

Confidentiality

Standard Operating Procedure

Valid from: 23/09/2019

Distribution: External

Certifier for



FAIRTRADE
INTERNATIONAL



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1 Purpose

FLOCERT GmbH (FLOCERT) is entrusted with data from its customers for the purpose of certification, including personal data, confidential information and business secrets. Since FLOCERT is provided with this information by its Customers to assess compliance with standards, Customers must be able to trust FLOCERT that it complies with legal obligations and that none of their data will be shared in such a way that it will cause harm to their business.

The purpose of this document is to outline which information obtained in the course of Fairtrade certification is considered confidential. It also explains how this confidential information must be handled and how FLOCERT's systems support the correct handling of the information.

2 Scope

The present document and described procedures mainly refer to all data and information obtained or created during the performance of Fairtrade certification activities. The confidentiality must be ensured by all FLOCERT's personnel and systems involved in Fairtrade certification activity.

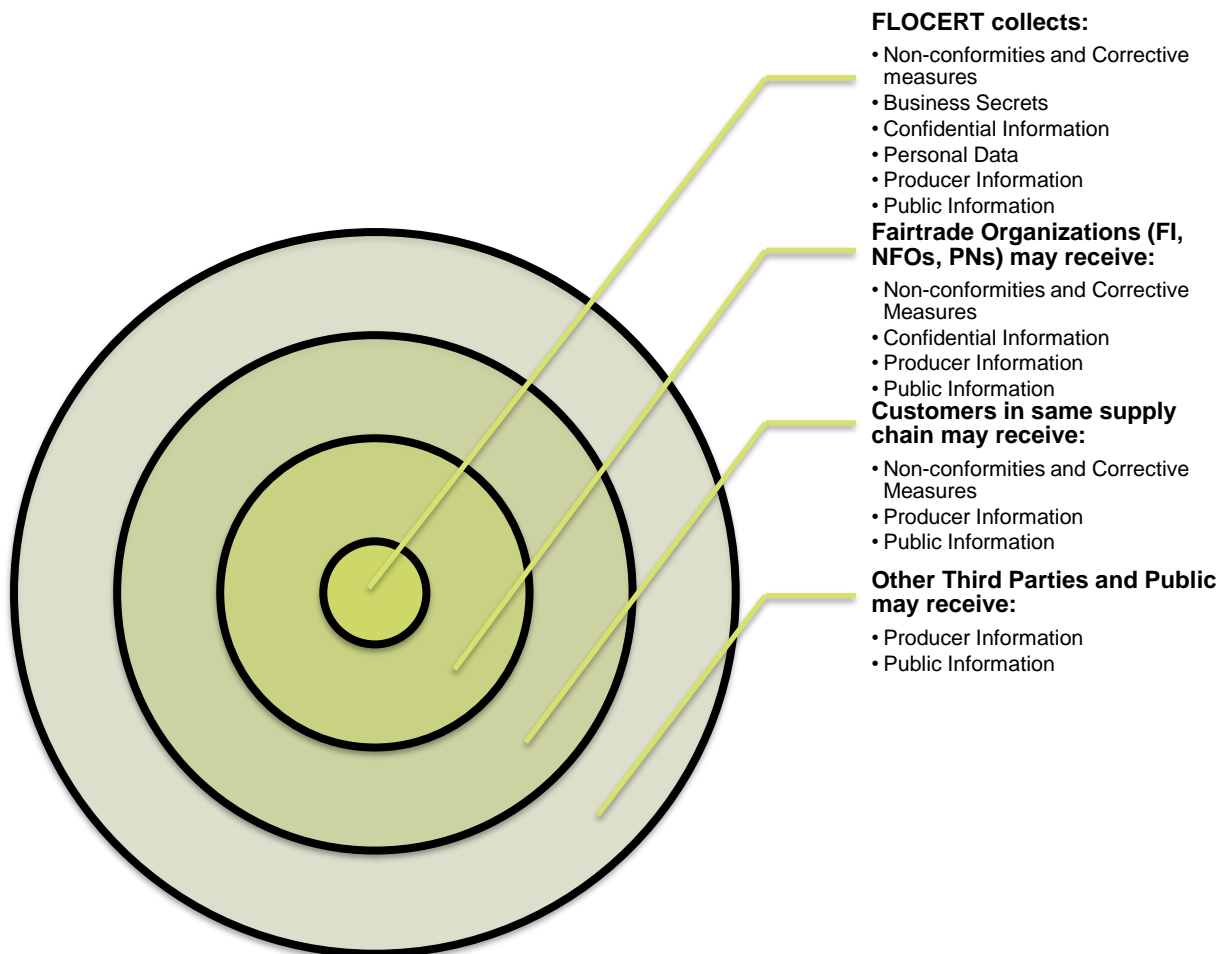
3 Confidential Customer information

Confidential Information: All information, documents, details and data associated with the company, transactions, customers, clients, suppliers and projects of the disclosing party (or of a member of the group of companies to which the disclosing party belongs) which are received by one party from the other party within the framework of the certification contract.

