

PRIVACY REGULATIONS PUBLIC XS-KEYS

forming part of the XS-Key System of Secure Logistics BV

Article 1. Definitions

In these Privacy Regulations the following non-standard definitions will be used:

- 1.1 *XS-Key*
The personal chip card containing personal data about the Card Holder and the Card User. The Card User shall only use the XS-Key within the XS-Key infrastructure to identify himself when entering and leaving and when delivering and handing over goods at the gates of and/or on the premises owned by (or used by) participating Card Handlers. The XS-Key as referred to in these Privacy Regulations relates only to the public XS-Keys, as for instance the CargoCard and the PortKey. These Privacy Regulations explicitly do not relate to the private XS-Key as, for instance, personnel cards.
- 1.2 *XS-Key System*
The whole of the equipment, computer programs, cards, documentation and accompanying connections required for the operation of XS-Keys, delivered by Secure Logistics BV.
- 1.3 *Card Holder*
A company or institution which may apply for (a) public XS-Key(s) for or on behalf of its employees, pursuant to a Cardholder's Contract concluded with Secure Logistics BV.
- 1.4 *Card User*
A person, employed by or temporarily hired by a Card Holder, who uses a public XS-Key, which was applied for by the Card Holder for the Card User, to identify himself with a Card Handler.
- 1.5 *Card Handler*
A company using the XS-Key System pursuant to a contract concluded with Secure Logistics BV to electronically accept XS-Keys.
- 1.6 *Personal data*
Personal data as referred to in article 1, part a, of the Dutch Personal Data Protection Act. In this definition the biometrical information is not considered to be personal data.
- 1.7 *Secure Online*
The access to the XS-Key Back-Office System made available for Card Holders and Card Handlers by Secure Logistics BV through a secure internet connection on the basis of a username and password provided by Secure Logistics BV.
- 1.8 *XS-Key Back-Office System*
All the software and hardware belonging to Secure Logistics BV, containing a systematically organised collection of company data and personal data, relating to the administration of Card Handlers, Card Holders and Card Users.

- 1.9 *Biometrical information*
The biometrical data of a Card User stored on the XS-Key and used for verification of the identity of the Card User.

Article 2. General conditions

- 2.1 *Updating personal data*
For the optimal operation of the XS-Key System, Secure Logistics BV maintains an XS-Key Back-Office System that records the personal data of the Card Users relevant to the use of an XS-Key. It also includes the company data of Card Holders. The Board of Directors of Secure Logistics BV has complete control over the XS-Key Back-Office System.
- 2.2 *Personal Data Protection Act*
The storage in the XS-Key Back-Office System of personal data constitutes processing of personal data within the meaning of the Personal Data Protection Act.
- 2.3 *Purposes of the privacy regulations*
The purposes of these Regulations are to record in which manner personal data for the XS-Key System are handled by Secure Logistics BV, in compliance with the Personal Data Protection Act.

Article 3. Purpose is storage and processing of personal data

The purpose of processing and storage of personal data in the XS-Key Back-Office System is to register and maintain the company data of Card Holders and the personal data of Card Users for the issue and use of public XS-Keys in the broadest sense of the word.

Article 4. Recorded data

- 4.1 *Included information*
Personal data are only included if they fit the purpose as defined in article 3. All personal data and additional information provided by the Card Holder are included or adjusted in the XS-Key Back-Office System with the application, replacement and/or change to an XS-Key for a Card Holder. This relates, inter alia, to the following information on the Card User:
- name;
 - date of birth;
 - place of birth;
 - country of origin;
 - number and type of identification;
 - nationality;
 - working language;
 - position with the employer;
 - information on licences and/or training.
- 4.2 *Storage and use of biometrical information*
When activating a public XS-Key provided to the Card User the biometrical data are only stored on the public XS-Key. These biometrical data can be used by the XS-Key System for the verification of the identity of the Card User. The biometrical data are not stored in the XS-Key Back-Office System, passed on to third parties or in any manner stored outside the public XS-Key.
- 4.3 *Access to information on the XS-Key*
All information on the XS-Keys is encrypted and protected against use by third parties. The information on the XS-Key can only be read by the XS-Key System.

Article 5. Including personal data

5.1 *Personal data*

The personal data recorded in the XS-Key Back-Office System have been provided by the Card Holder and/or the Card User of the public XS-Keys.

5.2 *Additional information*

Additional information that may be recorded on a XS-Key as, for instance, information on licenses and/or training, may be obtained from the relevant training institutes and/or registers.

Article 6. Duty of Disclosure

At the request of the Card User Secure Logistics BV provides a summary of the recorded data as well as the option to change these data through the Card Holder in the event of a change.

The Card Holder, at any time, can consult the registered data of a Card User, and if necessary have these data adjusted, through authorized access (Secure Online) to the XS-Key Back-Office System.

Article 7. Accuracy of the included data

7.1 *Check of the data*

At least once every three years the data of the Card User with a public XS-Key will again be checked by Secure Logistics BV for accuracy as a result of a request to again issue the expired public XS-Key (an XS-Key is valid for a maximum of three years). The data will always be checked in the event of a new application, a replacement application and an application for change of a public XS-Key.

7.2 *Correspondence*

Correspondence with Card Users on the registered personal data will only be conducted through the Card Holder.

7.3 *Check of indications*

When a request has been made for placement of an indication on a public XS-Key relating to licences, competences and the like, the accuracy of the information may be checked by Secure Logistics BV by consulting registers of third parties and/or by supporting documentation submitted by the Card Holder.

