 **Enviroenergy**Data Protection Policy

Version: v1.0

Date: November 2021

Version Control

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Document Provenance** | | | | | |
| **Status** | | Draft | | **Current version no.** | 1.0 |
| **Organisation** | | Enviroenergy | | **Version date** | 2021-11-18 |
| **Author** | | Naomi Matthews (NCC)  Rodney Burns (Incorporation into Enviroenergy ) | | **Approved by** (If applicable) |  |
| **Audience** | | Anyone | | **Approval date** |  |
| **Security classification** | | OFFICIAL | | **Next review date** | 2022-11-18 |
| **Document Change History** | | | | | |
| **Revision date** | **Version no.** | **Author of changes** | **Summary of changes** | | |
|  |  |  |  | | |
|  |  |  |  | | |
|  |  |  |  | | |
|  |  |  |  | | |

Contents

1. Introduction 3

2. Definitions 4

3. Policy Aim 5

4. Policy Objectives 5

5. Processing of Information 6

6. Processing of special categories of personal Information 6

7. Processing by Third Parties 7

8. Access to Personal Information 8

9. Fair Obtaining/Processing 8

10. Data Uses and Purposes 9

11. What counts as Personal Information? 10

12. Data Incident Reporting/ Data Breach 10

13. Data Quality and Retention 11

14. Records of processing activities 11

15. Data Security 12

16. Other policies and guidance 13

1. Introduction

Enviroenergy aims to ensure that personal data is treated lawfully and correctly. The lawful and correct treatment of personal information is extremely important in maintaining the confidence of those with whom Enviroenergy deals and in achieving its objectives. This policy sets out the basis on which Enviroenergy shall process any personal data from customers, staff and other parties from whom data is collected.

Enviroenergy, and therefore any person who handles personal data on behalf of Enviroenergy, fully endorses and adheres to the Data Protection principles set out in Article 5 of the UK GDPR and shall be responsible for, and be able to demonstrate, compliance with the principles outlined below:-

**THE SEVEN DATA PROTECTION PRINCIPLES**

Personal Information:

* shall be processed lawfully, fairly and in a transparent manner; **(lawfulness, fairness and transparency)**
* shall be collected for specified explicit and legitimate purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes; **(purpose limitation)**
* shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed; **(data minimisation)**
* shall be 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; **(accuracy)**
* 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 in so far 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 to safeguard the rights and freedoms of the data subject; **(storage limitation)**
* 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; **(integrity and confidentiality)**
* Enviroenergy shall be responsible for, and be able to demonstrate compliance with the above. **(accountability)**

1. Definitions

**Personal Data**

Means any information relating to an identified or identifiable natural person (data subject). 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 one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

**Personal data breach**

Means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, access to personal data transmitted, stored or otherwise processed.

**Consent**

Means any freely given, specific, informed and unambiguous indication of wishes, by a statement or clear affirmative action which signifies agreement to the processing of data.

**Special categories of personal data**

Is personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purposes of uniquely identifying a natural person, data concerning health or data concerning a natural person, data concerning health or data concerning a natural persons sex life or sexual orientation.

**Processing**

Includes any operation or set of operations, whether or not by automated means such as collection, recording, organisation, structuring, storage, adaption or alteration.

**Personal Information Request (previously known as a Subject Access Request)**

Right to access to the personal data by the data subject (e.g. the customer or member of staff).

**Data Subject**

This will be the person that data is collected from. This will include customers, and members of staff.

1. Policy Aim

To ensure Enviroenergy complies with all relevant legislation and good practice to protect all of the personal information that it holds.

1. Policy Objectives

To achieve the overall aim Enviroenergy will:

* Provide adequate resources to support an effective approach to data protection.
* Respect the confidentiality of all personal information irrespective of source.
* Publicise Enviroenergy's commitment to data protection.
* Compile and maintain appropriate procedures and codes of practice.
* Promote general awareness and provide specific training, advice and guidance to its staff at all levels to ensure standards are met.
* Monitor and review compliance with legislation and introduce changes to policies and procedures where necessary.
* Monitor, ensure and report on compliance with this policy and the UK GDPR and Data Protection Act 2018 through an assurance framework, which will include training and be reported annually to the Enviroenergy board.

