

Darwen Electrical Services Limited

Doc Title: Data Protection Policy

Doc No: DES-POL-2009 Revision.. 1.0

Data Protection Policy

Policy Overview:

This policy sets out how Darwen Electrical Services Ltd processes the personal data of data subjects, including the personal data of job applicants and the personal data of our current and former, employees, workers, agency workers, apprentices, volunteers, contractors, consultants, clients, customers, suppliers and other third parties. It applies to all personal data that we process, regardless of the media on which those personal data are stored, e.g. electronically, on paper or on other materials. We are committed to being clear and transparent about how we collect and use personal data and to complying with our data protection obligations. Protecting the confidentiality, security and integrity of the personal data that we process is also of paramount importance to our business operations. Darwen Electrical Services Ltd will process personal data relating to you in accordance with this policy, the data protection legislation and the latest privacy notice which has been issued to you. As an Employee, you are yourself a data subject and you may also process personal data on our behalf about other data subjects. This policy should therefore be read and interpreted accordingly. You must always comply with it when processing personal data on Darwen Electrical Services Ltd.'s behalf.

Performance of Your Job Duties and Responsibilities:

The data protection legislation contains important principles affecting personal data relating to data subjects. The purpose of this policy is to set out what we expect from you and to ensure that you understand and comply with the rules governing the processing of personal data to which you may have access in the course of your work, so as to ensure that neither Darwen Electrical Services Ltd nor you breach the data protection legislation. We take compliance with this policy very seriously. Any breach of this policy or any breach of the data protection legislation will be regarded as misconduct and will be dealt with under the disciplinary procedure. A significant or deliberate breach of this policy, such as accessing a data subject's personal data without authority or unlawfully obtaining or disclosing a data subject's personal data (or procuring their disclosure to a third party) without our consent, constitutes a gross misconduct offence and could lead to your summary dismissal. If you are not an employee, you may have your contract with Darwen Electrical Services Ltd terminated with immediate effect. The Data Protection Officer has responsibility for data protection compliance within the business. You should contact them if you have any questions about the operation of this policy or you need further information about the data protection legislation, or if you have any concerns that this policy is not being or has not been followed. They can be contacted by email at dataprotection@darwenelectricalservices.co.uk. You must also contact them to seek further advice in the following circumstances:

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- if you are in any doubt about what you can or cannot disclose and to whom
- if you are unsure about the lawful basis you are relying on to process personal data
- if you need to rely on consent to process personal data
- if you need to obtain or issue privacy notices
- if you are not clear about the retention period for the personal data being processed
- if you are unsure about what appropriate security measures you need to implement to protect personal data
- if you need assistance in dealing with any rights invoked by a data subject
- if you suspect there has been a personal data breach
- where you propose to use personal data for purposes other than that for which they were collected
- where you intend to engage in a significant new or amended data processing activity
- where you plan to undertake any activities involving automated decision-making, including profiling
- if you need assistance with, or approval of, contracts in relation to sharing personal data with third-party service providers
- if you believe personal data are not being kept or deleted securely or are or are being accessed without the proper authorisation
- if you suspect there has been any other breach of this policy or any breach of the data protection principles

If you wish to make an internal complaint that this policy is not being or has not been followed, you can also raise this as a formal grievance under our grievance procedure.

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The Data Protection Principles:

Under the data protection legislation, there are six data protection principles that Darwen Electrical Services Ltd and all Employees must always comply with in their personal data processing activities. In brief, the principles say that personal data must be:

- processed lawfully, fairly and in a transparent manner in relation to the data subject (lawfulness, fairness, and transparency)
- collected only for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes (purpose limitation)
- adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed (data minimisation)
- accurate and, where necessary, kept up to date; every reasonable step must also 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 (accuracy)
- not kept in a form which permits identification of data subjects for longer than is necessary for the purposes for which the personal data are processed (storage limitation)
- 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 (integrity and confidentiality).

Darwen Electrical Services Ltd is responsible for, and must be able to demonstrate compliance with, these data protection principles. This is called the principle of accountability. Lawfulness, fairness and transparency Personal data must be processed lawfully, fairly and in a transparent manner and only for specified purposes. These include where processing is necessary for the performance of the employment contract or to meet our legal compliance obligations or where we have a legitimate interest.

