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GDPR Policy

This policy has been approved and authorised by:

NAME	Darryl Easton
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Data protection policies

Employers will process large amounts of data relating to their workforce, from application forms and CVs during the recruitment process, to payroll details during employment, and references sent to prospective employers after employment ends.

To ensure compliance with complex data protection legislation, this data protection policy can be used to set out how data will be processed by the company, including security, notifications of data breaches and what internal procedures are followed.

The employee privacy notice can be used as part of data protection measures to explain to employees how their data is used by the business and what rights they have in relation to this data.

This document comprises of the following:

1. Data protection policy (GDPR compliant)
2. Employee privacy notice (GDPR compliant)

Data protection policy (GDPR compliant)

Aim and scope of policy

This policy applies to the processing of personal data in manual and electronic records kept by the Company in connection with its human resources function as described below. It also covers the Company's response to any data breach and other rights under the General Data Protection Regulation.

This policy applies to the personal data of job applicants, existing and former employees, apprentices, volunteers, placement students, workers and self-employed contractors. These are referred to in this policy as relevant individuals.

"Personal data" is information that relates to an identifiable person who can be directly or indirectly identified from that information, for example, a person's name, identification number, location, online identifier. It can also include pseudonymised data.

"Special categories of personal data" is data which relates to an individual's health, sex life, sexual orientation, race, ethnic origin, political opinion, religion, and trade union membership. It also includes genetic and biometric data (where used for ID purposes).

"Criminal offence data" is data which relates to an individual's criminal convictions and offences.

"Data processing" is any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

The Company makes a commitment to ensuring that personal data, including special categories of personal data and criminal offence data (where appropriate) is processed in line with GDPR and domestic laws and all its employees conduct themselves in line with this, and other related, policies. Where third parties process data on behalf of the Company, the Company will ensure that the third party takes such measures in order to maintain the Company's commitment to protecting data. In line with GDPR, the Company understands that it will be accountable for the processing, management and regulation, and storage and retention of all personal data held in the form of manual records and on computers.

Types of data held

Personal data is kept in personnel files or within the Company's HR systems. The following types of data may be held by the Company, as appropriate, on relevant individuals:

- Name, address, phone numbers – for individual and next of kin
- CVs and other information gathered during recruitment
- references from former employers
- national insurance numbers
- job title, job descriptions and pay grades
- conduct issues such as letters of concern, disciplinary proceedings
- holiday records
- internal performance information
- medical or health information
- sickness absence records
- tax codes
- terms and conditions of employment
- training details.

Relevant individuals should refer to the Company's privacy notice for more information on the reasons for its processing activities, the lawful bases it relies on for the processing and data retention periods.

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Data protection principles

All personal data obtained and held by the Company will:

- be processed fairly, lawfully and in a transparent manner
- be collected for specific, explicit, and legitimate purposes
- be adequate, relevant and limited to what is necessary for the purposes of processing
- be kept accurate and up to date. Every reasonable effort will be made to ensure that inaccurate data is rectified or erased without delay
- not be kept for longer than is necessary for its given purpose
- be processed in a manner that ensures appropriate security of personal data including protection against unauthorised or unlawful processing, accidental loss, destruction or damage by using appropriate technical or organisation measures
- comply with the relevant GDPR procedures for international transferring of personal data

In addition, personal data will be processed in recognition of an individuals' data protection rights, as follows:

- the right to be informed
- the right of access
- the right for any inaccuracies to be corrected (rectification)
- the right to have information deleted (erasure)
- the right to restrict the processing of the data
- the right to portability
- the right to object to the inclusion of any information
- the right to regulate any automated decision-making and profiling of personal data.

Procedures

The Company has taken the following steps to protect the personal data of relevant individuals, which it holds or to which it has access:

- it appoints or employs employees with specific responsibilities for:
    - the processing and controlling of data
    - the comprehensive reviewing and auditing of its data protection systems and procedures
    - overviewing the effectiveness and integrity of all the data that must be protected.

There are clear lines of responsibility and accountability for these different roles.

