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| Newburn Power Rental<br>Quality Manual | Policy POL 160027  | Page 1 of 10 |
| Section: <b>Data Protection</b>        | Subject Title: Privacy Notice and Policy,<br>previously Data Protection Policy |              |
| Prepared by: C E Bright                | Original Date: 17 <sup>th</sup> November 2016                                  |              |
| Issued by: C E Bright                  | Revision Date: 25 <sup>th</sup> May 2018                                       |              |
| Approved by: M Henstock                | Annual Review Date: 17 <sup>th</sup> November 2018                             |              |

**Policy:**

Newburn Power Rental Limited needs to collect and use certain types of information about the Individuals who come into contact with Newburn Power Rental Limited in order to carry on our work.

This can include customers, suppliers, business contacts, employees and other people the organisation has a relationship with or may need to contact.

This personal information must be collected and dealt with appropriately whether it is collected on paper, stored in a computer database, or recorded on other material. This policy describes how this personal data must be collected, handled and stored to meet the company’s data protection standards and to comply with the Data Protection Act 1998, as amended by The General Data Protection Regulation 2016 (GDPR).

**Purpose:**

Our Privacy Notice sets out our commitment to protecting personal data and how we implement that commitment with regards to the collection and use of personal data. It is open about how we store and process individual’s data and details how we protect ourselves from the risks of a data breach.

**Responsibility:**

Newburn Power Rental Limited is the Data Controller under the Act, which means that it determines what purposes personal information held will be used for.

Everyone who works for or with Newburn Power Rental Limited has some responsibility for ensuring data is collected, stored and handled appropriately. Each person that handles

personal data must ensure that it is handled and processed in line with this policy and data protection principles.

The Board of Directors is ultimately responsible for ensuring that Newburn Power Rental Limited meets its legal obligations.

For the purpose of administration and accountability, Newburn Power Rental Limited has nominated Carole Bright as the data protection officer responsible for data protection compliance.

The data protection officer, Carole Bright, is responsible for:

- Keeping the board and management updated about data protection responsibilities, risks and issues
- Reviewing all data protection procedures and related policies, in line with an agreed schedule
- Arranging data protection training and advice for the people covered in this policy
- Handling data protection questions from staff and anyone else covered in this policy
- Dealing with requests from individuals to see the data Newburn Power Rental Limited holds about them
- Ensuring that individual rights provided for in GDPR are followed
- Checking and approving any contracts or agreements with third parties that may handle the company's sensitive data
- Notify the Information Commissioner of the data it holds or is likely to hold, and the general purposes that this data will be used for
- Ensuring all systems, services and equipment used for storing data meet acceptable security standards
- Performing regular checks and scans to ensure security hardware and software is functioning properly
- Evaluating any third-party services, the company is considering or using to store or process data. For example, cloud computing services

The Managing Director, Mark Henstock, is responsible for:

- Approving any data protection statements attached to communications such as emails and letters
- Addressing any data protection queries from journalists or media outlets like newspapers
- Where necessary, working with other staff to ensure marketing initiatives abide by data protection principles

## **Key Elements:**

### DATA PROTECTION LAW

The General Data Protection Regulation, effective from the 25<sup>th</sup> May 2018 describes how organisations including Newburn Power Rental Limited must collect, handle and store personal information.

These rules apply regardless of whether data is stored electronically, on paper or on other materials.

To comply with the law, personal information must be collected and used fairly, stored safely and not disclosed unlawfully.

The GDPR is underpinned by the following important principles. Article 5 of the GDPR requires that 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 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;
- 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 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 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.

