



## DATA PRIVACY POLICY

February 2019

Ocean Renewable Power Company, Inc. and all its affiliated entities, including but not limited to ORPC Ireland Limited (collectively "ORPC"), are committed to protecting and respecting your privacy. The privacy and confidentiality of personal information is important, and we are committed to maintaining the privacy and security of your personal information. This policy sets out the basis on which any personal data we collect from you or you provide to us, will be processed by us. Please read the following carefully to understand our views and practices regarding your personal data and how we will treat it. As Data Controllers under the Data Protection Act 1988 & 2003 we fully endorse and adhere to the principles of the Irish Data Protection legislation and will ensure that we:

- Obtain and process information fairly
- Keep information only for one or more specified, explicit and lawful purpose
- Use and disclose information only in ways compatible with these purposes
- Keep information safe and secure
- Keep information accurate, complete and up to date
- Ensure that information is adequate, relevant and not excessive
- Retain information for no longer than is necessary for the specified purpose or purposes
- Give a copy of personal data to the individual from whom it was taken on written request

Our Privacy Statement is a legal requirement underpinned by the Data Protection Acts 1988 & 2003 ("The Acts"), the Statutory Instrument Number 336 of 2011 European Communities (Electronic Communications Networks and Services) (Privacy and Electronic Communications) Regulations 2011 ("SI 336/2011") and the EU General Data Protection Regulation 2016 ("GDPR").

We reserve the right to amend this Privacy Statement at any time and from time to time without notice by publishing a new version as appropriate. Please refer to the top of this document to see date of the latest version in force.

- 1. CONSENT:** By being an employee, vendor or customer to the company or by contacting us by email, by phone or in person and voluntarily providing any personal data to us, you confirm that you agree to and consent to the terms of this Privacy Statement on your behalf and on behalf of others you are representing including but not limited to organisations and whose information you submit and including the collection and use of information, to the extent that your consent is required by any applicable law.
  - a. As an employee for the purposes of the Data Protection Acts 1988 and 2003 ("the DPA") and the General Data Protection Regulation ("the GDPR") you consent to the processing (as defined in the DPA and GDPR) of all or any personal data (in manual electronic or any other form) relevant to your engagement by the company or by any agent or third party nominated by the company and bound by a duty of confidentiality. This information is required for the management and administration of your employment and to protect your rights under various employment laws. For these purposes it may from time to



time be necessary to disclose your personal information to third parties, including (but not limited to) payroll processors, pension brokers/trustees, or insurers. It may also be necessary to disclose information in order to comply with any legal or regulatory obligations. The Company takes all reasonable steps as required by law to ensure the safety, privacy and integrity of your personal information. The Company may need to share personal data including sensitive personal data with other related entities which are based abroad e.g. ORPC's parent company Ocean Renewable Power Company, Inc. in the USA. This may involve a transfer of data, including your personal sensitive data to a country which may not have the same data protection laws as Ireland.

- b. As a vendor for the purposes of the Data Protection Acts 1988 and 2003 ("the DPA") and the General Data Protection Regulation ("the GDPR") you consent to the processing (as defined in the DPA and GDPR) of all or any personal data (in manual electronic or any other form) relevant to your engagement by the company or by any agent or third party nominated by the company and bound by a duty of confidentiality. This information is required for the management and administration of the services provided by you to the company. For these purposes it may from time to time be necessary to disclose your personal information to third parties, including (but not limited to) the company accountants and the Irish Revenue Commissioner. It may also be necessary to disclose information in order to comply with any legal or regulatory obligations. The Company takes all reasonable steps as required by law to ensure the safety, privacy and integrity of your personal information. The Company may need to share personal data including sensitive personal data with other related entities which are based abroad e.g. ORPC Ireland Limited's parent company Ocean Renewable Power Company, Inc. in the USA. This may involve a transfer of data, including your personal sensitive data to a country which may not have the same data protection laws as Ireland.

