

	<input checked="" type="checkbox"/> Dublin Tunnel <input checked="" type="checkbox"/> MTCC <input checked="" type="checkbox"/> Jack Lynch Tunnel	<b>References</b> Data Protection Procedure (ERTO_2_BM_PRO-011)

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## ERTO Privacy Policy

### 1 Introduction

Welcome to the Egis Road & Tunnel Operation Ireland Limited's ("**ERTO**", "**us**", "**we**") privacy policy. ERTO respects your privacy and is committed to protecting your personal data. This privacy policy will inform you as to how we look after your personal data and tell you about your privacy rights and how the law protects you.

### 2 Important information and who we are

#### 2.1 Purpose of this privacy policy

This privacy policy aims to give you information on how ERTO collects and processes your personal data.

It is important that you read this privacy policy together with any other privacy policy or fair processing policy we may provide on specific occasions when we are collecting or processing personal data about you, so that you are fully aware of how and why we are using your data.

This privacy policy supplements other notices and privacy policies and is not intended to override them. In particular, for further information as to the practices of ERTO regarding the collection, use, transfer, disclosure and other handling and processing of the personal data its employees or staff contractor, please review the Staff Data Processing Notice (ERTO\_4\_BM\_FOR-078).

#### 2.2 Controller

ERTO may collect and processes your personal data when you use the Dublin Tunnel ([www.dublintunnel.ie](http://www.dublintunnel.ie)), the Jack Lynch Tunnel ([www.jacklynchtunnel.ie](http://www.jacklynchtunnel.ie)) (the "**Tunnels**"), and/or the Tunnels' websites, as well your personal data processed via the Motorway Traffic Control Centre (the "**MTCC**") and/or the MTCC websites ([www.ttitraffic.ie](http://www.ttitraffic.ie) and [www.mtcc.ie](http://www.mtcc.ie)) pursuant to the OMTTCC Term Service Contract. The Tunnels and the MTCC are operated by ERTO on behalf of Transport Infrastructure Ireland ("**TII**").

When processing personal data on behalf of TII, ERTO acts as a processor and TII is the controller. In other circumstances, for example when processing personal data of its staff, ERTO acts as a controller.

#### 2.3 Contact details

ERTO have appointed a data protection officer ("**DPO**"). If you have any questions about this privacy notice or our data protection practices please contact the DPO: [dpo@erto.ie](mailto:dpo@erto.ie)

You have the right to make a complaint at any time to the Data Protection Commission (the "**Commission**"), the Irish supervisory authority for data protection issues. We would, however, appreciate the chance to deal with your concerns before you approach the Commission so please contact us in the first instance.

## 2.4 Changes to the privacy policy and your duty to inform us of changes

We keep our privacy policy under regular review. It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

## 3 The data we collect about you

Personal data means any information about an individual from which that person can be identified. It does not include data where the identity has been removed.

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows:

- “**Identity Data**” includes first name, last name, username or similar identifier, title, car registration, date of birth and gender.
- “**Contact Data**” includes billing address, delivery address, email address and telephone numbers.
- “**Financial / Transaction Data**” includes credit/payment history, direct debit details – bank a/c, sort codes, customer requests/queries by email, customer note/message log, credit and debit card details for payments & refunds, details about payments to and from you.
- “**Technical Data**” includes digital information related to use of our websites, platforms and digital applications, including, traffic data, location data, internet protocol (IP) addresses and other communication data.
- “**Usage Data**” includes information about how you use our services, CCTV images.
- “**Marketing and Communications Data**” includes your preferences in receiving marketing from us and our third parties and your communication preferences.

We also collect, use and share “**Aggregated Data**” such as statistical or demographic data for any purpose. Aggregated Data could be derived from your personal data but is not considered personal data in law as this data will **not** directly or indirectly reveal your identity. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy policy.

### 3.1 How is your personal data collected?

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your Identity, Contact and Financial Data. This includes personal data you provide when you use our services (including the Tunnels), pay a toll, give us feedback, or contact us.
- **Automated technologies or interactions.** As you interact with our websites, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies and other similar technologies. Please see the website cookie policy for further details.
- **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources, including:
  - Technical Data from analytics providers and advertising networks

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- Contact, Financial and Transaction Data from providers of technical, payment and delivery services
- Identity and Contact Data from publicly available sources.

## 4 How we use your personal data

We use Personal Data when:

- We have consent to use Personal Data for a specific purpose;
- We are, or are considering, making an agreement;
- We have to comply with certain legal obligations; and/or
- We or the business are pursuing a legitimate interest. This could be where we have a business or commercial reason to use Personal Data. We will only do so if our interest clearly overrides the data subject's interest in not having his/her Personal Data Processed by us.

### 4.1 Purposes for which we will use your personal data

We have set out below, in a table format, examples of the ways we use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in Table 1.

