

Bromhead Policy

Process name:	General Data Protection
Version number:	1.3
Responsibility:	Internal Data Protection Representative
Review date:	May 2019
Who is involved in this process?	All staff

Contents

Overview.....	2
The Data Protection Principles.....	2
Lawful, Fair, and Transparent Data Processing.....	3
Processed for Specified, Explicit and Legitimate Purposes.....	3
Adequate, Relevant and Limited Data Processing.....	3
Accuracy of Data and Keeping Data Up To Date.....	3
Timely Processing.....	4
Secure Processing.....	4
Accountability.....	4
Privacy Impact Assessments.....	4
The Rights of Data Subjects.....	4
Keeping Data Subjects Informed.....	5
Data Subject Access.....	6
Rectification of Personal Data.....	6
Erasure of Personal Data.....	6
Restriction of Personal Data Processing.....	7
Objections to Personal Data Processing.....	7
Automated Decision-Making.....	7
Profiling.....	8
Personal Data.....	8
Data Protection Measures.....	8
Organisational Measures.....	10
Transferring Personal Data to a Country Outside the EEA.....	11
Data Breach Notification.....	11

Overview

This Policy sets out the obligations of Bromhead (“the Company”) regarding data protection and the rights of Clients, Suppliers and Staff (“data subjects”) in respect of their personal data under the General Data Protection Regulation (“the Regulation”).

The Regulation defines “personal data” as any information relating to an identified or identifiable natural person (a data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person.

This Policy sets out the procedures that are to be followed when dealing with personal data. The procedures and principles set out herein must be followed at all times by the Company, its employees, agents, contractors, or other parties working on behalf of the Company.

The Company is committed not only to the letter of the law, but also to the spirit of the law and places high importance on the correct, lawful, and fair handling of all personal data, respecting the legal rights, privacy, and trust of all individuals with whom it deals.

The Data Protection Principles

This Policy aims to ensure compliance with the Regulation. The Regulation sets out the following principles with which any party handling personal data must comply. All personal data must be:

- a) processed lawfully, fairly, and in a transparent manner in relation to the data subject;
- b) collected for specified, explicit, and legitimate purposes and not further processed in a manner that is incompatible with those 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;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed;
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which they are processed, is erased or rectified without delay;
- e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed; personal data may be stored for longer periods insofar 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 Regulation in order to safeguard the rights and freedoms of the data subject;
- f) 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.

Lawful, Fair, and Transparent Data Processing

The Regulation seeks to ensure that personal data is processed lawfully, fairly, and transparently, without adversely affecting the rights of the data subject. The Regulation states that processing of personal data shall be lawful if at least one of the following applies:

- a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- b) processing is necessary for the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract;
- c) processing is necessary for compliance with a legal obligation to which the controller is subject;
- d) processing is necessary to protect the vital interests of the data subject or of another natural person;
- e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;

processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

Processed for Specified, Explicit and Legitimate Purposes

The Company collects and processes the personal data set out in section 'Data Protection Measures' of this Policy. This may include personal data received directly from data subjects (for example, contact details used when a data subject communicates with us).

The Company only processes personal data for the specific purposes set out in section 'Data Protection Measures' of this Policy (or for other purposes expressly permitted by the Regulation). The purposes for which we process personal data will be informed to data subjects at the time that their personal data is collected, where it is collected directly from them, or as soon as possible (not more than one calendar month) after collection where it is obtained from a third party.

Adequate, Relevant and Limited Data Processing

The Company will only collect and process personal data for and to the extent necessary for the specific purpose(s) informed to data subjects.

Accuracy of Data and Keeping Data Up To Date

The Company shall ensure that all personal data collected and processed is kept accurate and up-to-date. The accuracy of data shall be checked on collection and periodically thereafter. Where any inaccurate or out-of-date data is found, all reasonable steps will be taken without delay to amend or erase that data, as appropriate.

