



AWG Privacy Policy

PLEASE READ THIS AWG PRIVACY POLICY CAREFULLY BEFORE USING THE WEBSITE

This privacy policy (this **Policy**) sets out the basis on which any Personal Data (as defined below) which we, Aviation Working Group (**AWG, we, or us**) collect from you, or that you provide to us, will be processed by us, in relation to your use of the online platform for the Global Aircraft Trading System (**GATS**) currently hosted on the website, <http://e-gats.aero/> (the **Website**, and together with the GATS online platform, and all of the systems and architecture relating to it, the **GATS Platform**). The GATS Platform includes the computerised ledger and system (the **GATS e-Ledger**) in which transactions (**Designated Transactions**), executed electronically and digitally through the GATS Platform, are entered and recorded.

We will handle your Personal Data in accordance with Data Protection Legislation (as defined below).

This Policy will also help you understand what information we collect, how we use it, what choices you have. This Policy applies to:

- Any person who is an individual accessing or using the GATS Platform wholly or mainly for that person's personal use, and not for use in connection with that individual's trade, business, craft or profession (a **Consumer**).
- Any person who is an individual accessing or using the GATS Platform for use in connection with that person's trade, business, craft or profession (a **Business Individual**).

TERMS WITH SPECIAL MEANINGS

In this Policy, the following terms are capitalised to signify that they have special meanings given to them when used in this Policy:

- **Data Protection Legislation** means the GDPR and any other applicable law or regulation relating to the processing of personal data and to privacy including E-Privacy Directive and the applicable national legislation implementing the e-Privacy Directive, as such legislation shall be amended, revised or replaced from time to time
- **e-Privacy Directive** means Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector.
- **GDPR** means the General Data Protection Regulation (EU) 2016/679 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 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.
- **Personal Data** means data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, our possession, and includes 'personal data' as described in Data Protection Legislation.

WHAT'S IN THIS POLICY?

Click on the links below to go straight to more information on each area:

- [TERMS with special meanings.](#)
- [About the GATS Platform, who we are and how to contact us.](#)
- [By using the GATS Platform you accept this Policy.](#)
- [There are other terms that may apply to you.](#)
- [Information we collect and receive.](#)
- [Why we need User Data.](#)
- [How we use your information.](#)
- [How long we keep your data for.](#)

- [Your rights.](#)
- [Withdrawal of consent.](#)
- [Sharing and disclosure.](#)
- [Third-party websites.](#)
- [How we protect your personal information.](#)
- [Breach reporting.](#)
- [Children's information.](#)
- [APPENDIX – Data subject rights under Data Protection Legislation.](#)

1. **ABOUT THE GATS PLATFORM, WHO WE ARE AND HOW TO CONTACT US**

- 1.1 The GATS Platform and the GATS helpdesk is operated by Fexco Unlimited Company (**Fexco**) on behalf of AWG.
- 1.2 AWG is a company limited by guarantee incorporated under the laws of Bermuda and has its registered office at Clarendon House, 2 Church Street, Hamilton HM11, Bermuda.
- 1.3 Fexco is an unlimited company incorporated under the laws of Ireland with company number 83934 and has its registered office at Fexco Centre, Iveragh Road, Killorglin, Co. Kerry, Ireland.
- 1.4 Persons accessing or using the GATS Platform (whether a Consumer or a Business Individual) may be referred to in these terms as **you** and **your**, as applicable.
- 1.5 We may amend this Policy from time to time, to take into account changes in the law or changes in how we process your Personal Data. Every time you wish to use the GATS Platform, please check this Policy to ensure you understand the terms that apply at that time.
- 1.6 To contact us or the GATS helpdesk, please email helpdesk@e-gats.aero or call the helpdesk number listed on the GATS Platform.

[Return to Contents](#)

2. **BY USING THE GATS PLATFORM YOU ACCEPT THIS POLICY**

- 2.1 By using the GATS Platform, you confirm that you accept the terms of this Policy.
- 2.2 If you do not agree to this Policy, you must not use the GATS Platform.
- 2.3 We recommend that you print a copy of this Policy for future reference.

