

DATA PROTECTION POLICY



The Data Protection Act 1998

Harlaxton Engineering Services Ltd (the Company) processes personal data in relation to its own staff, work-seekers and individual client contacts - therefore it is a "data controller" for the purposes of the Data Protection Act 1998 in order to carry out our work. This information must be collected and dealt with appropriately whether it is collected on paper, stored in a computer database or recorded on other material and there are safeguards to ensure this under the DPA 1998. The Company has notified the Information Commissioner's Office - the Company's data protection registration number is Z2910151.

Harlaxton Engineering Services Limited regard the lawful and correct treatment of personal information as very important to successful working and to maintaining the confidence of those with whom we deal and to ensure that personal information is treated lawfully and correctly.

The Company holds personal data on individuals ("data subjects") for the following general purposes:

- Staff administration.
- Advertising, marketing and public relations.
- Accounts and records.
- Administration and processing of work-seekers personal data for the purposes of work-finding services.

The eight principles of data protection

The Data Protection Act 1998 requires the Company as data controller to process data in accordance with the principles of data protection. These require that personal data shall be:

1. Fairly and lawfully processed.
2. Processed for limited purposes.
3. Adequate, relevant and not excessive.
4. Accurate.
5. Not kept longer than necessary.
6. Processed in accordance with the data subjects rights.
7. Kept securely.
8. Not transferred to countries outside the European Economic Area without adequate protection.

Halaxton Engineering Services Limited will through appropriate management and strict application of criteria and controls

1. Observe fully conditions regarding the fair collection and use of information
 2. Meet its legal obligations to specify the purposes for which information is used
 3. Collect and process appropriate information, and only to the extent that it is needed to fulfil its operational needs or to comply with any legal requirements
 4. Ensure the quality of information used
 5. Ensure that the rights of people about whom information is held can be fully exercised under the Act.
- These include



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- The right to be informed that processing is being undertaken
 - The right of access to one's personal information
 - The right to prevent processing in certain circumstances and
 - The right to correct, rectify block or erase information which is regarded as wrong information
6. Take appropriate technical and organisational security measures to safeguard personal information
 7. Ensure that personal information is not transferred abroad without suitable safeguards
 8. Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information
 9. Set out clear procedures for responding to requests for information.

"Personal data" means data, which relates to a living individual who can be identified from the data or from the data together with other information, which is in the possession of, or is likely to come into possession of the Company.

"Processing" means obtaining, recording or holding the data or carrying out any operation or set of operations on the data. It includes organising, adapting and amending the data, retrieval, consultation and use of the data, disclosing and erasure or destruction of the data. It is difficult to envisage any activity involving data, which does not amount to processing. It applies to any processing that is carried out on computer including any type of computer however described, main frame, desktop, laptop, iPad, iPhone or other mobile device.

Personal data should be reviewed on a regular basis to ensure that it is accurate, relevant and up to date and those people listed in the Appendix shall be responsible for doing this.

Personal data may only be processed with the consent of the person whose data is held. Therefore if they have not consented to their personal details being passed to a third party this may constitute a breach of the Data Protection Act 1998. By instructing the Company to look for work and by providing us with personal data contained in a CV work-seekers will be giving their consent to processing their details for work-finding purposes. If you intend to use their personal data for any other purpose you **MUST** obtain their specific consent.

Caution should be exercised before forwarding the personal details of any individuals on whom personal data is held, to any third party such as past, current or prospective employers, suppliers, customers and clients, persons making an enquiry or complaint and any other third party.



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Sensitive personal data

Personal data in respect of the following is “*sensitive personal data*” and any information held on any of these matters MUST NOT be passed on to any third party without the express written consent of the individual:

- Any offence committed or alleged to be committed by them.
- Proceedings in relation to any offence and any sentence passed.
- Physical or mental health or condition.
- Racial or ethnic origins.
- Sexual life.
- Political opinions.
- Religious beliefs or beliefs of a similar nature.
- Whether someone is a member of a trade union.

Data Collection

Informed consent is when an individual clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data and then gives their consent.

Harlaxton Engineering Services Limited will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person or by completing a form.

