

**PERSONAL DATA  
PROTECTION POLICY**

Zagreb, 18 May 2018

Pursuant to article 17 of the Statute of Croatia Airlines d. d., on 18 May 2018 the Board adopted the following

## **PERSONAL DATA PROTECTION POLICY**

### **1. DEFINITIONS**

For the purposes hereof, the following terms shall have the following meanings:

**Personal data** – any information relating to an identified or identifiable natural person (“**data subject**”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

**Processing** - any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

**Controller** - a natural or legal person who alone or jointly with others determines the purposes and means of the processing of personal data;

**Processor** - a natural or legal person who processes personal data on behalf of the controller;

**Recipient** - a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as Recipients; the processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing;

**Information system** – the whole of technological infrastructure, organisation, persons and procedures involved in the collection, processing, generation, storage, transfer, display, distribution and management of information. An information system can also be defined as the interaction of information technology, data, data processing procedures, and persons who collect and use the said data;

**Third party** - a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data;

**Supervisory authority** - an independent public authority established by the Republic of Croatia for the purpose of control and ensuring the implementation of the Regulation;

**Confidentiality** – the characteristic of information (data) of not being available or disclosed to unauthorised entities;

**Consent** - any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her;

**Pseudonymization** - the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person;

**Personal data breach** - a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed;

**Profiling** - any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person 's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements;

**Distribution channels** – the means and ways employed to enable the access, contracting for and use of products and services of Croatia Airlines d. d. and sending of commercial information and offers related to the products and services of Croatia Airlines d. d., comprising the offices of Croatia Airlines d. d. and its contractual partners, the mobile applications and website of Croatia Airlines d. d. etc. The Data Subject shall receive information on the available distribution channels of Croatia Airlines d. d. at any time on contacting the Croatia Airlines d. d. Call Centre.

**Binding corporate rules** - personal data protection policies which are adhered to by a controller or processor established on the territory of a Member State for transfers or sets of transfers of personal data to a controller or processor in one or more third countries within a group of undertakings, or group of enterprises engaged in a joint economic activity;

## **II. FUNDAMENTAL PROVISIONS**

The Personal Data Protection Policy (hereinafter: the Policy) is the fundamental act defining the purpose and aims of personal data collection, processing, and management at Croatia Airlines d. d.

The Policy serves to ensure the adequate data protection level pursuant to the Regulation EU 2016/679 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 of 27 April 2016 (hereinafter: Data Protection Regulation / Regulation) and to other applicable and effective laws concerning personal data protection.

In addition, Croatia Airlines d. d. also ensures the protection of personal data by its other internal Acts - such protection is provided, among other regulations, by the provisions of the Employment Ordinance, the Trade Secrets Ordinance, the Ordinance on the keeping, use, selection and extraction of archive and register data and the Ordinance on the protection of price sensitive data.

### III. AIM AND PURPOSE

The purpose of the Personal Data Protection Policy is to establish a personal data protection framework pursuant to the provisions of the Data Protection Regulation.

The Policy lays down rules governing the protection of natural persons with regard to personal data collection and processing and the rules governing the free movement of personal data.

The aim of the Policy is to establish appropriate processes for the protection and management of personal data of data subjects, i.e. passengers, employees, business partners of Croatia Airlines d. d. and other persons whose data are processed.

### IV. PRINCIPLES OF DATA PROCESSING

The principles of data processing are the fundamental rules adhered to by Croatia Airlines d. d. when processing data subjects' personal data, and the processing activities performed pursuant to the following principles are considered lawful. Each organisational unit of Croatia Airlines d. d. undertakes to ensure the compliance with the principles below within its own domain and when processing the personal data within the scope of the organisational unit as the controller.

Croatia Airlines d. d. shall process personal data in accordance with the following principles of processing:

1. **Lawfulness and fairness** - with regard to data subjects and their rights, Croatia Airlines d. d. shall process data subjects' personal data pursuant to the statutory regulations in force and taking into account all data subjects' rights.
2. **Transparency** - Croatia Airlines d. d. shall ensure the transparency of personal data processing and, pursuant to the Regulation, provide the data subjects with all necessary information and, at their request, allow them to consult their personal data, inform them on the reasons, grounds, and lawfulness of the processing, etc. Through this Policy and other channels available to data subjects, Croatia Airlines d. d. shall provide data subjects with information on the methods of collection, usage, presentation or another form of processing of the personal data relating to them, and on the extent of present or future processing of the said personal data. The data subject shall receive all relevant information in a timely manner, i.e. before the collection of data.
3. **Purpose limitation** – personal data must be collected for specific, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
4. **Storage limitation** – Croatia Airlines d. d. shall ensure that the data subjects' personal data are kept in the form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
5. **Using only necessary data** (data amount reduction) - Croatia Airlines d. d. shall collect and process personal data which are adequate, relevant and limited to what is necessary for the purposes for which they are processed.
6. **Accuracy** - Croatia Airlines d. d. shall ensure that the data are accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
7. **Integrity and confidentiality** - Croatia Airlines d. d. shall collect and process data in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

