



## **PRIVACY AND DATA PROTECTION POLICY** **BENEFICIARIES<sup>1</sup>**

### **1. Purpose and objectives**

- 1.1 The C.Y.R.C. Cyprus Refugee Council (hereafter CyRC) is committed to handling Personal Data responsibly in order to earn and preserve the trust of, beneficiaries. Given the particularly vulnerable position of beneficiaries of CyRC, the nature of their personal data is generally sensitive and, therefore, requires careful handling in line with this Policy. For CyRC, the proper protection of the personal data of beneficiaries is therefore of particular importance and the CyRC has a responsibility to process it in a way that respects data protection principles.
- 1.2 This Policy defines the main principles applicable to the Processing of Personal Data by the CyRC with a view to guarantee every individual's right to privacy.
- 1.3 The CyRC Processes Personal Data in order to comply with its legal obligations, carry out administrative tasks, and comply with requirements for the proper performance of its legal relationships towards its, Beneficiaries with whom there are any legal relationship.

### **2. Scope**

- 2.1 This Policy is global in scope and applies to the CyRC everywhere and to all Processing of Personal Data of Data Subjects/Beneficiaries.
- 2.2 The requirements defined in this Policy shall also be applied to third parties Processing Personal Data on behalf of the CyRC, such as consultants, service providers, or other partners, for instance by way of contractual provisions.
- 2.3 This Policy concerns all Personal Data the CyRC is Processing and applies to the Personal Data of Beneficiaries as defined below.
- 2.4 This Policy also concerns all Personal Data the CyRC is Processing, and equally applies to any kind of Personal Data Processing regardless of the medium used (electronic, paper, other) and purpose.
- 2.5 This Policy does not apply to data related to legal entities.

### **3. Definitions**

- 3.1 "Beneficiaries" means any individual Data Subject (natural person) receiving assistance, consultations and any other support by the CyRC.
- 3.2 "CyRC" or "Controller" means C.Y.R.C. Cyprus Refugee Council and it shall also constitute the data controller, i.e. the legal person which determines the purposes and means of the Processing of Personal Data of the Beneficiaries subject to this Policy; you may contact CyRC at [info@cyrefugeecouncil.org](mailto:info@cyrefugeecouncil.org) and 22 205959
- 3.3 "Consent" means Beneficiaries' freely given specific and informed indication of his/her wishes by which the Beneficiary signifies his/her agreement to the Processing of his/her Personal Data for the purposes described;
- 3.4 "Data Subject" means an identified or identifiable natural person to whom Personal Data that are being Processed relates; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his/her physical, physiological, mental, economic, cultural or social identity; this definition is confined to beneficiaries for the purposes of this Policy;
- 3.5 "Personal Data" or "Data" means any information relating to a Data Subject; and includes any data related to an individual who can be identified from that data; from that data and other information; or by means reasonably likely to be used related to that data. Personal data includes biographical data (biodata) such as name, sex, marital status, date and place of birth, country of origin, country of asylum, individual registration number, occupation, religion and ethnicity, biometric data such as a photograph, fingerprint, facial or iris image, as well as any expression of opinion about the individual, such as assessments of the status and/or specific needs.
- 3.6 "Personal Data Processing" or "Processing" or "Processed" means any operation or set of operations performed upon Personal Data, whether or not by automatic means, such as

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<sup>1</sup> For employees and third parties please revert to the Cyprus Refugee Council 'Privacy and Data Protection Policy for Employees and Third Parties'

- collection, recording, organisation, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction;
- 3.7 “Personal Data Transfer” or “Transfer” means any Data disclosure, copy or move via a network, e.g. remote access to a database, or from a medium to another regardless of the type of medium;
- 3.8 “Policy” means this privacy and personal data protection policy;
- 3.9 “Processor” means the natural or legal person or affiliated Company or third party which is Processing Personal Data on behalf of the CyRC;
- 3.10 “Recipient” means the natural or legal person, whether a Company affiliated to the CyRC or a third party to whom/which Personal Data are disclosed and these shall be (a) United Nations High Commissioner for Refugees Representative in Cyprus, (b) Governmental Authorities, and (c) other national, EU and international governmental and non-governmental organisations with whom CyRC cooperates.
- 3.11 “Sensitive Data” (special categories of personal data) means Personal Data that reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

