



March 2025

Legal Framework – aid4face2geo Biometric Data Processing

Legal framework for Odessa International Trust as humanitarian relief support services operator to process **cross-border biometric and geo-location data** of vulnerable minors/refugees in conflict/disaster zones, compliant with **EU regulations (GDPR), humanitarian law, and human rights standards**:

1. Legal Basis for Processing

- **GDPR Art. 6(1)(d)** ("Vital interests") + **Art. 9(2)(c)** ("Protection of vital interests")**
 - Applies when processing is necessary to protect life in emergencies (e.g., wounded minors unable to consent).
- **GDPR Art. 6(1)(e)** ("Public interest") + **Art. 9(2)(g)** ("Substantial public interest")**
 - Justified for humanitarian missions under international law (e.g., UN Refugee Convention).

2. Special Protections for Minors & Non-Consensual Cases

- **Manual Onboarding:** If consent is impossible (e.g., unconscious minors):
 - **Legal Guardian Proxy:** Seek consent from accompanying family/guardians per **GDPR Art. 8(1)**.
 - **Humanitarian Exemption:** If no guardian, rely on **UNCRC Art. 3** (best interests of the child) and **GDPR Art. 6(1)(d)**.
- **Third-Party Sync:** Only share data with **licensed aid agencies** under:
 - **Data Processing Agreements (DPAs)** (GDPR Art. 28) with strict purpose limitation.

3. Data Minimization & Security

- **Biometric/GPS Scope:** Collect only **essential data** (e.g., fingerprints for aid distribution, GPS for evacuation routes).
- **Encryption: Anonymize/pseudonymize** (GDPR Art. 25) in transit/storage (e.g., AES-256 encryption).
- **Retention:** Delete data when the emergency ends (e.g., 6 months post-crisis unless legal hold applies).

4. Compliance with International Standards

- **UN Guiding Principles on Business and Human Rights:**
 - Conduct **Human Rights Impact Assessments (HRIAs)** for high-risk operations.
- **ICRC Data Protection Guidelines:**
 - Prohibit sharing data with parties that may harm beneficiaries (e.g., conflict actors).

5. Volunteer & Partner Obligations

- **Training:** Volunteers must complete **GDPR/humanitarian data protection training**.
- **Binding Agreements:** Partners must sign **DPAs** adhering to **EU Standard Contractual Clauses (SCCs)** if extra-EU transfers occur.

6. Transparency & Accountability

- **Privacy Notice:** Post in local languages (even if consent is waived), per **GDPR Art. 13-14**.
- **DPO Appointment:** Required under **GDPR Art. 37** (for large-scale sensitive data processing).

Key Documents Needed

1. **Data Protection Policy** (aligned with GDPR + ICRC standards).
2. **Humanitarian Exemption Justification** (citing UNCRC/UN Refugee Protocol).
3. **DPA with Partners** (including SCCs for non-EU transfers).
4. **HRIA Reports** (for high-risk zones like active conflicts).

Further information:

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