- it provides information to its employees on their data protection rights, how it uses their personal data, and how it protects it. The information includes the actions relevant individuals can take if they think that their data has been compromised in any way

- it provides its employees with information and training to make them aware of the importance of protecting personal data, to teach them how to do this, and to understand how to treat information confidentially
- it can account for all personal data it holds, where it comes from, who it is shared with and also who it might be shared with
- it recognises the importance of seeking individuals' consent for obtaining, recording, using, sharing, storing and retaining their personal data, and regularly reviews its procedures for doing so, including the audit trails that are needed and are followed for all consent decisions. The Company understands that consent must be freely given, specific, informed and unambiguous. The Company will seek consent on a specific and individual basis where appropriate. Full information will be given regarding the activities about which consent is sought. Relevant individuals have the absolute and unimpeded right to withdraw that consent at any time
- it has the appropriate mechanisms for detecting, reporting and investigating suspected or actual personal data breaches, including security breaches. It is aware of its duty to report significant breaches that cause significant harm to the affected individuals to the Information Commissioner, and is aware of the possible consequences
- it is aware of the implications international transfer of personal data internationally.

Access to data

Relevant individuals have a right to be informed whether the Company processes personal data relating to them and to access the data that the Company holds about them. Requests for access to this data will be dealt with under the following summary guidelines:

- Access request should be made to the Company's appointed compliance officer
- the Company will not charge for the supply of data unless the request is manifestly unfounded, excessive or repetitive, or unless a request is made for duplicate copies to be provided to parties other than the employee making the request
- the Company will respond to a request without delay. Access to data will be provided, subject to legally permitted exemptions, within one month as a maximum. This may be extended by a further two months where requests are complex or numerous.

Relevant individuals must inform the Company immediately if they believe that the data is inaccurate, either as a result of a subject access request or otherwise. The Company will take immediate steps to rectify the information.

Data disclosure

The Company may be required to disclose certain data/information to any person. The circumstances leading to such disclosures include:

- any employee benefits operated by third parties
- disabled individuals - whether any reasonable adjustments are required to assist them at work

- individuals' health data - to comply with health and safety or occupational health obligations towards the employee
- for Statutory Sick Pay purposes
- HR management and administration - to consider how an individual's health affects his or her ability to do their job
- The smooth operation of any employee insurance policies or pension plans

These kinds of disclosures will only be made when strictly necessary for the purpose.

Data security

The Company adopts procedures designed to maintain the security of data when it is stored and transported. More information can be found in its data security policy on the Company's sharepoint.

In addition, employees must:

- ensure that all files or written information of a confidential nature are stored in a secure manner and are only accessed by people who have a need and a right to access them
- ensure that all files or written information of a confidential nature are not left where they can be read by unauthorised people
- check regularly on the accuracy of data being entered into computers
- always use the passwords provided to access the computer system and not abuse them by passing them on to people who should not have them
- use computer screen blanking to ensure that personal data is not left on screen when not in use
- Personal data relating to employees should not be kept or transported on laptops, USB sticks, or similar devices, unless authorised by a manager. Where personal data is recorded on any such device it should be protected by:
    - ensuring that data is recorded on such devices only where absolutely necessary
    - using an encrypted system — a folder should be created to store the files that need extra protection and all files created or moved to this folder should be automatically encrypted
    - ensuring that laptops or USB drives are not left lying around where they can be stolen

Failure to follow the Company's rules on data security may be dealt with via the Company's disciplinary procedure.

Appropriate sanctions include dismissal with or without notice dependent on the severity of the failure.

International data transfers

The Company does not transfer personal data to any recipients outside of the EEA.

Breach notification

Where a data breach is likely to result in a risk to the rights and freedoms of individuals, it will be reported to the Information Commissioner within 72 hours of the Company becoming aware of it and may be reported in more than one instalment.

Individuals will be informed directly in the event that the breach is likely to result in a high risk to the rights and freedoms of that individual.

If the breach is sufficient to warrant notification to the public, the Company will do so without undue delay.

Training

New employees must read and understand the policies on data protection as part of their induction.

All employees receive training covering basic information about confidentiality, data protection and the actions to take upon identifying a potential data breach.

All employees who need to use the computer system are trained to protect individuals' private data, to ensure data security, and to understand the consequences to them as individuals and the Company of any potential lapses and breaches of the Company's policies and procedures.

Records

The Company keeps records of its processing activities including the purpose for the processing and retention periods in its HR Data Record. These records will be kept up to date so that they reflect current processing activities.

Data protection compliance

Hayley White is the Company's appointed compliance officer in respect of its data protection activities. She can be contacted at hayley.white@eastonprojects.co.uk

Employee privacy notice (GDPR compliant)

The Company is aware of its obligations under the General Data Protection Regulation (GDPR) and is committed to processing your data securely and transparently. This privacy notice sets out, in line with GDPR, the types of data that we hold on you as an employee of the Company. It also sets out how we use that information, how long we keep it for and other relevant information about your data.

