DATA PROTECTION POLICY

This Data Protection Policy takes account of UK and EU law and conventions and specifically addresses the General Data Protection Regulations 2018 (GDPR).

1. Data Protection Policy

Anyone who obtains personal information ('data") about other individuals is a 'data controller' and is thus regulated by the Data Protection Act 1998 and the GDPR. The legislation controls what can lawfully be done with information and gives individuals certain rights to control how information about them is obtained, used, stored and distributed. These rights include the right to find out what information a data controller has about them and ask for copies of data. There is also now an enhanced set of Individual Rights that an organisation needs to respect.

CS2 is a data controller in relation to all the information that the organisation obtains about employees, agency workers, suppliers, clients, residents and contractors.

CS2 will seek employees' specific consent to the organisation processing data in whatever format including sensitive personal data about their employment. Personal data, including sensitive data, may be collected for statistical purposes (eg equality and diversity, absences, turnover) or to enable health and safety or employment and pay obligations to be met.

We must be able to demonstrate that any personal data we handle is:

- processed lawfully, fairly and transparently
- collected for specified, explicit and legitimate purposes
- adequate, relevant and limited to what is necessary
- accurate and kept up to date where necessary
- kept for no longer than is necessary where data subjects are identifiable
- processed securely and protected against accidental loss, destruction or damage.

CS2 is committed to following these principles. Data will be retained as necessary during the course of an individual's employment and records will be retained for up to six years after the date they leave the employment in case legal proceedings arise during that period.

Data will only be retained for a period of longer than six years if it is material to legal proceedings or should otherwise be retained in our interests after that period.

Data will be kept in a secure system whether manual or computerised to the best of our ability at all times. When transmitting data this will be password protected and/or encrypted.

The Act prohibits the transfer of data outside the European Economic Area to countries that do not have similar protection of data except in some circumstances or with the subject's consent. CS2 has no intention of sharing personal data outside the UK.

2. Access to Data

James Bedster will act as Data Protection Officer and be supported in this role by People Network Consultancy (PNC).

A request for access to any personal data that relates to an individual will be made by a written request using the Data Access Request form and the originator's details will be verified. The completed form must be returned to the Data Protection Officer. There are no fees chargeable for this.

Employees' consent will be obtained where the organisation is making personal data/information available to those who provide services to the organisation (such as HR advisors), and unless required by legislation or regulations, by regulatory authorities, governmental or quasi-governmental organisations and quality assurance companies. Similarly, consent will be sought to the transfer of personal information to business contacts outside the European Economic Area in order to further the organisation's business interests.

Where contractors are used to obtain, record, store or process personal data on behalf of the organisation, that service provider will only be commissioned or have a contract renewed if they meet data protection quality assurance standards set by us, so that they can demonstrate compliance with the DPA and GDPR.

There may be certain circumstances where a person's consent cannot be obtained or is not legally required. Before releasing personal data to external organisations (including the police) the organisation will seek to obtain legal advice on its obligations and where necessary ask for a court order or a magistrates' warrant before release of personal information about employees, clients or suppliers.

CS2 policy is to provide copies of all data that the organisation is obliged to disclose to third parties within 40 working days of receipt of a request being received by the data protection compliance officer.

CS2 considers that if a period of less than one year has elapsed since any previous request for access to data was complied with, it is not reasonable to expect us to be obliged to comply with a further request before a year has elapsed unless there are exceptional circumstances.

It is our policy to ensure that all data is as accurate as possible and all necessary steps to ensure that this is the case and to rectify any inaccuracies will be taken (see paragraph 3 below).

Where we have requested an employment reference in confidence from a referee and that reference has been given on terms that it is confidential and the person giving it wishes that it should not to be disclosed, it is our policy that it would normally be unreasonable to disclose such a reference to others unless the consent of the person who gave the reference is obtained.

For the purposes of the DPA and the GDPR data is any personal information that is collected on an individual for whatever purpose and which is then recorded, processed or stored in some way for legal, business, technical or organisational reasons.

The information can be paper based and filed manually, or electronically and saved on computerised systems or in a "cloud" database. The GDPR extends this to include biometric or visual images that can identify a person, and any automated processing that takes place. CS2 will undertake an audit of all types of data collection, recording and processing taking place and repeat this on an annual basis. We will review the reasons for the data being obtained and justify why this should continue or make a decision it will no longer be obtained. Similarly, we will review the way in which the data is stored and processed to ensure all appropriate safeguards are in place and security/confidentiality measures are effective and will:

- carry out a risk assessment of data systems and act on the results;
- maintain up-to-date security systems (for example, using firewalls and encryption technology);
- restrict access to personal data to only those who demonstrate that they need it;
- train staff on data security; and
- review data security regularly.

