



# Equitopia Ltd

## Data Protection Policy

### Overview

We collect and process information about individuals (“personal data”) for business purposes, including employment and HR administration, provision of our services, marketing and business administration. This includes personal data relating to our staff, customers, suppliers and other third parties.

Compliance with data protection law is essential to ensure that personal data remains safe, our business operations are secure, and the rights of individuals are respected. Equitopia Ltd is a controller under data protection law, meaning it decides how and why it uses personal data. This policy explains our procedures for complying with data protection law in relation to personal data. It also sets out your obligations whenever you are processing any personal data in the course of your employment.

If you routinely handle individual’s’ personal data, you will be given specific training and/or instruction regarding data protection procedures in relation to your particular role. This will supplement your obligations as set out in this Policy.

There will also be other policies which will impact upon how you deal with personal data and data protection. The main ones are our [Information Security Policy], [Electronic Communications Policy] and [Social Media Policy] and we expect you to comply with these where relevant.

This policy does not give any contractual rights to Employees. It may be updated at any time.

### Who does this policy apply to?

This policy applies to all Equitopia Ltd employees, workers (contractors, agency workers, consultants, volunteers, partners and directors) (“together referred to as “Employees” or “you”).

### Who is responsible for data protection at the Company?

The Proprietor is ultimately responsible for the Company’s compliance with applicable data protection law.

We have appointed a Data Protection Lead who is responsible for overseeing, advising on and administering compliance with this Policy and data protection law.

All our employees have some responsibility for ensuring that personal data is kept secure and processed in a lawful manner although certain employees will have particular

responsibilities of which they will be aware and in respect of which they may receive specific instructions.

If you are in any doubt about how you should handle personal data, or if you have any concerns or questions in relation to the operation (or suspected breaches) of this Policy, you should seek advice from the Data Protection Lead.

### **Why is data protection compliance important?**

Data Protection law in the UK is regulated and enforced by the Information Commissioner's Office (ICO). Failure to comply with data protection law may expose the company and, in some cases, individual Employees, to serious legal liabilities. In addition an individual may seek damages from us in the courts if we breach their rights under data protection law. Breaches of data protection law can also lead to serious damage to our brand and reputation.

In addition to the legal liabilities, failure to comply with your obligations under this Policy could lead to disciplinary action and, in serious cases, could result in the termination of your employment

### **What is personal data?**

Personal data means any information relating to any living individual (also known as a "data subject") who can be identified (directly or indirectly) in particular by reference to an identifier (e.g. name, NI number, employee number, email address, physical features). Relevant individuals can include your colleagues, consumers, members of the public, business contacts, etc. Personal data can be factual (e.g. contact details or date of birth), an opinion about a person's actions or behaviour, or information which may otherwise impact on that individual. It can be personal, or business related.

Personal data may be automated (e.g. electronic records such as computer files or in emails or in manual records which are part of a filing system or are intended to form part of a filing system (e.g. structured paper files and archives).

### **What does "processing" personal data mean?**

Processing personal data means any activity that involves the use of personal data (e.g. obtaining, recording or holding the data, amending, retrieving, using, disclosing, sharing, erasing or destroying). It also includes sending or transferring personal data to third parties.

### **Data Protection Obligations**

Equitopia Ltd is responsible for and must be able to demonstrate compliance with data protection law. To ensure that Equitopia Ltd meets its responsibilities, it is essential that its Employees comply with data protection law and any other company's policies, guidelines or instructions, relating to personal data when processing personal data in the course of their employment.

We have set out below the key obligations under data protection law and details of how we expect our Employees to comply with these requirements.

## 1. Process personal data in a fair, lawful and transparent manner

### Legal grounds for processing

Data protection law allows us to process personal data only where there are fair and legal grounds which justify using the information.