Confidential Information within the framework of the certification contract shall include any oral or written information to be protected that is obtained by the Customer and FLOCERT from the respective other party based on the certification contract or Trade and Business Secrets of the respective other party.

Business secret: As per the contract, is considered an information that has commercial value and which you don't want others to know or you limit the number of people who know about it. This includes: recipes, production methods, charts, formulas, drafts and other information of economic value which are part of the manufacturing process and have been subjected to reasonable measures of secrecy by the Customer (or by another member of the group of companies to which the disclosing party belongs) in the prevailing circumstances.

3.1 Handling Confidential Information



1. Graphic representation of the handling of confidential information

There are four levels of Customer data sharing, depending on the nature of the data, and the recipient of the data. Under no circumstances can Business Secrets be shared with anyone.

3.2 Guiding Principles for Data Sharing

The following guidelines will be followed by all “Executives, Representatives and Employees” when handling data:

Information must be shared for specific and legitimate purpose only.

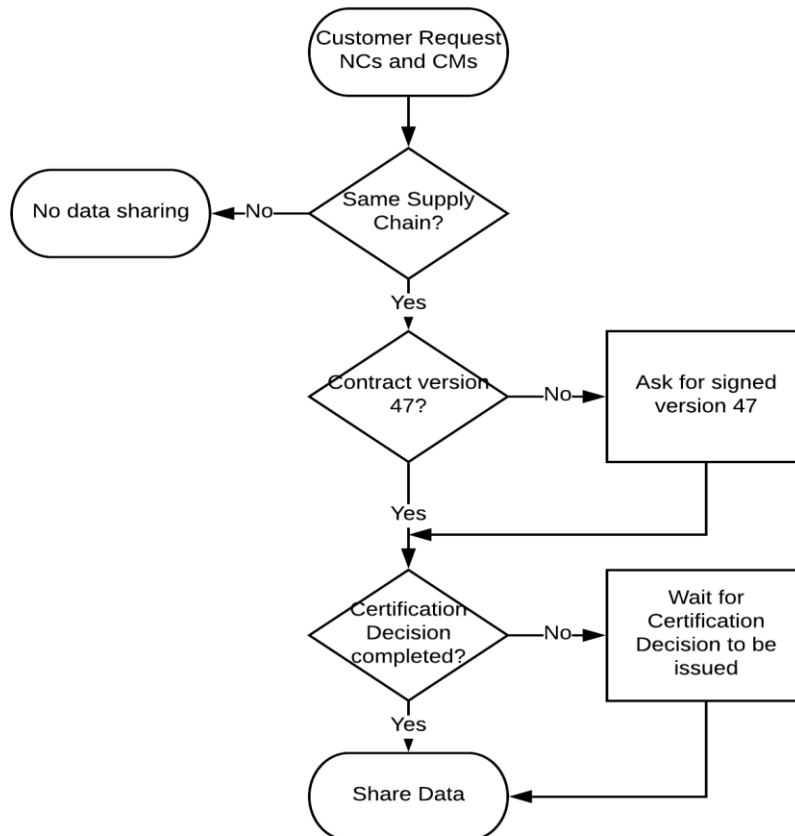
Keeping to the boundaries of the graphic below, any request for data must fall within a purpose, i.e. what it will be used for, defined by the certification contract. In the case of Fairtrade International, PNs and NFOs the purposes are:

- to fulfil the obligations within the framework of the certification contract;
- to strengthen and improve Fairtrade activities in supporting Producers and Traders;
- to verify data on the flow of goods and supply chains;
- to analyse Fairtrade effects;
- to perform research on issues relating to Fairtrade.