[Return to Contents](#)

3. **THERE ARE OTHER TERMS THAT MAY APPLY TO YOU**

This policy forms part of and is incorporated into the [Site Terms of Use](#) for the GATS Platform. The [Site Terms of Use](#) as well as other terms, policies, notices, disclaimers and schedules incorporated into the [Site Terms of Use](#) also apply to your use of the GATS Platform.

[Return to Contents](#)

4. **INFORMATION WE COLLECT AND RECEIVE**

We fully respect your right to privacy when using the GATS Platform and we endeavour to be transparent in our dealings with you as to what information we will collect and how we will use your information. Also, we only collect and use an individual's information where we are legally entitled to do so.

4.1 User Data

Personal Data submitted by individuals using the GATS Platform is referred to in this Policy as **User Data**. We endeavour to keep User Data accurate and up-to-date.

The User Data that AWG collects and receives includes the following:

- Names, dates of birth and other contract information including postal addresses, email addresses and telephone numbers;
- Data collected in GATS instruments (e.g. directors' data);
- Information included in helpdesk support requests or helpdesk correspondence including phone calls; and
- The IP address of the device used by you when accessing or using the GATS Platform.

Where appropriate, we may collect Personal Data about you indirectly including information relating to essential and non-essential cookies used when users access the GATS Platform.

4.2 Cookies

- (a) A cookie is a small text file that is placed on your device by a web server which enables a website or a mobile app to recognise repeat users, facilitate the user's ongoing access to and use of a website or mobile app and allows that website or mobile app to track usage behaviour and compile aggregate data that will allow content improvements and targeted advertising.
- (b) The Website uses a cookies tool to gain consent for the optional cookies which we use. For detailed information on the cookies used and the purposes for which they are used, see the [Cookie Policy](#).
- (c) For more information about cookies and managing them including how to turn them off, please visit:
 - <http://aboutcookies.org/>
 - <http://allaboutcookies.org/>
 - <http://cookiecentral.com/>
- (d) Because cookies allow you to take advantage of some of the essential features on the GATS Platform, we recommend you leave them turned on as otherwise you may not be able to fully interact with the GATS Platform.

4.3 Aggregated data

This Policy is not intended to place any limits on what we do with data that is aggregated or de-identified so that it is no longer associated with an identifiable users. We may disclose or use aggregate or de-identified information for any purpose. For example, we may share aggregated or de-identified information with Fexco, our partners or others for business or research purposes.

[Return to Contents](#)

5. **WHY WE NEED USER DATA**

AWG needs User Data in order to operate the GATS Platform. If you do not provide the User Data, then we will be unable to provide access to the GATS Platform or facilitate the execution of instruments giving effect to Designated Transactions through the GATS Platform. We will not collect any Personal Data from you that we do not need in order to operate or facilitate the operation of the GATS Platform.

[Return to Contents](#)

6. **HOW WE USE YOUR INFORMATION**

6.1 User Data

Purpose(s) for Processing	Legal Basis
<ul style="list-style-type: none"> • Operate and improve the GATS Platform and register interest in the GATS Platform. • For the purpose of creating an entity profile. • To carry out Designated Transactions and record such transactions on the GATS e-Ledgers to allow other users to search. • To facilitate the payment of fees by users. • To prevent or address service, security and technical issues or, at a user's request, in connection with customer support matters. • To operate the notification facility for individuals or entities to send messages, legal and non-legal notices and documents to one another. • To send electronic communications (we may send you administrative electronic communications relating to your interactions with the GATS Platform. We may also contact you to inform you about changes to the GATS Platform). • Cross-referencing information provided against publicly available records. 	<p>The processing is necessary to support our legitimate interests in offering our services, provided such interests are not overridden by your rights and interests.</p> <p>You have the right to object at any time where processing is based on our legitimate interests and this right is discussed further in APPENDIX – Data subject rights under Data Protection Legislation.</p>

To comply with legal or regulatory requirements and to respond to lawful requests, court orders and legal process.	This processing of your data is necessary in order for us to comply with any legal or regulatory obligations.
To protect User Data (we work hard to keep the GATS Platform secure and to and may contact you in this respect as necessary).	For reasons of substantial public interest with a basis in law, namely to detect and protect against fraud.

