ICMP POLICY ON PERSONAL DATA PROCESSING AND PROTECTION

1.   **Definitions**

BIOLOGICAL SAMPLE refers to any sample of biological material (for example blood and bone cells) in which nucleic acids are present and which contains the characteristic genetic make-up of a data subject.

CONSENT refers to the informed and free affirmation of the wish of a data subject to allow his or her personal data to be used for the specific purpose for which data is intended according to information provided at the time the personal data is given.

COLLECTING DATA refers to asking a data subject to provide personal data and recording such data.

DATA PROCESSING refers to any operation or set of operations to which personal data is subjected, including data collection or receiving data, registration, recording, storing, arrangement, transformation, utilization, transfer, transmission and dissemination, "freezing" or deletion.

DATA PROCESSING SYSTEM refers to a structured body of personal data records, and data management tools that permit data processing, including storage, access and analysis of the data records.

DATA RECIPIENT refers to a natural or a legal person to whom personal data is disclosed or provided.

DATA SUBJECT refers to a natural person who may be directly or indirectly identified by personal data.

MEMBER OF STAFF refers to anyone who holds a full or part-time office for wages, salary, or other remuneration with ICMP, as well as interns.

PERSONAL DATA refers to any information relating to a natural person.

RECORD refers to any document, correspondence, original paper, map, drawing, chart, index, plan, memoranda, sound recordings, microfilm, motion-picture or other photographic records or materials in the possession or under the control of ICMP including electronic or computer generated records, databases and data processing systems for defining, creating, manipulating, controlling, managing, and using databases and the system that controls the creation, organization, and modification of a database and access to the data stored within it.

SENSITIVE PERSONAL DATA refers to personal data that indicate race, ethnic origin, religious, philosophical or political convictions of a data subject, or the health or sexual life

of a data subject, as well as data on the characteristic genetic make-up of a data subject, or data relative to criminal prosecution and convictions.

THIRD PARTY refers to anyone, including legal persons, other than data subjects and ICMP.

2. Applicability

1. This Policy applies to members of ICMP staff and others specifically referred to hereunder.

2. Biological samples and data derived from such samples shall be regarded as sensitive personal data.

3. Policy

1. It is ICMP policy to protect personal data from unauthorized processing.

2. Personal data, other than sensitive personal data, may be processed, provided such processing is mandated by ICMP's purposes and functions, there are no contrary stipulations under agreements or other binding commitments that ICMP has undertaken in the exercise of its purposes and functions, and at least one of the following conditions is met:

   a) The data subject concerned has given his or her express or implied consent;
   b) The data processing conforms to a substantial public interest, is not excessive in relation to purpose for which it is performed, and respects the rights of data subjects concerned;
   c) Data processing is necessary for the needs of scientific or statistical research and respects the rights of data subjects concerned, including the right to privacy;
   d) The data is in the public domain.

3. Processing sensitive personal data is permitted under the conditions set forth in paragraph 2 of this section, if at least one of the following conditions is met:

   a) The data subject has provided his or her informed, free and express consent for the processing of his or her sensitive personal data. In lieu of expressing consent in writing, a data subject may provide a fingerprint to a *Reference Donor Statement (ICMP.FSD.18.doc)* and *DNA Genetic Testing and Processing Information Sheet (ICMP.FSD.DNA.299.doc)* read to the data subject and signed by a witness;
   b) The processing is necessary to avert an imminent threat to the life or, health of the data subject or another person, and the data subject is not legally or physically able to express consent;
   c) The processing is necessary as part of scientific or statistical research performed by ICMP, or the validation of such research or its outcomes, provided the processing dissociates (i.e. anonymizes) the sensitive personal data from other personal data that would permit identifying the data subject concerned;
   d) The processing is applied to sensitive personal data, which at the time of processing is not associated to, and cannot be associated with, other personal data identifying the data subject concerned, directly or indirectly;
   e) Where consent may be replaced by legal proceedings under law, such as by order of a Court of Law, ICMP may accept such proceedings in lieu of consent by the data subject

concerned, provided ICMP can reliably ascertain that such proceedings conform to a substantial public interest, that the processing of data is not excessive in relation to purpose for which it is to be performed, and that such legal proceedings and the processing of data are commensurate with the rights of data subjects.

4. When receiving data from a data subject, the data subject shall be provided with the address and other coordinates of the recipients, as well as information on the purpose for the data processing. The data subject shall also be given information on his or her right to gain access to, to amend and to withdraw personal data.

5. Data shall be processed in a manner that ensures that personal data is accurate, updated, rectified or erased in a timely manner. Data processing shall be performed solely on a need-to-know basis and provide for commensurate confidentiality levels.

6. Personal data, including sensitive personal data, provided to ICMP not by data subjects concerned by such data, but by a third party may be accepted and processed by ICMP, provided the following conditions are met:

   a) The third party is mandated under public law, whether domestic or international, to process the personal data concerned;
   b) The third party and ICMP have concluded an instrument constituting an agreement between them providing for appropriate measures to ensure the effective application of the provisions of this policy;
   c) In the event that the third party is, or considers itself, legally precluded from implementing the provisions of this policy, the third party shall undertake measures as necessary to assign the implementation of the provisions concerned to ICMP or another entity that is prepared to implement these provisions.

7. Any transfer of records containing personal data by ICMP shall be conducted in a manner protecting the integrity of the data. In particular, electronic transfer of personal data shall employ adequate protective encryption or similar measures and shall respect the provisions of this policy, in particular paragraph 5 above.

8. Personal data shall at all times be treated as confidential and shall be processed in accordance with the *ICMP Policy on Confidentiality (ICMP.POL.FSD.05.doc).* Strict confidentiality shall at all times apply to sensitive personal data.

9. Disciplinary measure in line with the *Personnel Policies for ICMP Staff Members (ICMP.POL.AF.14.doc)* applies to violations of this policy.

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3	10-Aug-2012	10-Aug-2012	Andreas Kleiser	Kathryne Bomberger	
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