1. Processing of Information

Enviroenergy, through appropriate management controls will, when processing personal information about any individual:

* Observe fully the conditions regarding the collection and use of information and meet Enviroenergy’s legal obligations under the UK GDPR and the Data Protection Act 2018.
* Collect and process appropriate information only to the extent that it is needed to fulfil operational needs or to comply with any legal requirement.
* Ensure that the individual about whom information is held can exercise their rights under the UK GDPR and the DPA Act 2018 unless an exemption applies. including:-

1. The right to be informed that processing is being undertaken;

2. The right to prevent processing in certain circumstances;

3. The right to correct, rectify, block or erase information, which is regarded as incorrect information;

4. The right of access to personal information;

5. The right to erasure;

6. The right to data portability where applicable.

1. Processing of special categories of personal Information

Enviroenergy, through appropriate management controls will, when processing special categories of personal information about any individual:

* Shall observe fully the conditions regarding the processing of special categories of information as outlined in Article 9 and meet Enviroenergy’s legal obligations under the UK GDPR and the Data protection Act 2018. In particular, Schedule 1 Part 4 of the DPA 2018 states that Enviroenergy must have this policy document in place which explains as below, the procedures for securing compliance with the principles in Article 5 as outlined above.
* Collect and process special categories of data only to the extent that it is needed to fulfil operational needs or to comply with any legal requirement.
* Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs data, data concerning health or data concerning a natural person or trade union membership and the processing of genetic data biometric data for the purpose of uniquely identifying a natural person.

1. Processing by Third Parties

Enviroenergy as data controller will implement appropriate technical and organisational measures to ensure compliance with this policy and the UK GDPR and Data Protection Act 2018. This will include but not be limited to:

* Performing a Data Protection Impact Assessment (DPIA) before selecting a third party processor where the processing is likely to result in a high risk to the rights and freedoms of customers.
* Performing checks on potential third party processors to ensure their suitability for the role.
* Entering into a contract with the third party which sets out the relationship, roles and responsibilities of the data controller and processor.
* Ensuring that such contracts comply with best practice and are recorded on the corporate contracts register by working with the procurement team in procuring the data processing contract.
* Updating the Information Asset Register where appropriate.
* Monitoring and contract management to obtain assurance that the third party is complying with its contractual and legal obligations, including data breach notifications.

1. Access to Personal Information

Enviroenergy will process requests for access to personal information in line with the relevant sections of the UK GDPR and the Data protection Act 2018.

**Personal Information Requests/ Subject Access requests:**

Individuals can request a copy of the personal data that Enviroenergy holds about them. Any staff member who receives a valid data protection request must forward it to the Data Protection Officer.

* if the request is a valid personal information request, the Data Protection Officer will acknowledge the request and process the request
* If more information is required this will be requested from the requester;
* If all information has been received, the Data Protection Officer will acknowledge the request and process the request within one month from receipt; unless the request is particularly large and complex in which case the time can be extended for two months.

**Requests from other agencies for personal information:**

* Requests from any external agency will be processed in accordance with the UK GDPR and Data Protection Act 2018.
* An appropriately authorised employee of Enviroenergy will ensure that any disclosure made without the consent of the data subject is done so in accordance with all DPA legislation and other relevant legislation, taking account of an individual’s rights as enshrined in the Human Rights Act 1998.

1. Fair Obtaining/Processing

Individuals whose information is collected by Enviroenergy must be made aware at the time of collection of all the processes that data may be subject to. No manual or automatic processing of an individual’s personal information should take place unless reasonable steps have been taken to make that individual aware of that processing. Individuals must also be informed of likely recipients of their information, both internal and external, and also be given details of who to contact in order to query the use or content of their information. The data subjects will also be informed of the purposes of the processing as well as the legal basis for processing. They should also be provided with the Data Protection Officer’s details.

Information will also be provided as to how long the information will be kept for, the rights that data subjects can exercise with regards to their data and information to enable data subjects to lodge a complaint with the Information Commissioners office if their rights are not met under the UK GDPR and DPA 2018.

1. Data Uses and Purposes

All processing of personal data must be for a purpose that is necessary to enable Enviroenergy to perform its duties and services. Personal information should only be processed in line with those notified purposes.

All personal data should be regarded as confidential and its security protected accordingly. This also applies when information is being processed at employee’s homes. Employees should only remove personal information from the office with the authority of their line manager. Any misuse, loss or unauthorised disclosures while the information is in their control may result in disciplinary proceedings. Information held by Enviroenergy must not be used for unauthorised non-company purposes. If you become aware of any potential data breach, please refer to section 12 below, and follow the designated procedures accordingly.

Personal Information should only be disclosed to persons (internal and external) where their authority to receive it has been explicitly established, e.g. where the information is required by the police for the prevention and detection of crime, or a relevant Information Sharing Agreement is in place.