Examples of legal grounds for processing personal data include the following (at least one of these must be satisfied for each processing activity):

- Complying with a legal obligation (e.g. health and safety or tax laws);
- Entering into or performing a contract with the individual (e.g. an Employee's terms and conditions of employment, or a contract for services with an individual customer);
- Acting in the company's or a third party's legitimate interests (e.g. maintaining records of business activities, monitoring business productivity); and
- Obtaining the consent of the individual (e.g. for sending direct marketing communications).

Where consent is relied upon, it must be freely given, specific, informed and unambiguous and we must effectively demonstrate that consent has been given.

In line with the ICO guidance regarding the employee/Employer relationship, we do **not** use consent as a legal ground for processing Employee data unless the data processing activities concerned are genuinely optional.

In most cases, consent is not required for other standard business activities involving use of customer or supplier data, but it may be needed for activities which are not required to manage the main business relationship, such as direct marketing activities.

### Transparency

Data protection law also requires us to process personal data in a transparent manner by providing individuals with appropriate, clear and concise information about how we process their personal data.

We usually provide individuals with basic information about how we use their data on forms which collect data (such as application forms or website sites) and in longer privacy notices setting out details including: the types of personal data that we hold about them, how we use it, our legal grounds for processing the information, who we might share it with and how long we keep it for. For example, we provide information about our processing of Employees' personal data in our Employee Privacy Notice.

We may supplement these notices, where appropriate with reminders or additional information at the time particular processing activities take place or become relevant for an individual (for example when they sign up to a new service or event).

### *What we you need to do*

By processing personal data only in accordance with your lawful job duties and our instructions ordinarily, you will be processing personal data fairly and lawfully.

The standard privacy notices and statements that we issue, for example, to Employees, customers and the public, should normally be sufficient to ensure that individuals have appropriate information about how you are handling their personal data in the course of your employment. However, you should consider whether reminders or additional information may be appropriate at the time particular processing activities take place. This is particularly

important if you think that individuals may need further assistance to understand clearly how their data will be used as part of such activities.

Any new forms which collect personal data and any proposed consent wording must be approved in advance by the Data Lead.

If you have any concerns about the legal grounds for processing personal data or if you are unsure whether individuals have been provided with appropriate information (in particular in relation to any new processing activities) please check with the Data Protection Lead.

## **2. Take extra care when handling sensitive or special categories of personal data**

Some categories of personal data are “special” because they are particularly sensitive. These include information that reveals details of an individual’s:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade Union Membership
- Physical or mental health
- Sexual life and sexual orientation
- Biometric or genetic data (if used to identify that individual) and
- Criminal offences or convictions

Where special category personal data is concerned, data protection law requires us to have (as well as one of the legal grounds described in Section 1), an additional legal ground to justify using this sensitive information. The appropriate legal ground will depend on the circumstances.

Additional legal grounds for processing special category data including the following. Those marked with an asterisk (\*) would be particularly relevant to processing Employees’ special category personal data:

- Complying with a legal obligation/exercising a legal right in the field of employment\*
- Assessing working capacity (based on expert medical opinion, and subject to obligations of confidentiality)\*
- Carrying out equalities monitoring in relation to racial or ethnic origin, religious beliefs, health or sexual orientation\*
- Exercising, establishing or defending legal claims\*
- Preventing or detecting unlawful acts, or
- Explicit consent of the individual. (As well as the requirements for consent outlined in section 1 above, this requires an express statement from the individual that their special category of data may be used for the intended purposes.)

### *What you need to do*

If you are handling special category personal data in the course of your employment, you need to take extra care regarding compliance with data protection law. In particular, try to ensure that:

- Any processing activities are strictly in accordance with your lawful job duties and our instructions
- That there are appropriate legal grounds for processing the data (both basic grounds under section 1 and additional grounds under this section 2) which have been assessed for your specific activities

- Individuals have received adequate information regarding how their data is being handled. In some cases an existing privacy notice may need to be supplemented with more specific information regarding special category data (e.g. when we are managing sickness absence and/or making adjustments to job duties for Employees with disabilities or serious illness, we may provide additional ad hoc privacy notices to supplement to the Employee Privacy Notice);
- You apply additional security and confidentiality measures, taking into account that the impact of individuals of loss or misuse of their special category data may be greater than with other types of data. See also section 7 below, and
- If you are relying on consent as a legal for processing, you obtain advance approval of any consent wording from the Data Protection Lead.

