

# **CVA TECHNOLOGY COMPANY LIMITED**

## **PRIVACY NOTICE**

Privacy Notice effective from 24<sup>th</sup> May 2018

Updated on 16<sup>th</sup> November 2018

Version 1.1

### **INTRODUCTION**

This Privacy Notice (“**Notice**”) relates to the website <https://cva.gov.mt/> and/or any sub-website and/or associated domains (and/or sub-domains) of <https://cva.gov.mt/> (hereinafter referred to as the “**Site**”) and in particular, to the Controlled Vehicular Access system (the “**CVA System**”) in Valletta administered by **CVA Technology Company Limited (C 37879)**, (“**We**”, “**Us**”, “**Our**”, “**Ourselves**”, “**Data Processor**” and/or “**CVA**”) *on behalf of Transport Malta* and any related software applications (‘**Apps**’), where Personal Data is processed by the same (via the Site, any of Our/Transport Malta’s Apps or otherwise) relating to You. In this Notice, “**You**” and “**Your**” and “**User**” refer to an identified or identifiable natural person being the User of the Site and/or User (or prospective User) of any of Our and/or Transport Malta’s services (including Our administration of the CVA System for and on behalf of **Transport Malta**).

### **APPLICABLE DATA PROTECTION LAWS**

As entities established in Malta, the *main* privacy laws that are applicable to Us and to Transport Malta in so far as You are concerned, are as follows:

- The **Maltese Data Protection Act** (Chapter 586 of the Laws of Malta) as well as the various subsidiary legislation issued under the same – the ‘**DPA**’;
- The **Regulation (EU) 2016/679** of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of Personal Data and on the free movement of such data, and repealing Directive 95/46/EC (**General Data Protection Regulation**) – the ‘**GDPR**’.

All the above (as may from time to time be amended) referred to together as the “**Data Protection Laws**”

### **CVA AS A DATA PROCESSOR**

In so far as the CVA System and this Site are concerned, since We (CVA Technology Company Limited) only act as a **data processor** under the instructions and control of Transport Malta, we are under no legal obligation to provide the information required under Article 13 and Article 14 of the GDPR. Having said that, we strongly believe that we have an ethical duty to be as transparent as possible, including the obligation to clearly identify the data controller and the data processor. In this regard, in so far as the CVA System and this Site are concerned, the details of the data controller and the data processor are as follows:

#### **DATA CONTROLLER:      **TRANSPORT MALTA****

*(Authority for Transport in Malta” with its main offices located at Malta Transport Centre, Triq Pantar, Hal Lija LJA2021, Malta).*

To learn more about the purpose of the processing of your personal data by Transport Malta (with us as the data processor) and the legal basis for doing so in connection with the Site and the CVA System, Transport Malta’s retention policy as well as your various rights as a data subject and various other matters as you are entitled to be informed about, please read Transport Malta’s privacy policy.

# **DATA PROCESSOR: CVA TECHNOLOGY COMPANY LIMITED**

*(C 37879) of 83, Xatt l-Għassara ta' l-Għeneb, Marsa MRS 1912, Malta*

As a data processor we are directly bound by a number of legal obligations (for example, record-keeping obligations under the GDPR). However, many of your legal rights as a data subject (for example, your right to object to certain processing) are exercisable against the data controller (Transport Malta) and not us. Any queries you may send us in this regard (for example, relating to your right to access your own personal data) will generally be forwarded directly to Transport Malta. At times We may provide you with the required information but only if authorised to do so by Transport Malta.

## **DATA PROCESSING AGREEMENT WITH TRANSPORT MALTA**

In the course of providing the said services to you on behalf of Transport Malta (the data controller) and to Transport Malta itself (for example assisting with payments to be effected by you to Transport Malta), We collect, use or otherwise process personal data within the meaning of the Data Protection Laws (for example, Your contact details, images of your vehicle(s) and the registered license plates attached thereto, Your financial information and other similar information) for which Transport Malta (the data controller) is responsible as provided under the said Data Protection Laws.

In this regard we act on the basis of a binding contract (in the form of a data processing agreement) that, among various specific obligations, sets out the subject-matter and duration of the processing, the nature and purpose of the processing, the type of personal data and categories of data subjects as well as Transport Malta's obligations and rights as a data controller and our rights and obligations as a data processor (including strict confidentiality obligations imposed on us and our personnel). This data processing agreement (DPA) ensures that such processing by us (as a data processor) only takes place on behalf of and under the instructions of Transport Malta (as a data controller) and in accordance with the Data Protection Laws, including but not limited to **Article 28** of the GDPR.

## **SECURITY MEASURES**

The personal information which we may hold (and/or transfer to any affiliates/partners/subcontractors or to Transport Malta as the case may be) under the control of Transport Malta will be held securely in accordance with Our internal security policy and the law.