**2. IDENTITY:** This is the privacy policy of Ocean Renewable Power Company, Inc, 254 Commercial Street, Suite 119B, Portland, ME 04101, USA and its subsidiary ORPC Ireland Limited. Our registered Irish office is ORPC Ireland Limited, Bridge House, Baggot Street Upper, Dublin 4, D04 X2P1, Ireland. If you have any questions about our privacy policy, about how we process your personal data or have any complaints, please contact us at [scyr@orpc.co](mailto:scyr@orpc.co).

- 3. PURPOSE:** Information that we collect may be used for the following purposes:
- Collect and maintain all legally required information to ensure the statutory and legal relationship of employer and employee is maintained
  - Collect and maintain all legally required information to ensure the legal relationship of employer and vendor is maintained
  - Collect and maintain all legally required information to ensure the legal relationship of employer and customer is maintained
  - Provide information to you about our systems and processes, including to respond to enquiries and to keep you updated generally



- Communicate with you concerning any enquiries, problems and complaints, and to respond to any submissions, enquiries or requests from you
- Keep internal records and maintain reasonable archives, including concerning as to an employee's employment with the company, vendor records/contracts, customer records/contracts, enquiries, and complaints
- Any purpose which we have obtained your consent to

**4. DISCLOSURE:** We may share your personal data with third parties in the following circumstances:

- We may disclose your personal data to third parties (including intermediaries) as necessary to payroll processors, pension brokers/trustees, or insurers etc. This information is required for the management and administration of your employment and to protect your rights under various employment laws.
- We may disclose your personal data to third parties (including intermediaries) as necessary to the company accountants and the Irish Revenue Commissioner. This information is required for the management and administration of the services provided by you to the company.
- We may disclose your personal data to any third party (e.g. supplier, contractor subcontractor) we make any enquiries with concerning or engage or sub-contract to perform any products or services we have agreed to provide to you.
- Where we use third parties to host, provide, operate or supply any databases, systems, business, or services, or carry out on our behalf any of our business functions or actions, then we may provide your personal data to them as required for use for or processing as part of those purposes.
- We may supply personal data to a government authority or regulator where required to comply with a legal requirement, for the administration of justice, for the purposes of customs, visas and immigration, or where reasonably required to protect your vital interests. We may disclose your personal data where otherwise required by or permitted by law.
- If a vendor or customer is a business or organisation, and we are holding your personal data in your capacity as an associate of that business or organisation (including as agent, representative, contact, employee, officer, owner, partner, or director), then we may disclose to them that personal data. If a vendor or customer is making an enquiry on your behalf, with your authority, then we may disclose to the vendor or customer your personal data as reasonably required in connection with such enquiry, or the subsequent performance of or payment for same.
- If our business is ever transferred to a third party, then your personal data will be transferred to the acquirer to enable them to continue the business.



Where we provide your personal data to a third party one of the following two circumstances will apply:

- In some cases, your personal data may be held and otherwise processed by them on our behalf, in which case we will remain responsible for what they do with your personal data, and your personal data will only be held and processed by them in accordance with our instructions and this privacy policy.
- In other cases, your personal data may need to be provided to them to be held and processed by them in their own right and on their own account. In such case, they will have their own responsibility for that personal data, subject to their own privacy policy, and we will not be responsible for what they do with it following disclosure.

This Privacy Statement does not address, and we are not responsible for, the privacy, information or other practices of any third parties. We have no control over, and are not responsible for, this third party's collection, use and disclosure of your Personal Information. In addition, we are not responsible for the information collection, use, disclosure or security policies or practices of other organisations, such as Facebook, Apple, Google, Microsoft or any other app developer, app provider, social media platform provider, operating system provider, wireless service provider or device manufacturer, including with respect to any Personal Information you disclose to other organisations.

- 5. RIGHT OF ACCESS:** Our privacy policy is not a contract, nor does it form part of any contract. You have certain non-contractual rights in accordance with legislation. Should you contact us regarding these rights, we are entitled to request proof of your identity before we act, and may refuse to act if you do not provide this. You may request information on whether we are processing personal data about you, to tell you what personal data we are processing and for what purposes, and to provide you with a copy of your personal data that we hold. We must provide the data request for free unless the request is manifestly unfounded, excessive or repetitive. In certain cases, we may refuse your request and will advise you at the time if this is the case. All requests must be in writing and may be submitted by e-mail or by post to the contact details listed below and you will receive a response within 30 days of receipt of your written request. Where requests are complex or numerous, we will extend the deadline for providing the information to 3 months. In such cases, we will advise you in writing within the 30-day time period explaining why the extension is necessary. If you would like to review, correct, update, suppress or delete Personal Information that you have previously provided to us, you may contact us at [scyr@orpc.co](mailto:scyr@orpc.co).

