

## Data Transfers Policy (Philippines)

### 1 INTRODUCTION

**1.1** This data transfers policy for the Philippines (“**Policy**”) explains how Vouvray Acquisition Limited and its subsidiaries and/or affiliates (together “**V.Group**”) transfer Personal Data to a Third Country for processing where such Personal Data involves the Philippines, and/or Philippines citizens and residents.

**1.2** This Policy:

- (a) forms part of V.Group’s Data Protection Policy (Philippines) [www.vgrouplimited.com/Data-Protection-Overview-Philippines.aspx](http://www.vgrouplimited.com/Data-Protection-Overview-Philippines.aspx); and
- (b) may be amended by V.Group at any time, consistent with the requirements of applicable laws and regulations. Any revisions will take effect from the date on which the amended Policy is published, as indicated in the version number set out herein.

### 2 DEFINITIONS

**2.1** “**Data Controller**” means the person or entity which, alone or jointly with others, determines the purposes and means of the processing of Personal Data;

“**Data Processor**” means any person or entity (other than an employee of the Data Controller) which processes Personal Data on behalf of the Data Controller;

“**Data Subject**” is as defined in the Data Protection Policy (Philippines);

“**Personal Data**” is as defined in the Data Protection Policy (Philippines);

“**process**” or “**processing**” or “**processed**” is as defined in the Data Protection Policy (Philippines);

“**Sensitive Personal Data**” is as defined in the Data Protection Policy (Philippines); and

“**Third Country**” means any country outside the Philippines.

**2.2** Words denoting the singular shall include the plural and vice versa.

**2.3** Unless otherwise stated, all defined terms have the same meaning as defined in the Data Protection Policy (Philippines).

### 3 SCOPE

**3.1** This Policy covers:

- (a) the transfer of Personal Data from the Philippines to a Third Country; and
- (b) the transfer of Personal Data from a Third Country to another Third Country.

**3.2** Such transfers include without limitation transfers to an international organisation which has locations in both a Third Country and the Philippines. If making a transfer to an international organisation located in a Third Country, simply because it has locations in both a Third Country and the Philippines does not stop this transfer from being a transfer to a Third Country.

## **4 TRANSFERS**

**4.1** When transferring Personal Data to Third Countries, in its capacity as a Data Processor, V.Group shall ensure that, prior to any such transfer:

- (a) such transfers are permissible under any contract that is in place between the relevant V.Group entity and the Data Controller on whose behalf such V.Group entity is processing the Personal Data; and
- (b) the recipient of such Personal Data agrees to be bound by data protection obligations that are at least equivalent to those which apply to the relevant V.Group entity under the contract referred to in Section 4.1(a).

**4.2** When transferring Personal Data to Third Countries, in its capacity as a Data Controller, V.Group shall ensure that, prior to any such transfer:

- (a) it has obtained the Data Subject's informed consent; and
- (b) it has satisfactorily completed the Data Transfers Checklist (a copy of which can be obtained by emailing the Global DPO at [dpo@vgrouplimited.com](mailto:dpo@vgrouplimited.com)) in order to carry out appropriate due diligence to satisfy itself that the recipient of such Personal Data provides sufficient guarantees in respect of the Personal Data. This includes ensuring that the recipient implements appropriate technical and organisational measures to safeguard the Personal Data against unauthorised or unlawful processing and against accidental loss or damage; and
- (c) there is an adequate level of protection in place in respect of the 'Personal Data' being transferred including the following:
  - (i) ensuring that the V.Group company transferring the Personal Data has a contract in place with such recipient that includes data protection obligations that meet the minimum requirements of the applicable Data Privacy Laws as defined in the Data Protection Policy (Philippines); or
  - (ii) ensuring that the recipient of Personal Data is Privacy Shield certified.

**4.3** The general prohibition on transfers of Personal Data to Third Countries can be derogated from in certain specific situations.

