



## CERTIFICATION REGULATIONS

*Published by Lloyd's Register Edinburgh (Acoura Certification Ltd. and Acoura Marine Ltd. trading as  
Lloyd's Register)*

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## **1. Introductory explanation**

- 1.1** These Certification Regulations govern all certification services offered by Acoura Certification Limited trading as Lloyd's Register (UKAS accreditation number 0071) and Acoura Marine Limited trading as Lloyd's Register (UKAS accreditation number 0073, ASI accreditation code ASI-ACC-020 and ANSI accreditation ID 1219).
- 1.2** Acoura Certification Limited trading as Lloyd's Register and Acoura Marine Limited trading as Lloyd's Register adhere to ISO/IEC 17065 (Conformity assessment requirements for bodies certifying products, processes and services).
- 1.3** Under ISO/IEC 17065 Acoura Certification Limited trading as Lloyd's Register and Acoura Marine Limited trading as Lloyd's Register offer certification to a number of Certification Schemes, which contain standards.
- 1.4** A Lloyd's Register Customer agrees to adhere to the requirements of the Certification Scheme standard and the obligations laid out in section 3 (Scheme Member/Applicant Obligations).

## **2. Lloyd's Register Certification Systems**

- 2.1** Acoura Certification Ltd trading as Lloyd's Register and Acoura Marine Ltd trading as Lloyd's Register, hereon in referred to as LR, are independent third-party Certification Bodies operating Certification Systems for a number of Certification Schemes.
- 2.2** The Certification System for products (including services) and processes is an independent third-party system, compliant with ISO/IEC 17065, for determining product conformity against Scheme Standards. The Certification System may require examination of the product, the production process, the production environment, and the production, storage and distribution facilities and, where appropriate, assessment of the quality system records. Certification after initial assessment is followed by continuing assessment, audit, inspection or surveillance. Certified members receive a Certificate of Conformity and authorisation to use an appropriate Scheme Certification Mark, where relevant.

## **3. Scheme Member/Applicant Obligations**

All certified Scheme applicants/members/clients/participants (thereafter referred to as members) agree to:

- 3.1** Comply with all the requirements detailed in the appropriate Scheme Standards and not make any false statement or declaration during the course of certification.
- 3.2** Provide access announced or unannounced to LR assessment staff (and, where appropriate, accompanying authorised personnel) for the purpose of assessment of the member's product, the process, the production environment, the production, storage and distribution facilities and records against the requirements of the Scheme Standard.
- 3.3** Notify LR Edinburgh of any significant changes to the ownership or management structure of the unit/site producing certified product or changes in the facilities or methods of production/management, which may affect the certification granted.

- 3.4 At all times ensure compliance with all legislation that relates to the appropriate scheme sector. Where reference has been made to legislative requirements within the Scheme Standards, certification does not imply that all aspects of the referenced legislation have been met.
- 3.5 Immediately notify LR Edinburgh of any prosecutions or failure to comply with relevant industry related legislation which may breach Scheme requirements or of any failure to comply with Scheme Standards of which the member is aware of at time of application or becomes aware of relating to the operation of their business or personnel/staff involved with the operation of their business.
- 3.6 Maintain a system for the recording and actioning of complaints received in relation to the products certified.
- 3.7 Pay the necessary fees determined for the Scheme.
- 3.8 Notify LR Edinburgh of all units/businesses owned by the member, whether participating or not in the Certification Scheme.
- 3.9 Inform LR Edinburgh if receiving any other services or certification from another company within the Acoura or Lloyd's Register Groups [www.lr.org](http://www.lr.org)
- 3.10 Not bring the Scheme, the Scheme Owner or LR into disrepute. Not use its certification to make statements that LR considers to be misleading or unauthorised.
- 3.11 Agree that upon suspension, withdrawal or termination of certification, will cease to make claims of certification for the product, process, or system.
- 3.12 Adhere to the requirements set out in part (4) below.

