

Data Protection Policy Statement



We at MSL are committed to complying with the provisions of the Data Protection Act 1998 (DPA) and the pending General Data Protection Regulation (GDPR) which comes into force in May 2018.

The Data Protection Act covers all personal information held in electronic form and in a “relevant filing system” i.e. information relating to individuals which is structured either by reference to individuals or by reference to criteria relating to individuals, and this filing system must be presented in such a way that specific information relating to a particular individual is readily accessible. It requires that all such information is collected, held and used according to certain principles set out in the Act.

We want all staff to be aware of these principles. If you are involved at any time in the collection, holding or using of personal data, you should comply with these principles.

Examples of personal data

Personal data is data from which any living person can be identified. Any of the following held in electronic form or in a relevant filing system may contain personal data protected by the DPA:

- Employment records, held centrally or by a line manager
- Contact details of our customers and potential customers
- Customer records
- A log of telephone calls
- Recordings of telephone calls made on Company lines

The DPA also covers sensitive personal data i.e. information as to racial/ethnic origin, political opinions, religious beliefs, trade union membership, physical/mental condition, sexual orientation, any alleged or committed criminal offence and any information relating to such an offence.

These examples are not exhaustive.

The eight Data Protection Principles

Personal data must be:

1. Fairly and lawfully obtained and processed
2. Processed for limited purposes
3. Adequate, relevant and not excessive in relation to the purpose it is held
4. Accurate and as necessary, kept up-to-date
5. Not kept for longer than is necessary for the purpose it was originally intended
6. Processed in accordance with individuals' rights
7. Secure
8. Not transferred to other countries without adequate protection

The importance of complying with data protection law

If the Company does not comply with data protection law, it could face action from the Information Commissioner.

Individual employees could face criminal liability if they knowingly or recklessly disclose personal data without the Company's consent.

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The Company is responsible for ensuring that the collection and use of personal data complies with data protection law. We will ensure that the Company's procedures deliver compliance with data protection law, check that the procedures are followed in practice and review the procedures and their effectiveness.

In addition the Company holds client personal data and you will be expected to ensure that you comply with the Data Protection principles when accessing, processing or storing this data.

We are obliged to provide certain information under the Data Protection Act:

Data Controller: MSL

Address: Elizabeth Court, Church Street, Stratford upon Avon, CV37 6HB

Purpose of data processing: to keep adequate records of your recruitment, contract, performance, disciplinary record, sickness record, pension details, wages, salary and other benefits, appraisals, clocking in information, secure access data, training records and all other information arising in the performance of your contract of employment for the purpose of the performance of the contract and the administration and management of your contract and the administration and management of our business or organisation and any other purpose arising from the relationship of employer and employee created by this contract.

Description of Data: all records of your recruitment, contract, performance, disciplinary record, sickness record, pension details, wages, salary and other benefits, appraisals, security access and all other information arising in the performance of your contract of employment. Intended Recipients of Data: The Company and all others authorised by you and /or your employer to receive data and all others to whom we are legally obliged to disclose the same at any time or to whom we deem it necessary or desirable to disclose data for the purposes set out above.

Countries outside the European Economic Area to which data may be transmitted: We are not currently aware of any.

The Company's processing of personal data relating to its staff

Subject to compliance with the data protection principles, the Company must process personal data about its staff.

Through signing your employment contract, you have given your consent to the Company doing this for the purpose of managing its human resources.

Further you have explicitly consented to the Company processing of data relating to your sex and racial or ethnic origin and whether or not you have a disability in order to monitor equal opportunities policies and data relating to your health in order to comply with disability discrimination and health and safety law and for human resource management purposes.

All such information will, as far as practicable for the purposes for which it is held, be treated in a confidential manner.

Your rights of access to personal information held about you by the Company

You have the right to know what personal information is kept about you by the Company, in electronic form or in a relevant filing system including any back ups. Such information about you can be viewed on request.

To view your Personnel File, you must write to the person responsible for Human Resources requesting access and he will respond and arrange access within 10 days.

The DPA provides that we may charge up to £10 to cover our costs in dealing with such a request.

If disclosure of a piece of information on an individual results in disclosure of information on someone else we may be allowed to withhold that information to protect the other person's rights. However, information will be disclosed to an individual if the name and any identifying particulars can be concealed.

You are not entitled to see confidential references given by the Company. You can however contact your previous employer to apply for a copy of references written by them.

The Company is also allowed to withhold information relating to confidential business information (e.g. management planning or forecasting such as succession plans) or records of the employer's intentions with regard to redundancy/salary/bonus payments/promotion decisions.

Your Rights Under the DPA

As well as your rights of access as explained above, you have rights to:

- Apply to a High Court or County Court to correct inaccurate data
- Apply to the Data Protection Commission and ask for an assessment as to whether the Company is processing data in accordance with the provisions of the DPA. The Information Commissioner will then serve an information notice on the Company to provide certain information in order to make sure that we are not contravening any part of the DPA's eight Data Principles (for which see above)
- Claim for damages and compensation for distress caused as a result of a breach of the DPA
- Prevent the processing of information unless the individual has given explicit (written) consent

Ex-employees Files

Ex-employees' files will be archived and destroyed in accordance with the Business Management System Procedure Control of Records.

You can write to the person responsible for Human Resources to access your file, and they will arrange for you to see the file with a member of staff present.

The Company's right to monitor computer systems, emails and telephone use

The Company may need to monitor and intercept the use of these systems to ensure this use is not abused. Therefore, the Company requests that you agree to the Company's reasonable monitoring and recording your telephone calls, e-mails, internet use, faxed

messages and word processed documents which are created, stored, communicated or otherwise made on Company equipment and systems.

You should note that the Company reserves the right to monitor times, periods and patterns of Internet use, websites accessed, connection lengths and times at which connections are made.

The reason for this monitoring and recording may be to check whether your use of Company computer and communication systems is legitimate and complies with the Company's rules, to find lost messages, to investigate misconduct and to comply with any of the Company's legal obligations, such as the Regulation of Investigatory Powers Act 2000, the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000, the Data Protection Act 1998 and the Human Rights Act 1998. The Company's monitoring activities are regularly reviewed and appraised in order to ensure that they are not excessive or disproportionate, having regard to any periodic assessments of the need to protect the systems against infringements or breaches of integrity or security.

Exceptions

There are exceptions to the Data Principles, and the DPA gives an exemption i.e. the processing of personnel of personal data for the following purposes:

- The prevention and detection of crime
- The apprehension or prosecution of offenders
- The assessment or collection of any VAT or duty or any imposition of a similar nature

Covert Recordings by Employees

The growth of electronic and mobile listening devices has created a new threat to corporate data and trade secrets. The Company prohibits the use of covert recordings within the workplace. Under no circumstances may an employee covertly record any conversation with colleagues, suppliers, customers, contractors or visitors.

A copy of this Policy will be displayed on all premises under the Company's control and brought to the attention of all employees and others working for the Company.

We recognise that the success of this Policy depends on the combined efforts of all individuals and to this end will fully support any individual encountering difficulties implementing this Policy.

Signed

Justin Mylchreest – Managing Director

Issue Date **April 2018**

Review Date **April 2019**