If you are routinely handling special category data as part of the requirements of your role and job duties, we will ordinarily have put in place procedures which ensure that your processing activities satisfy the requirements above.

However, if alternative circumstances apply (e.g. you are involved in a new project or updating an existing system which involves new types of processing or special category data) please contact the Data Protection Lead to ensure that the correct compliance procedures are followed.

Similarly, if you have any concerns over the legal grounds that apply when you are processing special category data or the appropriate information to be provided to individuals, please get in touch with the Data Protection Lead.

### **3. Only process personal data for specified, explicit and legitimate purposes**

We only process personal data in accordance with our legitimate purposes to carry out our business operations and to administer employment and other business relationships.

#### *What you need to do*

You must only use the personal data that you process in the course of your duties for the company's legitimate and authorised purposes. You must not process personal data for any purposes which are unrelated to your job duties.

Processing personal data for any incompatible or unauthorised purposes could result in a breach of data protection law (e.g. using the company contacts database to find out a colleague's home address for private, non-work-related purposes). This may have potentially damaging consequences for all parties concerned, including disciplinary action.

If you find that you need to process personal data for a different purpose from that for which it was originally collected, you must check whether the individuals have been informed and, if not, consider whether the additional purpose is legitimate (in the context of the company's business activities) and compatible with the original purpose.

If you are unsure about whether the purposes for processing are legitimate, you should contact the Data Protection Lead before going ahead with processing the data for the additional purpose.

### **4. Make sure that personal data is adequate, relevant and limited to what it is necessary for your legitimate purposes**

Data protection law requires us to ensure that when we process personal data, it is adequate, relevant to our purposes and limited to what is necessary for those purposes (also

known as “data minimisation”). In other words, we ask for the information we need for our legitimate business purposes but we don’t ask for more information than we need in order to carry out our business operations.

#### *What you need to do*

You should try to ensure that you only acquire and process the personal data that you actually need for the company’s legitimate and authorised purposes within the scope of your role.

You must ensure that you have sufficient personal data needed to be able to use it fairly and to take into account all relevant details.

If you are creating forms that collect personal data, you should be able to justify why each specific category of data is being required.

You must also comply with the company’s instructions about data retention and storage, ensuring that personal data is only kept for as long as it is needed for any intended purpose.

### **5. Keep personal data accurate and (where necessary) up to date.**

The Company must take steps to ensure that personal data is accurate and (where necessary) kept up to date. For example, we request that Employees provide us with any change in contact details or personal information. We also take care that decisions impacting individuals are based on accurate and up to date information.

#### *What you need to do*

When you process individual’s personal data in the course of your employment, you must make reasonable efforts to be accurate and where necessary, to keep the relevant information updated.

When collecting any personal data, try to confirm its accuracy at the outset. If you subsequently discover any inaccuracies in the personal data that you are handling, these need to be corrected or deleted without delay.

Personal data should be held in as few places as possible to avoid the risk that duplicate copies are not updated and become out of sync. You should not create additional copies of personal data but should work from and update a single central copy where possible (in accordance with the company’s standard procedures on retention and storage of records).

### **6. Keep personal data for no longer than is necessary for the identified purposes**

Records containing personal data should only be kept for as long as they are needed for the identified purposes. The company has in place data retention, storage and deletion policies and internal processes/guidelines regarding various types of company records and information that contain personal data.