We use reasonable efforts in order to safeguard the confidentiality of any and/or all Personal Data that we may process relating to your Personal Data. These safeguards are regularly reviewed and enhance our technical, physical and managerial procedures in order to ensure that your Personal Data is protected from:

- unauthorised access
- improper use or disclosure
- unauthorised modification
- unlawful destruction or accidental loss.

To this end We have implemented security policies, rules and technical and organisational measures to protect the Personal Data that We process on behalf of Transport Malta. All our members, staff and sub data processors (including specific subcontractors, including cloud service providers established within the European Union), who may have access to and are associated with the processing of Personal Data, are further obliged (under contract) to respect the confidentiality of data subject's Personal Data as well as other obligations as imposed by the Data Protection Laws.

**Despite all the above, we cannot guarantee that a data transmission or a storage system can ever be 100% secure. For more information about our security measures please contact us in the manner described below.**

Authorised third parties, and external/third party service providers, with permitted access to your information are specifically required to apply appropriate technical and organisational security measures that may be necessary to safeguard the Personal Data being processed from unauthorised or accidental disclosure, loss or destruction and from any unlawful forms of processing.

As stated above, the said service providers (Our sub-processors) are also bound by a number of other obligations in line with the Data Protection Laws (particularly, Article 28 of the GDPR). **For the avoidance of all doubt, these are the same obligations that we are bound by when acting as data processor on behalf of Transport Malta.**

## INTERNET COMMUNICATIONS

You will be aware that data sent via the Internet may be transmitted across international borders even where sender and receiver of information are located in the same country. We cannot be held responsible for anything done or omitted to be done by you or any third party in connection with any Personal Data prior to our receiving it including but not limited to any transfers of Personal Data from you directly to us *via* a country having a lower level of data protection than that in place in the European Union, and this, by any technological means whatsoever (for example, WhatsApp, Skype, Dropbox, e-mail etc.).

**Moreover, we shall accept no responsibility or liability whatsoever for the security of your data while in transit through the Internet unless our responsibility results explicitly from a law having effect in Malta.**

## COOKIES

We use data collection devices such as "cookies" on certain web pages to help analyse our web page flow and measure promotional effectiveness.

### **What are cookies and how do you change your cookie settings?**

A cookie is a small text file (typically numbers and letters) that is downloaded onto 'terminal equipment' (e.g. your computer or smartphone) when you (or someone else) access a website or application using that device. Cookies are then sent back to originating website on each subsequent visit – and they are useful because they allow a website to recognize a user's device and store some information about the users, preferences or past actions.

Some cookies are needed for the for the sole purpose of carrying out the transmission of a communication over an electronic communications network - others may be necessary for the provision of a service over the internet, in which case they have to be used.

Other cookies may be desirable to improve your experience, in which case we will ask you for your consent to use them.

One can reset the browser to refuse cookies or send a warning when they are being sent. Please note that by turning cookies off, one will not have access to all features available on our website. Unless browser settings are adjusted to refuse cookies, our system will place cookies when a person enters our website.

### **What type of cookies do we use?**

We use two types of cookies: session cookies and persistent cookies. These cookies are only used for the technical storage and access of data with regard to the proper functioning of the services we provide over the internet. More specifically:

- the session cookie is used to maintain the user's session across the individual pages as well as to enforce user session timeouts; and
- the persistent cookie is used for our online services where users are required to identify themselves and their devices online. This allows us, for instance, to trigger additional authentication steps if the user request comes from an unknown device.

Both the session cookies as well as the persistent cookies only contain encrypted session ID data (a serial number).

## FULL CONTACT DETAILS

**CVA Technology Company Limited** a company registered in **Malta** with company registration number **C37879**, and whose registered office address is at 83, Xatt l-Għassara ta' l-Għeneb, Marsa MRS 1912, Malta is the data processor processing Your Personal Data that takes place via the Site or in the manner explained above for and on behalf of **Transport Malta**, the data controller (the entity responsible for the processing of Your personal data via the Site or otherwise in connection with the CVA System).

If you have any questions/comments about this notice please contact us at: [GDPR@cvamalta.com](mailto:GDPR@cvamalta.com), by writing to **DPO, CVA Technology Co Ltd, 86, Winemakers Wharf, Marsa, MRS1912**, by contacting our offices via phone number (+356) 2206 4000 (during normal office hours) or by contacting our Data Protection Officer via e-mail at [GDPR@cvamalta.com](mailto:GDPR@cvamalta.com).

In order to exercise any of the rights you may have at law ( see Transport Malta's privacy policy here <http://www.transport.gov.mt/privacypolicy.aspx> ). You may also contact **Transport Malta** Data Protection Office directly via e-mail at [dataprotection.tm@transport.gov.mt](mailto:dataprotection.tm@transport.gov.mt) or by calling on +356 2591 4586 (during normal office hours).