

15 DATA PROTECTION AND PRIVACY POLICY

Environmental Forestry UK Ltd is committed to processing data in accordance with its responsibilities under the GDPR.

This GDPR policy ensures Environmental Forestry UK Ltd:

Complies with data protection law and follows good practice

Protects the rights of staff, clients and partners

Is open about how it stores and processes individuals' data

Protects itself from data protection risks such as breaches of confidentiality, failure to offer choice and reputational damage

Introduction

The General Data Protection Regulations (GDPR) came into force on 25 May 2018, replacing the EU Data Protection Directive and superseding the Data Protection Act 1998. It was transposed into UK law through the Data Protection Act 2018. The purpose of the GDPR is to protect the rights and freedoms of individuals and ensure that personal data is not processed without their knowledge, and wherever possible, that it is processed with their consent.

A **controller** is the natural or legal person, public authority, agency or any other body which alone or jointly with others determines the purposes and means of the processing of personal data.

A **processor** is a natural or legal person, public authority, agency or any other body that processes personal data on behalf of the controller.

A **data subject** is the individual who is the subject of the relevant personal data.

GDPR applies to personal data meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier. This definition provides for a wide range of personal identifiers to constitute personal data, including name, identification number, location data or online identifier, reflecting changes in technology and the way organisations collect information about people.

GDPR applies to both automated personal data and to manual filing systems where personal data are accessible according to specific criteria. This could include chronologically ordered sets of manual records containing personal data.

GDPR refers to sensitive personal data as special categories of personal data. The special categories specifically include genetic data, and biometric data where processed to uniquely identify an individual.

GDPR does not apply to data that are rendered anonymous in such a way that individuals cannot be identified from the data.

Principles of Data Protection

Article 5 of the GDPR requires that personal data shall be:

1. Processed lawfully, fairly and in a transparent manner in relation to individuals;
2. Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
4. Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
5. Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
6. Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Lawfulness of processing conditions

Under GDPR, there is requirement to have a valid lawful basis in order to process personal data. There are **six** available lawful bases for processing set out in **Article 6 of GDPR**:-

- (a) **Consent:** the data subject has given clear unambiguous consent for their personal data to be processed for a specific purpose
- (b) **Contract:** processing is necessary for the performance of a contract with the data subject or to take steps to enter into a contract
- (c) **Legal obligation:** processing is necessary for compliance with a legal obligation
- (d) **Vital interests:** processing is necessary to protect the vital interests of a data subject or another individual
- (e) **Public task:** 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) **Legitimate interests:** processing is necessary for the purposes of legitimate interests pursued by the controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject

Environmental Forestry UK Ltd lawful bases for processing

Our lawful basis for processing the personal data of clients is that processing is necessary to perform or enter into the **contract** we have with them as outlined in their engagement letter and the terms of business.

Our lawful basis for processing the personal data of employees is that processing is necessary to perform or enter into the employment **contract** we have with them.

Our lawful basis for processing the personal data of employees in relation to PAYE, pension contributions and other personal data shared with HMRC is that processing is necessary for **compliance with the law**.

Our lawful basis for holding the personal data of potential employees / candidates is that we have a **legitimate interest** in deciding whether to recruit them. Should a candidate be unsuccessful, this legitimate interest will cease to exist and any personal data held on unsuccessful candidates will be deleted/destroyed within three months.

We will only process personal data in relation to marketing activities if we have clear **consent** from the data subject. This includes contacting clients regarding: -

Networking and similar events, Newsletters and updates or Additional products/services we can offer.

Data controllers and data processors

The GDPR applies to data controllers and data processors. A controller determines the purposes and means of processing personal data. A processor is responsible for processing personal data on behalf of a controller.

Obligations as the data controller

When processing personal information Environmental Forestry UK Ltd acts as the **data controller** and will therefore comply with the following obligations: -

Controllers are liable for their compliance with GDPR and must only appoint processors who can provide 'sufficient guarantees' that the requirements of the GDPR will be met and the rights of data subjects protected

Whenever Environmental Forestry UK Ltd uses a data processor, a written contract is in place

The data controller must ensure written contracts between data controllers and processors comply with GDPR. Contracts must include the following details: -

The subject matter and duration of the processing

The nature and purpose of the processing

The type of personal data and categories of data subject

The obligations and rights of the controller

The obligations of the processor

Data controllers must record and report any serious data breaches to the Information Commissioner's Office (ICO)

Controllers have a legal obligation to give effect to the rights of data subjects

