# Data Policy

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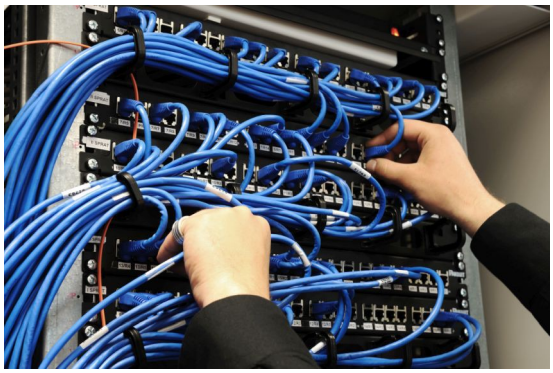
## 0 Background

As an expert health and safety consultancy and training company, our work has a substantial involvement with data protection. For some years we have been following ICO recommended good practice in data protection for acquisition, use and disposal of data, but only recently have we decided to formally document our policy on these issues.



Minor updates and reviews are undertaken periodically to ensure that this policy maintains currency.



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# Contents






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# 1 Policy

*Safety 4 HEd LLP* is committed to adopting industry best practice on the acquisition, storage, use and disposal of all types of information (data) required for the effective operation of our services. We will continually improve our compliance with the Information Commissioners' Office's evolving guidance, and the statutory requirements of the various data protection and related legislation. Our standards for data collection are intended to be the same for *personal data* and *business data*, as we value the security of the companies' data that we collect and store.

- To this end, all our data is collected as fairly as possible, with transparency to the best extent that we are able to provide. We do not unnecessarily collect data and we do not store it for longer than necessary.
- We ensure that there is a business reason for the data obtained and, when necessary, collect evidence of the reason why it has been collected and the permission to hold it. (Some *personal data* is held without permission from the *data subject* for specific legal purposes.)
- We do not communicate data to people outside of *Safety 4 HEd* without suitable reason and permissions. The only people who may obtain the data we hold are the client (for whom the data is managed for), the *data subject* (in the case of *personal data*) and the enforcing authorities (when required, using legal powers).
- When we have finished with a set of data, it is electronically deleted. If the data is on paper format, it is shredded before the paper is sent for recycling.

## 1.1 Signed

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# 2 Practical Implications

The practical implications of the policy statement above fall into several categories. For each case, our actions are considered and will weigh the health and safety, environmental and quality objectives of the company to achieve the overall best practical results, in all cases.

In all our efforts it is paramount that no legal breaches are committed. We therefore ensure that all our activities comply with the UK legal requirements for data protection, as well as our own profession's standards.

## 2.1 Operational Issues

The General Data Protection Regulations*, tailored by the Data Protection Act 2018** and together referred to as the GDPR in this document, require that *personal data* is protected to a very high level. We have identified large amounts of *personal data* exist in our systems. However, our clients also want their company data to be protected to the same extent. We therefore do not operate to multiple standards of data protection, but operate with only one level (the highest level) of protection in place.

* Refers to the GDPR (UK) as provided at www.legislation.gov.uk/eur/2016/679/contents
** Refers to the Data Protection Act 2018 which replaced the previous versions available at www.legislation.gov.uk/ukpga/2018/12/contents/enacted

When marketing our services, we sometimes use quotes provided to us by our clients, or refer to specific projects that have been undertaken. These examples are all cases where we have been given permissions in the past to use this data for such purpose. These are the only exception to our practice of no information release.

## 2.2 Data Controller v Data Processor

*Safety 4 HEd* is sometimes not the *data controller* for some of 'our' data. In some conditions (such as when we work as expert witnesses) the data that we handle is not ours and belongs to the organisation that has provided it to us. Under these circumstances we are only *data processors* not *data controllers*. The practical impact of this is that we will be processing data received in this way and we will not hold the permissions from specific individuals (*data subjects*) but only the permission from the provider of the data. In such cases, the data held is only able to be used for the purpose it was provided and for that one specific project (for example, to develop an expert opinion). This data is held in separate electronic and physical 'paper' folders from other data (such as the contracts) and is able to be deleted once the client is satisfied the project is complete. The data is retained until such time as the client either requests that it is deleted, defines the project as complete or it reaches the expiry date under our data retention clause (see the 'data retention' section of this document).