Article 8. Retention period of personal data

8.1 *Retention period of personal data*

Personal data of Card Users will be stored in the XS-Key Back-Office System for at least the statutory retention period.

8.2 *Removal of personal data*

The personal data of non-active Card Users will be removed from the XS-Key Back-Office System no later than six months after the lapse of the statutory retention period.

Article 9. Providing personal data

9.1 *Providing personal data*

Within the XS-Key System personal data can only be provided to:

- a. Employees of Secure Logistics BV to the extent required to perform their work within the context of management and maintenance of the XS-Key Back-Office System;
- b. Card Holders, to the extent that it regards personal data of Card Users which the Card Holder has submitted to Secure Logistics BV;

- c. Employees and/or systems of Card Handlers, to the extent required to execute the contract between the Card Handler and Secure Logistics BV.

9.2 *Providing personal data to third parties*

Data of a Card User will be provided to persons, other than the persons referred to in the first paragraph:

- a. if mentioned in the contract with the Card Holder;
- b. with written permission from the Card User;
- c. based on a written order from the examining judge;
- d. if Secure Logistics BV is under an obligation to do so pursuant to a legal provision.

Article 10. Access to the XS-Key Back-Office System

10.1 *Definition of access to the XS-Key Back-Office System*

Access to the XS-Key Back-Office System will mean the option to consult, change and destroy personal data.

10.2 *Access rights in general*

Direct access is only available to:

- a. employees of Secure Logistics BV to the extent that they are charged with supervision or updating of the registration;
- b. employees of subcontractors engaged by Secure Logistics BV for work related to the XS-Key Back-Office System, to the extent that the work assigned to them necessitates it.

10.3 *Access rights Card Holder*

Card Holders have the option to consult the XS-Key Back-Office System for information on the active and non-active Card Users managed by them. Card Holders have the option to change information of active Card Users managed by them according to the rules of the XS-Key System.

10.4 *Access rights Card Handlers*

Card Handlers have the option to consult the XS-Key Back-Office System for information on Card Users. The information accessed by the Card Handler corresponds with the information provided by a Card User to a Card Handler with electronic use of an XS-Key.

10.5 *Electronic access*

Secure Logistics provides the Card Holder and Card Handler with a username and password for electronic access to the XS-Key Back-Office System.

Article 11. Inspection and improvement

11.1 *Inspection personal information*

Every Card User requesting inspection will be granted inspection of the data of the Card User included in the XS-Key Back-Office System, in writing and within thirty days. A request for inspection must be submitted to the Board of Directors of Secure Logistics BV.

11.2 *Changes to personal information*

In the event that a Card User finds that one or more of his data are in fact incorrect, not relevant for the purpose of the registration, or incomplete, or a violation of these Regulations or the Personal Data Protection Act, he can submit a request to change or remove these data through the Card Holder. A request to change or remove these data must be directed to the Board of Directors of Secure Logistics BV. If the request, in the opinion of the Board of Directors of Secure Logistics BV. is justified, the change or removal will be done by Secure Logistics BV with due observance of the statutory retention period.

11.3 *Refusals*

In the event of a refusal by Secure Logistics BV of a request to change certain data, the Card Holder and the Card Handler will be informed by

means of a substantiated and written decision, within a period of four (4) weeks.

Article 12. Contingencies

In the event of war or other extraordinary circumstances in which, in the reasonable opinion of the Board of Directors of Secure Logistics BV, there is serious danger that personal data may fall into the hands of authorities that may use these data in violation of the purposes of these Regulations, the stored data will be destroyed.

Article 13. Security

13.1 *Protection of data*

In order to protect the data, all files in which the personal data are stored, belonging to the XS-Key Back-Office System, are protected against unauthorized inspection, changes and destruction.

13.2 *Prevention of damage*

To prevent material damage by for instance fire, damage, theft or loss, the employees of Secure Logistics BV shall comply with the internal security measures concerning the handling of files, software and documentation of the registration system.

13.3 *Backup*

Of all files, software and documentation of the XS-Key Back-Office System, a duplicate is stored in case the originals, by any cause, have been rendered useless.

Article 14. Confidentiality

14.1 *Confidentiality*

Employees of Secure Logistics BV or its subcontractors who by virtue of their duties or work become aware of personal data, are under an obligation to keep these data confidential, except for the use of these data during the performance of their duties and work.

14.2 *Guarantee confidentiality*

Employees of Secure Logistics BV who by any means have access to or may have access to personal data in the Back-Office System are bound by confidentiality obligations. Employees of subcontractors of Secure Logistics BV are bound by confidentiality obligations based on the contracts between Secure Logistics BV and the subcontractor.

Article 15. Miscellaneous provisions

15.1 *Amendments to these Regulations*

Amendments to these Regulations will be made exclusively by the Board of Directors of Secure Logistics BV. Proposals to amend or adjust these Regulations shall be directed to the Board of Directors of Secure Logistics BV. Amendments to these Regulations shall be posted on the website of Secure Logistics BV.

15.2 *Inspection of the Regulations*

These Regulations are available for inspection at the offices of Secure Logistics BV and can be consulted on the website of Secure Logistics BV. An English and German translation is available. At any time, the Dutch text shall prevail and be binding.

15.3 *Special circumstances*

The Board of Directors of Secure Logistics BV will decide in circumstances not provided for in these Regulations, or in cases in which fulfilment of the provisions of these Regulations, reasonably, cannot be required.

15.4

Effective Date

These Regulations shall be effective from 1 April 2011 and shall replace all previous versions.

Rotterdam, 1 April 2011

R.I.M. Besselink

General Director

Secure Logistics BV