We have formulated areas where we consider that we are entitled to process personal data relating to our Employees and this information is set out in our privacy notices. The Data Protection Officer and our Director is responsible for satisfying themselves that there is a proper legal basis for us to process personal data and to ensure that an appropriate privacy notice has been provided to all the employees they are responsible for. Any queries in this regard must be raised with the Data Protection Officer in the first instance.

The GDPR requires Darwen Electrical Services Ltd to provide detailed, specific information through appropriate privacy notice which must be concise, transparent, intelligible, easily accessible, and in clear and plain language so that an employee can easily understand them. This includes the identity of the data controller (i.e. Darwen Electrical Services Ltd) and, how and why we will use, process, disclose, protect and retain that personal data. The privacy notice must be provided when the employee first provides the personal data.

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This will usually mean both at the job application stage (in relation to the data necessary for that process) and at the time an employment contract is entered into. When personal data is collected indirectly (for example, from a third party or publicly available source), we must provide the employee with all the information required by the GDPR as soon as possible after collecting/receiving the data. We must also check that the personal data was collected by the third party in accordance with the GDPR and on a basis which contemplates our proposed processing of that personal data.

Purpose Limitation:

Personal data must be collected only for specified, explicit and legitimate purposes and they must not be further processed in any manner that is incompatible with those purposes. Personal data cannot be used for new, different or incompatible purposes from those disclosed to the data subject when they were first obtained, for example in an appropriate privacy notice, unless the data subject has been informed of the new purposes and the terms of this policy are otherwise complied with, e.g. there is a lawful basis for processing. This also includes special categories of personal data and criminal records personal data.

Data Minimisation:

Personal data must be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed. We will only collect personal data to the extent that they are required for the specific purposes notified to the data subject. You must only process personal data where your job duties and responsibilities require it, and you must not process personal data for any reason which is unrelated to your job duties and responsibilities. In addition, you must ensure that any personal data you collect are adequate and relevant for the intended purposes and are not excessive. This includes special categories of personal data and criminal records personal data. When personal data are no longer needed for specified purposes, you must ensure that they are destroyed, erased, or anonymised in accordance with Darwen Electrical Services Ltd.'s rules on data retention and destruction set out below.

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Accuracy:

Personal data must be accurate and, where necessary, kept up to date. In addition, every reasonable step must be taken to ensure that personal data that are inaccurate are erased or rectified without delay. It is important that the personal data we hold about you as a data subject is accurate and up to date. Please keep us informed if your personal data changes, e.g. you change your home address, so that our records can be updated. Darwen Electrical Services Ltd cannot be held responsible for any errors in your personal data in this regard unless you have notified us of the relevant change. We will promptly update your personal data if you advise us that they have changed or are inaccurate. You must also ensure that the personal data we hold about other data subjects is accurate and up to date where this is part of your job duties or responsibilities. This includes special categories of personal data and criminal records personal data. You must check the accuracy of any personal data at the point of their collection and at regular intervals thereafter. You must take all reasonable steps to destroy, erase or update outdated personal data and to correct inaccurate personal data.

Storage Limitation:

Personal data must not be kept in a form which permits identification of data subjects for longer than is necessary for the purposes for which the personal data are processed. We will only retain personal data for as long as is necessary to fulfil the legitimate business purposes for which they were originally collected and processed, including for the purposes of satisfying any legal, tax, health and safety, reporting or accounting requirements. This includes special categories of personal data and criminal records personal data. You must comply with our rules on data retention and destruction. We will generally hold personal data, including special categories of personal data and criminal records personal data, for the duration of an employee's employment or engagement. Once an Employee has left employment or their engagement has been terminated, we will generally hold their personal data, including special categories of personal data and criminal records personal data, for one year after the termination of their employment or engagement, but this is subject to:

- any minimum statutory or other legal, tax, health and safety, reporting or accounting requirements for particular data or records.
- the retention of some types of personal data for up to six years to protect against legal risk, e.g. if they could be relevant to a possible legal claim in a tribunal, County Court, or High Court.

We will hold payroll, wage, and tax records (including salary, bonuses, overtime, expenses, benefits and pension information, National Insurance number, PAYE records, tax code and tax status information) for up to six years after the termination of their employment or engagement.

