority vested in us in accordance with the Marine and Coastal Access Act 2009

Vessel positional data	Monitoring compliance with the district's byelaws and permit conditions	Performance of a public task in the exercise of official authority vested in us in accordance with the Marine and Coastal Access Act 2009
	Enforcing fisheries and conservation management regulations including the district's byelaws and permit conditions	
	Detecting, investigating and preventing crime within the district in conjunction with other statutory agencies and bodies including the Marine Management Organisation (MMO) and Police	
	Supporting search and rescue efforts, where applicable	Vital interests of vessel's crew in a distress situation

We may combine vessel positional data with other data including fisheries catch and effort data as part of our wider fisheries and conservation assessment and management duties.

Who we share your personal data with

Vessel positional data (the positional fix of which cannot be changed by manual intervention) will be transmitted to the IVMS supplier's hub in real-time when the vessel is within the managed (geofenced) area.

Positional data reports are then shared by the IVMS supplier with us and the national VMS hub which is jointly owned by the UK Fisheries Administrations consisting of:

- Marine Management Organisation (**MMO**)
- Marine Scotland
- Department of Agriculture, Environment and Rural Affairs (Northern Ireland)
- Department of Environment, Food and Agriculture (Isle of Man)
- Welsh Government
- Department of the Environment (Jersey)
- Environment Department (States of Guernsey)

Vessel positional data will also be shared with:

- Centre for Environment, Fisheries and Aquaculture Science for scientific research and stock assessment purposes
- National Maritime Information Centre to enhance the UK's overall maritime development, safety, security and resilience
- The Maritime & Coastguard Agency (MCA), MMO and the Police (where necessary) for the investigation and prosecution of fisheries offences

- The MCA for search and rescue purposes, where a vessel is in distress
- Other UK government bodies and departments, where required by law

We may publish or disclosure vessel positional data in aggregated and anonymised form to other organisations including governmental and non-governmental bodies (including higher education institutions and private sector marine and conservation research organisations) for scientific research purposes.

Where your personal data are stored

Communications (traffic) data between the IVMS device and the IVMS supplier hub will be collected and held by the relevant network (airtime) provider in accordance with its own terms and privacy notices (which you should review).

IVMS data, including positional data reports, will be stored by the relevant IVMS supplier's own servers in accordance with its own terms and privacy notices (which you should review).

Any IVMS data, including positional data reports, held by us will be retained on servers located in the UK only. We do not transfer your personal data outside of the European Economic Area.

How your personal data are kept secure

In accordance with the IVMS specification approved by the MMO, all data transmissions must be secure and encrypted to the AES256 standard. The transmission of data between the IVMS supplier hub and us and the other bodies listed above uses 128-bit encryption as well as two-way certification using digital keys. Suppliers must also use firewalls and other technical security methods.

Internally, we have implemented appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. We limit access to your personal data to those of our personnel that have a need to access it and ensure that the contracts of our personnel include confidentiality obligations.

How long we keep your personal data for

We will only keep your personal data for as long as necessary in connection with the purposes we collected it for and to comply with any legal or reporting requirements. To determine how long we keep your personal data for, we consider the amount, nature and sensitivity of the personal data, the purposes for which it was collected and the potential risk of harm from us continuing to keep it.

We retain your contact details (in relation to the purposes set out in this notice only) for the duration of your permit and for six years thereafter, in the event that we need to bring or defend any legal proceedings.

We retain vessel positional data reports for a period of three years after the date of each report unless we are required to retain such reports in relation to anticipated or ongoing legal proceedings where the data are required to support such proceedings.

We may retain any data that does not identify you indefinitely.

Automated decision-making and profiling

IVMS devices are not used in conjunction with any automated decision-making processes (i.e. the making of decisions solely by automated means without any human involvement) or for profiling purposes (automated processing of personal data to evaluate certain things about an individual)

Your rights in relation to your personal data

You have a number of rights in relation to the personal data we hold about you:

- **Access:** You have the [right to request access](#) to and be provided with a copy of the personal data held about you together with certain information about the processing of such personal data to check that are holding it lawfully
- **Correction:** You have the [right to ask us to correct](#) any inaccurate or incomplete personal data held about you
- **Deletion:** You have the [right to ask us to delete or remove](#) any personal data held about you where there is no good reason for us to continue holding it or where you have exercised your right to object
- **Restriction:** You have the [right to ask us to restrict](#) how we hold your personal data, for example, to confirm its accuracy or our reasons for holding it
- **Objection:** You have the [right to object](#) to our holding of any personal data about you which is based on our legitimate interests or those of a third party based on your particular circumstances. You also have the right to object to our holding your personal data for direct marketing purposes
- **Portability:** You have the right to receive or [request that we transfer](#) a copy of the personal data we hold about you in an electronic format where the basis of our holding such information is your consent or the performance of a contract and the information is processed by automated means
- **Complaints:** You have the right to complain to the [Information Commissioner's Office \(ICO\)](#) or any other [EU supervisory authority](#) in relation to how we collect and use your personal data

You will not have to pay any fee to exercise any of the above rights though we may charge a reasonable fee or refuse to comply with your request if any request is clearly unfounded or excessive. Where this is the case, we will let you know.

To protect the confidentiality of your personal data we may ask you to verify your identity before fulfilling any request in relation to your personal data.

Note: A spelling error was detected on the original document and amended - 20/11/2021.