



## **General Data Protection Regulation Policy 25<sup>th</sup> May 2018**

Polycast is committed to a policy of protecting the rights and privacy of individuals, including staff and customers, in accordance with the General Data Protection Regulation (GDPR) May 2018.

The new regulatory environment demands higher transparency and accountability in how Polycast manages and uses personal data. It also accords new and stronger rights for individuals to understand and control that use.

The GDPR contains provisions that Polycast will need to be aware of as data controllers, including provisions intended to enhance the protection of employee's personal data.

Polycast needs to process certain information about its employees, suppliers and customers for various purposes such as, but not limited to:

1. The recruitment and payment of staff.
2. Complying with legal obligations to funding bodies and government including local government.
3. The management of its business

To comply with various legal obligations, including the obligations imposed on it by the General Data Protection Regulation (GDPR) Polycast must ensure that all this information about individuals is collected and used fairly, stored safely and securely, and not disclosed to any third party unlawfully.

### **Compliance**

This policy applies to all employees of Polycast. Any breach of this policy or of the Regulation itself will be considered an offence and Polycast's disciplinary procedures will be invoked.

As a matter of best practice, other agencies and individuals working with Polycast and who have access to personal information, will be expected to read and comply with this policy. It is expected that departments who are responsible for dealing with external bodies will take the responsibility for ensuring that such bodies sign a contract which among other things will include an agreement to abide by this policy.

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments to the GDPR and other relevant legislation.

### **General Data Protection Regulation (GDPR)**

This piece of legislation comes in to force on the 25<sup>th</sup> May 2018. The GDPR regulates the processing of personal data and protects the rights and privacy of all living individuals (including children), for example by giving all individuals who are the subject of personal data a general right of access to the personal data which relates to them. Individuals can exercise the right to gain access to their information by means of a 'subject access request'. Personal data is information relating to an individual and may be in hard or soft copy (paper/manual files; electronic records; photographs; CCTV images) and may include facts or opinions about a person.

### **Responsibilities under the GDPR**

Polycast is the 'data controller' under the terms of the legislation – this means it is ultimately responsible for controlling the use and processing of the personal data. Polycast has appointed a Data Champion, currently Tanya Brennan who is available to address any concerns regarding the data held and how it is processed, held and used.

The Senior Leadership Team is responsible for all day-to-day data protection matters and will be responsible for ensuring that all members of staff and relevant individuals abide by this policy, and for developing and encouraging good information handling within Polycast.

### **Data Protection Principles**

The legislation places a responsibility on every data controller to process any personal data in accordance with the eight principles.

In order to comply with its obligations, Polycast undertakes to adhere to the eight principles:

#### **1) Process personal data fairly and lawfully.**

Polycast will make all reasonable efforts to ensure that individuals who are the focus of the personal data (data subjects) are informed of the identity of the data controller, the purposes of the processing, any disclosures to third parties that are envisaged; given an indication of the period for which the data will be kept, and any other information which may be relevant.

#### **2) Process the data for the specific and lawful purpose for which it collected that data and not further process the data in a manner incompatible with this purpose.**

Polycast will ensure that the reason for which it collected the data originally is the only reason for which it processes those data, unless the individual is informed of any additional processing before it takes place.

#### **3) Ensure that the data is adequate, relevant and not excessive in relation to the purpose for which it is processed.**

Polycast will not seek to collect any personal data which is not strictly necessary for the purpose for which it was obtained. Forms for collecting data will always be drafted with this mind.

#### **4) Keep personal data accurate and, where necessary, up to date.**

Polycast will review and update all data on a regular basis. It is the responsibility of the individuals giving their personal data to ensure that this is accurate, and each individual should notify Polycast if, for example, a change in circumstances mean that the data needs to be updated. It is the responsibility of Polycast to ensure that any notification regarding the change is noted and acted on.

#### **5) Only keep personal data for as long as is necessary.**

Polycast undertakes not to retain personal data for longer than is necessary to ensure compliance with the legislation, and any other statutory requirements.

Polycast will dispose of any personal data in a way that protects the rights and privacy of the individual concerned (e.g. secure electronic deletion, shredding and disposal of hard copy files as confidential waste). A log will be kept of the records destroyed.

#### **6) Process personal data in accordance with the rights of the data subject under the legislation.**

Individuals have various rights under the legislation including a right to:

- be told the nature of the information Polycast holds and any parties to whom this may be disclosed.
- prevent processing likely to cause damage or distress.
- prevent processing for purposes of direct marketing.
- be informed about the mechanics of any automated decision-making process that will significantly affect them.
- not have significant decisions that will affect them taken solely by automated process.
- Sue for compensation if they suffer damage by any contravention of the legislation.
- take action to rectify, block, erase or destroy inaccurate data.

- request that the Office of the Information Commissioner assess whether any provision of the Act has been contravened.

Polycast will only process personal data in accordance with individuals' rights.

#### **7) Put appropriate technical and organisational measures in place against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of data.**

All members of staff are responsible for ensuring that any personal data which they hold is kept securely and not disclosed to any unauthorised third parties.