## POLICY SCOPE

This policy applies to:

- The Head Office of Newburn Power Rental Limited
- All depots of Newburn Power Rental Limited
- All employees, trainees, apprentices, agency staff, contractors and volunteers of Newburn Power Rental Limited
- All suppliers and other people working on behalf of Newburn Power Rental Limited

It applies to all data that the company holds relating to identifiable individuals, even if that information technically falls outside of the GDPR. This can include:

- Names of individuals
- Postal addresses
- Email addresses
- Telephone numbers
- Plus, any other information relating to individuals

### DATA PROTECTION RISKS

This policy helps to protect Newburn Power Rental Limited from some very real data security risks, including:

- **Breaches of confidentiality.** For example, information given out inappropriately
- **Failing to offer choice.** For example, under GDPR all individuals have the right to be informed about the data the company holds which is related to them and have a right of access to that data
- **Reputational damage.** For example, the company could suffer if hackers successfully gained access to sensitive data

### INDIVIDUAL RIGHTS

The GDPR provides the following rights for individuals:

- The right to be informed. Newburn Power Rental Limited are transparent in how we use all personal data.
- The right of access. Individuals have the right to access their personal data and supplementary information. This right also allows individuals to be aware of and verify the lawfulness of the processing of any personal data
- The right to rectifications. If any personal data we hold about an individual is incomplete or inaccurate, GDPR gives that individual the right to have that personal data rectified
- The right to erasure. The “right to be forgotten”.
- The right to restrict processing. GDPR provides that Newburn Power Rental Limited will restrict the processing of personal data in the following circumstances:
  - Individuals have the right to “block’ or suppress the processing of their personal data where the individual contests the accuracy of the personal data until such time as it is verified as accurate.
  - When an individual objects to the processing and Newburn Power Rental Limited are considering whether it has legitimate grounds which override those of the individual

- When processing is unlawful and the individual opposes erasure and request restriction instead
- When we no longer need the personal data but the individual requires the data to establish, exercise or defend a legal claim

If we lift a restriction on processing, Newburn Power Rental Limited will inform the individual.

- The right to data portability. Individuals have the right to data portability to allow them to obtain and reuse their personal data for their own purposes across different services. Newburn Power Rental Limited will allow personal data to be moved, copied or transferred easily from one IT environment to another in a safe and secure way, without hindering the usability of the data. However, if the individual's personal data concerns more than one individual, we must consider whether providing the information would prejudice the rights of any other individual
- The right to object. GDPR ensures that individuals have the right to object to the processing of personal data based on legitimate interests or the performance of a task in the public interest/exercise of official authority; object to having their personal data used for direct marketing; and to object to having their personal data processed for the purposes of scientific/historical research and statistics
- Rights in relation to automated decision making and profiling. Newburn Power Rental Limited do not use personal data for profiling and do not make any decision solely by automated means without any human involvement. However, this does not remove an individual's right under GDPR, including additional rules provided under Article 22 of GDPR 2016

## RIGHT TO ERASURE

The right to erasure is also known as the "right to be forgotten".

The broad principle underpinning this right is to enable an individual to request the deletion or removal of personal data where there is no compelling reason for its continued processing.

The right to erasure does not provide an absolute "right to be forgotten". Individuals have a right to have personal data erased and to prevent processing in specific circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed
- When the individual withdraws consent
- When the individual objects to the processing and there is no overriding legitimate interest for continuing the processing
- The personal data was unlawfully processed (i.e. otherwise in breach of the GDPR)
- The personal data has to be erased in order to comply with a legal obligation

- The personal data is processed in relation to the offer of information society services to a child

## LAWFUL BASES FOR PROCESSING DATA

In accordance with Article 6 of the GDPR, we can only process personal data when at least one of the lawful bases listed below applies.

- **Consent:** the individual has given clear consent for you to process their personal data for a specific purpose.
- **Contract:** the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.
- **Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).
- **Vital interests:** the processing is necessary to protect someone's life.
- **Public task:** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.
- **Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

## DISCLOSURE

In certain circumstances we may share data personal data with other agencies such as the law enforcement agencies, local authorities, HMRC, the Police and third party advisors.

The Individual will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows, for example The Reporting of Injuries, Diseases and Dangerous Occurrences Regulation 1985 (RIDDOR) as amended to disclose data (including sensitive data) without the data subject's consent.

These are:

- Carrying out a legal duty or as authorised by the Secretary of State
- Protecting vital interests of an Individual/Service User or other person
- The Individual/Service User has already made the information public
- Conducting any legal proceedings, obtaining legal advice or defending any legal rights
- Monitoring for equal opportunities purposes – i.e. race, disability or religion

## DATA STORAGE

These rules describe how and where data should be safely stored. Questions about storing data safely can be directed to the data protection officer. Questions about storing data safely can be directed to Carole Bright.

