

## Introduction

At Nicholsons Sealing Technologies Ltd, we collect and process information about individuals 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. Nicholsons Sealing Technologies Ltd is a controller under data protection law, meaning it decides how and why it uses personal data.

## Who is responsible for data protection at Nicholsons Sealing Technologies Ltd?

The Board is ultimately responsible for Nicholsons Sealing Technologies Ltd.'s compliance with applicable data protection law. Nicholsons Sealing Technologies Ltd has appointed a Data Protection Lead who is responsible for overseeing advising the Company on compliance and data protection law.

If you have any questions in relation to the information contained within the document, please contact the Data Protection Lead Susan Dunwiddie, HR Manager: [susan.dunwiddie@nicholsons.co.uk](mailto:susan.dunwiddie@nicholsons.co.uk) or Nicholsons Sealing Technologies Ltd, Amos Drive, Greencroft Industrial Park, Stanley, County Durham, DH9 7YE.

## What is personal data?

Personal data means any information relating to any living individual who can be identified (directly or indirectly) in particular by reference to an identifier. Relevant individuals can include colleagues, consumers, members of the public, business contacts, etc. Personal data can be factual, an opinion about a person's actions or behaviour, or information that may otherwise impact on that individual. It can be personal or business related.

Personal data may be automated or in manual records which are part of a filing system or are intended to form part of a filing system.

## 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

Nicholsons Sealing Technologies Ltd is responsible for and must be able to demonstrate compliance with data protection law. We have set out below the key obligations under data protection law.

### 1. Processing 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:

- complying with a legal obligation;
- entering into or performing a contract with the individual;
- acting in Nicholsons Sealing Technologies Ltd (or a third party's legitimate interests); and
- obtaining the consent of the individual.

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

In most cases, consent is not required for 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 appropriate, clear and concise information about how we process personal data.

We usually provide individuals with basic information about how we use their data on forms which collect data 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.

We supplement these notices, where appropriate, with reminders or additional information at the time particular processing activities take place or become relevant for an individual.

## 2. 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 or 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 an additional legal ground to justify using this information. The appropriate legal ground will depend on the circumstances.

Additional legal grounds for processing special category data include the following.

- 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.

## 3. Processing personal data for specified, explicit and legitimate purposes

Nicholsons Sealing Technologies Ltd will only process personal data in accordance with our legitimate purpose to carry out our business operations and to administer employment and other business relationships.

## 4. Data minimisation

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 won't ask for more information than we need in order to carry out our business operations.

## 5. Data accuracy

Nicholsons Sealing Technologies Ltd take steps to ensure that personal data is accurate and (where necessary) kept up-to-date. We take care that decisions impacting individuals are based on accurate and up-to-date information.

## 6. Data retention

Records containing personal data should only be kept for as long as they are needed for the identified purposes. 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.

## **7. Data security**

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

Nicholsons Sealing Technologies Ltd has information security measures, including physical, technological and organisational controls.

## **8. Sharing data**

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

### **Internal data sharing**

Nicholsons Sealing Technologies Ltd 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 (including group entities) 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 the information or where necessary to perform our contractual duties to individuals.

We may appoint third party service providers (known as processors) who will handle information on our behalf. Nicholsons Sealing Technologies Ltd remains responsible for ensuring that its processors comply with data protection law in their handling of personal data. We 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 may include appropriate risk assessments and reviews, and contractual obligations.

## **9. Overseas transfers of data**

An overseas transfer of personal data takes place when the 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 (EEA – this is the European Union plus Norway, Liechtenstein and Iceland), 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, Nicholsons Sealing Technologies Ltd 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 the EEA) and puts in place additional appropriate safeguards where required.

We may transfer some of your personal data to the following country outside the EEA: USA.

There is an adequacy decision by the European Commission in respect of the USA. This means that the USA is deemed to provide an adequate level of protection for your personal data.

## 10. Data protection breaches

Nicholsons Sealing Technologies Ltd takes any data protection breaches very seriously. Where there has been a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of or access to individuals' 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.

If Nicholsons Sealing Technologies Ltd discovers that there has been a personal data security breach that poses a risk 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.

## 11. Automated decision making

Automated decision-making occurs where an individual's personal data is processed and evaluated by automated means resulting in an important decision being taken in relation to that individual. This poses particular risks for individuals where a decision is based solely on that profiling or other automated processing.

We do not generally conduct profiling or other automated decision-making in respect of employees'/customers'/supplier personal data.

### Individual Rights and Requests

Under data protection law, individuals have certain rights when it comes to how we handle their personal data.

Under certain circumstances, you have:

- The right to make a 'subject access request'. This entitles an 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.
- The right to request that we correct incomplete or inaccurate personal data that we hold about them.
- The right to withdraw any consent which they have given.
- 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. Individuals 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 those 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 personal data. This enables individuals to ask us to suspend the processing of personal data about them.
- The right to request that we transfer to the individual or another party, in a structured format, personal data which they have provided to us (also 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 a point of view.

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

Individuals also have rights to complain to the ICO about, and to take action in court to enforce their rights and seek compensation for damage suffered from, any breaches.

### Changes to this guidance

We reserve the right to make changes to this guidance at any time and will provide a new documentation as required.