Polycast will ensure that all personal data is accessible only to those who have a valid reason for using it.

Polycast will have in place appropriate security measures:

- keeping all personal data in a lockable cabinet with key-controlled access.
- password protecting personal data held electronically.
- archiving personal data to be then kept securely (lockable cabinet).
- placing any PCs or terminals, CCTV camera screens etc. that show personal data so that they are not visible except to authorised staff.
- ensuring that PC screens are not left unattended without a password protected screen-saver being used.

In addition, Polycast will put in place appropriate measures for the deletion of personal data - manual records will be shredded or disposed of as 'confidential waste' and appropriate contract terms will be put in place with any third parties undertaking this work. Hard drives of redundant PCs will be wiped clean before disposal or if that is not possible, destroyed physically. A log will be kept of the records destroyed.

#### **8) Ensure that no personal data is transferred to a country or a territory outside the European Economic Area (EEA) unless that country or territory ensures adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.**

Polycast will not transfer data to such territories without the explicit consent of the individual.

#### **Consent as a basis for processing**

Although it is not always necessary to gain consent from individuals before processing their data, it is often the best way to ensure that data is collected and processed in an open and transparent manner.

Consent is especially important when Polycast is processing any sensitive data, as defined by the legislation.

Polycast understands consent to mean that the individual has been fully informed of the intended processing and has signified their agreement (e.g. via the enrolment form) whilst being of a sound mind and without having any undue influence exerted upon them. Consent obtained on the basis of misleading information will not be a valid basis for processing. Consent cannot be inferred from the non-response to a communication.

#### *"Personal Details*

- *For the purposes of the General Data Protection Regulation (GDPR)*

*(Regulation (EU) 2016/679) you consent to Polycast holding and processing personal data including sensitive personal data of which you are the subject, details of which are specified in Polycast's data protection policy. "*

Polycast will ensure that any forms used to gather data on an individual will contain a statement (fair collection statement) explaining the use of that data, how the data may be disclosed and also indicate whether or not the individual needs to consent to the processing.

In order to manage our business, the company keep records about our employees that necessarily include the following information:

- Name
- Date of birth
- Sex
- Address
- Next of kin
- Sickness record
- Disciplinary record
- CV
- References
- Qualifications
- Rate of pay
- Bank details
- Performance record
- Appraisals
- Criminal records

It is a requirement under the GDPR that you consent to our processing data about you. Some data is referred to in the regulation as "sensitive personal data". This means personal data consisting of information as to:

- The racial or ethnic origin of the data subject,
- Political opinions,
- Religious beliefs or other beliefs of a similar nature,
- Whether the employee is a member of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992),
- Physical or mental health or condition,
- Sexual life,
- The commission or alleged commission by the employee of any offence, or
- Any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court in such proceedings.

In an employee's contract of employment, they expressly consent to our processing data including sensitive personal data about you. With this consent it is lawful for us to process data in order to keep the records about our employees necessary for us to meet the needs of running our business and other legal requirements.

### **Data Subject Rights**

The Data Protection Officer will establish a system to enable and facilitate the exercise of data subject rights related to:

- Information access.
- Objection to processing.
- Objection to automated decision-making and profiling.
- Restriction of processing.
- Data portability.
- Data rectification.
- Data erasure. If an individual makes a request relating to any of the rights listed above

POLYCAST will consider each such request in accordance with all applicable data protection laws and regulations. No administration fee will be charged for considering and/or complying with such a request unless the request is deemed to be unnecessary or excessive in nature. data subjects are entitled to obtain, based upon a request made in writing/email to: [tanya.brennan@polycast.ltd.uk](mailto:tanya.brennan@polycast.ltd.uk)

### **Disclosure of Data**

Only disclosures which have been formally requested by emailing Tanya Brennan will be actioned.

Polycast undertakes not to disclose personal data to unauthorised third parties, including family members, friends, government bodies and in some circumstances, the police.

Legitimate disclosures may occur in the following instances:

- the individual has given their consent to the disclosure.
- the disclosure is required for the performance of a contract.
- There is a legal requirement to do so.

There are other instances when the legislation permits disclosure without the consent of the individual.

### **Procedure for review**

This policy will be updated as necessary to reflect best practice or future amendments made to the General Data Protection Regulation (GDPR) May 2018 and Data Protection Act 1998.

Please follow this link to the ICO's website ([www.ico.gov.uk](http://www.ico.gov.uk)) which provides further detailed guidance on a range of topics including individuals' rights, exemptions from the Act, dealing with subject access requests, how to handle requests from third parties for personal data to be disclosed etc. In particular, you may find it helpful to read the Guide to Data Protection which is available from the website.

For help or advice on any data protection or freedom of information issues, please do not hesitate to contact: Tanya Brennan

Kind regards

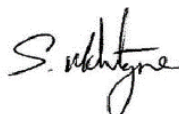
The Data Protection Champion – Tanya Brennan

### **SIGNED:**



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**Andrew Martin**  
Managing Director



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**Stuart McIntyre**  
Quality Director