This notice applies to current and former employees, workers and contractors.

Data controller details

The Company is a data controller, meaning that it determines the processes to be used when using your personal data. Our contact details are as follows:

East On Projects Ltd, Office GL16, 170 Kennington Lane, Vauxhall, SE11 5DP

Appointed compliance officer: Hayley White

Contact email: hayley.white@eastonprojects.co.uk

Data protection principles

In relation to your personal data, we will:

- process it fairly, lawfully and in a clear, transparent way
- collect your data only for reasons that we find proper for the course of your employment in ways that have been explained to you only use it in the way that we have told you about ensure it is correct and up to date keep your data for only as long as we need it
- process it in a way that ensures it will not be used for anything that you are not aware of or have consented to (as appropriate), lost or destroyed

Types of data we process

We hold many types of data about you, including:

- your personal details including your name, address, date of birth, email address, phone numbers
- your photograph
- gender
- marital status
- dependants, next of kin and their contact numbers
- medical or health information including whether or not you have a disability
- information used for equal opportunities monitoring about your sexual orientation, religion or belief and ethnic origin
- information included on your CV including references, education history and employment history
- documentation relating to your right to work in the UK
- driving licence
- bank details
- tax codes
- National Insurance number
- current and previous job titles, job descriptions, pay grades, pension entitlement, hours of work and other terms and conditions relating to your employment with us
- letters of concern, formal warnings and other documentation with regard to any disciplinary proceedings
- internal performance information including measurements against targets, formal warnings and related documentation with regard to capability procedures, appraisal forms
- leave records including annual leave, family leave, sickness absence etc
- training details

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How we collect your data

We collect data about you in a variety of ways and this will usually start when we undertake a recruitment exercise where we will collect the data from you directly. This includes the information you would normally include in a CV or a recruitment cover letter, or notes made by our recruiting officers during a recruitment interview. Further information will be collected directly from you when you complete forms at the start of your employment, for example, your bank and next of kin details. Other details may be collected directly from you in the form of official documentation such as your driving licence, passport or other right to work evidence.

In some cases, we will collect data about you from third parties, such as employment agencies, former employers when gathering references or credit reference agencies.

Personal data is kept in personnel files or within the Company's HR and IT systems.

Why we process your data

The law on data protection allows us to process your data for certain reasons only:

- in order to perform the employment contract that we are party to
- in order to carry out legally required duties
- in order for us to carry out our legitimate interests
- to protect your interests and
- where something is done in the public interest.

All of the processing carried out by us falls into one of the permitted reasons. Generally, we will rely on the first three reasons set out above to process your data. For example, we need to collect your personal data in order to:

- carry out the employment contract that we have entered into with you; and
- ensure you are paid.

We also need to collect your data to ensure we are complying with legal requirements such as:

- ensuring tax and National Insurance is paid
- carrying out checks in relation to your right to work in the UK; and
- making reasonable adjustments for disabled employees.

We also collect data so that we can carry out activities which are in the legitimate interests of the Company. We have set these out below:

- making decisions about who to offer initial employment to, and subsequent internal appointments, promotions etc
- making decisions about salary and other benefits
- providing contractual benefits to you

- maintaining comprehensive up to date personnel records about you to ensure, amongst other things, effective correspondence can be achieved and appropriate contact points in the event of an emergency are maintained
- effectively monitoring both your conduct and your performance and to undertake procedures with regard to both of these if the need arises
- offering a method of recourse for you against decisions made about you via a grievance procedure• assessing training needs
- implementing an effective sickness absence management system including monitoring the amount of leave and subsequent actions to be taken including the making of reasonable adjustments
- gaining expert medical opinion when making decisions about your fitness for work
- managing statutory leave and pay systems such as maternity leave and pay etc
- business planning and restructuring exercises
- dealing with legal claims made against us
- preventing fraud
- ensuring our administrative and IT systems are secure and robust against unauthorised access

Special categories of data

Special categories of data are data relating to your:

- health
- sex life
- sexual orientation
- race
- ethnic origin
- political opinion
- religion
- trade union membership
- genetic and biometric data.

We must process special categories of data in accordance with more stringent guidelines. Most commonly, we will process special categories of data when the following applies:

- you have given explicit consent to the processing
- we must process the data in order to carry out our legal obligations
- we must process data for reasons of substantial public interest
- you have already made the data public.