The following sections will examine our data sources, our accessing data and data retention practices, and how we ensure compliance.



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# 3 Our Data Sources

We get our data from various sources, mainly the ones listed below. In those sources there is frequently personal data embedded in non-personal documents. Due to the complexity created by this embedding, we have decided to treat all our data as if it was confidential / personal data. Other data is sourced either from public resources (such as internet searches or books) or from sources that provide non-personal data, which are therefore not covered by the GDPR provisions. Under these circumstances the protection and management that we use is goes beyond the legal requirements.

## 3.1 Contracts

***Safety 4 HEd*** is the *Data Controller* for the contracts and correspondence (including emails) relating to contracts.
***Safety 4 HEd*** is the *Data Controller* of all documents under our copyright.
***Safety 4 HEd*** is the *Data Processor* of companies' documents they provide us so we can deliver services.

In order for us to provide services to clients, contracts are required (along with supporting documents, emails and other materials), to define the services provided, which often also define the data that is to be provided to us.

Since the contract cannot be provided without data (including *personal data* for the contacts within the company) the acquisition, holding, use and retention of this *personal data* is permitted under Article 6(1)(b) of the GDPR.

| | |
|---|---|
| **Article 6** | Lawfulness of processing |
| 1. | Processing shall be lawful only if and to the extent that at least one of the following applies: |
| (a) | the data subject has given consent to the processing of his or her personal data for one or more specific purposes; |
| (b) | processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract; |
| (c) | processing is necessary for compliance with a legal obligation to which the controller is subject; |
| (d) | processing is necessary in order to protect the vital interests of the data subject or of another natural person; |
| (e) | processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller; |
| (f) | processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child. |
| Point (f) of the first subparagraph shall not apply to processing carried out by public authorities in the performance of their tasks. | |



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## 3.2 Training

For contracted courses, ***Safety 4 HEd*** is the *Data Processor* for personal records.
For public courses, ***Safety 4 HEd*** is the *Data Controller* for personal records.
***Safety 4 HEd*** is the *Data Controller* for certification issued by us.
Course content is not subject to GDPR.

Training is provided to staff from client organisations or to members of the public who have contracted with our client to receive the training. The data includes personal records, held because part of the service is to provide certification (and long-term verification of the training provided) for the attendees. This is therefore a legal acquisition, holding and use of data under GDPR Articles 6(1)(b) and 6(1)(d).

We agree to hold the certificates we generate on behalf of the clients. This data belong to *Safety 4 HEd* and for this data we are the data controller.

Even though course contents are not personal data (and are therefore not included under GDPR) they include substantial amounts of commercially confidential or copyright / IPR controlled material and are therefore controlled in our systems.

## 3.3 Audits, Inspections and Incident Investigations

***Safety 4 HEd*** is the *Data Controller* of all documents under our copyright.
***Safety 4 HEd*** is the *Data Processor* for companies' documents provided to us.

Investigations, enquiries, audits, inspections and expert witness services all require the acquisition, holding and use of data to enable issues to be clearly identified and understood. These services are provided under contract and frequently use data that we hold as a *data processors* rather than as a *data controllers*. This means that we hold the data under permission from the contracting company (including solicitors) and do not necessarily have any direct permissions from the *data subjects* themselves.

Much of the data held (records, documents, reports, images, video, emails, databases, spreadsheets and a myriad of other forms) is provided by the client making *Safety 4 HEd* the *data processor* on behalf of the *client*. However, we will also generate data in the form of reports, investigation and inspection notes, records of conversations, photographs and other materials, which are collected and collated so as to be able to provide these services. For this data we generate, we are the *data controllers*.

The final reports belong to *Safety 4 HEd* and are therefore subject to GDPR in so far as they contain personal data. We retain the reports (along with the source materials) to enable reopening of investigations and other activities as is sometimes necessary.

Since the services are provided under contract, the acquisition, holding, use and retention of any *personal data* involved is permitted under Article 6(1)(b) of the GDPR.



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## 3.4 Provided Data and Public Domain Data

This class of data is largely exempt from the GDPR.
***Safety 4 HEd*** is the Data Controller when this data is not exempt.