**Purposes will include the following:**

* To allow Enviroenergy to be able to communicate and provide services appropriate to the customer’s needs, e.g. to be able to arrange suitable access arrangements where the customer has mobility difficulties;
* To ensure that Enviroenergy meets its legal requirements;
* Where Enviroenergy is legally obliged to undertake such processing for the purpose for which the data subject provided the information, e.g. processing information given on a benefit claim form for the purpose of processing a benefit claim, and to monitor Enviroenergy’s performance in responding to the citizen’s request;
* Where the processing is necessary for Enviroenergy to comply with its legal obligations, e.g. the prevention and/or detection of crime;
* To process financial transactions including payments and benefits involving Enviroenergy;
* Where the customer have consented to the processing or the processing is carried out as a part of a performance of the contract (as a data processor on behalf of Northgate or Nottingham City Council or other data controller);
* Where necessary to protect individuals from harm or injury;
* Where otherwise permitted under the UK GDPR and the Data Protection Act 2018, e.g. disclosure to comply with legal obligations;
* Enviroenergy may also use a customer’s personal data, after it has been anonymised, to allow the statistical analysis of data to allow Enviroenergy to effective target and plan the provision of services;
* Providing human resources function for staff.

1. What counts as Personal Information?

This is any information held by Enviroenergy about a living individual, from which that individual can be identified. For example, this will include:

* A name and address,
* information attached to a reference number that could be used to identify someone directly or indirectly,
* a company e-mail address if it includes a person’s name.

1. Data Incident Reporting/ Data Breach

Employees must notify the Data Protection Officer of any potential data incidents as soon as the incident occurs and in any event within 24 consecutive hours after occurrence by contacting [data.protectionofficer@nottinghamcity.gov.uk](mailto:data.protectionofficer@nottinghamcity.gov.uk) .

Any reported data incident will be investigated appropriately with the relevant stakeholder(s) and actions taken as necessary.

If a member of the public reports a potential incident, they can do this by contacting the Data Protection officer directly on 0115 8763855 or by e-mailing [data.protectionofficer@nottinghamcity.gov.uk](mailto:data.protectionofficer@nottinghamcity.gov.uk) .

The Information Commissioner’s Office will be notified of personal data breaches within 72 hours of the incident. All staff members will follow the Data Breach guidance manual and associated templates, procedures and the Information Commissioners Office guidance.

1. Data Quality and Retention

Information processed should not be excessive or irrelevant to the notified purposes.

Information must be held only for so long as is necessary for the notified purposes, after which it should be deleted or destroyed in accordance with Enviroenergy’s Retention and Disposal Schedule and contained in Enviroenergy’s record management policy. Retention periods where possible shall be found in the records of processing and Enviroenergy must ensure that this is kept up to date and that the retention periods are acted upon unless there is a reason not to do so.

Whenever information is processed, reasonable steps should be taken to ensure that it is up to date and accurate.

1. Records of processing activities

In order to be able to properly and effectively comply with our obligations under the UK GDPR and the DPA 2018, Enviroenergy needs to fully understand what information it holds and where this information is kept. We also need to consider how we keep this information up-to-date and how we know when to dispose of it. Enviroenergy shall maintain a record of processing which include the following information:

* The name of Enviroenergy and the details of the Data Protection Officer
* The purposes of processing as outlined above in this policy document
* Which condition is relied on and in particular, how the processing satisfies Article 5 and 6
* Set out the ownership, governance and maintenance of Information Assets
* Set out retention and disposal schedule for Information
* Sets out whether the personal data is retained and erased in accordance with the policy and if it is not the reason for not following the policy
* Map the flow of data in and out of the teams within Enviroenergy.

1. Data Security

Enviroenergy is obliged to ensure that all appropriate technical and organisational measures are taken to safeguard against unauthorised or unlawful processing of personal information and against the accidental loss, damage or destruction of personal information.

* All personal information must be kept secure, in a manner appropriate to its sensitivity and the likely harm or distress that would be caused if it was disclosed unlawfully. To ensure that an appropriate level of security is afforded to all information Enviroenergy’s Information Security policy will be adhered to at all times.
* Everyone managing and handling personal information will be appropriately trained to do so and this will include appropriate refresher training every two years and a plasma training refresher session every year.
* All members of staff have a duty to follow this Policy and associated procedures and to co-operate with Enviroenergy to ensure that the aim of this Policy is achieved.
* Disciplinary action may be taken against any member of staff who fails to comply with or commits a breach of this Policy.
* It is the duty of individual members of staff to ensure that personal information held by them is dealt with in accordance with the UK GDPR and the Act.
* Suitable measures should be taken to ensure that any processing of personal data carried out by a third party on behalf of Enviroenergy complies with the principles of the UK GDPR and this Policy. Similarly, when Enviroenergy is processing personal information on behalf of a third party it will need to demonstrate that the information is subject to the same standard of care.

1. Other Policies and Guidance

The Data Protection Policy should be read in conjunction with the following:

* Records Management Policy
* Data Breach Guidance
* Personal Information Requests Guidance
* Privacy Notice