When collecting data Harlaxton Engineering Services Limited will ensure that the individual

- Clearly understands why the information is needed
- Understands what it will be used for and what the consequences are should the individual decide not to give consent to processing
- As far as reasonably practicable, competent enough to give consent and has given so freely without any duress
- Has received sufficient information on why their data is needed and how it will be used.

Data access and Accuracy

All individuals have the right to access the information Harlaxton holds about the who will take reasonable steps to ensure that this information is kept up to date by asking data subjects whether there have been any changes.

In addition Harlaxton will ensure that –

- Everyone processing personal information understands that they are contractually responsible for following good data protection practice.
- Everyone processing personal information is appropriately trained/supervised to do so.
- An annual audit of data collected will be made to ensure compliance with Data protection Guidelines



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Information security

From a security point of view, only those staff listed in the Appendix are permitted to add, amend or delete personal data from the Company's database(s) ("database" includes paper records or records stored electronically). However all staff are responsible for notifying those listed where information is known to be old, inaccurate or out of date. In addition all employees should ensure that adequate security measures are in place. For example:

- Computer screens should not be left open by individuals who have access to personal data.
- Passwords should not be disclosed.
- Email should be used with care.
- Personnel files and other personal data should be stored in a place in which any unauthorised attempts to access them will be noticed. They should not be removed from their usual place of storage without good reason.
- Personnel files should always be locked away when not in use and when in use should not be left unattended.
- Any breaches of security should be treated as a disciplinary issue.
- Care should be taken when sending personal data in internal or external mail.
- Destroying or disposing of personal data counts as processing. Therefore care should be taken in the disposal of any personal data to ensure that it is appropriate. Such material should be shredded or stored as confidential waste awaiting safe destruction.

It should be remembered that the incorrect processing of personal data e.g. sending an individual's details to the wrong person, allowing unauthorised persons access to personal data, or sending information out for purposes for which the individual did not give their consent, may give rise to a breach of contract and/or negligence leading to a claim against the Company for damages from an employee, work-seeker or client contact. **A failure to observe the contents of this policy will be treated as a disciplinary offence.**

Disclosure

There are circumstances how and with whom information will be shared. There are circumstances where the Law allows Harlaxton Engineering Services Limited to disclose data (including sensitive data) without the data subject's consent

These are;

1. Carrying out a legal duty or as authorised by the Secretary of State
2. Protecting vital interests of an individual or other person
3. The individual has already made the information public
4. Conducting any legal proceedings, obtaining legal advice or defending any legal rights
5. Monitoring for equal opportunities purposes – i.e. race disability or religion
6. Providing a confidential service where the individual's consent cannot be obtained or where it is reasonable to proceed without consent eg where we would wish to avoid forcing stressed or ill individuals to provide consent signatures



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Data Storage

Information and records will be stored securely and will only be accessible to authorised staff

Information will be stored for only as long as it is needed or required and will be disposed of appropriately.

Subject access requests

Data subjects are entitled to obtain access to their data on request and after payment of a fee. All requests to access personal data by data subjects should be referred to Victoria Mitchell whose details are listed in the Appendix to this policy.

References

Any requests for access to a reference given by a third party must be referred to Victoria Mitchell and should be treated with caution even if the reference was given in relation to the individual making the request. This is because the person writing the reference also has a right to have their personal details handled in accordance with the Data Protection Act 1998, and not disclosed without their consent. Therefore when taking up references an individual should always be asked to give their consent to the disclosure of the reference to a third party and/or the individual who is the subject of the reference if they make a subject access request. However if they do not consent then consideration should be given as to whether the details of the individual giving the reference can be deleted so that they cannot be identified from the content of the letter. If so the reference may be disclosed in an anonymised form.

The Human Rights Act 1998

Finally it should be remembered that all individuals have the following rights under the Human Rights Act 1998 and in dealing with personal data these should be respected at all times:

- Right to respect for private and family life (Article 8).
- Freedom of thought, conscience and religion (Article 9).
- Freedom of expression (Article 10).
- Freedom of assembly and association (Article 11).
- Freedom from discrimination (Article 14).

This Policy will be updated as necessary to reflect best practice in data management security and control and to ensure compliance with any changes or amendments to the DPA 1998



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APPENDIX

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