Table 1: Use of personal data – purposes

Purpose/Activity	Lawful basis for processing
To manage our customer relationship	<ul style="list-style-type: none"><li>• Performance of a contract</li><li>• Necessary to comply with a legal obligation</li><li>• Necessary for our legitimate interests (to keep our records updated and to study how customers use our services)</li></ul>
To administer and protect our business	<ul style="list-style-type: none"><li>• Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise)</li><li>• Necessary to comply with a legal obligation.</li></ul>
To make suggestions and recommendations about services that may be of interest	<ul style="list-style-type: none"><li>• Necessary for our legitimate interests (to develop our services and grow our business).</li></ul>

### 4.2 Change of purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original

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purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

### 4.3 Special Categories of Data

ERTO processes Special Categories of Data and criminal data (“**SCD**”) in certain circumstances, such as the ordinary course of employee administration, e.g., medical certs for certified absences, etc. Such processing is necessary for the employment relationship or is justified by law. ERTO process such SCD in accordance with applicable data protection law.

## 5 Disclosing personal data

From time to time, we may disclose personal data to third parties, or allow third parties to access personal data which we process (for example where a law enforcement agency or regulatory authority submits a valid request for access to personal data).

We may also disclose personal data to: (a) selected third parties including certain government bodies such as the Revenue Commissioners; and (b) service providers, such as distributors, hauliers, website providers, payment processing providers, IT support providers, etc.

ERTO will ensure that such processing of your personal data is in compliance with applicable data protection law.

## 6 Data processors

ERTO will engage certain service providers to perform certain services on its behalf which may involve the processing of personal data. To the extent that such processing is undertaken based on the instructions of ERTO, ERTO will ensure that such relationship is governed by a contract which includes the data protection provisions prescribed by applicable data protection law.

## 7 Data Transfers outside the EEA

ERTO may transfer some personal data to countries outside the European Economic Area. If such transfer occurs, ERTO will ensure that such processing of your personal data is in compliance with applicable data protection law and, in particular, that appropriate measures are in place such as entering into Model Contractual Clauses (as published by the European Commission) or ensuring that the recipient is Privacy Shield certified, if appropriate.

If you require more information on the means of transfer of your data or would like a copy of the relevant safeguards, please contact [dpo@erto.ie](mailto:dpo@erto.ie)

## 8 Data security and data breach

We have technical and organisational measures in place to protect personal data from unlawful or unauthorised destruction, loss, change, disclosure, acquisition or access. Personal data are held securely using a range of security measures including, as appropriate, physical measures such as

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locked filing cabinets, IT measures such as encryption, and restricted access through approvals and passwords.

ERTO and/or TII are obliged to notify the Commission and affected data subjects in the case of certain types of personal data security breaches. Any data breaches identified in respect of personal data controlled by ERTO will be dealt with in accordance with Data Protection Law and ERTO's Data Breach Procedure.

## 9 Data retention

ERTO will keep personal data for as long as is necessary for the purposes for which ERTO collects it. This means ERTO will retain personal data for so long as we have a relationship with the individual to whom the personal data relates. Once this relationship comes to an end ERTO will retain such personal data for a period of time that allows it to: (a) comply with legal record retention requirements; (b) defend or bring legal claims; (c) maintain records for business analyses and audit; and (d) address complaints and other issues regarding its business.

Where ERTO holds personal data to comply with a legal or regulatory obligation, ERTO will keep the information for at least as long as is required to comply with that obligation. In some cases, a retention period will apply once the initial purpose has ceased.

Where ERTO holds personal data in order to provide a product or service, ERTO will keep the information for at least as long as ERTO provides the product or service, and for a number of years thereafter. The number of years varies depending on the nature of the product or service provided.

ERTO endeavours to ensure that personal data will only be kept which is relevant and not excessive to achieve the purposes for which it is being held. Personal data will be deleted once that purpose is achieved or it is no longer required as set out.

## 10 Individual data subject rights

Data protection law provides certain rights in favour of data subjects. The rights in question are as follows (the “**Data Subject Rights**”):

- The right of a data subject to receive detailed information on the processing (by virtue of the transparency obligations on the Controller);
- The right of access to personal data;
- The right to rectify or erase personal data (right to be forgotten);
- The right to restrict processing;
- The right of data portability;
- The right of objection; and
- The *right to object* to automated decision making, including profiling, and where ERTO relies on its legitimate interests to process your personal data (for example, for marketing purposes) ;

These Data Subject Rights will be exercisable by you subject to limitations as provided for under applicable data protection law. You may make a request to ERTO to exercise any of the Data Subject Rights by contacting [dpo@erto.ie](mailto:dpo@erto.ie) your request will be dealt with in accordance with applicable data protection law.

## 11 Data Record keeping

As part of our record keeping obligations under Art. 30 GDPR, ERTO retains a record of the processing activities under its responsibility. This comprises the following:

Table 2: GDPR requirements and records

<b>Art. 30 GDPR Requirement</b>	<b>ERTO's Record</b>
Name and contact details of the Controller	See Section 1 of this privacy policy.
The purposes of the processing	See Section 4 of this privacy policy.
Description of the categories of data subjects and of the categories of personal data	See Section 3 of this privacy policy.
The categories of recipients to whom the Personal Data have been or will be disclosed	See Section 5 of this privacy policy.
Where applicable, transfers of personal data to a third country outside of the EEA	See Section 7 of this privacy policy.
Where possible, the criteria for retention periods for the different categories of data	See Section 9 of this privacy policy.
Where possible, a general description of the technical and organisational security measures referred to in Article 32(1)	See Section 8 of this privacy policy.

## 12 Further information

For further information about this privacy policy and/or the processing of your personal data by or on behalf of ERTO please contact [dpo@erto.ie](mailto:dpo@erto.ie).