

### **Introduction**

In order to provide assessment & qualifications to its customers and clients, promote its services, maintain its own accounts and records and support and manage all associates EMPI AWARDS needs to gather, process, store and use certain information about individuals. These include past, current and prospective clients, clients' employees, candidates, partners, suppliers, business contacts, employees, contractors and anyone else the organisation has a relationship with or may need to contact. To this end EMPI AWARDS is registered as a Data Controller (No. Z2540043) with the Information Commissioners Office (ICO).

### **Purpose of the Policy**

This policy describes how personal data is collected, handled and stored to meet the company's data protection standards and comply with the General Data Protection Regulation 2018 (GDPR). GDPR applies to any data which would enable the identification of living individuals. For example, it may not be possible to identify living individuals from a spreadsheet of candidate numbers, however, it may be possible when combined with other information in EMPI AWARDS's possession. As such all data shall be processed equally.

There are 6 principles regarding data processing listed in Article 5 of the GDPR with which all Data Controllers must be able to demonstrate compliance. These are that data must be:

1. Processed lawfully, fairly and transparently
2. Specified, explicit and for legitimate purpose
3. Adequate, relevant and limited to that necessary
4. Accurate and kept up-to-date
5. Kept in a form that permits identification for no longer than necessary
6. Appropriately secured

Additionally, this Policy ensures that EMPI AWARDS:

- Complies with data protection law and follows best practice
- Protects the rights of staff, customers and partners
- Is open and honest about how it stores and processes individuals' data
- Protects itself and others from the risks of a data breach

An important aspect of the GDPR is the right of an individual to know what information is held on them, and it provides a framework to ensure personal information is processed securely by those responsible. More information on data processing can be found in Appendix A.

Failure to comply with the GDPR is a criminal offence and individuals who feel they are being denied proper access to their personal information, or feel this information is not being handled according to the six principles above, must raise their concerns with EMPI AWARDS in the first instance (see Appendix B). The ICO expects EMPI AWARDS to respond to and deal with any concerns raised by individuals within one month (assuming a straightforward inquiry). If the matter is not resolved, individuals can contact the ICO for help (see Appendix B). Complaints are usually dealt with informally, but if this is not possible, enforcement action can be taken.

### **EMPI AWARDS Responsibilities**

By entering into any form of contract with EMPI AWARDS you automatically consent to the collection and processing of your personal information under Article 6(1)(b)/(f) of the GDPR; because it is necessary for the performance of the contract or for the pursuance of EMPI AWARDS legitimate business interests. Where information is requested that is not directly necessary for EMPI AWARDS or any of its subsidiaries to discharge their responsibilities it will be clearly highlighted, and the reasons explained; your active consent shall be sought, which you are free to deny.

The majority of the data EMPI AWARDS deals with is classed as 'standard' personal data covering categories such as:

- General personal details, for example:
  - Names and addresses
  - Telephone numbers and email addresses
  - National Insurance Numbers

- Driving license details
- Bank account details and credit card numbers
- Photographs, CCTV footage and voice recordings
- Details about relevant scheme completion
- Performance appraisals; including behaviours and discipline

There are specific conditions for 'sensitive' personal data (referred to as 'Special Categories of Personal Data') such as: racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, health, sex life, and offences or alleged offences. This type of data shall only be used where there is an essential need and under strict conditions, which include:

- Explicit consent from the individual
- Legal requirements i.e. employment purposes
- To protect the interests of the data subject or another individual
- Administration of justice or legal proceedings

Additionally, the data subject must be clearly informed who will see 'sensitive' data and why it is to be processed.

EMPI AWARDS shall ensure that:

- All personal data is held securely:
  - Physical copies are stored in a locked drawer or filing cabinet
  - Digital copies are password protected
  - External digital and magnetic media is password protected and, where appropriate, encrypted
  - The utmost attention is given to the physical security of any portable media or laptop computers carrying personal data
- No personal data shall be disclosed in any form to unauthorised third parties
- Access to information internally shall be limited to those with a legitimate purpose

In the event of a data breach which is likely to risk the rights and freedoms of an individual EMPI AWARDS has a legal requirement to inform both the data subject and the ICO within 72hrs. EMPI AWARDS will carry out an appropriate risk assessment and take any necessary corrective action in accordance with current guidance from the ICO. The nature of EMPI AWARDS responsibilities requires that most information is held indefinitely, although physical copies are destroyed as soon as they are no longer required, digital data is retained.