6.2 Fexco as independent data controller

(a) Fexco will act as an independent data controller in respect of your Personal Data in the following instances:

- Fexco’s role as the certification authority issuing digital certificates (**GATS Digital Certificates**) through the GATS Platform. GATS Digital Certificates allow users to sign instruments electronically and digitally on behalf of an entity to give effect to Designated Transactions, and to authenticate the taking of other actions, through the GATS Platform. In such instances, Fexco is legally obliged under Irish, European and other applicable laws to take appropriate steps to verify the identity of persons who wish to become ‘Digital Certificate Users’, being persons to whom GATS Digital Certificates will be issued, through a verification process (**Digital Certificate Verification Process**). In connection with these legal obligations, Fexco will also take measures to: (a) conduct and improve the Digital Certificate Verification Process; and (b) to prevent or address service, security and technical issues or, at a user’s request, in connection with customer support matters relating to the Digital Certificate Verification Process.
- In connection with information included in helpdesk support requests or helpdesk correspondence, including screen-recordings and recordings of phone calls, for the purpose of supporting Fexco’s internal performance management and training and for quality assurance purposes.
- In connection with Personal Data contained in cookies set on the Website; see the [Cookie Policy](#).

(b) Further information on Fexco's processing activities as an independent data controller will be described in the [Fexco Privacy Policy](#).

[Return to Contents](#)

7. **HOW LONG WE KEEP YOUR DATA FOR**

7.1 Retention periods apply to User Data and AWG keeps User Data as specified in this section.

7.2 The length of time for which we retain User Data depends on the purposes for which we collect and use it and/or as required to comply with applicable laws. We typically retain your User Data connected with the GATS Platform as long as the User account is active and for the following periods thereafter (unless otherwise required by applicable laws):

- 7 years for information relating to user account or completion of the last transaction or service;
- 7 years from the date of termination or expiry of an instrument; and
- 13 years from the date of termination or expiry of an instrument if under seal or executed as a deed,

after which time it will be destroyed or fully anonymised if it is no longer required for the lawful purposes for which it was obtained.

[Return to Contents](#)

8. **YOUR RIGHTS**

8.1 As a data subject, you have the following rights under Data Protection Legislation and we, as controller in respect of User Data, will comply with such rights in respect of User Data:

- the right of access to Personal Data relating to you;
- the right to correct any mistakes in your Personal Data;
- the right to ask us to stop contacting you with direct marketing;
- rights in relation to automated decision taking;
- the right to restrict or prevent your Personal Data being processed;
- the right to have your Personal Data ported to another controller;
- the right to erasure;
- the right to object; and

- the right to complain to the Data Protection or another supervisory authority, either in the EU member state of your habitual residence or place of work or in the place of the alleged infringement if you believe we have not handled your Personal Data in accordance with Data Protection Legislation.

8.2 These rights are explained in more detail in the [APPENDIX – Data subject rights under Data Protection Legislation](#), but if you have any comments, concerns or complaints about our use of your Personal Data, please email helpdesk@e-gats.aero or call the helpdesk number listed on the GATS Platform. We will respond to any rights that you exercise within one month of receiving your request, unless the request is particularly complex or cumbersome, in which case we will respond within three months (we will inform you within the first month if it will take longer than one month for us to respond). Where a response is required from us within a particular time period pursuant to Data Protection Legislation, we will respond within that time period.

[Return to Contents](#)

9. WITHDRAWAL OF CONSENT

To the extent that consent is used as a legal basis for processing, if you no longer consent to our processing of User Data (in respect of any matter referred to in this Policy as requiring your consent), you may request that we cease such processing by contacting the GATS helpdesk by email at helpdesk@e-gats.aero or calling number listed on the GATS Platform. Please note that if you withdraw your consent to such processing, that may impact on your ability to use the GATS Platform.