Timely Processing

The Company shall not keep personal data for any longer than is necessary in light of the purposes for which that data was originally collected and processed. When the data is no longer required, all reasonable steps will be taken to erase it without delay.

Secure Processing

The Company shall ensure that all personal data collected and processed is kept secure and protected against unauthorised or unlawful processing and against accidental loss, destruction or damage. Further details can be found in sections 'Organisation measures' and 'Transferring Personal Data to a Country Outside the EEA'.

Accountability

The Company's data protection representative is Neil Stevens, Harscombe House, 1 Darklake View, Estover, Plymouth, PL6 7TL. Email: neil.stevens@bromheadco.co.co.uk

The Company shall keep internal records of all personal data collection, holding, and processing, which shall incorporate the following information:

- a) The name and details of the Company, its data protection representative, and any applicable third party data controllers;
- b) The purposes for which the Company processes personal data;
- c) Details of the categories of personal data collected, held, and processed by the Company; and the categories of data subject to which that personal data relates;
- d) Details (and categories) of any third parties that will receive personal data from the Company;
- e) Details of any transfers of personal data to non-EEA countries including all mechanisms and security safeguards;
- f) Details of how long personal data will be retained by the Company; and
- g) Detailed descriptions of all technical and organisational measures taken by the Company to ensure the security of personal data.

Privacy Impact Assessments

The Company shall consider carrying out Privacy Impact Assessments as and when required under the Regulation. If it is necessary to carry out a Privacy Impact Assessment, it shall be overseen by the Company's data protection representative and will contain the information provided in the DIPA process checklist as provided by the ICO.

The Rights of Data Subjects

The Regulation sets out the following rights applicable to data subjects:

- a) The right to be informed;
- b) The right of access;
- c) The right to rectification;

- d) The right to erasure (also known as the 'right to be forgotten');
- e) The right to restrict processing;
- f) The right to data portability;
- g) The right to object;
- h) Rights with respect to automated decision-making and profiling.

Keeping Data Subjects Informed

The Company shall ensure that the following information is provided to every data subject via our Privacy Notice document or in the contact i.e. a client's letter of engagement or an employee's contact of employment:

- a) Details of the Company including, but not limited to, the identity of Neil Stevens, its Data Protection representative;
- b) The purpose(s) for which the personal data is being collected and will be processed (as detailed in the 'Data Protection Measures' section of this Policy) and the legal basis justifying that collection and processing;
- c) Where applicable, the legitimate interests upon which the Company is justifying its collection and processing of the personal data;
- d) Where the personal data is not obtained directly from the data subject, the categories of personal data collected and processed;
- e) Where the personal data is to be transferred to one or more third parties, details of those parties;
- f) Where the personal data is to be transferred to a third party that is located outside of the European Economic Area (the "EEA"), details of that transfer, including but not limited to the safeguards in place (see section 'Transferring Personal Data to a country outside the EEA' of this Policy for further details concerning such third country data transfers);
- g) Details of the length of time the personal data will be held by the Company (or, where there is no predetermined period, details of how that length of time will be determined);
- h) Details of the data subject's rights under the Regulation;
- i) Details of the data subject's right to withdraw their consent to the Company's processing of their personal data at any time;
- j) Details of the data subject's right to complain to the Information Commissioner's Office (the 'supervisory authority' under the Regulation);
- k) Where applicable, details of any legal or contractual requirement or obligation necessitating the collection and processing of the personal data and details of any consequences of failing to provide it;

- l) Details of any automated decision-making that will take place using the personal data, including information on how decisions will be made, the significance of those decisions and any consequences.

The information set out above (see section Keeping Data Subjects Informed) shall be provided to the data subject at the following applicable time:

- Where the personal data is obtained from the data subject directly, via reference to our privacy notice publicly available on our website
- Where the personal data is not obtained from the data subject directly (i.e. from another party):
 - a) If the personal data is used to communicate with the data subject, at the time of the first communication; or
 - b) If the personal data is to be disclosed to another party, before the personal data is disclosed; or
 - c) In any event, not more than one month after the time at which the Company obtains the personal data.