Obligations as the data processor

For some services Environmental Forestry UK Ltd processes personal data on behalf of its clients, the company acts as the **data processor** and the client acts as the data controller. Environmental Forestry UK Ltd will therefore comply with the following obligations placed on it as the data processor, under GDPR:

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- The data processor must have adequate security measures in place for processing personal data
- The data processor must only act on the documented instruction of the data controller unless required by law to act without such instruction
- The data processor must ensure that the people processing the data are subject to a duty of confidence
- The data processor will only engage a sub-processor with the prior consent of the data controller and a written contract
- The data processor will assist the data controller in meeting their GDPR obligations in relation to the security of processing, the notification of personal data breaches and data protection impact assessments
- The data processor must maintain records of personal data and data processing activities
- The data processor must inform the data controller if it becomes aware of any breach of personal data
- The data processor must assist the data controller in providing subject access and allowing data subjects to exercise their rights under the GDPR

Description of our processing activities

Environmental Forestry UK Ltd keep records of its processing activities, including:

- The contact details of the controller/representative;
 - The purposes of the processing;
 - The categories of data subjects and personal data processed;
 - The categories of recipients with whom the data may be shared;
 - Information regarding Cross-Border Data Transfers;
 - The applicable data retention periods;
 - A description of the security measures implemented in respect of the processed data.
- Upon request, these records will be disclosed to data protection authorities.

Environmental Forestry UK Ltd process personal information in order to: -

- Provide accounting, auditing, taxation, auto-enrolment and related services
- Maintain its own accounts
- Support and manage its employees
- Fulfil contractual agreements

Environmental Forestry UK Ltd processes personal information about customers and clients, advisers and other professional experts and employees.

This information may include: -

Personal details

Family, lifestyle and social circumstance

Goods and services

Financial details

Education details

Employment details

Under Article 9(2) GDPR.

Environmental Forestry UK Ltd also processes sensitive classes of information that may include: -

Physical or mental health details

Racial or ethnic origin

Religious or other beliefs

Environmental Forestry UK Ltd processes this information with **Explicit Consent** from the Data Subject

Sharing personal information

Environmental Forestry UK Ltd outsource a variety of its functions to third-parties, and this includes the need to transfer personal data outside of the organisation.

Where this is necessary, the company is required to comply with all aspects of the GDPR. Where necessary or required, the company shares information with: -

Business associates, professional advisers

Family, associates and representatives of the person whose personal data is being processed

Suppliers

Local and central government

Financial organisations

Ombudsmen and regulatory authorities

Credit reference and debt collection agencies

Healthcare professionals, social and welfare organisations

Current, past or prospective employers

Examining bodies

Service providers

Transferring personal information overseas

It may sometimes be necessary to transfer personal information overseas. When this is needed information is only shared within the European Economic Area (EEA). Any transfers made will be in full compliance with all aspects of the GDPR.

Data Subject Access Requests

GDPR provides the following rights for individuals: -

1. The right to be informed
2. The right of access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing
6. The right to data portability
7. The right to object
8. Rights in relation to automated decision making and profiling

Right to be informed

When requested, Environmental Forestry UK Ltd will provide information that must include: -

Identity and contact details of the data controller

Purpose of the processing and the lawful basis for the processing

The legitimate interests of the controller

Any recipient or categories of recipients of the personal data

Retention periods

The rights of the data subjects

The existence of any automated decision making and profiling

Right of access

Individuals have the right to access their personal data and supplementary information.

Environmental Forestry UK Ltd will provide a copy of the information free of charge. However, it will charge a 'reasonable fee based on administrative costs' when a request is manifestly unfounded or excessive, particularly if it is repetitive.

Information will be provided within one month of receiving the request. The company will be able to extend the period of compliance by a further two months where requests are complex or numerous.

Environmental Forestry UK Ltd will verify the identity of the person making the request, using 'reasonable means'. If the request is made electronically, the company will provide the information in a commonly used electronic format.

If the company refuses to respond to a request, Environmental Forestry UK Ltd will explain why to the individual, informing them of their right to complain to the supervisory authority and to a judicial remedy without undue delay and at the latest within one month.

Right to rectification

Individuals are entitled to have personal data rectified if it is inaccurate or incomplete.

Where Environmental Forestry UK Ltd has disclosed the personal data to others, it will contact each recipient and inform them of the rectification, unless this proves impossible or involves disproportionate effort.

A request for rectification will be responded to within one month. This will be extended by two months where the request is complex.