CS2 will publish an annual report on data protection and the measures taken to comply with legislation and individuals' rights.

3. Individuals' Rights

While many of these rights are similar to those under the current DPA, the GDPR expands them and introduces new ones. Data subjects, including employees, will have the:

- **right to be informed about the processing of their personal data** – the Guidance on Data Protection and this document sets out how the organisation is complying with the data protection requirements for the processing of personal data;
- **right to rectification if their personal data is inaccurate or incomplete** – on a regular basis employees will be asked to reconfirm or to amend the personal data kept and requests to amend data will normally have to be processed within one month;
- **right of access to their personal data** and supplementary information, and the right to confirmation that their personal data is being processed – a statement (sometimes called a Privacy Statement or Notice) will be provided to each employee setting out what personal data is being collected, recorded and processed and why, also who has access to their personal data;
- **data subject access requests (SARs**) – an employee can at any time request access to their personal data and a process for such requests will be devised. A SAR will be responded to within 20 working days of receipt (as per GDPR requirements);
- **right to be forgotten** by having their personal data deleted or removed on request where there is no compelling reason for an organisation to continue to process it – when the employee receives their statement on what personal data is being collected they will be given the opportunity to challenge any data held on them and ask for its removal;
- **right to restrict processing of their personal data**, for example, if an employee considers that processing is unlawful or the data is inaccurate – as for the right to be forgotten;
- **right to data portability of their personal data** for their own purposes (employees will be allowed to obtain and reuse their data) – data will be kept in a format capable of portability/ transferability;
- **right to object to the processing of their personal data** for direct marketing, scientific or historical research, or statistical purposes – as for the right to be forgotten.

4. Consent

Each employee will, on being given their Personal Data Statement, also be asked to give consent to the specific data being collected, stored, recorded and processed, or a legal basis for the information being obtained for which no consent is needed.

5. Breach of Data Protection Policy or Legal Requirements

Any suspected or actual breach of this policy whether direct or indirect, malicious or unintentional must be reported immediately to the Data Protection Manager and the ICO (Information Commissioner's Office) informed.

The organisation will implement its contingency plan in order to immediately protect personal data and resolve the cause of the breach.

We will consider any serious breach of the policy and data protection rules to be gross misconduct for which the normal penalty will be summary dismissal.

The following elements are where we feel there may be an impact on the DPA/GDPR compliance requirements and therefore are part of this Policy.

6. Surveillance

No covert video or audio recording of the workplace or workers, including at an employee's home (eg to verify reasons for absence) will take place for management purposes and this will only be used if part of a legal investigation into criminal activities. No video or audio recording will be released to third parties unless specific consent has been obtained or a court order or warrant has been issued by regulatory authorities including the police.

7. Contacting Workers Outside of Working Hours or While Absent from the Workplace

Employees have a right to privacy outside of the workplace and this will be respected and representatives of CS2 will not access personal data to routinely contact workers by telephone, email, social media or face to face unless by consent or within the terms of the employment relationship (eg home working). This applies to off-shift time or outside normal working hours, weekends or while the employee is on authorised holiday.

However, there will be circumstances where relevant managers/directors will want to contact an employee or a member of their family – in an emergency situation, when an employee has vital organisational information that is required immediately, when no contact has been received from an individual and a manager needs to check what the position is, as part of absence management, or when we are concerned about the employee's health and wellbeing.

8. Confidentiality

Employees must not disclose any information of a confidential nature relating to the organisation's business to any other party without express authority. This extends also to the disclosure of confidential personal data of other employees, agency staff, clients, suppliers or contractors.

Employees are not allowed to remove any documents or tangible items which contain any confidential information or intellectual property from the premises at any time without proper advance authorisation, this will include computer files, records and other equipment that can be used to store information. If authorised to do so, employees must safeguard the information and follow the Data Protection Act/GDPR principles.

Upon the termination of employment, all documents and tangible items which belong to the organisation or which contain or refer to any confidential information must be returned by the employee.

Subject to legal requirements or court orders, all confidential information from any reusable material will be deleted and all other documents and tangible items which contain or refer to any confidential information will be destroyed. This will include computer files, discs and removable drives.

9. Use of Computers

Employee use of the organisation's computers and other devices is normally restricted to business reasons, and any personal information they choose to upload or any use made by an individual of the computer or device for non-business reasons could be monitored and accessed by authorised managers/directors. Employees should therefore be made aware that their personal information and use cannot be considered to be confidential in these circumstances.