Data Subject Access

A data subject may make a subject access request (“SAR”) at any time to find out more about the personal data which the Company holds about them. The Company is normally required to respond to SARs within one month of receipt (this can be extended by up to two months in the case of complex and/or numerous requests, and in such cases the data subject shall be informed of the need for the extension).

All subject access requests received must be forwarded to Neil Stevens, the Company’s data protection representative. Email: neil.stevens@bromheadco.co.uk

The Company does not charge a fee for the handling of normal SARs. The Company reserves the right to charge reasonable fees for additional copies of information that has already been supplied to a data subject, and for requests that are manifestly unfounded or excessive, particularly where such requests are repetitive.

Rectification of Personal Data

If a data subject informs the Company that personal data held by the Company is inaccurate or incomplete, requesting that it be rectified, the personal data in question shall be rectified, and the data subject informed of that rectification, within one month of receipt the data subject’s notice (this can be extended by up to two months in the case of complex requests, and in such cases the data subject shall be informed of the need for the extension).

In the event that any affected personal data has been disclosed to third parties, those parties shall be informed of any rectification of that personal data.

Erasure of Personal Data

Data subjects may request that the Company erases the personal data it holds about them in the following circumstances:

- a) It is no longer necessary for the Company to hold that personal data with respect to the purpose for which it was originally collected or processed;

- b) The data subject wishes to withdraw their consent to the Company holding and processing their personal data;
- c) The data subject objects to the Company holding and processing their personal data (and there is no overriding legitimate interest to allow the Company to continue doing so)
- d) The personal data has been processed unlawfully;
- e) The personal data needs to be erased in order for the Company to comply with a particular legal obligation.

Unless the Company has reasonable grounds to refuse to erase personal data, all requests for erasure shall be complied with, and the data subject informed of the erasure, within one month of receipt of the data subject's request (this can be extended by up to two months in the case of complex requests, and in such cases the data subject shall be informed of the need for the extension).

In the event that any personal data that is to be erased in response to a data subject request has been disclosed to third parties, those parties shall be informed of the erasure (unless it is impossible or would require disproportionate effort to do so).

Restriction of Personal Data Processing

Data subjects may request that the Company ceases processing the personal data it holds about them. If a data subject makes such a request, the Company shall retain only the amount of personal data pertaining to that data subject that is necessary to ensure that no further processing of their personal data takes place.

In the event that any affected personal data has been disclosed to third parties, those parties shall be informed of the applicable restrictions on processing it (unless it is impossible or would require disproportionate effort to do so).

Objections to Personal Data Processing

Data subjects have the right to object to the Company processing their personal data based on legitimate interests and direct marketing.

Where a data subject objects to the Company processing their personal data based on its legitimate interests, the Company shall cease such processing forthwith, unless it can be demonstrated that the Company's legitimate grounds for such processing override the data subject's interests, rights and freedoms; or the processing is necessary for the conduct of legal claims.

Where a data subject objects to the Company processing their personal data for direct marketing purposes, the Company shall cease such processing forthwith.

Automated Decision-Making

In the event that the Company uses personal data for the purposes of automated decision-making and those decisions have a legal (or similarly significant effect) on data subjects, data subjects have the right to challenge such decisions under the Regulation, requesting human intervention, expressing their own point of view, and obtaining an explanation of the decision from the Company.

This does not apply in the following circumstances:

- a) The decision is necessary for the entry into, or performance of, a contract between the Company and the data subject;
- b) The decision is authorised by law; or
- c) The data subject has given their explicit consent.

