



**RIS-GDPR**

**GUIDELINES  
ON PERSONAL DATA  
TRANSMITTED IN THE CONTEXT OF RIS**

**APRIL 2025**

## Introduction

In the context of River Information Services (RIS), data is exchanged electronically between organisations. This data may include personal data. Within the European Union, but also in European states that are not members of the European Union, such personal data is subject to specific regulations, most notably the General Data Protection Regulation (GDPR) which is applicable with the European Union.

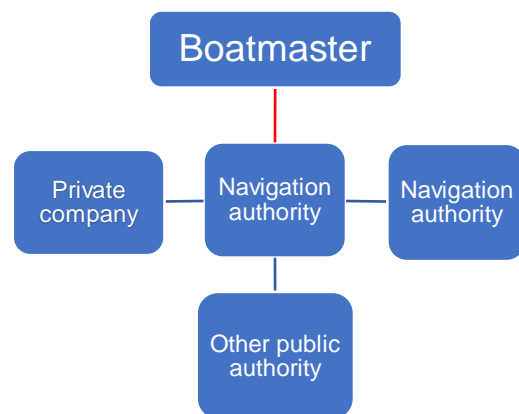
The subject is complex, and the interpretation of the regulation differs between countries and sometimes also according to the type of personal data. (For example, personal data collected for security purposes is not governed by the same rules as data collected for statistical or commercial purposes.) However, there are three major common principles:

1. In all cases, anyone collecting data has an obligation to protect personal data (transmission and storage);
2. There is also an obligation to indicate the purposes for which personal data is collected (this data should not be used for other purposes), this is the so-called "principle of purpose"<sup>1</sup>;
3. Organise and facilitate the exercise of people's rights over their personal data, even if these rights vary according to the situation (for example, sometimes consent must be given, sometimes not).

Within RIS, the data is provided by boatmasters to the navigation authorities, which are likely to pass this information on to other navigation authorities, public authorities or private companies for a range of purposes.

These guidelines are intended, on the one hand, to propose a definition of personal data in the context of RIS and, on the other hand, to list the purposes for which this data may be processed.

These guidelines are not intended to replace the applicable regulations but may assist in establishing a common vision which will allow the harmonised implementation of RIS at a European level.



<sup>1</sup> In the following pages, whenever the term "purpose" is used, it refers to this "principle of purpose".

## **PERSONAL DATA TRANSMITTED BY THE BOATMASTER TO THE NAVIGATION AUTHORITY**

Within the context of these guidelines, RIS data is transmitted by boatmasters to navigation authorities in accordance with the provisions set out in the police regulations applicable to the waterway. Thus, the RIS data is gathered as part of ensuring the safety of inland navigation. In addition, there is no need for a prior contract between the boatmaster, who provides the data, and the navigation authority, that processes the data.

It should be noted, however, that a contract may be required when the RIS data is transmitted, voluntarily, by the boatmaster to an authority for reasons other than navigational safety, for example in order to optimise loading/unloading operations in a port. Examples of this include the "Rhine Port Information System" and "EuRIS". In such a situation, the contract must set out the list of personal data collected and the usage permitted. In the case of EuRIS, for example, the contract lists 6 privacy classes<sup>2</sup> determining which data may be shown to other users. These situations, which are regulated by a contract, do not fall within the scope of these guidelines (which relate only to RIS data collected in compliance with the provisions of police regulations applicable to a given waterway).

The law imposes limits on the processing of data by navigation authorities: they may only process personal data for a purpose explicitly defined by the law (according to the principle of purpose) and "only the data strictly necessary for the purpose" (according to the principle of proportionality) Data must also be processed in accordance with the General Data Protection Regulation (GDPR)<sup>3</sup> in force in EU Member States or with comparable texts in force in non-EU countries (which generally grant certain rights to the owners of personal data).

The present document proposes guidelines relating to the following two aspects:

- the RIS data, transmitted by the boatmaster, that should be considered as personal data (A);
- the purposes for which this data may be processed by the navigation authority (B).

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<sup>2</sup> <https://www.eurisportal.eu/apropos/confidentialite?KL=en>

<sup>3</sup> See Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation): <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32016R0679>

## A - List of personal data

The GDPR defines personal data as any information relating to an identified or identifiable individual, either directly or indirectly, (such as by a telephone number, social security number, cross-referencing data, etc.).

The River Information Services (RIS) are not meant to process personal data in the sense of the GDPR. However, some the data processed could constitute personal data if it allows an individual to be identified, either directly (for example if the data collected includes the names or addresses of individuals) or indirectly (where it would be possible to identify an individual if the data collected could be cross-referenced with other information held by the authority).

