



# **GDPR Compliance Statement**

## **Will Wearside Fencing Limited be in compliance with the GDPR by May 25, 2018?**

Yes. We are preparing and are committed to being in compliance by the above date.

Our customers reside within the EEA and it is in the best interest of the company to ensure the privacy and security of our customers data and compliance to all applicable regulations.

We have no suppliers and partners outside of the EEA.

Our employees have been given information relevant to compliance and understand what we are doing and know their rights.

## **What is personal data under the GDPR?**

The types of data considered personal under the existing legislation include such data as name, address, and photos. GDPR extends the definition of personal data so that something like an IP address can be personal data. It also includes sensitive personal data such as genetic data, and biometric data which could be processed to uniquely identify an individual.

The person who this information refers to is known as a data subject\*.

\*Any information relating to an identified or identifiable natural person or 'data subject' (i.e. an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person)

## **Is Total Recycling a Data Controller?**

A **data controller** is the individual or the "legal person" who controls and is responsible for the retention and use of personal information on a computer or in structured manual files. Data controllers can be individuals for example, doctors and pharmacists who keep personal information about their patients or "legal persons" such as limited liability companies, Government departments, banks, clubs, societies and other incorporated entities.

As a limited liability company with the above responsibilities i.e. "legal person", we are a data controller

Our responsibilities are summarised in eight basic rules:

- Obtain and process information fairly,
- Keep it only for one or more specified, explicit and lawful purposes,
- Use and disclose it only in ways compatible with these purposes,
- Keep it safe and secure,
- Keep it accurate, complete and up-to-date,
- Ensure that it is adequate, relevant and not excessive,
- Retain it for no longer than is necessary for the purpose or purposes,
- Give a copy of his/her personal data to an individual, on request

## **What do I do if Wearside Fencing Limited have previously obtained my personal data or sensitive information but I want it removing?**

There are some circumstances whereby it is lawful to obtain, process and retain personal and sensitive information. We have completed an information audit to map data flows and from this, we have identified the lawful basis for processing this data. Consents will be sought where necessary and appropriate.

Where consent is withdrawn or a data subject exercises the right to erasure, restrict processing or to object, we have processes in place which incorporates review of the original information audit. We will reply accordingly following review. Questions later within this document explain fully.

Should we use third party processors, we will ensure that they too comply with GDPR for the information we provide. Any decision to erase records and data will also include third party processors doing likewise.

## Does Wearside Fencing Limited have a Breach Notification policy?

In the unlikely event of a breach, Keyley Marshall is our contact who will deal with any discovered or reported. An identification and evaluation programme has been undertaken in line with our Web, Social Media and IT policy which includes breach notification to adhere to GDPR requirements.

## Can I Exercise the Right to Access

Where right to access is expressed, Wearside Fencing Limited will export a report of data relating to personal and sensitive information held and processed and the reason for this. This will be returned to the data subject within the required timeframe.

## Can I Exercise the Right to Data Portability

Wearside Fencing Limited comply with the data portability requirements included in the GDPR by using contractual necessity (eg TUPE) or consent (most personal information). Due to the type of data held for customer and supplier personal information, data portability should not normally be an issue. However, should a right to data portability be exercised by either, we will review the information as per the process adopted and report back on findings.

## Can I Exercise the Right to be Forgotten (Erasure), Right to Restrict Processing or the Right to Object?

Wearside Fencing Limited, as the Data Controllers, have full control over the data to remove these records, personal data and/or cease processing in the future. The responsibility to respect customer, supplier and employee wishes when consent is withdrawn resides with the Data Controller.

As a business, we will always comply with GDPR and process requests for rights received from individuals. Where a request for any of the above 3 rights are deemed manifestly unfounded or excessive we may:

- request a "reasonable fee" to deal with the request; or
- refuse to deal with the request.

We will justify the decision made and report this back to the data subject. Where the decision is to refuse to comply with the request for restriction, reply will be within one month of the original request. **The data subject has a right to make a complaint to the ICO or another supervisory authority or can seek to enforce this right through a judicial remedy should they not agree with the refusal.**

The **right to erasure** is not an absolute right and as a data controller we take into account the aspects of possibility, proportion, costs, overriding legitimate grounds upon receipt of a verbal or written request for this. The right will not apply where the personal data processing is necessary:

- to exercise the right of freedom of expression and information;
- to comply with a legal obligation;
- for the performance of a task carried out in the public interest or in the exercise of official authority;
- for archiving purposes in the public interest, scientific research historical research or statistical purposes where erasure is likely to render impossible or seriously impair the achievement of that processing; or
- for the establishment, exercise or defence of legal claims

Once processing of data subjects personal data has ceased and we do not have a lawful basis or the exemptions above do not apply, we will erase the data automatically.

It will also not apply in two circumstances relating to special category data:

- if the processing is necessary for public health purposes in the public interest (eg protecting against serious cross-border threats to health, or ensuring high standards of quality and safety of health care and of medicinal products or medical devices); or
- if the processing is necessary for the purposes of preventative or occupational medicine (eg where the processing is necessary for the working capacity of an employee; for medical diagnosis; for the provision of health or social

care; or for the management of health or social care systems or services). This only applies where the data is being processed by or under the responsibility of a professional subject to a legal obligation of professional secrecy (eg a health professional).

Following review, if the right to be forgotten (erasure) is justified, we have processes in place to remove this personal and sensitive information. We will notify the individual of any third party processors who also have this information and will ensure that they also erase the information.

An individual (data subject) can limit the way we use their data. This is known as the **right to restrict** processing. Where this right is exercised, Wearside Fencing Limited will adopt measures to restrict processing whilst we consider its accuracy and the legitimate grounds for processing the personal data in question. Reply will be within one month of receipt.

Once we have made a decision on the accuracy of the data, or whether our legitimate grounds override those of the individual, we may decide to lift the restriction and will inform the data subject before the restriction is lifted.

The right to object only applies in certain circumstances and hence we have a process in place which incorporates checking whether there are compelling legitimate grounds which override the interests of an individual. Where we receive a right to object verbal or written request, we will follow this process and in making our decision, we will consider the individual's interests, rights and freedoms and why they have objected in the first place and balance this with the company's own legitimate grounds.

## **Right to Rectification**

As Wearside Fencing Limited are in full control of the data records held, we are able to correct any personal data that has been identified as inaccurate or incomplete. Our Data controllers are responsible for making these changes in Wearside Fencing Limited and any integrated systems.

## **Privacy by Design**

Wearside Fencing Limited has a high regard for the privacy and security of its customers' , suppliers and employees data. As such, privacy and data security aspects are considered and implemented and audited in conjunction with our BSEN ISO9001:2015 management system relating to documented information.

Wearside Fencing Limited has implemented a continuously improving system which ensures obtaining, maintaining, processing and retaining electronic and manual records of personal and sensitive data and information is always at the forefront of our considerations when conducting our activities.

## **Data Protection Officer (DPO)**

Wearside Fencing Limited does not have an appointed Data Protection Officer (DPO). However there is an appointed representative acting for the company as Data Controller. All Subject Access Requests (SARs) and any letters requesting rights and initial complaints relating to GDPR should be addressed to him – Mrs Keyley Marshall.

Current standards of the GDPR do not require Wearside Fencing Limited to have a DPO based on the nature of the data processed.