In order to maintain the integrity of computer systems and records and to protect the confidentiality of any personal data, the following rules must be observed:

- passwords for access to the system are confidential, must not be revealed to other persons and should be changed regularly;
- all software or disks must be authorised before they are loaded onto or even placed in any computer;
- upon the discovery of computer virus and/or corrupted information, the Data Protection Officer must be advised immediately;
- the creation, generation, and distribution of materials that are offensive on race, sex, sexual orientation, transgender, disability, age or religious grounds are forbidden;
- it is forbidden to use the computer system to generate and/or distribute material which is offensive to or ridicules other employees;
- the storage of any kind of offensive material (including pornography) on the computer system is expressly forbidden;
- in respect of these rules material will be considered offensive if it causes distress to the person who receives or discovers it.

We will consider any serious breach of these rules to be gross misconduct for which the normal penalty will be summary dismissal.

10. Internet and Social Media Sites

We recognise that in their private time employees may wish to publish content on the internet through a variety of means. Even outside of work employees must adhere to the following guidelines when creating, modifying or contributing to websites.

a. Social Networking

The growth of computer use and internet expansion has led to an increase in the use of blogs and social networking sites. Whilst employees may choose to indulge in this practice at home CS2 has strict guidelines on the use of such sites:

- the use of social networking sites and blogs must not be allowed to interfere with or bring into disrepute the conduct of the organisation or its name or reputation;
- no personal blogs or social networking profiles whatsoever will be created or updated on ANY computer owned by and operated for the organisation's business;
- no employee must directly or indirectly refer to or implicate the organisation, its employees or any of its clients on any blog or social networking profile created by them;
- if, in any contribution or posting which identifies or could identify the individual as an employee, agent or other affiliate of the organisation, the employee expresses an idea or opinion, he/she should include a disclaimer which clearly states that the opinion or idea expressed is that of the individual and does not represent that of the organisation;

- employees will be made aware that harassment, defamation and libel laws cover what is said and written on social media and if an employee feels that they have been harassed, bullied or discriminated against, legal action can be taken against the perpetrator including the involvement of the police.

CS2 will consider any serious breach of the above guidelines to be gross misconduct which may result in summary dismissal.

b. Email/SMS Code of Conduct

Bullying, harassment or abuse of others through the use of email or SMS is forbidden. This includes sending information that insults or harasses others with respect to sex, sexual orientation, transgender, race, age, disability or religion. It is forbidden to:

- access or distribute pornography;
- post confidential information about CS2, its employees, clients or suppliers without authorisation.

When replying to an email or SMS, make sure that the reply is for the sender only and not the original mailing list (unless there is a requirement to do so).

Files that have hidden confidential information (eg base cost calculations you may have used to generate a quote) should only be sent if within the data protection principles and this Policy. In any case attachments of a sensitive nature should be password protected or encrypted.

Should employees be subject to harassment or abuse from email or SMS at work from another employee, or a client, then the matter should be reported immediately to the Data Protection Officer and/or pursued through the Grievance Procedure.

11. Equality Policy and Harassment, Bullying, Abuse and Intimidation Policy

The use of personal data and images in whatever format to discriminate, bully, harass or victimise another person be it an employee or not, or using personal data to violate someone's Human Rights will be treated as gross misconduct and may also leave the organisation and the individuals involved open to criminal and/or civil legal proceedings.

Please refer to the Inclusivity, Diversity and Equality Policy, Harassment Policy and Dignity at Work Policy.

12. Protection against Detriment

Employees will not suffer any detriment, or penalty for challenging the personal data we hold on them or the processes involved, for making subject data access requests or refusing consent to the obtaining, recording or processing of the individual's personal data.

Anyone concerned about the legal status or ethical use of anyone's personal data by the organisation should report this immediately to the Data Protection Officer.

13. Contractual Position

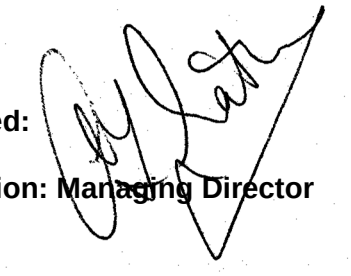
The above rules and Policy form part of your terms of employment. It is a term of your employment that you comply with them and your signed acceptance of your employment contract signifies your consent to these terms.

14. Evaluation and Review

This Policy will be regularly reviewed to ensure its effectiveness and compliance with the law and any necessary changes agreed and implemented in consultation with all staff.

15. Implementation

Any comments or questions about the operation of this Policy should be addressed in writing to the Data Protection Officer.

Signed:  **Dated: March 2018**

Position: Managing Director