- We take appropriate steps to retain personal data only for so long as is necessary, taking into account the following criteria:
- The amount, nature and sensitivity of the personal data
- The risk of harm from unauthorised use or disclosure
- The purposes for which we process the personal data and how long we need the particular data to achieve these purposes
- How long the personal data is likely to remain accurate and up to date
- For how long the personal data might be relevant to possible future legal claims; and
- Any applicable legal, accounting, reporting or regulatory requirements that specify how long certain records must be kept.

### *What you need to do*

Please familiarise yourself with our retention policies, processes, guidelines and instructions that are relevant to your job. Ensure that, where it falls within your responsibility you destroy or erase all information that you no longer require in accordance with these.

If you are not sure what retention guidelines/instructions apply to you in your role, or you are unsure of how to apply them to a particular type or item of personal data, please contact the Data Protection Lead.

## **7. Take appropriate steps to keep personal data secure**

Keeping personal data safe and complying with the company's security procedures to protect the confidentiality, integrity, availability and resilience of personal data is a key responsibility for the company and its workforce.

*The company has an Information Security Policy* which sets out its organisational and technical security measures to protect information, including personal data.

### *What you need to do*

To assist the Company in maintaining data security and protecting the confidentiality and integrity of personal data you handle in the course of your employment, we require you to comply with this Policy, [our Information Security Policy] and [our Communications Policy] and any company instructions regarding the processing and security of personal data.

In particular, we require you to:

- Save, store and communicate personal data only within or using authorised company information and communication systems.
- Use password-protection on your computers
- Lock files in a secure cabinet
- Never leave your laptop, other device or any hard copies of documents containing personal data in a public place
- Take care when observing personal data in hard copy or on screen that such information is not viewed by anyone who does not have the right to that information especially if you are viewing the personal data in a public place
- When storing personal data on portable devices such as laptops, smartphones or USB drives ensuring that the device is encrypted and password protected
- Ensure that information containing personal data is disposed of securely and permanently, shredding where necessary
- Alert the Data Protection Lead to any personal data breaches immediately
- Ensure that any sharing or disclosure of personal data is permitted on appropriate legal grounds and, where necessary, safeguards are in place

## **8. Take extra care when sharing or disclosing personal data**

The sharing or disclosure of personal data is a type of processing, and therefore all the principles described in this Policy need to be applied.

### **Internal data sharing**

The Company ensures that personal data is only shared internally on a "need to know" basis.

### **External data sharing**

We will only share personal data with other third parties where we have a legitimate purpose, and an appropriate legal ground under data protection law which permits us to do

so. Commonly, this could include situations where we are legally obliged to provide information (e.g. to HMRC for tax purposes) or where necessary to perform our contractual duties to individuals (e.g. provision of information to our pension providers). This will also include where we have a legitimate interest to share the information with industry bodies such as RIABS for the processing of accident benefit claims, the BHA and Weatherbys for the administration of racing.

We may appoint third party service providers (known as processors) who will handle information on our behalf, for example to provide payroll, data storage or other technology services.

The company remains responsible for ensuring that its processors comply with data protection law and this Policy in their handling of personal data. We must assess and apply data protection and information security measures prior to and during the appointment of a processor. The extent of these measures will vary depending on the nature of the activities but will include appropriate risk assessments and reviews, and contractual obligations.

Details of the recipients or categories of personal data (including processors and other third parties) should be set out in privacy notices as described in section 1 above.

#### *What you need to do*

You may only share or disclose the personal data we hold internally with an Employee, agent or representative of the company if the recipient has a job related need to know the information.

You may only disclose the personal data we hold to service providers or other third parties where

- There is a legitimate purpose and appropriate legal ground for doing so (e.g. is necessary for them to process the personal data in order to provide a service to us such as payroll, or if we are legally obliged to do so)
- The individuals whose personal data is being shared have been properly informed (e.g. in an appropriate privacy notice)
- If the disclosure is to a service provider, that the company has checked that adequate security and data protection measures are in place to protect the personal data concerned
- The service provider or third party has signed up to a written contract that contains the provisions required by data protection law (unless the Data Protection Lead has determined that this is not required in context) and
- The transfer complies with any overseas transfer restrictions, if applicable.

