



PRIVACY AND COOKIE POLICY

1. GENERAL

- a. At Shearwater Yachting (“We”/ “Shearwater Yachting LTD”/ “Us”) takes the privacy of our clients and visitors seriously. The purpose behind this Privacy and cookie Policy (“Policy”) is to inform Users of how We protect the privacy of your communications and how We may collect, process, use, and store your personal data through the website as well as the rights you have regarding the foregoing collection and processing of your Personal Data.
- b. This Policy applies to the processing of your Personal Data by Shearwater Yachting LTD through its website and in accordance with Regulation (EU) 2016/679 – General Data Protection Regulation (“GDPR”), Directive 2002/58/EC – ePrivacy Directive, as amended, and other applicable laws (“Data Protection Laws”).
- c. By visiting our website and using our services you acknowledge reading and fully considering and accepting the Policy.
- d. We acknowledge that in collecting your Personal Data we are bound by the Laws of Malta and will process User’s personal data in accordance with the GDPR and other applicable laws.
- e. Any notice, demand, request, or other communication which User addresses to Shearwater Yachting LTD shall either be sent by email to the address indicated below. All notices given by e-mail shall be deemed given as of the business day following the day of transmission.
- f. We reserve the right to amend and update this Policy whenever We deem it appropriate, and any changes thereof shall come in force and effect from the instance they appear online at Our Website.
- g. This Policy applies to the processing of:
 - technical information on your device, your web browser details, and your IP address using cookies and similar technologies.
 - Personal Data, such as name, surname, date of birth and other personal identifiable information that Users provide us through our website, for example, when Users send Us a message or an email requesting information about Us or when Users contact Us for advice.

1.1 . OTHER DEFINITIONS

- a. **Consent** – any explicit, specific, and freely given indication by which the User, after having been fully informed, signifies her agreement to Personal Data relating to her being processed.



- b. **Cookies** – are small files that a website stores on User’s computer or mobile device when Users visit it. Cookies are stored through User’s web browser, based on the User’s settings and preferences
- c. **Personal Data** – any information relating to an identified or identifiable User of the website under the GDPR.
- d. **Processing** – any operation or set of operations which is performed by Us upon the Personal Data of Users, whether by automatic means, such as collection, recording, organization, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure, or destruction.
- e. **Services** – the online services at the website.
- f. **User** – Any internet user who accesses and browses or registers an account on the website, or request our services, or enters into a provision of services contract with Shearwater Yachting LTD.

2. CONTACT DETAILS AND DATA CONTROLLER

The data controller is Shearwater Yachting LTD, with registered office in 17 Triq Emmanuel attard bezzina, Il Birgu, Malta. If you have any requests regarding the processing of your personal data, please email us at info@shearwateryachting.com.

3. CONTACT DETAILS OF THE DATA PROTECTION OFFICER

You can contact our Data Protection Officer (“DPO”) at info@shearwateryachting.com for any request relating to the processing of Personal Data or this Policy.

For any complaints you may have Users may contact the Information and Data Protection Commissioner of the Republic of Malta through its Website <https://idpc.org.mt/>

4. PURPOSE AND LEGAL BASIS

- a. The purpose of this Policy is to enable Users to access and use Our website, and to provide Users with information about Shearwater Yachting LTD, its services, work, and to process any requests Users send to Us through the Website. The legal basis for the processing is enshrined in article 6(1)(b) which is necessary prior to entering into a contract.

In this respect, we use the User’s Personal Data for the following:

- To prepare a proposal regarding the services We offer;
- To provide the User with the services as set out in our services agreement or as otherwise agreed with the User from time to time;
- To deal with any complaints or feedback the User may have;
- For any other purpose for which the User provide us with Personal Data.

In this respect, We may share the User’s Personal Data with or transfer it to the following:

- The User’s agents, advisers, intermediaries, and custodians of the User’s assets who the User tell us about;
- Third parties whom We engage to assist in delivering the services to the User;
- Our professional advisers where it is necessary for Us to obtain their advice or assistance, including lawyers, accountants, IT;



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- Debt collection agencies where it is necessary to recover money the User owe Us;
 - The courts of the Republic of Malta and/or any other public authorities of the Republic of Malta, or where requested, either by Law or by agreement, for providing our services to the User;
 - Other third parties such as intermediaries who We introduce to the User.
- b. The purpose of this Policy is also to comply with Our legal obligations under the existing laws. Compliance with a legal obligation to which the data controller is subject (art. 6(1) (c) of the GDPR.
- c. We may process Personal Data only with the User's lawful consent for the purposes of commercial communication, marketing and advertising of our services or third-party services via e-mail, internet, mail, social media and / or any other appropriate communication channels.
- d. We remind that Users have the right to withdraw consent at any time in writing to Our contact details mentioned in this Policy. Withdrawal of User consent does not affect the lawfulness of the treatment of data prior to its revocation.