- (a) In respect of Personal Data, a transfer, or set of transfers, may be made where one of the following conditions exists:
  - (i) the Data Subject has given consent; or

- (ii) the processing of Personal Data is necessary and is related to the fulfilment of a contract with the Data Subject or in order to take steps at the request of the Data Subject prior to entering into a contract;
  - (iii) the processing is necessary for compliance with a legal obligation to which the Data Controller is subject;
  - (iv) the processing is necessary to protect vitally important interests of the Data Subject, including life and health;
  - (v) the processing is necessary in order to respond to national emergency, to comply with the requirements of public order and safety, or to fulfil functions of public authority which necessarily includes the processing of Personal Data for the fulfilment of its mandate;
  - (vi) the processing is necessary for the purposes of the legitimate interests pursued by the Data Controller or by a third party or parties to whom the data is disclosed, except where such interests are overridden by fundamental rights and freedoms of the Data Subject which require protection under the Philippine Constitution.
- (b) In respect of Sensitive Personal Data, a transfer, or set of transfers, may be made where one of the following conditions exists:
- (i) the Data Subject has given consent, specific to the purpose prior to the processing, or in the case of privileged information, all parties to the exchange have given their consent prior to processing;
  - (ii) the processing of the same is provided for by existing laws and regulations:
    - (A) provided, that such regulatory enactments guarantee the protection of the Sensitive Personal Data and the privileged information; and
    - (B) provided, further, that the consent of the Data Subjects are not required by law or regulation permitting the processing of the Sensitive Personal Data or the privileged information;
  - (iii) the processing is necessary to protect the life and health of the Data Subject or another person, and the Data Subject is not legally or physically able to express his or her consent prior to the processing;
  - (iv) the processing is necessary to achieve the lawful and non-commercial objectives of public organisations and their associations:
    - (A) provided, that such processing is only confined and related to the bona fide members of these organisations or their associations;
    - (B) provided, further, that the Sensitive Personal Data is not transferred to third parties; and

- (C) provided, finally, that consent of the Data Subject was obtained prior to processing;
- (v) the processing is necessary for purposes of medical treatment, is carried out by a medical practitioner or a medical treatment institution, and an adequate level of protection of Personal Data is ensured; or
- (vi) the processing concerns such Personal Data as is necessary for the protection of lawful rights and interests of natural or legal persons in court proceedings, or the establishment, exercise or defence of legal claims, or when provided to government or public authority.

## 5 DATA INTEGRITY

V.Group shall only transfer any Personal Data in a manner that is consistent with the purposes for which such Personal Data was collected or otherwise processed. Prior to any such transfer, V.Group shall take reasonable steps to ensure that the Personal Data being transferred is accurate, complete, relevant, and up-to-date.

## 6 NOTICE

V.Group shall ensure that any transfers of Personal Data are made within the parameters of any privacy or other notices that have been given to the Data Subjects to which the Personal Data relate. Any such notices about the possibility of transfer will have been given at the time the Personal Data was collected, in clear and transparent language. If no such privacy notices were given, then such notices will be given to the relevant Data Subjects prior to transfer, unless a derogation or exemption applies.

## 7 DATA MINIMISATION

V.Group agrees to limit the Personal Data to be transferred to the minimum necessary to fulfil the necessary processing purpose(s). The transfers shall be limited to those who need to know the same in connection with the processing purpose(s).

## 8 DOCUMENT CONTROL

- 8.1 The Global DPO is the owner of this Policy and is responsible for ensuring that this procedure is reviewed in line with the relevant review requirements.
- 8.2 A current version of this Policy is available at [www.vgrouplimited.com/Data-Protection-Overview-Philippines.aspx](http://www.vgrouplimited.com/Data-Protection-Overview-Philippines.aspx)
- 8.3 This Policy was approved as stated in this Section and is issued on a version-controlled basis.

Version	Date of Issue	Approved by	Position	Company
1	18.04.2018	Allan Christensen	Head	V.Ships Services Oceana Inc.
		Kathryn Aguirre	Head	Kestrel Shipping,

		Kathryn Aguirre	Head	Incorporated North Sea Marine Services Corporation
		Elmer Pulumbarit	Head	Pacific Ocean Manning, Incorporated
		Arnold Guia	Head	Oceanic Hospitality Training Centre Corporation