Right to be forgotten

The right to be forgotten enables an individual to request the deletion or removal of personal data in specific circumstances: -

Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed

When the individual withdraws consent

When the individual objects to the processing and there is no overriding legitimate interest for continuing the processing

The personal data was unlawfully processed

The personal data has to be erased in order to comply with a legal obligation

The personal data is processed in relation to the offer of information society services to a child

The right to erasure does not apply in some specific circumstances and the company can refuse to deal with a request. This is where the personal data is processed:

To exercise the right of freedom of expression and information

To comply with a legal obligation for the performance of a public interest task or exercise of official authority

For public health purposes in the public interest

For archiving purposes in the public interest, scientific research historical research or statistical purposes

For the exercise or defence of legal claims.

If Environmental Forestry UK Ltd has disclosed the personal data to others, it will contact each recipient and inform them of the erasure of the personal data - unless this proves impossible or involves disproportionate effort.

Right to restrict processing

Individuals have a right to restrict processing of personal data. When processing is restricted, the company is permitted to store the personal data, but not further process it. Environmental Forestry UK Ltd may retain just enough information about the individual to ensure that the restriction is respected in future.

Processing of personal data will be restricted in the following circumstances: -

Where an individual contests the accuracy of the personal data, the company will restrict the processing until it has verified the accuracy of the personal data

Where an individual has objected to the processing (where it was necessary for the performance of a public interest task or purpose of legitimate interests), and the company is considering whether its legitimate grounds override those of the individual

When processing is unlawful and the individual opposes erasure and requests restriction instead

If the company no longer needs the personal data but the individual requires the data to establish, exercise or defend a legal claim

If Environmental Forestry UK Ltd has disclosed the personal data to others, it will contact each recipient and inform them of the erasure of the personal data - unless this proves impossible or involves disproportionate effort.

Right to data portability

The right to data portability allows the data subject to obtain and re-use their personal data for their own purposes across different services. It allows them to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without hindrance to usability. Upon request, Environmental Forestry UK Ltd will provide the personal data in a structured, commonly used and machine-readable form. This should enable other data controllers to use the data.

The information will be provided free of charge. Environmental Forestry UK Ltd will respond without undue delay, and within one month.

Right to object

Environmental Forestry UK Ltd inform individuals of their right to object at the point of first communication.

Data subjects have the right to object on “grounds relating to his or her particular situation” to:

Direct marketing (including profiling)

Processing for purposes of scientific/historical research and statistics

Processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling)

When an objection is submitted, Environmental Forestry UK Ltd will stop processing the personal data unless:

It can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual; or

The processing is for the establishment, exercise or defence of legal claims.

Environmental Forestry UK Ltd will stop processing personal data for direct marketing purposes as soon as it receives an objection. There are no exemptions or grounds to refuse.

Rights in relation to automated decision making and profiling

GDPR has provisions on automated decision-making (making a decision solely by automated means without any human involvement) and profiling (automated processing of personal data to evaluate certain things about an individual).

Environmental Forestry UK Ltd processing activities do not involve automated decision making or profiling.

Recording and reporting a data breach

A personal data breach is a breach of security leading to the destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

Recording a breach

All data breaches will be recorded internally, using the Environmental Forestry UK Ltd Data Protection Breach Report Form. This form will be completed by the member of staff who discovered the breach or a member of staff who has knowledge of the company's data protection procedures in place. The decision as to whether to report the breach must be signed off by the director. Completing this form will assist the company when and if the breach is reported.

Deciding whether to report a breach

Each case will be considered on its own merits. Breaches that are considered by the company to be 'serious' will be reported to the Information Commissioner's Office (ICO). The seriousness of a breach will depend on: -

The potential detriment to any Data Subjects

The volume of personal data involved in the breach

The sensitivity of the data involved in the breach

The potential detriment to individuals is the overriding consideration in deciding whether Environmental Forestry UK Ltd report a breach of security. Detriment includes emotional distress as well as both physical and financial damage. If there is significant actual or potential detriment as a result of a breach, whether due to the volume of data, its sensitivity or the combination of the two, a report will be made.

Reporting a breach

Serious breaches will be reported to the ICO within 72 hours of discovery

Breaches will be reported to the ICO by Gill Cross or Elizabeth Hayes.

Serious breaches will be reported using the DPA security breach helpline on 0330 123 1113 or the DPA security breach notification form at www.ico.org.uk and send it to casework@ico.org.uk this can also be submitted by post to: -

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Notifying the data subjects

If the breach is likely to result in a high risk of adversely affecting individuals' rights and freedoms, the breach will also be reported to the affected individual(s) without undue delay.

Signed on behalf of Environmental Forestry UK Ltd



Patrick B. Hayes
Director

30th August 2023