#### **4. Basic Principles and Requirements**

- 4.1 Any employee of the CyRC or affiliated Company or third party Processing Personal Data on behalf of the CyRC must comply with the terms of this Policy, 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), and all other relevant applicable national and EU laws and regulations as well as the UNHCR Policy on the Protection of Personal Data of Persons of Concern to UNHCR in conjunction with , Principle 6 of the UNHCR's Code of Conduct.
- 4.2 Natural or legal persons Processing Personal Data on behalf of the CyRC, including, but not limited to, employees of the CyRC, affiliated Companies and third parties, must comply with the following processing principles:
- 4.2.1 Legitimate and fair processing  
Processing of personal data may only be carried out on a legitimate basis and in a fair and transparent manner. CyRC may only process personal data based on one or more of the following legitimate bases: (a) With the consent of the beneficiaries; (b) In the vital or best interests of the beneficiaries; (c) to enable CyRC to carry out its mandate; (d) Beyond CyRC mandate, to ensure the safety and security of beneficiaries or other individuals; (e) to perform obligations owed to the beneficiaries; (f) for the purposes of safeguarding legitimate interests; (g) to form a profile about the beneficiary; (h) to investigate or settle enquiries or disputes; (i) to comply with applicable laws, court orders, other judicial process, or the requirements of any applicable regulatory authorities.
- 4.2.2 Purpose specification
- 4.2.2.1 Personal data needs to be collected for one or more specific and legitimate purpose(s) and should not be processed in a way incompatible with this/those purpose(s).
- 4.2.2.2 No Personal Data may be Processed unless the purpose of the Processing has been precisely defined beforehand and is legitimate under applicable law. Under the conditions provided for by applicable law, the purpose of Processing may not vary in time, except if Data Subjects are duly notified by electronic or other communication and give their consent to such variation and/or amendment where required.
- 4.2.2.3 Generally, the purposes of Processing of Data Subjects' Personal Data within the context of this Policy are in relation to fulfilling the obligations and duties of the CyRC under its mandate, as expressed in the objects stated in the Memorandum and Articles of Association in connection with Beneficiaries.
- 4.2.2.4 The main legal bases for processing Data Subjects' Personal Data are as follows:
- **it is necessary to protect the vital interests of the relevant Data Subjects or those of another data subject or a third party**
  - **To ensure the safety and security of beneficiaries or other related individuals both within and beyond the mandate of CyRC;**

- **Performance of obligations to Data Subject:** We process personal data in order to provide our services and/or information and/or assistance to the Beneficiaries. In view of this, we need to verify the Data Subject's identity in order to accept them as Beneficiary and we will need to use those details in order to effectively manage their file with us;
- **For the purposes of safeguarding legitimate interests:** We process personal data so as to safeguard the legitimate interests pursued by us or by a third party. A legitimate interest is when we have a lawful reason to use the Data Subject's information. Despite that, it must not unfairly go against what is right and best for the Data Subject. Examples of such processing activities include initiating complaints before the administration or toward independent authorities, initiating legal claims and preparing our defence in litigation procedures, and undertaking means and processes to provide for the CyRC's IT and system security, and preventing potential crime;
- **Consent:** Our storage and use of the Data Subject's Personal Data is based on their consent (other than for reasons described or implied in this Policy when consent is not required). The Data Subject may revoke consent at any time; however, any processing of personal data prior to the receipt of revocation will not be affected;
- **To form a profile about the Data Subject:** We may from time to time use personal information about the Data Subject to create profiles, so that we can better understand the Data Subject's needs;
- **To investigate or settle enquiries or disputes:** We may need to use personal information collected from the Data Subject to investigate issues or to settle disputes with them because it is in our legitimate interests to ensure that issues and disputes get investigated and resolved in a timely and efficient manner; and
- **To comply with applicable laws, court orders, other judicial process, or the requirements of any applicable regulatory authorities:** We may need to use the Data Subject's personal information to comply with any applicable laws and regulations, court orders or other judicial process, or the requirements of any applicable regulatory authority. We do this not only to comply with our legal obligations but because it may also be in our legitimate interest to do so.

#### 4.2.3 Quality, Accuracy and proportionality of data

Personal Data must be accurate, up to date, adequate, relevant, and not excessive in relation to the purposes for which they are Processed.