A substantial amount of data is provided to us in the form of emails and other documents (mainly electronic) from people and organisations with whom we do not currently hold contracts. These materials are held for a reasonable time, on the basis that the information and the persons' data were voluntarily provided to us. The purpose of the information being provided is clearly to facilitate communication and so may be used to communicate with those persons in future (for a reasonable time).

Examples of this type of data include *LinkedIn* affiliations, marketing emails sent to us, emails and similar communications with open and closed mail lists. These are understood to be exempt from GDPR as public materials.

## 3.5 Our Website

***Safety 4 HEd*** is the *Data Controller* for all these data.

The *Safety 4 HEd* website contains some forms that are provided for people to give us information with the intent to secure services or support. Each form has a specific purpose and the data collected from those forms can only be used for the purpose that it is collected.

- The booking form generates a potential contract as it is a request for a site visit. This data is retained on the website until after the date of the booking, and the automatically generated emails may be retained as part of the contract-based email data.
- The online test forms (which may be used from time to time) are used to reply to the person with the results of their test. This data is deleted after after sending the training results.

  The data is only held for the purpose of administering tests.
  If people want to join mail lists then they need to do this separately.
- Spam contacts and operational data generated from information provided by people to our website may be retained as it is used to improve the security of our site and can be used in longer term reviews to enable effective monitoring of the use (and abuse) that the site receives. In spamming the site or attempting to log into the site (legitimately or not) the person entering the information has provided the details voluntarily.

The website carries non-tracking cookies to enable some anonymised understanding of the website usage (for example, the nations from where people accessed the site from, the types of web browser used, etc.). This is *Safety 4 HEd* generated data, used to improve our website services and is anonymised and so does not fall under GDPR.

*Safety 4 HEd* have opt-in mailing lists. These are used to communicate with clients and potential clients. People on the lists may withdraw from them by request at any time, and where practicable automatic cancellations are also provided. Currently most marketing is by 'word of mouth', the website and conventional advertising / listings.



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# 4 How We Use Our Data

All our data is used for the administration of contracts, company products, services delivery and development. No data is sold (not ever, to anybody, for any reason) or provided to third parties (except as requested by clients, or as required by law).

All of our client data (where we are *data processors,* not *data controllers*) is managed solely for the purposes of the contract for which it was collected. This is generally used for the provision of health and safety consultancy, training services, or the provision of expert witness services.

Public domain data (such as *LinkedIn* data) is held and used via the public domain interface and is used in accordance with the terms and conditions of the interface (e.g. the *LinkedIn* terms and conditions for communication with other members). We do not create off-line lists from the data on these portals.

## 4.1 How We Protect Our Data

All paper and digital data stored is based at our premises. Our electronic data is stored on an off-line file server isolated from the internet and (in the case of the website and email data) on a secured server operated by One.Com in the UK / EU.

Data that is not needed to be taken off site is removed from laptops before leaving the office.

Laptops are not left out of the personal control of the partner who has taken them off site.

When data needs to be sent electronically, it is either emailed to named individuals or exceptionally, data may be loaded onto a data stick for personal delivery or very exceptionally by postage, using the signed-for Royal Mail service.

Paper-based data is only posted at the request of clients and a signed-for Royal Mail service is used. (Typically this is for examination and related materials when a paper copy is required by the examining boards / clients.)

Password protection is used as necessary to enhance the physical protection of our systems.

## 4.2 Data Loss and Reporting

Any data lost will be treated as a very serious issue and a priority by *Safety 4 HEd*. In the event of *personal data* being lost for any reason, the people to whom it relates will be informed as soon as is practicable. Any *personal data* loss will be reported to the ICO as soon as is practicable.



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# 5 Data Retention

The distinction between our data and the data we hold on behalf of clients is important at this point. When we hold data for clients that, data is held as a backup, not as the primary storage of the data. It is the responsibility of the client to manage their own data. Therefore, for clients, we do not hold data as the primary legal repository, and therefore do not accept the responsibility to manage their data for long-term purposes. Some data is required to be maintained for a long time (for example data relating to the COSHH Regulations and health matters for identifiable persons is required to be maintained for 40 years). We ***do not*** provide a data archiving service for our clients.

**Anonymised reports and materials** written by *Safety 4 HEd* that do not relate to specific persons or clients are not subject to our data retention limits and may be maintained by *Safety 4 HEd* indefinitely as part of our library of materials that support our services.