Profiling

The Company reserves the right to use personal data for profiling purposes, the following shall apply:

- a) Clear information explaining the profiling will be provided, including its significance and the likely consequences;
- b) Appropriate mathematical or statistical procedures will be used;
- c) Technical and organisational measures necessary to minimise the risk of errors and to enable such errors to be easily corrected shall be implemented; and
- d) All personal data processed for profiling purposes shall be secured in order to prevent discriminatory effects arising out of profiling (see 'Organisational measures' and Transferring personal data to a country outside of the EEA' for more information)

Personal Data

The following personal data may be collected, held, and processed by the Company:

- a) Client details, we hold details which include name, address, telephone number, email address to allow us to provide services and to comply with legal obligations;
- b) Client contacts, we may hold the names, telephone numbers and email addresses of clients staff members or contacts to be able to contact them to provide the contracted services;
- c) Supplier details, we hold supplier details to allow us to do business with that supplier and to comply with legal obligations;
- d) Employee details, we hold personal details of Bromhead employees to allow us to comply with legal obligations.

Data Protection Measures

The Company shall ensure that all its employees, agents, contractors, or other parties working on its behalf comply with the following when working with personal data:

- a) Electronic communications containing personal data should be sent using an appropriately secure facility such as a secure portal system or encrypted email;
- b) Where any personal data is to be erased or otherwise disposed of for any reason (including where copies have been made and are no longer needed), it will be securely deleted and disposed of. Hardcopies will be shredded, and

electronic copies should be deleted securely as advised by our IT provider at the time.

- c) Personal data may be transmitted over secure networks only; transmission over unsecured networks is not permitted in any circumstances;
- d) Personal data may not be transmitted over a wireless network if there is a wired alternative that is reasonably practicable;
- e) Where emails contain personal data, whether sent or received, they should be saved in the appropriate secure location i.e. Virtual Cabinet. The email itself should then be deleted;
- f) Where personal data is to be sent by facsimile transmission the recipient should be informed in advance of the transmission to arrange collection
- g) Where Personal data is to be transferred in hardcopy form it should be passed directly to the recipient or sent using an appropriate postal service provider;
- h) No personal data may be shared informally and if an employee, agent, subcontractor, or other party working on behalf of the Company requires access to any personal data that they do not already have access to, such access should be formally requested from the Practice Manager;
- i) All hardcopies of personal data, along with any electronic copies stored on physical, removable media should be stored securely within our secure office facilities;
- j) No personal data may be transferred to any employees, agents, contractors, or other parties, whether such parties are working on behalf of the Company or not, without the authorisation of the Practice Manager or Data Protection representative;
- k) Personal data must be handled with care at all times and should not be left unattended or on view to unauthorised employees, agents, sub-contractors or other parties at any time;
- l) If personal data is being viewed on a computer screen and the computer in question is to be left unattended for any period of time, the user must lock the computer and screen before leaving it;
- m) Personal data should only be stored on an appropriate encrypted/security or password protected mobile device (including, but not limited to, laptops, tablets and smartphones belonging to the Company or otherwise), for no longer than is absolutely necessary to ensure the data is returned to the office.
- n) No personal data should be transferred to any device personally belonging to an employee and personal data may only be transferred to devices belonging to agents, contractors, or other parties working on behalf of the Company where the party in question has agreed to comply fully with the letter and spirit of this Policy and of the Regulation (which may include demonstrating to the Company that all suitable technical and organisational measures have been taken);
- o) All personal data stored electronically should be backed up daily with back-ups stored onsite and offsite. All backups should be encrypted;

- p) All electronic copies of personal data should be stored securely using passwords and data encryption;
- q) All passwords used to protect personal data should be changed regularly and should not use words or phrases that can be easily guessed or otherwise compromised;
- r) Under no circumstances should any passwords be written down or shared between any employees, agents, contractors, or other parties working on behalf of the Company, irrespective of seniority or department. If a password is forgotten, it must be reset using the applicable method via our IT service provider;
- s) Where personal data held by the Company is used for marketing purposes, it shall be the responsibility of the Data Protection Representative to ensure that data subjects have the right to opt out as easily as they have opted in.