## **V. LAWFULNESS OF PROCESSING**

Data subjects' personal data are regarded as their own property and treated as such. However, in order for Croatia Airlines d. d. to be able to provide a service to a data subject pursuant to the rules below, a minimum set of data required for quality service provision must be processed. Otherwise, i.e. if the data subject refuses to provide the requested set of data, Croatia Airlines d. d. will not be able to render the service to the said data subject.

Pursuant thereto, data subjects' personal data shall be processed provided that one of the following conditions applies:

- a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- c) processing is necessary for compliance with a legal obligation to which Croatia Airlines d. d. is subject;
- d) processing is necessary in order to protect the legitimate interests of Croatia Airlines d. d. or of a third party;
- e) processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- f) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

## **VI. DATA SUBJECTS' RIGHTS**

Data subjects' personal data are their own property and although these data are necessary for the provision of services, data subjects shall retain certain rights as regards the processing of their data at all times and Croatia Airlines d. d. shall collect and process the data only if the above rules of processing apply.

The data subject shall receive the following information at the time of data collection:

- controller's identity and contact data,
- data protection officer's contact data,
- the purposes of and the legal basis for the processing of personal data,
- legitimate interest of the controller or a third party,
- personal data recipients or recipient categories,
- the intention of transferring the personal data to third countries (if applicable),
- the period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period,
- rights related to consents,
- the existence of automated decision-making, including profiling, and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

In the event that the data are not collected directly from data subjects, the source of the data shall be specified along with the data.

Personal data shall be processed in accordance with the rights of data subjects defined in the Regulation and stated below:

- Right to erasure (“right to be forgotten”) - the data subject shall have the right to request the erasure of personal data concerning him or her, and Croatia Airlines d. d. shall have the obligation to erase personal data without undue delay where one of the following grounds applies:

- a. the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- b. the data subject withdraws consent on which the processing is based and there is no other legal ground for the processing;
- c. the data subject objects to the processing and the legitimate grounds for the exercise of the right to erasure override the legitimate interest of Croatia Airlines d. d. in the processing and/or keeping of personal data;
- d. the personal data have been unlawfully processed;
- e. the personal data have to be erased for the purpose of compliance with a legal obligation.

- Right of access to data – the data subject shall have the right to be informed as to whether his or her personal data are processed and if such personal data are processed, to access his or her personal data and receive information on the purpose of processing, data categories, potential recipients to whom the personal data will be disclosed, etc.

- Right to rectification – the data subject shall have the right to obtain without undue delay the rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

- Right to data portability - the data subject shall have the right to receive the personal data concerning him or her, which he or she has provided to Croatia Airlines d. d., in a structured, commonly used and machine-readable format, and the right to transmit those data to another controller.

- Right to object - the data subject shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her. In such circumstances, Croatia Airlines d. d. shall no longer process the personal data unless it demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims. Furthermore, where personal data are processed for direct marketing purposes, the data subject shall have the right to object at any time to processing of personal data concerning him or her for such marketing, which includes profiling to the extent that it is related to such direct marketing. Where the data subject objects to processing for direct marketing purposes, the personal data shall no longer be processed for such purposes.

- Right to restriction of processing - the data subject shall have the right to request the restriction of processing if the accuracy of the personal data is contested by the data subject; if the data subject deems the processing to be unlawful and opposes the erasure of the personal data and requests the restriction of their use instead; or if the data subject has objected to processing pending the verification whether the legitimate grounds of the controller override those of the data subject.

The data subject shall have the right to request the exercise of any of the above rights at any time. Croatia Airlines d. d. shall provide the data subject with the information on the actions taken concerning the said rights at the request of the data subject, no later than three months following the receipt of the request (corresponding to the amount and complexity of the request).

In the event that Croatia Airlines d. d. does not take action on the request of the data subject, it shall without undue delay and no later than one month following the receipt of the request notify the data subject of the reasons for not taking action. The reasons for not taking action imply the existence of a rule of processing preventing Croatia Airlines d. d. from taking action. Furthermore, the data subject shall have the right not to be subject to a decision which is based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affecting him or her, unless such decision:

- is necessary for entering into, or performance of, a contract between the data subject and Croatia Airlines d. d.,
- is authorised by the law,
- based on the data subject's express consent.