When data is stored on paper, it should be kept in a secure place where unauthorised people cannot see it.

These guidelines also apply to data that is usually stored electronically but has been printed out for some reason:

- When not required, the paper or files should be kept **in a locked drawer or filing cabinet**
- Employees should make sure paper and printouts are **not left where unauthorised people could see them**, like on a printer
- **Data printouts should be shredded** and disposed of securely when no longer required

When data is **stored electronically**, it must be protected from unauthorised access, accidental deletion and malicious hacking attempts:

- Data should be **protected by strong passwords** that are changed regularly and never shared between employees
- If data is **stored on removable media** (like CD or USB stick), these should be kept locked away securely when not being used
- Data should only be stored on **designated drives and servers**, and should only be uploaded to **approved cloud computing services**
- Servers containing personal data should be **sited in a secure location**, away from general office space
- Data should be **backed up frequently**. Those backups should be tested regularly, in line with the company's standard backup procedures.
- Data should **never be saved directly** to laptops or other mobile devices like tablets or smart phones
- All servers and computers containing data should be protected by **approved security software and a firewall**



## DATA USE

Personal data is of no value to Newburn Power Rental Limited unless the business can make use of it. However, it is when personal data is accessed and used that it can be at the greatest risk of loss, corruption or theft;

- When working with personal data, employees should ensure **the screens of their computers are always locked** when left unattended
- Personal data **should not be shared informally**. In particular, it should never be sent by email, as this form of communication is not secure.
- Data must be **encrypted before being transferred electronically**.
- Personal data should **never be transferred outside of the European Economic Area**
- Employees **should not save copies of personal data to their own computers/laptops/tablets, mobile devices, external hard drives, USB sticks or CD's**. Always access and update the central copy of any data

## DATA ACCURACY

The law requires Newburn Power Rental Limited to take reasonable steps to ensure data is kept accurate and up to date.

The more important it is that the personal data is accurate, the greater the effort Newburn Power Rental Limited should put into ensuring its accuracy.

It is the responsibility of all employees who work with data to take reasonable steps to ensure it is kept as accurate and up to date as possible.

- Data will be held in **as few places as necessary**. Staff should not create any unnecessary additional data sets
- Staff should **take every opportunity to ensure data is updated**. For example, by confirming a customer's details when they take a call from them
- Newburn Power Rental Limited will make it **easy for data subjects to update the information** Newburn Power Rental Limited holds about them. For instance, via the company website
- Data should be **updated as inaccuracies are discovered**. For example, if a customer can no longer be reached on their stored telephone number, it should be removed from the database



## GENERAL STAFF GUIDELINES

- The only people able to access data covered by this policy should be those who **need it for their work**
- Data **should not be shared informally**. When access to confidential information is required, employees can request it from Carole Bright
- Newburn Power Rental Limited **will provide training** to all employees to help them understand their responsibilities when handling data
- Employees should keep all data secure, by taking sensible precautions and following the guidelines below
- In particular, **strong passwords must be used** and they must never be shared
- Personal data **should not be disclosed** to unauthorised people, either within the company or externally
- Data should be **regularly reviewed and updated** if it is found to be out of date. If no longer required, it should be deleted and disposed of in line with our Documents and Records Retention Procedure POL 160023.
- Employees **should request help** from their line manager or the data protection officer, Carole Bright if they are unsure about any aspect of data protection

## PROVIDING INFORMATION

Newburn Power Rental Limited aims to ensure that individuals are aware that their data is being processed, and that they understand:

- How the data is being used
- How to exercise their rights

To these ends, the company has a privacy statement, setting out how data relating to individuals is used by a company.

This is available on request. A version of this statement is also available on our website.



**GENERATOR & ELECTRICAL SOLUTIONS**

**Related Documents:**

| <b>Document name</b>                         | <b>Document code</b> |
|--|----------------------|
| Privacy Notice for Website                   | POL 160001           |
| Documents and Records Retention Procedure    | POL 160023           |
| Privacy Notice for Employees and Contractors | POL 160028           |
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