Organisational Measures

The Company shall ensure that the following measures are taken with respect to the collection, holding, and processing of personal data:

- a) All employees, agents, contractors, or other parties working on behalf of the Company shall be made fully aware of both their individual responsibilities and the Company's responsibilities under the Regulation and under this Policy, and shall be provided with a copy of this Policy;
- b) Only employees, agents, sub-contractors, or other parties working on behalf of the Company that need access to, and use of, personal data in order to carry out their assigned duties correctly shall have access to personal data held by the Company;
- c) All employees, agents, contractors, or other parties working on behalf of the Company handling personal data will be appropriately trained to do so;
- d) All employees, agents, contractors, or other parties working on behalf of the Company handling personal data will be appropriately supervised;
- e) Methods of collecting, holding and processing personal data shall be evaluated and reviewed as and when necessary;
- f) The performance of those employees, agents, contractors, or other parties working on behalf of the Company handling personal data shall be regularly evaluated and reviewed;
- g) All employees, agents, contractors, or other parties working on behalf of the Company handling personal data will be bound to do so in accordance with the principles of the Regulation and this Policy by contract;
- h) All agents, contractors, or other parties working on behalf of the Company handling personal data must ensure that any and all of their employees who are involved in the processing of personal data are held to the same conditions as those relevant employees of the Company arising out of this Policy and the Regulation;
- i) Where any agent, contractor or other party working on behalf of the Company handling personal data fails in their obligations under this Policy that party shall

indemnify and hold harmless the Company against any costs, liability, damages, loss, claims or proceedings which may arise out of that failure.

Transferring Personal Data to a Country Outside the EEA

Should the need ever arise the Company reserves the right to transfer ('transfer' includes making available remotely) personal data to countries outside of the EEA.

The transfer of personal data to a country outside of the EEA shall take place only if one or more of the following applies:

- a) The transfer is to a country, territory, or one or more specific sectors in that country (or an international organisation), that the European Commission has determined ensures an adequate level of protection for personal data;
- b) The transfer is to a country (or international organisation) which provides appropriate safeguards in the form of a legally binding agreement between public authorities or bodies; binding corporate rules; standard data protection clauses adopted by the European Commission; compliance with an approved code of conduct approved by a supervisory authority (e.g. the Information Commissioner's Office); certification under an approved certification mechanism (as provided for in the Regulation); contractual clauses agreed and authorised by the competent supervisory authority; or provisions inserted into administrative arrangements between public authorities or bodies authorised by the competent supervisory authority;
- c) The transfer is made with the informed consent of the relevant data subject(s);
- d) The transfer is necessary for the performance of a contract between the data subject and the Company (or for pre-contractual steps taken at the request of the data subject);
- e) The transfer is necessary for important public interest reasons;
- f) The transfer is necessary for the conduct of legal claims;
- g) The transfer is necessary to protect the vital interests of the data subject or other individuals where the data subject is physically or legally unable to give their consent; or
- h) The transfer is made from a register that, under UK or EU law, is intended to provide information to the public and which is open for access by the public in general or otherwise to those who are able to show a legitimate interest in accessing the register.

Data Breach Notification

All personal data breaches must be reported immediately to the Company's data protection representative.

If a personal data breach occurs and that breach is likely to result in a risk to the rights and freedoms of data subjects (e.g. financial loss, breach of confidentiality, discrimination, reputational damage, or other significant social or economic damage), the data protection representative must ensure that the Information Commissioner's Office is informed of the breach without delay, and in any event, within 72 hours after having become aware of it.

In the event that a personal data breach is likely to result in a high risk (that is, a higher risk than that described below) to the rights and freedoms of data subjects, the data protection representative must ensure that all affected data subjects are informed of the breach directly and without undue delay.

Data breach notifications shall include the following information:

- a) The categories and approximate number of data subjects concerned;
- b) The categories and approximate number of personal data records concerned;
- c) The name and contact details of the Company's data protection representative (or other contact point where more information can be obtained);
- d) The likely consequences of the breach;
- e) Details of the measures taken, or proposed to be taken, by the Company to address the breach including, where appropriate, measures to mitigate its possible adverse effects.