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Integrity & Confidentiality:

Personal data must be 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. Darwen Electrical Services Ltd takes the security of personal data seriously and we have implemented and maintain safeguards which are appropriate to the size and scope of our business, the amount of personal data that we hold and any identified risks. This includes encryption and pseudonymisation of personal data where appropriate. We have also taken steps to ensure the ongoing confidentiality, integrity, availability and resilience of our processing systems and services and to ensure that, in the event of a physical or technical incident, availability and access to personal data can be restored in a timely manner. We regularly test and evaluate the effectiveness of our technical and organisational safeguards to ensure the security of our processing activities. In turn, you are responsible for protecting the personal data that we hold, and you must implement reasonable and appropriate security measures against unauthorised or unlawful processing of personal data and against their accidental loss, destruction or damage. You must follow all procedures, and comply with all technologies and safeguards, that we put in place to maintain the security of personal data from the point of collection to the point of destruction. Where we use third-party service providers to process personal data on our behalf, additional security arrangements need to be implemented in contracts with those third parties to safeguard the security of personal data. You can only share personal data with third-party service providers if you have been authorised to do so and provided that certain safeguards and contractual arrangements have been put in place, including that:

- the third party has a business need to know the personal data for the purposes of providing the contracted services
- sharing the personal data complies with the privacy notice that has been provided to the data subject (and, if required, the data subject's consent has been obtained)
- the third party has agreed to comply with our data security procedures and has put adequate measures in place to ensure the security of processing
- the third party only acts on our documented written instructions
- a written contract is in place between Darwen Electrical Services Ltd and the third party that contains specific approved terms
- the third party will assist us in allowing data subjects to exercise their rights in relation to data protection and in meeting our obligations in relation to the security of processing, the notification of data breaches and data protection impact assessments
- the third party will delete or return all personal data to Darwen Electrical Services Ltd at the end of the contract
- the third party will submit to audits

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You may only share personal data with other Employee if they have a business need to know in order to properly perform their job duties and responsibilities. Hardcopy personnel files, which hold personal data gathered during the working relationship are confidential and must be stored in locked filing cabinets. Only authorised Employees who have a business need to know in order to properly perform their job duties and responsibilities, have access to these files. Files will not be removed from their normal place of storage without good reason. Personal data stored on removable storage media must be kept in locked filing cabinets or locked drawers and cupboards when not in use by authorised Employees. Personal data held in electronic format will be stored confidentially by means of password protection, encryption or pseudonymisation, and again only authorised Employees have access to those data. The GDPR requires Darwen Electrical Services Ltd to notify any personal data breach to the applicable regulatory and, in certain instances, to the employee concerned. We have put in place procedures to deal with any suspected personal data breach and will notify employees or any applicable regulator where we are legally required to do so. If you know or suspect that a personal data breach has occurred, contact the Data Protection Officer immediately by email at dataprotection@darwenelectricalservices.co.uk. If you are unsure, please seek guidance and do not ignore such a situation.

Accountability:

Darwen Electrical Services Ltd is responsible for, and must be able to demonstrate compliance with, the data protection principles. This means that we must implement appropriate and effective technical and organisational measures to ensure compliance and we also require you to fully assist and co-operate with us in this regard. We have:

- appointed the Data Protection Officer to be responsible for data protection compliance and privacy matters within the business
- kept written records of personal data processing activities
- implemented a privacy by design approach when processing personal data and we may conduct and complete data protection impact assessments
- integrated data protection requirements into our internal documents, including this data protection policy, other related policies and privacy notices
- introduced a regular training programme for all Employees on the data protection legislation and on their data protection duties and responsibilities and we also maintain a training record to monitor its delivery and completion – you must undergo all mandatory data protection training
- introduced regular reviews of our privacy measures and our policies, procedures and contracts and regular testing of our systems and processes to monitor and assess our ongoing compliance with the data protection legislation and the terms of this policy in areas such as security, retention and data sharing.

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We also keep records of our personal data processing activities, and you are required to assist us in ensuring these records are full, accurate and kept up to date.

Date Subject Rights to Access Personal Data:

Under the data protection legislation, data subjects have the right, on request, to obtain a copy of the personal data that we hold about them by making a written data subject access request (DSAR). This allows the data subject to check that we are lawfully processing their personal data. The data subject has the right to obtain:

- confirmation as to whether or not their personal data are being processed
- access to copies of their specified personal data
- other additional information

The other additional information (which should be provided in a concise, transparent, intelligible, and easily accessible form, using clear and plain language) comprises:

- the purposes of the processing and the categories of personal data concerned
- the recipients, or categories of recipients, to whom the personal data have been or will be disclosed, in particular recipients in non-EEA countries
- where the personal data are transferred to a non-EEA country, what appropriate safeguards are in place relating to the transfer
- the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period
- the existence of the data subject's rights to request rectification or erasure of their personal data or restriction of processing of their personal data or to object to such processing
- their right to lodge a complaint with the Information Commissioner's Office if they think Darwen Electrical Services Ltd has failed to comply with their data protection rights
- where the personal data are not collected from them, any available information as to their source; and
- the existence of automated decision-making including profiling, and meaningful information about the logic involved, as well as the envisaged consequences of such processing for them

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Darwen Electrical Services Ltd will normally respond to a DSAR and provide copies of the personal data within one month of the date of receipt of the request. However, we may extend this time limit for responding by a further two months if the request is complex or there are a number of requests made by the data subject. If we intend to extend the time limit, we will contact the data subject within one month of the DSAR's receipt to inform them of the extension and to explain why it is necessary. Whilst we will normally provide a copy of the personal data in response to a DSAR free of charge, we reserve the right to charge a reasonable fee, based on our administrative costs of providing the personal data, when a DSAR is manifestly unfounded or excessive, particularly if it repeats a DSAR to which we have already responded. Alternatively, where a DSAR is manifestly unfounded or excessive, we reserve the right to refuse to respond altogether. Where we refuse to act on a request in this way, we will set out our written reasons why to the data subject within one month of receipt of their request.

DSAR – Your Obligations in Relation to Personal Data:

You must always comply with this policy and the data protection principles in your personal data processing activities where you are acting on behalf of Darwen Electrical Services Ltd in the proper performance of your job duties and responsibilities. We rely on you to help us meet our data protection obligations to data subjects. You must always also comply with the following guidelines:

- only access personal data that you have authority to access and only for authorised purposes, e.g. if you need them for the work you do for, Darwen Electrical Services Ltd and then only use the data for the specified lawful purpose for which they were obtained
- only allow other Employees to access personal data if they have the appropriate authorisation and never share personal data informally
- do not disclose personal data to anyone except the data subject. They should not be given to someone from the same family, passed to any other unauthorised third party, placed on Darwen Electrical Services Ltd website or posted on the Internet in any form. unless the data subject has given their explicit consent to this
- where we provide you with code words or passwords to be used before releasing personal data, you must strictly follow Darwen Electrical Services Ltd requirements in this regard
- only transmit personal data between locations by e-mail if a secure network is in place, e.g. encryption is used for e-mail
- if you receive a request for personal data about another Employee or data subject, you should forward this to the Data Protection Officer
- ensure any personal data you hold are kept securely, either in a locked non-portable filing cabinet or drawer if in hard copy, or password protected or encrypted if in electronic format, and comply with Darwen Electrical Services Ltd rules on computer access and secure file storage

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- do not access another Employee personal data, e.g. their personnel records, without authority as this will be treated as gross misconduct and it is a criminal offence
- do not obtain or disclose personal data (or procure their disclosure to a third-party) without authority or without Darwen Electrical Services Ltd consent as this will be treated as gross misconduct and it is a criminal offence
- do not write down (in electronic or hard copy form) opinions or facts concerning a data subject which it would be inappropriate to share with that data subject
- do not remove personal data, or devices containing personal data, from the workplace with the intention of processing them elsewhere unless this is necessary to enable you to properly carry out your job duties and responsibilities, you have adopted appropriate security measures (such as password protection, encryption or pseudonymisation) to secure the data and the device and it has been authorised by your line manager
- ensure that, when working on personal data as part of your job duties and responsibilities when away from your workplace and with the authorisation of your line manager, you continue to observe the terms of this policy and the data protection legislation, in particular in matters of data security
- do not store personal data on local computer drives, your own personal computer or on other personal devices including mobile phones, cameras and other such electronic devices
- do not take any photographic images or video recordings without expressed approval, all images of this nature must be declared and be stored in line with this and our Safeguarding policy
- do not make unnecessary copies of personal data and keep and dispose of any copies securely, e.g. by cross-shredding hard copies
- ensure that you attend all mandatory data protection training
- remember that compliance with the data protection legislation and the terms of this policy is your personal responsibility.

Changes to This Policy:

Darwen Electrical Services Ltd will review this policy at regular intervals, and we reserve the right to update or amend it at any time and from time to time. We will circulate any modified policy to Employees and, where appropriate, we may notify you of changes by e-mail. It is intended that this policy is fully compliant with the data protection legislation. However, if any conflict arises between the data protection legislation and this policy, Darwen Electrical Services Ltd will comply with the data protection legislation.

Signed: B. Gavahan, Group CEO



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