#### 4.2.4 Length of the retention period of personal data

Personal Data of Data Subjects shall be retained as follows:

Personal Data of beneficiaries shall be retained up to the end of the relationship with CyRC and thereafter for another 6 years at a maximum. In case of litigation before the Courts, such Personal Data shall be retained up to the issuance of the final judgment of the Supreme Court at last resort, pertaining to the case, and thereafter for another 6 years, or, if the judgment has not been appealed, up to the issuance of the judgment of the first-instance court and thereafter for another 6 years.

#### 4.2.5 Open and fair processing

Personal Data shall not be collected or obtained by deceit or other underhanded methods. For the sake of fair processing of Data, Data Subjects are entitled to receive the information that will make Processing a transparent one (in particular: identity of the Controller, purposes of the Processing, categories of Recipients, whether replies to questions are mandatory or voluntary, what are the rights of Data Subjects, and, where appropriate, that their Data may be transferred). The CyRC is responsible for ensuring that the proper information is provided to the Data Subjects at the time of Data collection unless law stipulates otherwise.

#### 4.2.6 Security and confidentiality

The CyRC shall adopt or require that be adopted technical and organisational security and confidentiality measures that are appropriate in relation to the risks associated with the Processing so as to prevent, in particular, accidental or unlawful destruction or accidental loss, alteration, disclosure of, or unauthorised access to, the Data. The CyRC however cannot guarantee the security of the Data during their transmission to the CyRC by the Data Subjects. Any information or Data that the Data Subjects send to the CyRC is done at their own risk and the CyRC can only guarantee the security of Data that has been received and is in the CyRC possession. The Data Processed can be viewed only by the Processor, authorised personnel and it may be disclosed to government authorities or third parties if the CyRC is under a legal obligation to do so or for other lawful purposes.

#### 4.2.7 Rights of Data Subjects

Sensitive Data may be Processed only where strictly necessary for the CyRC's legitimate purposes and in accordance with any safeguards required by law, such as the prior express consent of the Data Subject. The Data Subject has the rights of (i) access to a copy of the information comprised in their Personal Data, (ii) restriction of Processing of Personal Data, (iii) objection to processing that is likely to cause or is causing damage or distress, (iv) prevention of processing for direct marketing, (v) objection to decisions being taken by automated means, (vi) rectification, blockage, erasure or destruction of inaccurate Personal Data where considered right by the CyRC or Office of the Commissioner for Personal Data Protection in case of recourse to him/her, (vii) lodging a complaint with the Office of the Commissioner for Personal Data Protection or other supervisory authority, (viii) right to portability, and (ix) claim to compensation for damages caused by a breach of the terms of this Policy, 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), and all other relevant applicable national and EU laws and regulations. Data Subjects have the right, in case that they do not want us to use their personal information anymore, to opt out by informing the CyRC by sending a pertinent e-mail to [info@cyrefugeecouncil.org](mailto:info@cyrefugeecouncil.org). If a Data Subject decides to do so, the CyRC may not be able to continue to provide information, services and/or assistance requested by the Data Subject and it will have no liability to that Data Subject in this respect.

#### 4.2.8 Processors

Before the CyRC engages the services of a Processor (for example, as a result of an outsourcing or other Data Processing arrangements), whether an employee of the CyRC or an affiliated organisation or association or company or a third party, the CyRC shall enter into appropriate written Data Processing Contracts in accordance with the requirements under applicable Cyprus and EU law and regulations and of this Policy, which will stipulate *inter alia* that the Processor will act only on documented instructions from the CyRC and will put in place and maintain adequate security and confidentiality measures to protect the Personal Data being Processed.

#### 4.3 Accountability and Supervision

In order to ensure accountability for the processing of personal data in line with this Policy, CyRC will set up an accountability and supervision structure as follows

The CyRC as the data controller is responsible for establishing and overseeing the processing of personal data under its area of responsibility. In order to comply with the Policy the CyRC Board of Directors designates the CyRC Managing Director, Tonia Loizidou as the Data Protection Officer.

The Data Protection Officer is responsible for:

- (i) Determining the applicable legitimate basis for and the specific and legitimate purposes of data processing;
- (ii) Ensuring the implementation of organizational and security measures as well as assessing data security of third parties;
- (iii) Establishing internal procedures, in the form of Data Protection Standard Operating Procedures, covering all relevant aspects of this Policy, in particular regarding the respect for the rights of the data subject and measures aimed at ensuring data confidentiality and security;
- (iv) Ensuring that data protection and data security aspects are adequately included in agreements with third parties;
- (v) Negotiating and concluding data transfer agreements with third parties as required or appropriate.