#### **4. Use of Licenses, Certificates and Marks of Conformity**

- 4.1 Licenses, Certificates and Marks of Conformity (including but not limited to: passports, schedules and other official Scheme documents or mechanisms) remain the property of LR and must be returned or destroyed upon request.
- 4.2 Incorrect use of references to the Scheme or misleading use of Licenses, Certificates, Marks of Conformity indicating a product is certified, may result in the member being suspended or certification withdrawn.
- 4.3 Copies of certification documents must be reproduced in their entirety or according to the Scheme regulation.
- 4.4 Claims made in, and logos used in, advertising, brochures, websites and other public documents must meet the requirements of those specified in the Scheme Standard.

#### **5. Lloyd's Register Obligations**

As the certifying body for a Scheme, LR undertakes to provide for members of a Scheme the following:

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- 5.1 An independent assessment of the member's product the process, the production environment, the production, storage and distribution facilities and records to ascertain for certification purposes compliance with the requirements of the Scheme Standard.
- 5.2 Timely notification of any changes to the Scheme Standards.
- 5.3 A Certificate and authorisation to use the designated Scheme Mark following Certification, where relevant.

#### 5.4 Data Protection and Obligations under GDPR

##### 5.4.1 Key definitions

- **Acoura Holdings Ltd. and its group companies, Acoura Certification Ltd., Acoura Consulting Ltd. and Acoura Marine Ltd. (part of Lloyd's Register group) and trading as Lloyd's Register** here after referred to as ("LR") is both a data controller and a data processor.
- A **controller** determines the purposes and means of processing personal data.
- A **processor** is responsible for processing personal data on behalf of a controller.
- **General Data Protection Regulations (GDPR)** applies to processing carried out by organisations operating within the EU. It also applies to organisations outside the EU that offer goods or services to individuals in the EU.
- **Personal data** - The GDPR applies to 'personal data' meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier. This definition provides for a wide range of personal identifiers to constitute personal data, including name, identification number, location data or online identifier, reflecting changes in technology and the way organisations collect information about people.

##### 5.4.2 Principles

**GDPR states that all personal data must be:**

- processed lawfully, fairly and in a transparent manner in relation to individuals;
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with these purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods in so far as the personal data will be processed solely for archiving purposes

in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and

- processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures
- the controller shall be responsible for, and be able to demonstrate, compliance with the principles.

LR fully complies with all the conditions and principles of GDPR and it requires its scheme members to provide consent for data processing in-line with their relevant scheme membership.

### **5.4.3 Lawful basis for processing**

The primary Lawful Basis for holding and processing of personal data are either contractual or consent. As members of a scheme operated by LR you must consent to the lawful processing of your information as required for the operation of the scheme and in-line with the schemes rules.

#### **5.4.3.1 Consent**

By joining a LR managed scheme you are providing consent for LR to hold and process data in-line with the details of this agreement and the AIMS and Assist GDPR Updates which are available on the LR website.

#### **5.4.3.2 Contract**

Where services are provided via a third party contracting entity (e.g. Milk Purchaser or Cooperative) the contract between ourselves and the third party will cover the details of the lawful basis for data processing.

#### **5.4.3.3 Legitimate interests**

A legitimate interest assessment has been completed for elements of the client and scheme member data held by LR. While the primary Lawful Basis for holding and processing of personal data are either contractual or consent there are additional Legitimate Interest arguments that apply to audit reports, evidence, and system notes.

Identifiable personal information could legitimately be provided into the system regarding third parties such as industry professionals (Vets, Health Inspectors, Stockmen, Technical Staff etc..) or customers that we may not have explicit consent or a direct contract with.

LR reserves the right to justify the processing of such third party personal information where it forms part of its contractual or data processing duty.

In all such circumstance the data will be protected and secured to the same level as any information provided with explicit consent or under contract.

#### **5.4.4 Individual rights**

LR takes its responsibilities to its scheme members, customers and all data subjects very seriously. We will aim always to comply with the relevant regulations and provide systems and processes to support the following rights:

##### **5.4.4.1 Right to be informed**

You have the right to be informed about the collection and use of your personal data. LR will provide our privacy policy to all clients and scheme members. The LR privacy policy will continue to be reviewed on a quarterly basis to ensure it remains appropriate and reflective of LR work.

##### **5.4.4.2 Right of access**

You have the right to access your personal data held by LR. In all but exceptional cases LR will not charge a fee to comply with a subject access request.

