



**SOUTH WEST
LARDER**

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SOUTH WEST LARDER

DATA PROTECTION POLICY

Definition

The purpose of this Policy is to set out the terms of Somerset Larder’s position on the collection, use and disclosure of personal information.

Document Owner & Approver

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For distribution to all

Data Protection Policy

About This Policy

This document sets out the main policies and procedures that you will need to be aware of. It is the responsibility of all users to read and understand this policy. South West Larder, will process personal data (which may be held on paper, electronically, or otherwise) about our staff and we recognise the need to treat it in an appropriate and lawful manner, in accordance with the Data Protection Act 1998 (DPA). The purpose of this policy is to make you aware of how we will handle your personal data.

The policies and procedures set out in this handbook apply to all staff and employees. (They therefore apply to managers, directors, employee, consultants, contractors, trainees, homeworker, part-time and fixed term employees, casual and agency staff and volunteers (collectively referred to as staff in this policy)).

This policy does not form part of any employee's contract of employment and we may amend it at any time.

Data Protection Principles & Overview

Everyone has the rights with regard to how their personal information is handled. During the course of our activities we will collect, store and process information about our staff, and we recognize the need to treat it in an appropriate and lawful manner.

We will comply with the eight data protection principles in the DPA, which say that personal data must be:

1. Processed fairly and lawfully;
2. Processed for limited purposes and in an appropriate way;
 - 2.a Adequate, relevant and not excessive for the purpose;
 - 2.b Not kept longer than necessary for the purpose;
 - 2.c Processed in line with individuals' rights;

- 2.d** Not transferred to people or organizations situated in countries without adequate protection.

"Personal data" means recorded information we hold about you from which you can be identified. It may include contact details, other personal information, photographs, expressions of opinion about you or indications as to our intentions about you. "Processing" means doing anything with the data, such as accessing, disclosing, destroying or using the data in any way.

Fair & Lawful Processing

We will usually only process your personal data where you have given your consent or where the processing is necessary to comply with our legal obligations. In other cases, processing may be necessary for the protection of your vital interests, for our legitimate interests or the legitimate interests of others. The full list of conditions is set out in the DPA.

We will only process "Sensitive Personal Data" about ethnic origin, political opinions, religious or similar beliefs, trade union membership, health, sex life, criminal proceedings or convictions, where a further condition is also met. Usually this will mean that you have given your explicit consent, or that the processing is legally required for employment purposes. The full list of conditions is set out in the DPA.

How We Are Likely To Use Personal Data

We will process data about staff for legal, personnel, administrative and management purposes and to enable us to meet our legal obligations as an employer, for example to pay you, monitor your performance and to confer benefits in connection with your employment.

We may process sensitive personal data relating to staff including, as appropriate:

information about an employee's physical or mental health or condition in order to monitor sick leave and take decisions as to the employee's fitness for work;

1. The employee's racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
2. In order to comply with legal requirements and obligations to third parties.

Processing For Limited Purposes

We will only process your personal data for the specific purpose or purposes notified to you or for any other purposes specifically permitted by the DPA.

Adequate, relevant and non-excessive processing

Your personal data will only be processed to the extent that it is necessary for the specific purposes notified to you. Any Data which is not necessary for that purpose should not be collected in the first place.

Accurate Data

We will keep the personal data we store about you accurate and up to date. Data that is inaccurate or out of date will be destroyed. Please notify us if your personal details change or if you become aware of any inaccuracies in the personal data, we hold about you.

Data Retention

We will not keep your personal data for longer than is necessary for the purpose. This means that data will be destroyed or erased from our systems when it is no longer required. For guidance on how long certain data is likely to be kept before being destroyed, contact the Site Catering Manager.

Processing In Line With Your Right

You have the right to:

1. Request access to any personal data we hold about you;
2. Prevent the processing of your data for direct-marketing purposes;
3. Ask to have inaccurate data held about you amended;
4. Prevent processing that is likely to cause unwarranted substantial damage or distress to you or anyone else;
5. Object to any decision that significantly affects you being taken solely by a computer or other automated process.

Data Security

We will ensure that appropriate security measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data.

We have in place procedures and technologies to maintain the security of all personal data from the point of collection to the point of destruction. We will only transfer personal data to a third party if it agrees to comply with those procedures and policies, or if it puts in place adequate measures itself.

Maintaining data security means guaranteeing the confidentiality, integrity and availability (for authorised purposes) of the personal data.

Providing Information To Third Parties

We will not disclose your personal data to a third party without your consent unless we are satisfied that they are legally entitled to the data. Where we do disclose your personal data to a third party, we will have regard to the eight data protection principles.

Providing Information Over The Telephone

Any member of staff dealing with telephone enquiries should be careful about disclosing any personal information held by us. In particular they should:

1. Check the caller's identity to make sure that information is only given to a person who is entitled to it;
2. Suggest that the caller put their request in writing if they are not sure about the caller's identity and where their identity cannot be checked;
3. Refer to Privacy and Compliance Manager for assistance in difficult situations. No-One should be bullied into disclosing personal information.

Subject Access Requests

A formal request from a data subject for information that we hold about them must be made in writing. It is no longer permissible for a company to request payment to cover the costs of data access request. Any member of staff who receives a written request should forward it to Privacy and Compliance Manager, immediately.

GDPR Legislation

South West Larder's Policy is to fully comply with the GDPR Legislation effective from 25th May 2018. To this end our express policy is to meet the legal obligations set out below and to achieve GDPR Fundamentals accreditation.

Legal Obligation

1. Processing of Personal Data is necessary for compliance with a legal obligation to which the Controller is subject;
2. Vital Interest – (of the data subject);
3. Processing of Personal Data is necessary to protect the vital interest of the data subject or of another data subject;
4. Public Task;
5. Processing of Personal Data is necessary for the performance of a task carried out in the public interest or in the exercise of official authority;
6. Contractual Relationship;
7. Processing of Personal Data is necessary for the performance of a contract to which the data subject is a party or for the Controller to take pre-contractual steps at the request of the data subject;
8. Legitimate Interest;
9. Processing is necessary under the Legitimate Interests of the Controller or Third Party, unless these interests are overridden by the data subject's interests or fundamental rights.
10. Consent;

11. Any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by clear affirmative action, agrees to the processing of personal data relating to him or her.

Breaches Of This Policy

If you consider that this policy has not been followed in respect of personal data about yourself or others you should raise the matter with your line manager. Any breach of this policy will be taken seriously and may result in disciplinary action.



Steven Braithwaite
Managing Director
South West Larder Limited