## 5.1 How Long We Keep Data

The primary reasons for maintaining data in our archive is so we can defend, or assist our clients in defending, against civil and criminal proceedings, and so that we can demonstrate the client's and our own compliance with various statutory requirements (including financial accounting). Secondary purposes include improving our services and assisting our clients to also improve their activities beyond the advice and direct contracted services provided.

### 5.1.1 Financial Data

Financial data relating to *Safety 4 HEd* (such as invoices and accounting materials) are maintained for **at least seven years**. This will include a small amount of *personal data* with the historic email addresses and signatures etc. of persons involved in the contract.

Data may be held longer where it is associated with information that is still live or where the newer information has not yet reached the deletion age.

### 5.1.2 General Client Data

General data relating to clients will be maintained for up to **five years** after the end of contract, or another defined end point (see below). This is to account for civil legal actions and the possible need to reopen work that has been completed.

End points are defined as follows:

- Clients who own the data can request its deletion at any point.
- In the case of Expert Witness reports, when the Client defines the project as completed (such as have obtained a Court decision and there is to be no appeal), or when it has been **three years** since the relevant report was authored.



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- Any data identified, for example in periodic sweeps of our systems, that is found to be over 5 years, will normally be deleted.

Data may be held longer where it is associated with information that is still live or where the newer information has not yet reached the deletion age.

### 5.1.3 Training Certificates

We agree to hold the certificates we generate on behalf of the clients for up to five years. After this time they are deleted. If individuals do not want this data held, then we will delete it upon request, as copies of certificates held by us are *Safety 4 Hed*'s data, not the clients'. When copies of the certificates have been provided to clients, those copies become the clients' data, held and controlled by them, for their purposes.

### 5.1.4 Data About Us (Safety 4 HEd LLP and it's Partners)

This may be held for up to 40 years (where there may be a COSHH or long-term health issue) and to enable us to demonstrate long-term matters. Our own data is therefore regarded as being able to be held indefinitely, though we will delete most of it after seven years, as part of our routine cleaning operations.

Note that this sub-section does not apply to client data.

## 5.2 How We Dispose of Data

Paper data is considered and any personal or other confidential data is shredded before disposal as waste paper. Electronic data is deleted from the hard drives and any data chips that were used. Hard drives in particular will normally be put beyond use before disposal.

Before a computer or data chip is disposed of, the data will be deleted and the hard drive reformatted (or the drive 'put beyond use'). Since the only reason our computers are to be disposed of will be as scrap (by the time they are disposed of they are substantially obsolete) this is only a precaution prior to the computer being provided to a reputable WEEE disposal contractor.



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# 6 Accessing Data

Under GDPR there are rights for data access. These rights will (for our data) be enabled in full in all cases. However, where the data is not ours we will have to pass on the request to the data owners and will inform the person making the request that this has been done. To release data requested under the GDPR rights where we are only data processors, not data controllers, would be a breach of data security.

## 6.1 Getting Access to Your Data

Anybody who wants to access data about them held by *Safety 4 HEd* is welcome to make a request by email to info@safety4hed.co.uk and the data will be provided to them as soon as we practicably can.

Anybody who wants us to delete data held about them (where we are the *data controller*) can make the request by email to info@safety4hed.co.uk and we will either delete it or explain why it has not been deleted (if there is another legal reason to maintain the data that overrides their request). Deletion of data will always be accompanied by an email reply to inform them that it has been deleted and if requested also delete the email exchange requesting the deletion of data.

Anybody who wants data held to be corrected can tell us by email to info@safety4hed.co.uk, stating what is wrong (and why) so that we can update the data as necessary, and we will then reply explaining what we have done to correct errors in the data held.

We do not charge for *data subject* requests.

We may request a one-to-one meeting or suitable verification of identity to prevent data breaches or theft.

## 6.2 Who Else Can Access Data

Our data can only be accessed by *data subjects* and legal authorities. When we are *data processors,* the data can only be accessed by the Client, *data subjects* (with permission from the Client) and the legal authorities.

The legal authorities for the purposes of this section are defined as those public bodies who have statutory authority to request the relevant data. This will require a formal request for data (a verbal request will be inadequate), and formal identification.



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