5. WE RESPECT PERSONAL DATA PRINCIPLES

We fully respect User fundamental rights and render protection of User privacy a priority of Shearwater Yachting LTD. In this context, when processing Personal Data, We follow the following basic principles:

- a. We collect and process Personal Data only for specified, explicit, and legitimate purposes as outlined in this Policy.
- b. We process Personal Data only to the extent that it is relevant to the above purposes and limit the processing to the measure necessary for these purposes.
- c. We make reasonable efforts to ensure that User processed data is accurate and updated regarding the purposes of the processing.
- d. We keep User Personal Data in a form that allows to identify yourself only for the time required for the above processing purposes.
- e. We process User Personal Data in a way that guarantees its security by using appropriate technical or organisational measures.
- f. We do not process User Personal Data for purposes other than the ones for which they are collected.
- g. We do not process User Personal Data will not be used for automated decision making, including profiling.
- h. Without prejudice to what is stated in the Privacy Policy, We do not disclose and transmit your Personal Data to third parties without your consent, unless permitted by law or by a specific contractual agreement with the User.

6. WHERE DO WE GET DATA FROM?

- a. From information Users provide to us directly via the website or by contacting Us.
- b. From information about User provided to Us by your company or an intermediary contacting Us on behalf of the User.
- c. When the User communicate with us in writing, by telephone, fax, website registration, email, or other digital means. In this respect, we may monitor, record, and store any such communication.



- d. From User agents, advisers, intermediaries, and custodians of the User's assets that contact us via the website or by any other means.
- e. From publicly available sources or from third parties, most commonly where We need to conduct background checks about the User.
- f. Cookies – please refer to section 14 for more information on Cookies We use and data We collect.

7. DATA WE COLLECT

We may collect the following categories of Personal Data about the User:

- a. User's name and contact information such as home or business address, job title, email address and telephone number.
- b. User's IP address.
- c. An understanding of the User's goals and objectives in procuring our services.
- d. From User agents, advisers, intermediaries, and custodians of the User's assets that contact us via the website or by any other means.
- e. From publicly available sources or from third parties, most commonly where We need to conduct background checks about the User.
- f. Any other Personal Data as defined under the GDPR that the User decides to provide us via the website, email, or any other method of communication.

8. CONSENT

We may rely on the User's freely given consent at the time the User provides us with Personal Data for a purpose of the processing other than for the purposes set out hereinabove, then the lawfulness of such processing is based on that consent. The User has the right to withdraw consent at any time. However, any processing of Personal Data will not be affected prior to the receipt of the withdrawal.

If you have given consent and you wish to withdraw it at any time, please contact us at info@shearwateryachting.com.

9. USER'S RIGHTS

Under the GDPR, the User has the following rights:

- a. To obtain access to, and copies of, the Personal Data that We hold about the User.
- b. To require that We cease processing the User's Personal Data if the processing is causing user damage or distress.
- c. To require us not to send the User marketing communications.
- d. To require us to erase User's Personal Data.
- e. To require us to restrict our data processing activities.
- f. To receive from us the Personal Data We hold about the User which the User has provided to us.



g. To require us to correct the Personal Data We hold about you if it is incorrect. Please note that the above rights are not absolute, and We may be entitled to refuse requests where exceptions apply.

10. USER'S OBLIGATION

- a. By using our website and by providing Personal Data upon consent, Users acknowledge that Users are required to state their actual, accurate and complete information requested by us. Users must inform us of any changes to your information to ensure it is kept up-to-date and accurate.
- b. If We have a reasonable suspicion that the information the User provided is false or incomplete or in any way contrary to applicable law or this Policy, We retain the right to reject the User's application for registration or to suspend or terminate the User's account immediately without notice. In this case, Users have no right to any compensation due to the rejection of User application, or the suspension or termination of User account.
- c. By using Our website, the User confirms that the User is over 18 years old. If the User is under the age of 18, the User has the obligation to abstain from any use of Our Website and from any transfer of the User's Personal Data without the consent of the person who exercises the User's parental responsibility. If the User fails to comply with the foregoing obligations, the User must immediately notify Shearwater Yachting LTD.
- d. By using the website of Shearwater Yachting LTD, the User acknowledges that We are not responsible for any violation of the obligations mentioned above to the extent that it is unable, even if it makes reasonable efforts, to verify the User's age or to receive consent from the User's guardian.