[Return to Contents](#)

10. SHARING AND DISCLOSURE

10.1 Generally

- There are times when information described in this Policy may be shared by AWG. This Paragraph 10 discusses only how AWG may share such information.
- User Data will be stored in the European Economic Area (**EEA**) but it may be transferred to, stored at, or accessed from a destination outside the EEA. It may also be processed by staff operating outside the EEA who work for us or any of our suppliers.
- We will take all steps reasonably necessary to ensure that User Data is treated securely and in accordance with Data Protection Legislation and this Policy.
- All information you provide to us is stored on our secure servers. The safeguards in place with regard to the transfer of User Data outside of the EEA are reliance on adequacy decisions made by the European Commission as permitted by Article 45 of the GDPR such as adherence with the 'Privacy Shield (USA)' or approved safeguard measures pursuant to Article 46 of the GDPR such as the entry by us into appropriate standard contractual clauses with all transferees of such data.

10.2 User Data

- We restrict access of User Data to:
 - **Employees, contractors, and agents** who need to know that information in order to operate, develop, or improve the GATS Platform. These individuals are bound by confidentiality obligations and may be subject to discipline, including termination, civil litigation and/or criminal prosecution, if they fail to meet these obligations; and
 - **Other users of the GATS Platform** (whether those users are other individuals or entities). Further information on these types of transactions can be found in the GATS Guidance Materials.
 - **Third party service providers, and agents.** We engage third party companies or individuals to process User Data as follows:
 - For the Digital Certificate Verification Process (as detailed above);
 - Companies that provide support services in connection with the GATS Platform. These include IT and telecommunication service providers, software development contractors, data processors, computer maintenance contractors, document storage and destruction companies, including legal advisors;
 - Fexco's support team in connection with customer support matters relating to the GATS Platform; and
 - Statutory and regulatory bodies and law enforcement authorities.
- In any case where the AWG shares your personal information data with a third party data controller, the use by that third party of your personal data will be subject to the third party's own privacy policies.

10.3 Other types of disclosure

AWG may share or disclose User Data and other information as follows:

- To comply with laws: To comply with legal or regulatory requirements and to respond to lawful requests, court orders and legal process.
- To enforce our rights, prevent fraud and for safety: To protect and defend the rights, property, or safety of us or third parties, including enforcing contracts or policies, or in connection with investigating and preventing fraud.

[Return to Contents](#)

11. **THIRD-PARTY WEBSITES**

- 11.1 This Policy applies to the use of the GATS Platform which is owned by AWG and operated by Fexco.
- 11.2 We do not exercise control over the sites or applications that may be linked from the Website. These other sites and applications may place their own cookies or other files on your computer, collect data or solicit personal information from you.
- 11.3 You acknowledge that your interactions with us may enable or assist you to access the website content of, correspond with, and purchase products and services from, third parties via third-party websites and that you do so solely at your own risk.
- 11.4 We make no representation or commitment and shall have no liability or obligation whatsoever in relation to the content or use of, or correspondence with, any such third-party website, or any transactions completed, and any contract entered into by you, with any such third party and the use by any such third-party of your User Data.
- 11.5 We do not endorse or approve any third-party website nor the content of any of the third-party websites made available to you via your interactions with the GATS Platform. We encourage you to carefully familiarize yourself with the terms of use and privacy policies applicable to any websites or services operated by third parties.
- 11.6 Please be aware that we are not responsible for the privacy practices of any third parties.

[Return to Contents](#)