However, where a request is manifestly unfounded or excessive, LR reserve the right to charge a “reasonable fee” for the administrative costs of complying with the request or if an individual requests further copies of their data following a request. Fees will be based on the administrative costs of providing further copies.

Responses to requests to access the data will be completed within one month of LR receiving the request.

##### **5.4.4.3 Right to rectification**

If you believe any personal information held about you by LR is inaccurate, you have the right to request to stop the processing of that data and to have the data rectified. Any remedial actions and a response to the request will be completed within one month of LR receiving a request to rectification.

##### **5.4.4.4 Right to erasure**

You have the right to request that we delete any personal information held about you. Any request will be investigated, actioned and a response to a request will be completed within one month of LR receiving the original request. It should be noted that the erasure of data will prevent the continued membership to a scheme.

##### **5.4.4.5 Right to restrict processing**

You have the right to request LR stop processing your personal data. Where this is appropriate and actioned, LR will prevent any further processing however, may store the personal data until a request to erase is received. It should be noted that restricting the processing of data may prevent the continued membership to a scheme.

All responses will be completed within one month of LR receiving the original request.

#### **5.4.4.6 Right to data portability**

You have the right to obtain and reuse your personal data. Requests should be made to the data controller and passed to LR via the controller to action in their role as data processor. For electronic requests Acoura will ensure personal data is provided in a readily available format. All responses will be completed within one month of LR receiving the original request.

#### **5.4.4.7 Right to object**

You have the right to object to the processing of personal data and an absolute right to prevent personal data being used in direct marketing. All responses will be completed within one month of LR receiving the original request.

#### **5.4.4.8 Rights related to automated decision making including profiling**

LR currently does not undertake any practices where decisions are based on automated processing, including profiling.

If this should change, LR will identify and notify you exactly of any change to existing work practices which mean future processes are found to fall under Article 22 of the GDPR. Accordingly, you will always retain the right not to be subject to a decision based solely on automated processing, including profiling.

#### **5.4.5 Accountability and governance**

LR is accountable for complying with the GDPR and accordingly has undertaken preparation measures to ensure GDPR compliance is met. Measures have included documentation, technical, organisational and the inclusion of new staff roles.

#### **5.4.6 Data protection by design and default**

LR systems and processes are designed to ensure data protection by default. Any new changes are subject to examination and acceptance by the Design Authority Group before being scheduled for development.

Existing systems are regularly penetration tested and prior to GDPR there has been a code review carried out by a contracted third party expert.

#### **5.4.7 Data protection officers**

LR has a designated data protection officer to monitor internal compliance, inform and advise on our data protection obligations, provide advice regarding Data Protection Impact Assessments (DPIAs) and act as main contact with the supervisory authority.

In addition to a data protection officer, LR maintains a data steward position that is available to assist and support data subjects and escalate responses to the DPO for further guidance where needed.

In the event of a complaint regarding LR managing of data, LR follow the GDPR supervisory authority guidance and encourage LR to be contacted. The LR data steward should be

contacted in the first instance and all complaints will be reported to the data protection officer by the data steward.

LR meet the requirement as both data controller and data processor, for differing data processing activities, accordingly LR details including DPO contact details are available on the ICO Register of Data Controllers.

#### **5.4.8 Security**

LR currently processes data securely by means of appropriate technical and organisational measures. LR works with its third-party suppliers to ensure data is fully ISO27001 compliant and that data is partitioned with our accreditation responsibilities in accordance with ISO/IEC 17065.

Further information about LR security measures are available in the LR Data Security Policy May 2018 and LR AIMS and Assist Security FAQs which are available on request.

#### **5.4.9 International transfers**

All LR data is held on UK & European servers (UK for LR systems, European for Office365). Some data regarding the delivery of audits (e.g. progress tracking) is presented via Smartsheet which is a US based cloud software.

#### **5.4.10 Personal data breaches**

LR maintains a formalised investigative process for use in the event of a data breach. Internal Service Level Guidelines for the process are:

- Initial Mitigation within 3 hours of the reported breach
- Initial investigation within 24 hours of the breach
- Full Root Cause Analysis (RCA) within 7 days
- Incident report, effected party contact and resolution and board report within 28 days

In addition to the incident report and RCA the data breach is logged within LR's data breach register which is part of the groups accredited Quality Management System.

