

## **SCHEDULE ONE**

(1) Pursuant to clause seven of this Arrangement, the commitments in this Schedule may be appropriate to enable the exchange of personal data.

This Schedule does not, however, preclude circumstances where privacy and data protection laws of a Participant require further safeguards to be agreed between Participants in advance of any sharing of personal data.

As a minimum, provided both the Participants are in a position to enter into them, Participants exchanging personal data and committed to this Schedule will:

- (i) restrict the sharing of personal data to only those circumstances where it is strictly necessary, and in any event, only share personal data that is relevant and not excessive in relation to the specific purposes for which it is shared; in any case personal data should not be exchanged in a massive, structural or repetitive way;
- (ii) ensure that that personal data shared between Participants will not be subsequently used for purposes which are incompatible with the original purpose for which the data were shared;
- (iii) ensure that personal data shared between Participants is accurate and, where necessary, kept up to date;
- (iv) not make a request for assistance to another Participant on behalf of a complainant without the complainant's express consent;
- (v) inform data subjects about (a) the purpose of the sharing (b) the possible storage or further processing of their personal data by the receiving Participant, (c) the identity of the receiving Participant, (d) the categories of data concerned, (e) the existence of the right of access and rectification and (f) any other information insofar as this is necessary to ensure a fair processing. This right can be limited if necessary for the protection of the data subject or of the rights and freedoms of others;
- (vi) ensure that, data subjects have the right to access their personal data, to rectify them where they are shown to be inaccurate and to object to the exchange, storage or further processing of personal data relating to them. These rights can be limited if necessary for the protection of the data subject or of the rights and freedoms of others; the right to object can be further limited either where exercising this right would endanger the integrity of the enforcement action between Participants or where such a right interferes with other domestic legal obligations; ensure that where sensitive personal data are being shared and further processed, additional safeguards are put in place, such as the requirement that the data subjects give their explicit consent.

- (vii) adopt, when receiving personal data, all technical and organizational security measures that are appropriate to the risks presented by the exchange, further use or storage of such data. Participants must also ensure that security measures are also adopted by an organization acting as data processor on their behalf and such processors must not use or store personal data except on instructions from that receiving Participant;
- (viii) ensure that any entity to which the receiving participant makes an onward transfer of personal data is also subject to the above safeguards.
- (ix) ensure that, where a Participant receives an application from a third party (such as an individual, judicial body or other law enforcement agency) for the disclosure of personal data received from another Participant pursuant to this Arrangement, the Participant that has received the application should:
  - a. oppose, or strive to minimise, to the fullest extent possible any such application.
  - b. notify the Participant that supplied the information forthwith and seek to obtain that Participant's consent for the disclosure of the information in question.
  - c. inform the Participant who shared the information and has refused consent for its disclosure, if there are domestic laws that nevertheless oblige the disclosure of the information.
- (x) ensure mechanisms for supervising compliance with these safeguards and providing appropriate redress to data subjects in case of non-compliance;

(2) In this Schedule, 'sensitive personal data' means

- a. Data which affect the complainant's most intimate sphere; or
- b. Data likely to give rise, in case of misuse, to:
  - i. Unlawful or arbitrary discrimination; or
  - ii. A serious risk to the data subject.

In particular, those personal information which can reveal aspects such as racial or ethnic origin, political opinions, or religious or philosophical beliefs as well as those data relating to health or sex life, will be considered sensitive data. The applicable national legislation may lay down other categories of sensitive data where the conditions referred to in the previous paragraph are met.