We will use your special category data:

- for the purposes of equal opportunities monitoring
- in our sickness absence management procedures
- to determine reasonable adjustments

We do not need your consent if we use special categories of personal data in order to carry out our legal obligations or exercise specific rights under employment law. However, we may ask for your consent to allow us to process certain particularly sensitive data. If this occurs, you will be made fully aware of the reasons for the processing. As with all cases of seeking consent from you, you will have full control over your decision to give or withhold consent and there will be no consequences where consent is withheld. Consent, once given, may be withdrawn at any time. There will be no consequences where consent is withdrawn.

Criminal conviction data

We will only collect criminal conviction data where it is appropriate given the nature of your role and where the law permits us. This data will usually be collected at the recruitment stage, however, may also be collected during your employment.

If you do not provide your data to us

One of the reasons for processing your data is to allow us to carry out our duties in line with your contract of employment. If you do not provide us with the data needed to do this, we will unable to perform those duties eg ensuring you are paid correctly. We may also be prevented from confirming, or continuing with, your employment with us in relation to our legal obligations if you do not provide us with this information eg confirming your right to work in the UK or, where appropriate, confirming your legal status for carrying out your work via a criminal records check.

Sharing your data

Your data will be shared with colleagues within the Company where it is necessary for them to undertake their duties. This includes, for example, your manager for their management of you, the HR department for maintaining personnel records and the payroll department for administering payment under your contract of employment.

To provide the services to you we may share the personal data that you supply with several third parties, such as NEST Corporation who provide Workplace Pension products and X5 who provide Payroll services.

We may also share your data with third parties as part of a Company sale or restructure, or for other reasons to comply with a legal obligation upon us.

We do not share your data with bodies outside of the European Economic Area.

Protecting your data

We are aware of the requirement to ensure your data is protected against accidental loss or disclosure, destruction and abuse and we have implemented processes to guard against such. See the Company's data security policy.

Where we share your data with third parties, we provide written instructions to them to ensure that your data are held securely and in line with GDPR requirements. Third parties must implement appropriate technical and organisational measures to ensure the security of your data.

How long we keep your data for

In line with data protection principles, we only keep your data for as long as we need it for, which will be at least for the duration of your employment with us though in some cases we will keep your data for a period after your employment has ended. Retention periods can vary depending on why we need your data, as set out below:

- Retention in case of queries – we will retain your personal data as long as necessary to deal with your queries (e.g. if your potential employment is unsuccessful);
- Retention in case of claims – we will retain your personal data for as long as you might legally bring claims against us; and
- Retention in accordance with legal and regulatory requirements – we will retain your personal data after your contract or service with us has come to an end based on legal and regulatory requirements.

Automated decision making

No decision will be made about you solely on the basis of automated decision making (where a decision is taken about you using an electronic system without human involvement) which has a significant impact on you.

Your rights in relation to your data

The law on data protection gives you certain rights in relation to the data we hold on you. These are:

- the right to be informed. This means that we must tell you how we use your data, and this is the purpose of this privacy notice
- the right of access. You have the right to access the data that we hold on you. To do so, you should make a subject access request to your manager.
- the right for any inaccuracies to be corrected. If any data that we hold about you is incomplete or inaccurate, you are able to require us to correct it
- the right to have information deleted. If you would like us to stop processing your data, you have the right to ask us to delete it from our systems where you believe there is no reason for us to continue processing it
- the right to restrict the processing of the data. For example, if you believe the data we hold is incorrect, we will stop processing the data (whilst still holding it) until we have ensured that the data is correct
- the right to portability. You may transfer the data that we hold on you for your own purposes

- the right to object to the inclusion of any information. You have the right to object to the way we use your data where we are using it for our legitimate interests
- the right to regulate any automated decision-making and profiling of personal data. You have a right not to be subject to automated decision making in way that adversely affects your legal rights.

Where you have provided consent to our use of your data, you also have the unrestricted right to withdraw that consent at any time. Withdrawing your consent means that we will stop processing the data that you had previously given us consent to use. There will be no consequences for withdrawing your consent. However, in some cases, we may continue to use the data where so permitted by having a legitimate reason for doing so.

If you wish to exercise any of the rights explained above, please contact hayley.white@eastonprojects.co.uk

Making a complaint

The supervisory authority in the UK for data protection matters is the Information Commissioner (ICO). If you think your data protection rights have been breached in any way by us, you are able to make a complaint to the ICO.

The company's appointed data protection officer

The company's data protection officer is Hayley White. She can be contacted at hayley.white@eastonprojects.co.uk

Review and revision

This policy is version-controlled and will be reviewed every 12 months.