

ADAS Data Protection Policy



Aims

- The purpose of this policy is to ensure that ADAS complies fully with its legal obligations in relation to the protection of personal data that it holds about or concerning any individual.
- This policy concerns personal data held by ADAS in relation to any person, whether they are, were or are about to become employees of ADAS or any client, supplier or contact. Personal data is described below in more detail, but the concept is very broad and may include any information about any individual, held by ADAS.
- All ADAS employees must familiarise themselves fully with its contents and ensure that its terms are applied fully in relation to the handling or “processing” of personal data.

Legal compliance

Data protection laws, such as the Data Protection Act 1988, are overseen by the Information Commissioner who has powers to take legal action against businesses or individuals acting unlawfully. Any employee may make themselves individually liable to legal action by the Information Commissioner and/or by any individual whose information they have disclosed in breach of data protection legislation and who suffers loss as a result. This policy is designed to prevent such potential damage to ADAS and its employees and to ensure that personal data processed by ADAS is dealt with in full compliance with the law.

The Company’s Data Protection Officer is responsible for data processing and compliance with data protection legislation.

Registration

ADAS has registered its details on the Data Protection Registrar which is maintained by the Information Commissioner’s Office. The register entry contains personal data held for the following seven purposes.

- Staff administration.
- Advertising, marketing and public relations.
- Accounts and records.
- Consultancy and advisory services.
- Education.
- Crime prevention and prosecution of offenders.
- Research.

Definitions and scope

The law contains some important concepts that define the obligations of ADAS and its employees. Although most employees are not expected to remember detailed legal definitions, a general understanding of the concepts is required to avoid inadvertent breaches. These are therefore broadly defined:

Data means recorded, stored information irrespective of the medium by which it is recorded or on which it is stored. It may be on a computer or paper. Having been recorded in writing, it will still be an unlawful disclosure of data if it is subsequently given to someone directly or indirectly, verbally, on the telephone or even left on an answering machine.

Personal Data means any information about an individual from which they can be identified, either taken on its own or combined with other information held by the **Data Controller**, or, in this case, ADAS. It may be factual data or an expression of opinion or intent. It may be something as simple as a telephone number or a piece of advice.

Sensitive personal data means data falling within particular categories of personal information, relating to any person's: racial or ethnic origin; political beliefs, opinions or affiliations; religious or some philosophical beliefs; membership or non-membership of trade unions; physical, mental or sexual health, condition or preferences; participation in, allegations pertaining to or the progress of or sentencing for any criminal acts or proceedings. ADAS rarely holds sensitive personal data.

Processing means any action involving data including the passive retention of it. It denotes all of the stages from acquiring to disposing of data and all actions in between while the data processor is in control of the data such as recording, maintaining, storing, updating or amending, disclosing or deleting it.

There are also references in the Data Protection Act to particular functions carried out by or on behalf of data processors, such as ADAS and its employees or agents, and broader concepts.

Data subject's means any person to whom the personal information relates.

Data controllers means the individuals or organisations responsible for complying with the legal obligations in relation to the processing of personal data including the establishment of practices and procedures and compliance with those procedures by monitoring the processing of such data.

Data processors means all persons or organisations on behalf of the data controller other than its employees. This will include third party organisations or persons with whom the data controller collaborates in processing personal data.

Data users means all employees or workers of the data controller processing personal data on behalf of the data controller.

These are broad data protection definitions but are not strictly legal definitions. Applying them, however, will greatly assist in legal compliance as they are designed to avoid complex legal points.

Legislation imposes legal obligations on companies in relation to the personal data that it acquires on behalf of or from any third party data controller and ADAS may be a data processor in relation to personal data of a data subject with whom it has no contact or other relationship.

Principles

ADAS will ensure that all personal data is processed in accordance with the eight following fundamental principles as enshrined in the Data Protection Act 1988.

ADAS will:

- Process personal data fairly and lawfully.
- Ensure that personal data acquired for the purpose specified.
- Ensure that the data is adequate, relevant and not excessive for the purposes required.
- Ensure the data is accurate and kept up-to-date.
- Retain personal data no longer than necessary and destroy as appropriate.
- Ensure data processed in accordance with the rights of data subjects under the Act.
- Ensure that the data is surrounded by appropriate technical and organizational measures to prevent unauthorized or unlawful processing of personal data and against accidental loss or destruction or damage to personal data.
- Ensure that data shall not be transferred to a country or territory outside the European Community, unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Subject access requests

Data subjects have the legal right to request details of information held about them by ADAS. Subject access requests have to be made by the data subject in writing, and must be accompanied by an administration fee of £10.

Any subject access requests received by managers or other employees will be referred to the Data Protection Officer. ADAS will respond to any subject access requests promptly, and in any event within 40 calendar days.

Employee training

Those employees whose job involves the handling of personal data will receive appropriate training either at their induction or when they commence work on a client contract that involves collection of personal data. This training will cover the Data Protection Act 1998 and the procedures for obtaining, retaining, updating, using, transporting, sending and destroying personal data. All of these functions are strictly confidential and any employee handling personal data in breach of this policy may face disciplinary charges that may, in serious cases, result in dismissal.

Policy review

This policy will be periodically reviewed in accordance with a documented procedure within the company's quality management system.



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PS30 Edition: 05
January 2018