Any physical material containing personal data will be shredded, and disposed of as confidential waste. This includes anything relating to candidate records, registration/certification/card matters or client staffing matters. Particular care will be taken to delete information from computer hard drives if a machine is to be disposed of or passed on to another individual.

In order to conduct its business EMPI AWARDS must share information with several other organisations and/or individuals, these include:

- Internal administrators
- End Point Assessors
- Providers
- Employers
- Auditors/regulators
- Sub-Contractors
- Government Agencies

## **Data Subjects Rights**

All individuals now have seven rights in relation to their personal data:

### 1. The right to be informed

Upon data collection EMPI AWARDS shall inform individuals of:

- The Identity and address of the data controller
- The purpose and legal basis for the processing
- Any recipients of the data
- The period the data shall be stored for
- The right of access, erasure and portability

- Where applicable, the right to withdraw consent at any time
- The right to lodge a complaint with the ICO

Where the data has not been collected directly, individuals may enquire as to its source.

## 2. The right of access

Individuals retain the right to know if their personal data is being processed, and if so access to that data, in addition to:

- The purpose of processing
- The categories of data concerned
- Any recipients, or categories of recipients of the data
- The period the data will be stored or the criteria used to determine the period

This assumes that the cost of researching and providing this information is not prohibitive, although a conformation (positive or negative) remains mandatory.

## 3. The right to rectification

Data subjects have the right, without undue delay, to obtain rectification of inaccurate personal data or to complete partial data.

## 4. The right to erasure

Individuals have the right to the erasure of any of their personal data held by EMPI AWARDS or its subsidiaries, without undue delay, so long as:

- The data is no longer necessary to the purpose for which it was collected
- Where applicable, they actively withdraw consent
- There are no legitimate grounds for the processing
- The data has been processed unlawfully
- It is required to comply with a legal obligation

Equally individuals' data cannot be erased if processing is necessary for:

- Exercising the right of freedom of information
- Compliance with a legal obligation
- Reasons of public interest/health
- Archiving in the public interest; scientific, historical or statistical purposes (following data minimisation and ensuring the data subject cannot be identified)
- The establishment, exercise or defence of legal claims

## 5. The right to restrict processing

Individuals can obtain restriction of processing, provided:

- The accuracy of the data is contested (restriction is only for a period enabling verification)
- The processing is unlawful but you oppose erasure
- The data is no longer needed but is required by the subject for the establishment, exercise or defence of legal claims
- The subject has objected under their right to object (pending verification of EMPI AWARDSs legitimate grounds to process the information - see below)

## 6. The right to data portability

Data subjects have the right to receive any of their personal data EMPI AWARDS holds in a structured, commonly used machine-readable format and transmit it to another data controller without hindrance provided:

- The processing is purely based on an individual's consent
- The processing is carried out by automated means

## 7. The right to object

Individuals have the right to object to their data being processed for the purposes of:

- Profiling
- Direct marketing

- Scientific, historical or statistical purposes, unless the processing is necessary for reasons of public interest

Where it is able, EMPI AWARDS will provide any requested information in a concise, transparent, intelligible and easily accessible form. Unless specifically requested this shall be via electronic communication. This will be done within one month of receipt of the request unless it is complex or numerous (whereby an additional two months are permitted), and initial copies will remain free of charge. EMPI AWARDS reserves the right to charge a commensurate administration fee for any subsequent copies or to refuse the request if it is manifestly unfounded or excessive.

#### Policy Review Arrangements

EMPI Awards will review this policy as part of the normal continuous improvement process and revise it as appropriate and/or in response to changes in legislation; regulation; practices; actions from any incidents; or in response to clients or key stakeholder feedback.

Next Review: January 2021

#### Appendix A

Data processing in relation to information or data, means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- a. Organisation, adaptation or alteration of the information or data,
- b. Retrieval, consultation or use of the information or data,
- c. Disclosure of the information or data by transmission, dissemination or otherwise making available, or
- d. Alignment, combination, blocking, erasure or destruction of the information or data.

#### Appendix B

EMPI AWARDS (trading as Philip Brain Associates Ltd) is a data controller registered with the Information Commissioners Office (Registration Number: Z2540043). The Data Controller can be contacted at:

Swallows Rest  
Pendalog  
Llanfyllin  
Powys  
SY225ET

Email: [info@empiawards.co.uk](mailto:info@empiawards.co.uk)

The Information Commissioner's Office can be contacted via:  
0303 123 1113 or <http://ico.org.uk>