Routine disclosures of personal data to established recipients (e.g. payroll) which form a normal and regular part of your role and job duties will ordinarily satisfy the above requirements. You should always ensure that you comply with any particular instructions you are given by the company. However, if you are any in doubt as to whether you can share personal data with anyone else, first contact the Data Protection Lead.

### **9. Do not transfer personal data to another country unless there are appropriate safeguards in place**

An overseas transfer of personal data takes place when data is transmitted or sent to, viewed, accessed, or otherwise processed in, a different country. European Union data protection law restricts, in particular, personal data transfers to countries outside of the European Economic Area, to ensure that the level of data protection afforded to individuals

is not compromised (as the laws of such countries may not provide the same level of protection for personal data as within the EEA).

To ensure that data protection is not compromised when personal data is transferred to another country, the Company assesses the risks of any transfer of personal data outside of the UK (taking into account the principles in this Policy, as well as the restrictions on transfers outside of the EEA) and puts in place additional appropriate safeguards where required.

We do not currently transfer personal data outside of the UK.

#### *What you need to do*

If you are required to transfer individual's personal data outside of the UK or EEA in the course of your employment adequate safeguards will need to be in place. Where these overseas transfers are a normal part of your role and job duties, the Company's current safeguards are likely to provide the required levels of data protection.

However if you are transferring personal data overseas in alternative circumstances (e.g. for new types of processing activities which have not previously formed part of your job scope and activities or to countries with which you haven't previously dealt) you should contact the Data Protection Lead for further guidance before going ahead with the transfer.

### **10. Report any data protection breaches without delay**

The Company takes any data protection breaches very seriously.

These can include lost or mislaid equipment or data, use of inaccurate or excessive data, failure to address an individual's rights, accidental sending of data to the wrong person, unauthorised access to, use of or disclosure of data, deliberate attacks on the company's systems or theft of records, and any equivalent breaches by the company's service providers.

Where there has been a breach of security leading to the accidental or unlawful destructions, loss, alteration, unauthorised disclosure of or access to individual's personal data, the company will take immediate steps to identify, assess and address it, including containing the risks, remedying the breach, and notifying appropriate parties (see below). [The company has [Breach Management Procedure] which sets out its procedures for identifying, assessing and addressing security breaches]

If the Company discovers that there has been a personal data security breach that poses a risks to the rights and freedoms of individuals, we will report it to the ICO within 72 hours of discovery.

We also keep an internal record of all personal data breaches regardless of their effect and whether or not we report them to the ICO.

If a personal data breach is likely to result in a high risk to the rights and freedoms of individuals, we will tell affected individuals that there has been a breach and provide them with information about its likely consequences and the mitigation measures we have taken.

#### *What you need to do*

If you become aware of any breach ( or suspected breach) of this Policy (including, in particular any security breach), you must report it to the Data Protection Lead immediately [and take any other required steps in accordance with our [Breach Management Procedure] to ensure that the breach is effectively assessed and addressed and that we comply with our data breach reporting obligations.

## 11. Integrate data protection into operations

Data protection law requires the Company to build data protection considerations and security measures into all of our operations that involve the processing of personal data, particularly at the start of a new project or activity which may impact on the privacy of individuals. This involves taking into account various factors including:

- The risks (and their likelihood and severity) posed by the processing for the rights and freedoms of individuals
- Technological capabilities
- The cost of implantation
- The nature, scope, context and purposes of the processing of personal data

We also seek to assess data protection risks regularly through the lifecycle of any project or activity which involves the use of personal data.

### *What you need to do*

If you are involved in the design or implementation of a new project of activity that involves processing personal data, you must give due consideration to all principles of data protection set out in this policy.