12. **HOW WE PROTECT YOUR PERSONAL INFORMATION**

- 12.1 We do our utmost to protect user privacy through the appropriate use of security technology.
- 12.2 We restrict access to User Data to employees, contractors and agents who need to know such User Data in order to operate, develop or improve use of the GATS Platform. We ensure that we have appropriate physical and technological security measures to protect your information; and we ensure that when we outsource any processes that the service provider has appropriate security measures in place. However, certain stages of the GATS Platform and certain parts of the GATS Platform may contain hyperlinks to websites owned and operated by third parties. These third party websites have their own privacy policies, including cookies. We do not accept any responsibility or liability for the privacy practices of such third party websites and your use of such websites is at your own risk.
- 12.3 We will implement appropriate technical and organisational measures to ensure a level of security appropriate to the risks that are presented by the processing of User Data. In particular, we will consider the risks presented by accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to User Data transmitted, stored or otherwise processed.
- 12.4 Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect User Data, we cannot guarantee the security of any data transmitted to us and any such transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access.
- 12.5 To the extent permitted by law, we are not responsible for any delays, delivery failures, or any other loss or damage resulting from:
- (a) the transfer of data over communications networks and facilities, including the internet, or
 - (b) any delay or delivery failure on the part of any other service provider not contracted by us, and you acknowledge that your use of the GATS Platform (including the creation of a user account, the creation of an entity profile on behalf of an entity, and taking actions through the GATS Platform on behalf of an entity) may be subject to limitations, delays and other problems inherent in the use of such communications facilities. We cannot guarantee the absolute prevention of cyber-attacks such as hacking, spyware and viruses. Accordingly, you will not hold us liable for any unauthorised disclosure, loss or destruction of User Data arising from such risks.

[Return to Contents](#)

13. **BREACH REPORTING**

- 13.1 We will notify serious data breaches in respect of User Data to the Irish Data Protection Commission (**DPC**), or the relevant supervisory authority, without undue delay, and where feasible, not later than 72 hours after having become aware of same.

13.2 If notification is not made after 72 hours, we will record a reasoned justification for the delay; however, it is not necessary to notify the DPC, or another supervisory authority, where the Personal Data breach is unlikely to result in a risk to the rights and freedoms of natural persons.

13.3 A Personal Data breach in this context means 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.

13.4 We will keep a record of any data breaches, including their effects and the remedial action taken, and will notify you of any data breach affecting your Personal Data (which poses a high risk to you) when we are required to do so under Data Protection Legislation.

13.5 We will not be required to notify you of a data breach where:

- We have implemented appropriate technical and organisational measures that render the Personal Data unintelligible to anyone not authorised to access it, such as encryption.
- We have taken subsequent measures which ensure that the high risk to data subjects is not likely to materialise.
- It would involve disproportionate effort, in which case we may make a public communication instead.

[Return to Contents](#)

14. CHILDREN'S INFORMATION

None of the functionality of the GATS Platform is directed to children under 16. If you learn that a child under 16 has provided us with personal information without consent, please email helpdesk@e-gats.aero or call the helpdesk number listed on the GATS Platform.

[Return to Contents](#)

APPENDIX – DATA SUBJECT RIGHTS UNDER DATA PROTECTION LEGISLATION

Right of access to Personal Data relating to you

You may ask to see what Personal Data we hold about you and be provided with:

- A summary of such Personal Data and the categories of Personal Data held (see Paragraphs 4 and 6 above).
- Details of the purpose for which it is being or is to be processed.
- Details of the recipients or classes of recipients to whom it is or may be disclosed, including if they are overseas and what protections are used for those overseas transfers.
- Details of the period for which it is held or the criteria we use to determine how long it is held.
- Details of your rights, including the rights to rectification, erasure, restriction or objection to the processing.
- Any information available about the source of that data.
- Whether we carry out automated decision-making, or profiling, and where we do, information about the logic involved and the envisaged outcome or consequences of that decision making or profiling.
- Where your Personal Data are transferred out of the EEA, what safeguards are in place.

Requests for your Personal Data must be made to us (see 'How To Contact Us') specifying what Personal Data you need access to, and a copy of such request may be kept by us for our legitimate purposes. To help us find the information easily, please give us as much information as possible about the type of information you would like to see. If, to comply with your request, we would have to disclose information relating to or identifying another person, we may need to obtain the consent of that person, if possible. If we cannot obtain consent, we may need to withhold that information or edit the data to remove the identity of that person, if possible.

There are certain types of data which we are not obliged to disclose to you, which include Personal Data which records our intentions in relation to any negotiations with you where disclosure would be likely to prejudice those negotiations. We are also entitled to refuse a data access request from you where:

- (a) such request is manifestly unfounded or excessive, in particular because of its repetitive character (in this case, if we decide to provide you with the Personal Data requested, we may charge you a reasonable fee to account for administrative costs of doing so), or
- (b) we are entitled to do so pursuant to Data Protection Legislation.

