

CARIBBEAN DEVELOPMENT BANK



PERSONAL DATA PRIVACY POLICY

NOVEMBER 20, 2019

TABLE OF CONTENTS

<u>Articles/Sections</u>	<u>Title</u>	<u>Page</u>
<u>Article I</u>	<u>General Provisions</u>	1
Section 1.01	Purpose.	1
Section 1.02	Rationale	1
Section 1.03	Definitions	1-2
<u>Article II</u>	<u>Key Principles</u>	2
Section 2.01	Principles	2-4
<u>Article III</u>	<u>Privileges and Immunities</u>	4
Section 3.01	Privileges and Immunities	4
<u>Article IV</u>	<u>Oversight and Implementation</u>	4
Section 4.01	Oversight.....	4
Section 4.02	Implementation	4
Section 4.03	Implementing Procedures	4
<u>Article V</u>	<u>Review</u>	5
Section 5.01	Review.....	5
<u>Article VII</u>	<u>Application and Effective Date</u>	5
Section 6.01	Date of Application.....	5
Section 6.02	Application	5

PERSONAL DATA PRIVACY POLICY

ARTICLE I

General Provisions

Section 1.01 **Purpose.** This Policy sets forth the rules and principles governing the Processing of Personal Data by the Caribbean Development Bank (“CDB” or “the Bank”). Its purpose is to ensure that CDB Processes Personal Data in a way that is consistent with recognized international standards for the Processing of Personal Data.

Section 1.02 **Rationale.** In pursuit of its purpose of contributing to the harmonious economic growth and development of the member countries in the Caribbean, CDB may Process Personal Data of individuals. Given that there are inherent risks in Processing Personal Data such as accidental loss or damage or unauthorised disclosure, it is necessary that CDB adopts a policy to safeguard against such occurrences. The protection of the Personal Data of individuals is of importance to CDB since it is an international organisation which upholds the fundamental rights and freedoms of natural persons. This Policy is also in keeping with the provisions of CDB’s Code of Conduct.¹

Section 1.03 **Definitions.** Wherever used in this Policy, unless the context otherwise requires, the following expressions shall have the following meanings:

- (i) “Consent” means any freely given and informed indication of an agreement by the Data Subject to the Processing of his/her Personal Data, which may be given either by a written or oral statement or by a clear affirmative action;
- (ii) “Data Subject” means:
 - (aa) a Governor, Director, Officer or member of staff of the Bank;
 - (bb) a former Governor, Director, Officer or member of staff of the Bank;
 - (cc) a dependant of a Governor, Director, Officer or member of staff of the Bank;
 - (dd) an applicant for a job at the Bank;
 - (ee) an individual contractor or consultant;
 - (ff) a subscriber to the website of the Bank;
 - (gg) a whistleblower;² or
 - (hh) a participant in a training programme, workshop or event,

whose Personal Data is subject to Processing by the Bank;

- (iii) “Date of Application” means the date referred to in Section 6.01;

¹ Section 8, CDB’s “Code of Conduct” published December 2009.

² Any individual deemed a whistleblower under CDB’s “Whistleblower Policy” published May 2015.

- (iv) “Personal Data” means any information relating to an identified or identifiable Data Subject. An identifiable Data Subject is one who can be identified by reasonable means, directly or indirectly, by reference to an attribute or combination of attributes with the data, or combination of the data with other available information. Attributes that can be used to identify an identifiable individual include, but are not limited to, name, identification number, location data, online identifier, metadata and factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that individual;
- (v) “Principles” means the core Personal Data privacy principles set forth in Article II;
- (vi) “Process” or “Processing” means any operation, or set of operations, automated or not, which is performed on Personal Data, including but not limited to the collection, storage, adaptation, use, transfer, disclosure, dissemination, or deletion; and
- (vii) “Public” means widely available outside a restricted group of persons.

ARTICLE II

Key Principles

Section 2.01 **Principles.** Personal Data shall be Processed in accordance with the principles set out below:

- (i) ***Legitimate, Fair and Transparent Processing.*** The Processing of Personal Data shall only be carried out on a legitimate basis and in a fair and transparent manner. CDB shall only Process Personal Data on one or more of the following legitimate bases:
 - (aa) the consent of the Data Subject is obtained;
 - (bb) it is necessary for the performance of a contract or compliance with a binding obligation or undertaking by CDB;
 - (cc) it is in the vital interest of the Data Subject or of another person;
 - (dd) it is necessary for the performance of a task carried out by CDB in the public interest;
or
 - (ee) it is consistent with, or reasonably necessary to enable CDB to carry out its mission, mandate, functions or purpose as an international organisation established by its member countries.
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- (ii) **Purpose Limitation.** Personal Data may be collected for one or more specific and legitimate purpose(s) and may not be Processed in a manner that is incompatible with that/those purpose(s). Further Processing for archiving, research or statistical purposes shall not be considered to be incompatible with the initial purpose(s).
 - (iii) **Data Minimisation.** The Processing of Personal Data shall be necessary and proportionate to the purpose(s) for which it is being Processed. Therefore, Personal Data that is Processed should be relevant to the identified purpose, and shall not exceed that purpose.
 - (iv) **Data Accuracy.** Personal Data shall be recorded as accurately as possible and, where necessary, updated to ensure it fulfils the purpose(s) for which it is Processed. In the event that the Data Subject identifies inaccuracies or incompleteness in the Personal Data, the Data Subject shall have the right (i) to request that CDB promptly rectifies such inaccuracies, or (ii) to supplement the Personal Data, as appropriate, for completeness. CDB shall consider such requests and supplements in a timely manner and in good faith, and make changes as and to the extent reasonably practicable.
 - (v) **Storage Limitation.** Personal Data shall be kept in a form which permits identification of Data Subjects for no longer than is necessary for the purposes for which the Personal Data was collected. Personal Data may be stored for longer periods so long as it is being Processed solely for archiving, research or statistical purposes.
 - (vi) **Security.** Appropriate technical and organisational data security measures shall be adopted to protect Personal Data against accidental loss, destruction or damage and to prevent unauthorised or unlawful Processing.
 - (vii) **Transfer of Personal Data.** Personal Data shall only be transferred to third parties for legitimate purposes and with appropriate regard for the protection of Personal Data. Where CDB requires and assigns the Processing of Personal Data to be carried out on its behalf by third parties (legal entities or individuals), it shall take reasonable measures to impose contractual obligations on such third parties so that the Processing of Personal Data by third parties will (i) meet the requirements of this Policy and (ii) apply a standard of protection to the Personal Data of Data Subjects that is reasonably equivalent to the protection required by this Policy.
 - (viii) **Accountability.** To ensure accountability for the Processing of Personal Data in keeping with this Policy, CDB shall adopt appropriate procedures to:
 - (aa) ensure compliance with this Policy; and
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- (bb) provide Data Subjects with a method, subject to reasonable limitations and conditions, to request information regarding the Data Subject's Personal Data being Processed by CDB; and to seek redress if the Data Subject reasonably believes that the Data Subject's Personal Data has been Processed in contravention of this Policy.
- (ix) ***Notification of Personal Data Breach.*** If, in the view of CDB, a Personal Data breach is likely to result in a high risk to the rights of Data Subjects, CDB shall inform concerned Data Subjects of the Personal Data breach without undue delay; except that CDB shall be absolved from such obligation if one of the following conditions is met:
- (aa) CDB has implemented 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 or unreadable to any person who is not authorised to access it, such as encryption;
 - (bb) CDB has taken subsequent measures that ensure that the high risk to the rights of affected Data Subjects is no longer likely to materialise; or
 - (cc) it would involve disproportionate effort or expense to CDB.

ARTICLE III

Privileges and Immunities

Section 3.01 **Privileges and Immunities.** The Processing of Personal Data in accordance with this Policy is without prejudice to the privileges and immunities of the Bank, which privileges and immunities are specifically reserved.

ARTICLE IV

Oversight and Implementation

Section 4.01 **Oversight.** The Corporate Services area, through the Legal Department, directly oversees the implementation of this Policy.

Section 4.02 **Implementation.** The Advisory Management Team bears responsibility for monitoring the effectiveness of the implementation, and adherence to, this Policy.

Section 4.03 **Implementing Procedures.** This Policy shall be implemented by each department, division, unit or office through procedures and guidelines tailored to each department's or division's or unit's or office's specific operations, if necessary, and as the head of such department or division or unit or office, or the Vice-Presidents, or the President shall determine from time to time.

ARTICLE V

Review

Section 5.01 **Review.** The Enterprise Risk Committee may commission a review of this Policy, within the first three years of its operationalisation and at least once every five years thereafter, as necessary, to help ensure its effectiveness.

ARTICLE VI

Application

Section 6.01 **Date of Application.** The Date of Application is July 1, 2022.

Section 6.02 **Application.** (a) This Policy shall not cover:

- (i) Personal Data collected or Processed before the Date of Application; and
 - (ii) Personal Data that the Data Subject has made Public or manifested an intention or acquiescence to make Public.
- (b) Guidelines and procedures under this Policy may extend to cover Personal Data excluded by paragraph (a) above, if and to the extent determined by CDB.
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