#### **5.4.11 Derived Data and Analytics**

As part of our ongoing efforts to improve service accuracy and efficiency LR uses data analytic approaches to derive learnings from aggregated data.

The ICO provides six key recommendations for compliance of derived data and analytics with GDPR and we are fully supportive of, and adopt in full:

- anonymise personal data, where personal data is not necessary for the analysis;
- be transparent about the use of personal data for big data analytics and provide privacy notices at appropriate stages throughout a big data project;
- embed a privacy impact assessment process into big data projects to help identify privacy risks and address them;
- adopt a privacy by design approach in the development and application of big data analytics;

- develop ethical principles to help reinforce key data protection principles; and
- implement internal and external audits of machine learning algorithms to check for bias, discrimination and errors.

Examples of where anonymised, aggregated learnings and analytics may have considerable benefit to clients, scheme members and industry include:

- Average non-compliance rates and sector based standard deviations that can be used to calibrate the fairness of audits between members and schemes.
- The calibration of non-compliance rates over time to insure the maintenance of standards.
- The development of advanced analytics (including machine learning) to provide additional quality checks and validation capacity.

Details of the purpose of any of your data that has been anonymised and included in any analysis will be part of any Right of Access request.

Derived learnings based on any aggregated data are excluded from erasure, restriction or portability if they no longer contain any personally identifiable data.

## **6. Role of Lloyd’s Register Technical Advisory Committee (TAC)**

- 6.1** Where appropriate, LR appoints a TAC to advise on technical matters relating to the issue, maintenance and withdrawal of Certificates.
- 6.2** The composition of a Scheme TAC is available from the LR Edinburgh office.

## **7. How to join a Scheme**

- 7.1** Application information and scheme standards are available on the LR website or on request from the Edinburgh office.
- 7.2** Application to join a Scheme must be made on the appropriate application form available from the LR website or Edinburgh office and be accompanied by the appropriate payment. Fees are shown on current application forms and, if necessary, are available from the LR Edinburgh office. A separate application is required for each production or processing unit/site. An acknowledgement on receipt of an application form and the membership fee is sent to the applicant.
- 7.3** Unless otherwise notified, all memberships shall be due for renewal annually. LR shall notify existing members of their renewal fee prior to the renewal date.

## **8. Assessments**

- 8.1** LR appointed auditors will carry out all assessments. Member’s product, the process, the production environment, the production, storage and distribution facilities and records shall be assessed annually or at an interval determined by LR. Applicants shall be contacted to arrange a suitable date for an assessment within 4 weeks of LR receiving the application. Unless otherwise notified, re-assessment visits shall be by appointment. When arranging assessments, if the initial prospective date is unsuitable, then a further date must be arranged. Failure to agree to an appointment within the required timescale could lead to

suspension of membership until a visit is completed. Spot-checks may be carried out by auditors. These may be unannounced.

- 8.2 The assessment shall be conducted against the current issue of the relevant Scheme Standards and related documents. At the time of the assessment, a check shall be made that records and circumstances support the declaration of the calculation of the membership fee, if appropriate.

## 9. Certification Decisions

- 9.1 Following consideration of the assessment report by LR, the member shall be notified in writing of the outcome of the assessment and, where appropriate, the certification category awarded. This letter shall include, if appropriate, notification of any non-compliances requiring corrective action and, where appropriate, timescale for completion. A Certificate or Statement shall also be issued along with Certification Scheme Mark, e.g. stickers or passports, where appropriate.

- 9.2 A Certificate granted to an approved member is valid from the date of issue with its maintenance being subject to the member continuing to meet the requirements of Scheme Standards and Certification Regulations.

- 9.3 The Certification Scheme Mark may only be used in an approved form and only on products which are subject to the Certificate of Conformity issued to the producer concerned.

- 9.4 A member may be suspended from the Scheme for failing to meet the requirements of Scheme Standards or Certification Regulations. A member may withdraw voluntarily at any time, having paid all outstanding fees. In cases of suspension or withdrawal the Certificate is no longer valid, the Certification Scheme Mark can no longer be used by the member and no refund of membership fees will be made.

- 9.5 A member that has not provided satisfactory corrective action in line with the individual requirements of the Scheme Standard will be not-approved or suspended or withdrawn and will be required to reapply, if they wish to continue with the scheme.