11. MARKETING

We may send the User in the future marketing about services We provide which may be of interest to the User, as well as other information in the form of alerts, newsletters and invitations to events or functions which We believe might be of interest to the User to update the User with information (such as legal or commercial news) which we believe may be relevant to the User.

If Users do not wish to receive marketing or newsletters from Us at any time, please contact us by email to info@shearwateryachting.com .

12. DATA SHARING AND DATA TRANSFERS

- a. Unless otherwise indicated in this Policy or to the User directly, User data is not shared outside of Shearwater Yachting LTD LTD .



- b. When sharing the User's Personal Data with third parties as set out in this Policy, such data may be transferred outside the European Union. Such third parties have access to Personal Data solely for the purposes of performing the services specified in the applicable service agreement, and not for any other purpose. In these circumstances, the User's Personal Data will only be transferred on one of the following bases:
- The country that we send the personal data to is approved by the European Commission as providing an adequate level of protection for personal data;
 - The recipient has entered into European Commission standard contractual clauses with us or contract terms ensuring adequate data protection; or
 - The User has explicitly consented to the same.

13. DATA RETENTION

We will only retain User Personal Data for as long as We have a lawful reason to do so. User contact information and Personal Data are stored securely, using a mixture of encryption, password protection, and servers/back-ups all kept with multiple lock protection.

We have put in place appropriate technical and organisational measures including physical, electronic, and procedural measures to protect personal Data from loss, misuse, alteration, or destruction. We restrict access to information at our offices so that only officers and/or employees who need to know the information have access to it. Those individuals who have access to the data are required to maintain the confidentiality of such information.

14. COOKIES

14.1. What are cookies?

Cookies are small files that a website stores on the User's computer or mobile device when Users visit it. Cookies are stored through User's web browser, based on the User's settings and preferences.

Cookies such as web beacons, clear GIFs, and all types of local storage introduced through HTML5, can be used to provide basic functionality and to collect information on the User's browsing experience.

There are various types of cookies, based on their characteristics and use. While some cookies and tracking technologies are strictly necessary to navigate a website (for example, cookies that remember your preferences and settings; or cookies that keep your account logged in), others need User consent to be installed (for instance, to enable you to receive information about other products and services, or to improve your navigation experience).

14.2. Why do we use Cookies and what Cookies do we use?



We use Cookies to ensure that our website function properly. We also store Cookies on User preferences when needed and collect anonymous statistics from our website on visitors. The table below outlines the use of Cookies on this site.

Name	Duration	Function
ss_cid	Two years	Identifies unique visitors and tracks a visitor's sessions on a site
ss_cpvisit	Two years	Identifies unique visitors and tracks a visitor's sessions on a site
ss_cvisit	30 minutes	Identifies unique visitors and tracks a visitor's sessions on a site
ss_cvr	Two years	Identifies unique visitors and tracks a visitor's sessions on a site
ss_cvt	30 minutes	Identifies unique visitors and tracks a visitor's sessions on a site

To find out more about Cookies and how to set preferences, please visit www.allaboutcookies.org

To opt out of being tracked by Google Analytics across all websites you can install the following browser add-on – <http://tools.google.com/dlpage/gaoptout>

15. DATA SECURITY AND CONFIDENTIALITY

- a. To ensure the proper use and integrity of User Personal Data and to prevent their unauthorized or accidental access, processing, deletion, alteration or other use, We apply appropriate internal policies and takes all appropriate organizational, technical, physical, and procedural security measures, as well as technical standards, in accordance with applicable laws and regulations.
- b. The processing of your Personal Data by Shearwater Yachting LTD is conducted in a manner that ensures their confidentiality and physical security, considering the latest developments, and the nature, scope, context, and purposes of the



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processing, as well as the risks for your rights and freedoms, which are applicable in each circumstance.

- c. User Personal Data is processed solely by authorised personnel of Shearwater Yachting LTD, bound by strict obligations of confidentiality.

16. JURISDICTION AND APPLICABLE LAW

Any dispute between the User and Shearwater Yachting LTD arising from or in relation to this Policy shall be governed and construed in accordance with Maltese law, without reference to its conflict of laws principles and shall be subjected to the exclusive jurisdiction of the competent courts of Malta.