The data transmitted by the boatmaster can be grouped into four categories:

1. static vessel data,
2. dynamic vessel data,
3. voyage-related data,
4. incident-related data.

### 1. Static vessel data

#### a) Vessel identification information (ENI/IMO number, vessel name, technical characteristics of the vessel, radio call sign, vessel certificates)

Electronic reports may include the name of the owner, who could be an owner-operator who lives on board. Thus, these reports could contain personal data.

The ENI number or the vessel name indirectly allow the navigation authority to access the name of the owner and the operator of a vessel through cross-referencing with other information held. This applies particularly to owner-operators. For this reason, when processed by the navigation authority, the ENI number should be considered as personal data.

#### b) Identification data for the owner, operator or shipper<sup>4</sup>

Where the owner, the operator or the shipper is a natural person, the identification data of the owner, the operator or the shipper is considered to be personal data.

### 2. Dynamic vessel data

#### a) Position information (transmitted by an inland AIS device)

#### b) Data relating to the speed, direction and draught of the vessel

As such, dynamic data does not constitute personal data. However, it becomes personal data when processed by the navigation authority and linked to the ENI number (which gives access to personal data through cross-referencing with other data held by the navigation authority).

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<sup>4</sup> Collected solely for the purpose of levying charges and in the event of accidents (D).

### 3. Voyage-related data

#### a) Data relating to the vessel departure point, its destination, its ports of call and rest areas.

As such, voyage-related data does not constitute personal data. However, it becomes personal data when processed by the navigation authority and linked to the ENI number (which gives access to personal data through cross-referencing with other data held by the navigation authority).

### 4. Incident-related data

#### a) Data relating to grounded or damaged vessels: position, direction, vessel identification data, cargo information, number of people on board.

As such, incident-related data does not constitute personal data. However, it becomes personal data when processed by the navigation authority and linked to the ENI number (which gives access to personal data through cross-referencing with other data held by the navigation authority).

The number of passengers or crew on board is not personal data. However, the passenger list (with names) is considered to be personal data.

### Conclusion:

When data is transmitted by boatmasters to the authorities through RIS, there are two categories of personal data:

1. data allowing an individual to be identified. This is the case, when a boatmaster provides information such as their name or address or that of the owner or another individual.
2. any other data set as soon as this data set contains an ENI or IMO number or the name of the vessel.

In contrast, if a data set contains neither an ENI (or IMO) number, nor the name of the vessel, nor the name (or address) of an individual, that data set should not be considered as personal data.

## **B – Purpose(s) for which the data can be processed**

In accordance with the principle of purpose, navigation authorities may not cross-reference personal data collected by RIS technology with other data collected by other means (for example, data collected by the EHDB or ECDB), unless such cross-referencing is necessary for the purpose in question (and provided for by law).

The data transmitted by the boatmaster can only be processed by the navigation authority for the following purposes:

### **1. Traffic management, particularly in locks and ports**

The personal data processed for this purpose consists of:

- the ENI/IMO number, the name of the vessel correlated with,
  - dynamic data relating to the position, speed, direction and draught of the vessel
  - voyage-related data (departure point, destination, ports of call and rest areas), or
  - data related to navigation incidents.

### **2. The levying of charges (where such charges are provided for by law)**

The personal data processed for this purpose consists of:

- static data allowing the identification of the owner, the operator or the shipper, and
- ENI/IMO number, the name of the vessel correlated with
  - dynamic data relating to the position, speed, direction and draught of the vessel, or
  - voyage-related data (departure point, destination, ports of call and rest areas).

### **3. Management of navigation accidents and incidents**

The personal data processed for this purpose consists of:

- static data allowing the identification of the owner, the operator or the shipper,
- the ENI/IMO number, the name of the vessel correlated with
  - dynamic data relating to the position, speed, direction and draught of the vessel,
  - data related to navigation incidents, or
  - data related to the voyage.

N.B. The data related to the voyage can only be processed for the purposes of a judicial enquiry, which in certain Member States requires special authorisation from the Prosecutor<sup>5</sup>. The same condition may well also apply to the list of passenger names.

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5 Situation in Germany.

#### **4. Compilation of statistics by the navigation authority**

Not all navigation authorities produce statistics. Where this is the case, it is usually for a clearly defined purpose. (For example, in France and Germany: to obtain a better understanding of the use of infrastructure and to levy charges on the Moselle.) In that case the data is anonymised and there is no link to the static information on the vessel. Such data is thus no longer considered to be personal data.

The (non-personal) data processed for this purpose consists of:

- dynamic data relating to the vessel's position,
- voyage-related data (departure point, destination, ports of call and rest areas),
- data related to navigation incidents.

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