## **VII. OBLIGATIONS OF CROATIA AIRLINES d. d. PURSUANT TO THE REGULATION**

Croatia Airlines d. d. continuously implements the appropriate technical and organisational protection measures, taking into account the nature, scope, context and purposes of processing, as well as the risks of varying likelihood and severity for rights and freedoms of data subjects.

The above measures include the implementation of appropriate data protection policies:

- data subjects' personal data are kept in accordance with the internal safety standards. Croatia Airlines d. d. continuously takes significant organisational and technical measures aimed to protect personal and all other data of data subjects. Where applicable, it uses cryptographic data protection techniques and continuously works towards the improvement of security measures.
- Croatia Airlines d. d. does not allow unauthorised collection, processing, or use of personal data. The access to data is limited to the data which are necessary for the completion of certain business tasks. The employees of Croatia Airlines d. d. are strictly forbidden from using the data subjects' personal data for any purpose incompatible with the conditions defined in section IV. – Lawfulness of Processing.
- Personal data are protected from unauthorised access, use, modification and loss regardless of the form in which they are kept.
- Compliance with this Policy and other data protection procedures is also subject to regular internal verification at Croatia Airlines d. d., which is performed by the Data Protection Officer.

## **VIII. PROCESSING OF SPECIAL CATEGORIES OF PERSONAL DATA**

The data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or sexual orientation of a natural person shall not be processed. The processing of the above special categories of personal data shall be performed only exceptionally, provided that:

- the data subject has given explicit consent to the processing of those personal data for one or more specified purposes;

- processing is necessary for the purposes of carrying out the obligations and exercising specific rights of Croatia Airlines d. d. or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by the EU law or the law of the Republic of Croatia or a collective agreement pursuant to the law of the Republic of Croatia providing for appropriate safeguards for the fundamental rights and the interests of the data subject;
- processing is necessary to protect the vital interests of the data subject or another natural person;
- processing relates to personal data which are manifestly made public by the data subject;
- processing is necessary for the establishment, exercise or defence of legal claims.

Croatia Airlines d. d. pays special attention to the protection of children's personal data, considering that children may lack awareness of the risk, consequences and relevant protective measures, as well as their rights concerning the processing of personal data. "Children" shall refer to the persons under the age of sixteen.

## **IX. AUTOMATED DATA PROCESSING**

Decision-making based on automated data processing is integral to the business activity of Croatia Airlines d. d. and as such it is essential. This process is performed in accordance with the following:

- effective legal regulations of the Republic of Croatia and the EU, standards and recommendations of the EU institutions or national supervisory authorities;
- the aim of ensuring the safety and reliability of the service rendered by Croatia Airlines d. d.;
- if necessary for entering into, or the performance of a, contract between the data subject and the controller, including the reduction of business risk, improvement of business performance, certain types of overnight processing which are a part of the IT system;
- if the data subject gave his or her express consent.

Pursuant to the Regulation, Croatia Airlines d. d. shall allow data subjects to lodge complaints against data processing for direct marketing purposes, including profiling, to the extent in which it is related to such direct marketing, with regard to the initial or further processing, at any time and free of charge.

## **X. TRANSFER OF PERSONAL DATA**

Croatia Airlines d. d. shall exchange personal data with processors when this is necessary for the purpose of rendering a requested service to a data subject pursuant to the conditions specified in the section IV. – Lawfulness of Processing.

On the transfer of data subjects' data to external partners, the processing limitation principle shall be strictly adhered to, with the transfer of the minimum amount of data necessary in order to effectuate the service requested.

If necessary, and exclusively pursuant to the conditions specified in Section IV. – Lawfulness of Processing, the data shall be transferred to third countries or international organisations. In such cases, additional controls and safeguards for transfers of personal data shall apply in accordance with the Regulation.

## **XI. DATA PROTECTION OFFICER**

Croatia Airlines d. d. has appointed a Data Protection Officer, who is independent and as such acts in the interest of protection of data subjects' rights and personal data. The said officer shall be responsible for ensuring the implementation of the Personal Data Protection Policy at Croatia Airlines d. d. and of other documents defining the rules of procedure for the collection and processing of data subjects' personal data.

The Data Protection Officer shall be involved in all matters concerning personal data protection in an appropriate and timely manner. He or she shall participate in change management and project management processes, which shall enable him or her a timely access to information. He or she shall be bound by secrecy or confidentiality concerning the performance of his or her tasks.

The Data Protection Officer shall have at least the following tasks:

- to inform and advise Croatia Airlines d. d. and the employees who carry out processing of their obligations pursuant to the Regulation and to other data protection provisions of the EU or the Republic of Croatia;
- to monitor compliance with the Regulation, with other data protection provisions of the EU or the Republic of Croatia and with the policies of the controller or processor in relation to the protection of personal data, including the assignment of responsibilities, awareness-raising and training of staff involved in processing operations, and the related audits;
- to provide advice where requested as regards the data protection impact assessment and monitor its performance;
- to cooperate with the supervisory authority;
- to act as the contact point for the supervisory authority on issues relating to processing and to consult, where appropriate, with regard to any other matter.