## 10. Membership Categories

- 10.1 An explanation of membership categories for each Scheme is available from the LR Edinburgh office.

## 11. Amendments to Scheme Standards & Certification Regulations

- 11.1 The Scheme Standards are subject to a formal review by the appropriate Scheme Owner on a regular basis. Approved members shall be notified (through publications, electronic media or other means) of any amendments to the Scheme Standards and conditions that may affect them

- 11.2 Certification Regulations may be altered at any time. LR shall provide (through publications, electronic media or other means) updated Certification Regulations as soon as reasonably practicable. The current issue of Certification Regulations is available from the LR Edinburgh office and website at [www.lr.org](http://www.lr.org)

## 12. Approved Lists

- 12.1 LR may make available to Scheme Owners and authorised parties, on request, an up to date list of all members and the products for which they hold approval.
- 12.2 Any member who does not wish to have their membership details circulated on the list must notify the Scheme office in writing.
- 12.3 Regardless of action taken under 11.2, the Scheme Owner may notify those with a commercial interest, that a member's certification has been withdrawn.

## 13. Right of Decision Review and Appeal

- 13.1 **Review.** A member has the right to request a review of a decision on certification taken by LR by lodging notice of request for review in writing stating appropriate grounds to the Scheme Manager within 14 days of being notified of the decision against which the review is being made. The Scheme Manager shall refer the review to the appropriate LR TAC or competent individual and the decision will be reviewed. The member shall be informed in writing of the decision made within 14 days of receipt by the Scheme Manager of the review documentation. During the period of review the original LR certification decision will stand.
- 13.2 **Appeal.** If a member wishes to appeal against the review decision, they shall do so in writing to the LR Edinburgh Senior Team within 14 days of receipt of the review decision, giving details of the grounds for appeal. The LR Senior Team shall acknowledge receipt of the appeal within 7 days and shall advise the member of the appeal process, including the formation of an independent committee to investigate and the time scale for dealing with the appeal. LR reserves the right to charge the costs of appeal to the appellant should the appeal fail. During the period of appeal the original LR certification decision will stand.

## 14. Suspension and reinstatement

- 14.1 LR shall be entitled to suspend a Certificate and/or membership of a Scheme should it become aware of breaches to any requirements specified in (3) Member/Applicant Obligations or (4) Use of Licenses, Certificates and Marks of Conformity.
- 14.2 LR shall be entitled to suspend membership/application immediately if it is notified of (or becomes aware of) a prosecution relating to a member's business or if notified of (or becomes aware of) a breach of relevant industry related legislation. If the member is subsequently convicted of an offence in relation to their business, LR shall be entitled to suspend membership/application with immediate effect, to accept undertakings from the member or to take no further action.
- 14.3 If LR accepts undertakings from the member, membership/application shall be reinstated subject to satisfactory compliance with the member's undertaking. If LR decides to take no further action membership/application shall be reinstated with immediate effect.
- 14.4 LR handles suspensions of this nature in accordance with its Membership Suspension Policy. This is available on request from the LR Edinburgh office.

## 15. Complaints

**15.1 Complaints Related to Product.** The responsibility for complying with the requirements of the Certification Scheme as defined in the Scheme Standards and for complying with statutory requirements rests absolutely with the member/applicant. Therefore, any complaint about a product or any complaint arising from possible infringements of the law shall be dealt with by the Member/Applicant concerned. Complaints of this nature coming directly to LR shall be referred to the Member/Applicant concerned for appropriate corrective action to be taken. Members/applicants are required to maintain a record of all complaints and any subsequent action taken and make this available to auditors during assessment visits.

**15.2 Complaints concerning the Certification Scheme.** Written complaints concerning the operation of the Certification Scheme shall be dealt with in accordance with LR's Complaint Procedure. LR shall:

- Acknowledge the complaint.
- Investigate the complaint and the responsible manager shall advise the complainant in writing of the outcome of the investigation.
- Inform the LR Edinburgh Senior Team of the complaint and the outcome of the investigation at its next meeting

**15.3 Complaints Related to Scheme Members.** LR handles all complaints relating to Scheme Members in accordance with its Complaints Policy. This is available on request from the LR Edinburgh office.