You should assist the Data Protection Lead with regular reviews of projects or activities to ensure data protection risks continue to be addressed.

A useful tool for assessing data protection and privacy considerations is a Data Protection Impact Assessment or DIPA. A DIPA will consider the necessity and proportionality of a processing operation and assess the risks to individuals and the measures that can be put in place to mitigate those risks. A DIPA must be carried out if a data processing operation is likely to give rise to a high risk to individual rights and freedoms.

If you are involved in the design or implementation of a new project that involves processing personal data, you must check whether it is necessary to conduct a DIPA or similar risk or compliance assessment by contacting the Data Protection Lead. They will also be able to advise you on how we expect you to conduct, or otherwise contribute, to a DIPA or similar risk assessment.

## Individual Rights and Requests

Under data protection law, individuals have certain rights when it comes to how we handle their personal data. For example, an individual has the following rights:

**The right to make a subject access request** This enables the individual to receive a copy of the personal data we hold about them, together with information about how and why we process it and other rights which they have (as outlined below). This enables them to check that we are lawfully processing it and to correct any inaccuracies.

**The right to request that we correct incomplete or inaccurate personal data** that we hold about them

**The right to request that we delete or remove personal data** that we hold about them where there is no good reason for us continuing to process it. They also have the right to ask us to delete or remove their personal data where they have exercised their right to object to processing

**The right to object to our processing of personal data** for direct marketing purposes or where we are relying on our legitimate interest (or that of a third party) where we cannot show a compelling reason to continue the processing

**The right to request that we restrict our processing of your personal data.** This enables individuals to ask us to suspend the processing of personal data about them, for example if they want us to establish the accuracy or the reason for processing it.

**The right to request that we transfer your personal data** to them or to another party, in a structured format. (this is known as the right to “data portability”). The applicability of this right depends on the legal grounds on which we process it.

**The right to challenge a decision** based solely on profiling/automated processing, to obtain human intervention and to express their point of view.

We are required to comply with these rights without undue delay and, in respect of a certain rights, within a one month timeframe.

Individuals also have the right to make a complaint at any time to the ICO about, and to take action in court to enforce their rights and seek compensation for damage suffered from any breaches.

#### *What you need to do*

If you receive a request from an individual seeking to exercise a right in relation to their personal data or making an enquiry or complaint about our use of their personal data, you must forward the request, enquiry or complaint to the Data Protection Lead immediately so that it can be dealt with appropriately and within the applicable time limit. Your assistance may be needed to address and respond to the request, enquiry or complaint.

## **Recordkeeping**

In order to comply and demonstrate our compliance with data protection law, the company keeps various records of our data processing activities. These include a Record of Processing which must contain, as a minimum: the purposes of processing; categories of data subjects and personal data; categories of recipients of disclosure of data; information about international data transfers; envisaged retention period; general descriptions of security measures applied; and certain additional details for special category data

#### *What you need to do*

You must also comply with all applicable processes/guidelines and any specific instructions you are given concerning the keeping of records about a processing of personal data.

If you are processing individuals personal data in the course of your employment and you collect any new types of personal data or undertake any new types of processing activities either through the introduction of new systems or technology or by amending existing ones, please inform the Data Protection Lead so that we are able to keep our records up-to-date

## **Training**

We require employees to undergo some basic training to enable them to comply with data protection law policy. Additional training may be required for specific roles and activities involving the use of personal data.

To this end, we provide training as part of induction process for new joiners and operate an ongoing training programme to make sure that employees’ knowledge and understanding of what is necessary for compliance in the context of their role is up-to-date. Attendance at such training is mandatory and will be recorded.

## **Departures from this policy**

There are some very limited exceptions under data protection law which may permit departure from aspects of this policy in such circumstances.

You will be given specific instructions if any exceptions are relevant to your role.

If you think you should be able to depart from his policy in any circumstances, you must contact the Data Protection Lead before taking any action.

This Policy is effective from 25 May 2018.