Right to update your Personal Data or correct any mistakes in your Personal Data

You can require us to correct any mistakes in your Personal Data which we hold free of charge. If you would like to do this, please:

- email helpdesk@e-gats.aero or call the helpdesk number listed on the GATS Platform;
- let us have enough information to identify you (e.g. name, registration details); and
- let us know the information that is incorrect and what it should be replaced with.

If we are required to update your Personal Data, we will inform recipients to whom that Personal Data have been disclosed (if any), unless this proves impossible or has a disproportionate effort.

It is your responsibility that all of the Personal Data provided to us is accurate and complete. If any information you have given us changes, please email helpdesk@e-gats.aero or call the helpdesk number listed on the GATS Platform as soon as possible.

Rights in relation to automated decision taking (if applicable)

You may ask us to ensure that, if we are evaluating you, we don't base any decisions solely on an automated process and have any decision reviewed by a member of staff. These rights will not apply in all circumstances, for example where the decision is:

- (c) authorised or required by law;
- (d) necessary for the performance of a contract between you and us; or
- (e) is based on your explicit consent. In all cases, we will endeavour that steps have been taken to safeguard your interests.

Right to restrict or prevent processing of Personal Data

In accordance with Data Processing Legislation, you may request that we stop processing your Personal Data temporarily if:

- you do not think that your Personal Data is accurate (but we will start processing again once we have checked and confirmed that it is accurate);
- the processing is unlawful but you do not want us to erase your Personal Data;
- we no longer need the Personal Data for our processing, but you need the Personal Data to establish, exercise or defend legal claims; or
- you have objected to processing because you believe that your interests should override the basis upon which we process your Personal Data.

If you exercise your right to restrict us from processing your Personal Data, we will continue to process the Personal Data if:

- you consent to such processing;
- the processing is necessary for the exercise or defence of legal claims;
- the processing is necessary for the protection of the rights of other individuals or legal persons; or
- the processing is necessary for public interest reasons.

Right to data portability

In accordance with Data Protection Legislation, you may ask for an electronic copy of your Personal Data that you have provided to us and which we hold electronically, or for us to provide this directly to another party. This right only applies to Personal Data that you have provided to us. It does not extend to data generated by us. In addition, the right to data portability also only applies where:

- the processing is based on your consent or for the performance of a contract; and
- the processing is carried out by automated means.

Right to erasure

In accordance with Data Protection Legislation, you can ask us (please see 'How To Contact Us') to erase your Personal Data where:

- you do not believe that we need your Personal Data in order to process it for the purposes set out in this Privacy Notice;
- if you had given us consent to process your Personal Data, you withdraw that consent and we cannot otherwise legally process your Personal Data;

- you object to our processing and we do not have any legal basis for continuing to process your Personal Data;
- your Personal Data has been processed unlawfully or have not been erased when it should have been; or
- the Personal Data have to be erased to comply with law.

We may continue to process your Personal Data in certain circumstances in accordance with Data Protection Legislation (i.e. where we have a legal justification to continue to hold such Personal Data). Where you have requested the erasure of your Personal Data, we will inform recipients to whom that Personal Data have been disclosed, unless this proves impossible or involves disproportionate effort. We will also inform you about those recipients if you request it.

Right to object

You have a right to object to the processing of your personal data in those cases where we are processing your personal data in reliance on our legitimate interests. In such a case we will stop processing your personal data unless we can demonstrate compelling legitimate interests which override your interests and you have a right to request information on the balancing test we have carried out. You also have the right to object where we are processing your personal data for direct marketing purposes.

Right to complain to the DPC

If you do not think that we have processed your Personal Data in accordance with this Privacy Notice, please contact us in the first instance. If you are not satisfied, you can complain to the DPC (or another supervisory authority, either in the EU Member State of your habitual residence or place of work or in the place of the alleged infringement) or exercise any of your other rights pursuant to Data Protection Legislation. Information about how to do this is available on the DPC website at <https://www.dataprotection.ie/>.

END OF DOCUMENT.