#### 4.4. Complaints mechanism

The Data Subject has the right to lodge a complaint with the Office of the Commissioner for Personal Data Protection 1 Iasonos str., 1082 Nicosia, P.O.Box 23378, 1682 Nicosia Tel: +357 22818456, Fax: +357 22304565, Email: [commissioner@dataprotection.gov.cy](mailto:commissioner@dataprotection.gov.cy) and/or lodge a complaint in accordance with the CyRC complaints mechanism. Individuals wishing to lodge a complaint with the CyRC complaints mechanism must do so in writing and can do so in any language. Complaint forms are available at the Front-Desk. Complaints can be made anonymously however CyRC assures that all complaints are treated in the strictest confidence. By providing contact details CyRC will be in a position to carry out a more thorough investigation into the complaint.

## **5. Data to be collected and processed**

5.1 The Personal Data that may be collected and Processed by the CyRC, for the purposes explained above, are listed as follows:

- 5.1.1.1 Name;
- 5.1.1.2 E-mail address;
- 5.1.1.3 Mobile telephone number;
- 5.1.1.4 Address;
- 5.1.1.5 Alien Registration Number;
- 5.1.1.6 Asylum Service File number
- 5.1.1.7 Legal status
- 5.1.1.8 Nationality
- 5.1.1.9 Religion:
- 5.1.1.10 Ethnicity
- 5.1.1.11 Marital Status:
- 5.1.1.12 Education
- 5.1.1.13 Profession
- 5.1.1.14 Language(s)
- 5.1.1.15 Date of Arrival:
- 5.1.1.16 Mode of Arrival:
- 5.1.1.17 Travel Route:
- 5.1.1.18 Entry Point:
- 5.1.1.19 Travel Document No:
- 5.1.1.20 Member of family
- 5.1.1.21 Any information required for interventions on access to social rights, including information on income, expenses and debts.
- 5.1.1.22 Any information related to the asylum claim or immigration status including personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation; and any information require.

## **6. Personal Data Transfers**

- 6.1 The CyRC may, in the conduct of its business, have to transfer Personal Data from one country to another, whether to affiliated companies or third parties, within the EU.
- 6.2 A Transfer shall take place in strict compliance with applicable law and the rules laid down in this Policy. In order to provide Data Subjects with the highest possible level of protection, the CyRC, its employees, affiliated companies, and third parties involved in the Transfer shall apply the legislation of that country concerned which is most protective of Personal Data, in the case of Transfers of Personal Data from one country to another.
- 6.3 A Transfer shall be carried out for a specified, explicit and legitimate purpose. Thus, the CyRC must be capable of justifying the Transfer, and providing evidence that the Transfer is compatible with the purpose of the initial Processing and of the legal requirements under Cyprus Law, the General Data Protection Regulation and/or the law of the country where the Data shall be transferred.
- 6.4 The Transfer shall only concern Personal Data which are relevant and not excessive for the purpose of the Transfer.
- 6.5 Where the Transfer is carried out from the CyRC to an affiliated company or third party located outside the European Economic Area, safeguards shall be taken to ensure an adequate level of protection of the Personal Data in accordance with applicable law, such as in the form of the model clauses published and approved by the European Commission from time to time, if applicable, the EU-US Privacy Shield or any other equivalent applicable arrangements and provided always that the Data Subject has been duly notified and consented to the Transfer, where required, and the necessary notifications have been made to and/or the necessary authorisations have been obtained by the relevant national data protection authority, if applicable.

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## **7. Enforcement**

CyRC reserves the right to take such action as it deems appropriate against users who breach this Policy. Violators are subject to disciplinary action up to and including dismissal from employment, and civil or criminal prosecution, as appropriate. Disciplinary action shall be conducted in accordance with applicable policies.

8. **Review And Updates To The Policy**

This Policy will be reviewed and updated annually or more frequently if necessary, to ensure that any changes to the CyRC's practices are accurately reflected. Any changes to this Policy shall be duly communicated to Data Subjects and consent shall be requested, where applicable.

Questions or recommendations regarding this document should be directed to CyRC Managing Director, Tonia Loizidou as the Data Protection Officer.

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