Any change in purpose for using data other than the originally submitted one, requires a new request to be submitted stating the new purpose by the organisation requesting the information.

3.3 Customer Requests for Non-Conformities and Corrective Measures

The below flowchart will show whether FLOCERT is able to share information on Customer Non-conformities and corrective measures. A non-conformity and its corresponding corrective measure will always be shared together, never one of the two on its own.



2. Graphic representation of the customer request of non-conformities and corrective measures.

3.4 Disclosing Confidential Information to other Third Parties not named in the Certification Contract

A third party is every natural person or legal entity that is not FLOCERT and is not contained within the levels of disclosure. The source of information is considered the primary owner of Confidential Information (Disclosing Party). Within the context of the certification contract, the Customer is the owner of the information it discloses to FLOCERT, and FLOCERT in turn is authorized to share some information with some organisations, based on the parameters of the certification contract.

ISEAL, journalists and other such organisations would be considered as Third Parties and confidential information may be shared only if expressly permitted by the Disclosing Party separately.

4 Non-confidential information

Public information: Information published on public domains (e.g. the Internet) or released by the FLOCERT Communications Unit is non-confidential. Also, information agreed between FLOCERT and customers to be

released for specific purposes (e.g. to enable Fairtrade) is non-confidential. Is considered already public knowledge or becomes public knowledge at any later date without any misconduct by the disclosing party.

Non-confidential Information also includes any information that:

- was available to the receiving party prior to the date of disclosure by the disclosing party on a non-confidential basis¹;
- is already public knowledge or becomes public knowledge at any later date without any misconduct by the disclosing party²;
- is specified in the Customer's Certificate, e.g. name, address and the Fairtrade Product(s);
- is Fairtrade Producer Information, as defined below;
- has already been in the legitimate possession of both parties prior to the conclusion of the certification contract;
- is obtained by either party from a third party by legal means and not subject to any disclosure limitation;
- is independently developed by FLOCERT;
- relates to the Certification status and associated data;
- has already been known to the party receiving the Confidential Information within the framework of the certification contract otherwise than by violating a legal or contractual obligation of the disclosing party;
- becomes subject to a written agreement of the parties on its confidential nature or permitted disclosure³;
- must be disclosed by law based on a decision of a court of competent jurisdiction or by a supervisory or administrative authority.

Information in aggregated form (e.g. volume and/or premium totals per product type or at country level) may be disclosed in a way that does not allow tracing back the information to individual Fairtrade transactions (e.g. volumes and premiums at transaction or customer level).

Other non-confidential information:

- customers' name, FLO ID, country, and commercial function.
- certification data (e.g. certification status, product types and qualities as certified by FLOCERT).
- use of Fairtrade Premiums.

Producer information: Producers are the main beneficiaries of Fairtrade, through Fairtrade Minimum and Premium Prices, and in order to improve the impact of Fairtrade, FLOCERT and the Fairtrade Organisations need to be able to work with Producer Information. For this reason, producer information, as defined in the certification contract, is not considered confidential.

Data required to work out basic marketing and impact information are not limited to:

- data on the number of members/workers and gender distribution;
- producer profile
- overall production volume of the Fairtrade Products and breakdown by organic/conventional;
- land cultivated with Fairtrade Products;
- drawdown of the Fairtrade Premium;

¹ Example: In the FLOCERT Certification Agreement, Producer Information, as defined in the contract is expressly exempted from confidentiality and may therefore be shared and published.

² Example: the name and address of a producer or trader organization, since these generally must be registered with public authorities

³ Example: In the FLOCERT Certification Agreement, most trader data is confidential, but it can be shared within the Fairtrade System for internal purposes and for specific reasons only. It cannot be shared with Third Parties outside the Fairtrade System.



- participation in the supply chain.

Non-conformities and Corrective Measures: according to the certification contract, FLOCERT may forward the result of the Customer's certification (non-conformities and approved corrective actions) to Fairtrade Organisations and the following organisations only following a final certification decision:

- organisations which are Producer, Trader and/or licensee or the Fairtrade Mark in the same, directly associated supply chain as the customer.
- organisations maintaining a valid agreement and/or a valid licence agreement on the Fairtrade Mark with Fairtrade Organisation.

5 Personal Data

Personal Data: all information associated with an identified or identifiable natural person.

Personal Data of Customers should never be shared, except when contact details of a customer representative is requested. Any further use shall be made only with the customer's approval.



6. References

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