The Data Protection Officer shall not receive any instructions regarding the performance of the above tasks, which shall further contribute to his or her independence. The Data Protection Officer shall also be the primary contact point for the data subjects who wish to exercise their rights (issues concerning the processing of their personal data and the exercise of their rights under the Regulation), make an enquiry regarding the personal data protection, request additional information, express their concern regarding the processing of their personal data, submit a complaint concerning personal data protection and the exercise of their rights under the Data Protection Regulation.

The data subjects may contact the Personal Data Protection Officer by email at [gdpr@croatiaairlines.hr](mailto:gdpr@croatiaairlines.hr).

Croatia Airlines d. d. shall have the right to charge a reasonable fee based on administrative costs or to refuse to act on a request if a data subject's requests are manifestly unfounded or excessive, in particular because of their repetitive character.

The Personal Data Protection Officer's contact data are also available on the Croatia Airlines d. d. website.

## **XII. IMPACT ASSESSMENT**

Where a type of processing in particular using new technologies and taking into account the nature, scope, context and purposes of the processing, is likely to result in a high risk to the rights and freedoms of data subjects, an assessment shall be carried out, prior to the processing, of the impact of the envisaged processing operations on the protection of personal data, if this is within the controller's scope of action. A single assessment may address a set of similar processing operations that present similar high risks.

Organisational units should contact the personal data protection officer in the event of uncertainty as to whether an assessment of the impact on a certain data processing operation should be carried out or not. The personal data protection officer shall be responsible for ensuring the implementation of the "data protection impact assessment", i.e. for providing support during the assessment.

The impact assessment shall contain at least:

- a systematic description of the envisaged processing operations and the purposes of the processing, including the legitimate interest of Croatia Airlines d. d.;
- an assessment of the necessity and proportionality of the processing operations in relation to the purposes;
- an assessment of the risks to the rights and freedoms of data subjects;
- the measures envisaged to address the risks, including safeguards, security measures and mechanisms to ensure the protection of personal data and to demonstrate compliance with the Regulation taking into account the rights and legitimate interests of data subjects and other persons concerned.

## **XIII. RECORDS OF PERSONAL DATA PROCESSING ACTIVITIES**

Croatia Airlines d. d. shall maintain records of processing activities under its responsibility, i.e. in cases when it acts as a controller or a joint controller. These records shall be kept in electronic form and contain at least the following information:

- the name and contact details of the controller and the Data Protection Officer;
- the purposes of the processing;
- a description of the categories of data subjects and of the categories of personal data;
- the categories of recipients to whom the personal data have been or will be disclosed, including recipients in third countries or international organisations;
- transfers of personal data to a third country or an international organisation, including the identification of that third country or international organisation;
- where possible, the envisaged time limits for erasure of the different categories of data;
- a general description of the technical and organisational security measures.

The personal data protection officer shall be responsible for maintaining the records of processing activities, and organisational units within the group shall be responsible for timely delivery of accurate information to be entered into the records of processing activities, as adequate.

#### **XIV. INCIDENTS AND RIGHT TO COMPLAINT**

Croatia Airlines d. d. shall take significant measures involving processes and technology with the aim of protecting data subjects' personal data. Additionally, all employees of Croatia Airlines d. d. shall have the obligation of notifying the responsible persons (primarily the Data Protection Officer).

In the event of a personal data breach, Croatia Airlines d. d. shall report the incident to the Personal Data Protection Agency within 72 hours after having become aware of such breach, where feasible.

Croatia Airlines d. d. shall not inform the data subject in case of a personal data breach if at least one of the following conditions applies:

- Croatia Airlines d. d. has implemented the appropriate technical and organisational protection measures and those measures were applied to the personal data affected by the personal data breach, in particular those that render the personal data unintelligible to any person who is not authorised to access it, such as encryption;
- Croatia Airlines d. d. has taken subsequent measures which ensure that the high risk to the rights and freedoms of data subjects is no longer likely to materialise;
- it would involve disproportionate effort.

In such a case, there shall instead be a public communication or similar measure whereby the data subjects are informed in an equally effective manner.

The data subject shall be entitled to lodge a complaint to the Personal Data Protection Agency in case of an incident concerning his or her personal data or if he or she believes that Croatia Airlines d. d. is violating his or her rights under the Regulation.

#### **XV. FINAL PROVISIONS**

This Policy shall enter into force on the date of its adoption and it shall be applied as of 20 May 2018.