In your request, please make clear what Personal Information you would like to have changed, whether you would like to have your Personal Information suppressed from our database, or other limitations you would like to put on our use of your Personal Information.



- 6. RIGHT OF RECTIFICATION OR ERASURE:** Our privacy policy is not a contract, nor does it form part of any contract. You have certain non-contractual rights in accordance with legislation. Should you contact us regarding these rights, we are entitled to request proof of your identity before we act, and may refuse to act if you do not provide this.

All requests of rectification or erasure must be in writing and may be submitted by e-mail or by post to the contact details listed below and you will receive a response within 30 days of receipt of your written request. You have the right to request us to cease using your personal data for any purpose, subject to exceptions. You have the right to request us to rectify, block, erase or destroy any inaccurate personal data we hold about you. If you would like to review, correct, update, suppress or delete Personal Information that you have previously provided to us, you may contact us at [scyr@orpc.co](mailto:scyr@orpc.co).

In your request, please make clear what Personal Information you would like to have changed, whether you would like to have your Personal Information suppressed from our database, or other limitations you would like to put on our use of your Personal Information.

- 7. EXTENT OF DATA BEING PROCESSED:** We process the following types of personal data:

- Personal Data – concerning you as an individual which includes your name, age, address, telephone, mobile, fax, e-mail, proofs of identity and address, copies of passports, driving licences, payment and bank information, revenue information and any other information provided to us by or in relation to you which concern you as an individual.
- Business related data – if you are an individual associated with a business or other organisation that is our customer or vendor, then your personal data may include the following information that we link to you: business or organisation details (such as name, address, telephone numbers, payment arrangements, financial information, etc.), your relationship with that business or organisation (such as owner, partner, director, shareholder, employee, or agent), and your contact details within that business (such as work address, work telephone and mobile numbers, work fax number, and work email address).
- Correspondence – Correspondence, communications and messages, including between you and us, and between us and third parties, including relating to any contact between either party.
- Website Usage Information – We may collect information about your visits to, browsing of, and use of our website, unless your web browser blocks this. The range of data we collect will depend on how you interact with our website. This information may include: your IP address (a unique identifier allocated to your computer for your connection to the internet); your computer device details (PC, tablet, smartphone, watch etc.); the make and version of web browser (e.g. Internet Explorer, Firefox, Safari, Opera, Chrome) you are using; your operating system (e.g. Windows, Windows Phone, OSX, iOS, Android, Linux etc.); your time-zone; your browser plug-ins; any web-page you came from, identified as the referrer web page address by your web browser; cookies; page response times; download error; pages and parts of pages you visit; usage you make of our website, including enquiries and

searches undertaken, and registrations for accounts, forums etc.; services and products you viewed; length of visit to website and pages; page interaction information (such as scrolling, keys pressed, mouse clicks, touches, and mouse-overs). This will normally be collected and used anonymously, and aggregated for analysis, with your name and any characteristics identifying you remaining anonymous, but our privacy policy will apply, and it will be treated as your personal data, if this information is in any way linked to you personally This information may also include: data inputted into forms and field; registrations for any accounts, forum, feedback mechanism, social functionality, newsletters or other features of our site; usernames and passwords, log-in / out history, and settings; actions taken within any account or other registration, including view and update and changes to settings; and posts to any forum, feedback, review or other social functionality on our website.

We collect or generate personal data in the following way:

- Visiting our website – By visiting and using our website you or your computer may provide personal data. This includes the following: information which is automatically provided by your browser to our servers; information record on our web servers about your interaction with our website and pages viewed; information we capture or place on your computer or generate using cookies or other technologies on our website; and information you input into forms and fields on our website.
- Data you provide – Your personal data will include data you provide (or later amend), whether: from correspondence with you; verbally to us over the phone or in person; by filing in any field or form on a website; by filling in any printed form we provide you with; by e-mail; from documents you provide use with; and from updates to any information to provide from time to time.
- Data obtained from third parties – We may obtain personal data concerning you from third parties, including from: searches with public records and regulatory and private organisations; from any business or organisation you are associated with; from telephone numbers identified by the telephone system when you telephone us.
- Data generated by us – We and any suppliers or sub-contractors working for us may generate personal data relating to you, including in connection with responding to and dealing with our contract with you.

**8. COOKIES:** Cookies are small text files stored on your device by a web browser (e.g. Internet Explorer) that hold information about your previous visits to our site. On returning to our site this stored information is fed back to us allowing us to offer you a more personal browsing experience. By using our website you consent to cookies being used in accordance with our Cookie Policy. Our comprehensive Cookie Policy is available on ORPC's website.

**9. SECURITY:** We (and any affiliate, subcontractor or other person processing your personal data on our behalf) may transfer, store and otherwise process your personal data anywhere in the world. Where we disclose your personal data to third parties, that disclosure may also involve a transfer of your personal data anywhere in the world, and those third parties may themselves



transfer, store or otherwise process that information anywhere in the world. In each case, we will comply with any legal requirements concerning the transfer of your personal data by us to any third party outside the country where we are established, and where your personal data is still controlled by us or is being stored or otherwise processed on our behalf, our security measures will also apply.

We are committed to doing what we reasonably can to keep your personal data secure, and we are obliged by law to put in place appropriate technical and organisational measures against unauthorised or unlawful processing of your personal data and against accidental loss or destruction of, or damage to, your personal data. We have accordingly implemented security policies, rules and technical measures with a view to achieving this:

- The personal information we collect from you online is stored by us and/or our service providers on databases protected through a combination of physical and electronic access controls, firewall technology and other reasonable security measures.
- For your own privacy protection, we encourage you to maintain anti-virus and other malware protection software on your computers and other devices, and to maintain your own measures to protect your personal data. Please do not include sensitive personal data in any e-mails you may send to us. We also encourage you to be careful about whom you give personal data to.

**10. ACCURATE, COMPLETE AND UP TO DATE:** We are not responsible for ensuring that any personal information submitted by you is accurate and up-to-date. Should you wish to verify whether or not the personal information you provided us with, that is held or may still be held by us is up-to-date, you may contact us at [scyr@orpc.co](mailto:scyr@orpc.co).

**11. ADEQUATE, RELEVANT AND NOT EXCESSIVE:** Unless specifically requested, we ask that you not send us, and you not disclose, any sensitive Personal Information to us. Please note that we may need to retain certain information for recordkeeping purposes and/or to complete any transactions that you began prior to requesting a change or deletion. There may also be residual information that will remain within our databases and other records, which will not be removed. In addition, there may be certain information to which we are unable to enable you to review, for legal, security, or other reasons.

**12. RETENTION:** We keep your personal data for so long as is reasonably necessary for the purposes for which we use it, and if longer, for any duration required by law, and for statutory claims limitation periods where your personal data may be relevant to any possible liability we may have. Please see for more information ORPC's Data Retention Policy, published on its website.



**13. YOUR RIGHTS:** You have rights under the GDPR to do the following:

- a. Access your personal data
- b. Receive information about how your personal data is processed
- c. Correct your personal data
- d. Erase your personal data in certain circumstances
- e. Object to or restrict how your personal data is processed
- f. Transfer your personal data to yourself or to another business in certain circumstances.

**14. COMPLAINT RESOLUTION MECHANISM:** The laws we comply with are regulated by Data Protection Commissioner. If you have a complaint or concern, please feel free to contact us to discuss the matter and we will strive to assist you and resolve your issue. Should you wish to seek assistance from a government regulator, the Data Protection Commissioner contact details are as follows: Data Protection Commissioner, Canal House Station Road, Portarlinton, Co. Laois, Ireland R32 AP23