



Data Protection and Security Policy

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Introduction

Data Protection legislation within the UK is based on the European wide General Data Protection Regulation (GDPR) which was incorporated into UK Law as the Data Protection Act 2018 (DPA 2018). Data protection legislation requires organisations to meet certain requirements regarding the collection, processing, security and destruction of personal information.

As the monitoring we undertake collects and evaluates personal information about a living person, we aim to ensure compliance with the relevant data protection legislation.

Purpose

This policy sets out how EMCS seeks to ensure compliance with the data protection legislation.

Application

This policy applies to the way personal information is obtained, used, shared, physically stored and ultimately destroyed.

The policy covers information obtained about clients, their staff, contractors etc as part of providing services to them. It also covers information obtained as part of providing our services including monitoring of security systems and environmental alarms, CCTV, personal attack systems and lone worker support systems. It also covers the way personal information will be used, shared, physically stored and destroyed.

General Data Protection Regulation (GDPR)

The General Data Protection Regulation (GDPR) governs the **processing** (i.e. obtaining, holding, organising, recording, retrieval, use, disclosure, transmission, combination and destruction) **of personal and sensitive data** (i.e. information relating to a living individual - the data subject) and sets out the rights of individuals whose information is processed in manual or electronic form or held in a structured filing system. There are six principles that describe the legal obligations of organisations that handle personal information about individuals. These Principles are:

1. *Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the individual.*

The information we gather about an individual will be collected in a way where they are fully informed how we intend to use that information, for what purposes and how we will share it.

2. *Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.*

We will explain why we need the information we are collecting and not use it other than for those purposes.

3. *Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.*

We will only collect the information we need to provide the services required.

4. *Personal data 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.*

The information we collect will be accurate and where necessary kept up to date. Inaccurate information will be removed or rectified as we become aware of the changes.

5. *Personal data shall be 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 insofar 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 by the GDPR in order to safeguard the rights and freedoms of individuals.*

We will not hold information for longer than is necessary.

6. *Personal data shall be 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.*

We will make sure that the personal information we hold is held securely to ensure that it does not become inadvertently available to other organisations or individuals.

EMCS fully supports these principles.

Rights of Individuals

The General Data Protection Regulation details specific rights of individuals. These include:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling.

Handling personal information, lawfully, fairly and transparently

EMCS is required to acquire and process personal information lawfully, fairly and in a transparent way. EMCS therefore is clear at the outset about the purpose for which information is obtained and processed. We aim to ensure that:

1. clients and potential clients are aware of the purpose or purposes for which their information is to be used and they have a choice as to whether to provide the information;
2. members of the public, staff, contractors etc whose personal data may be captured by CCTV are made aware that CCTV is in use and monitored to give them the opportunity of not having their data being captured;
3. an individual is able to ask for confirmation of the source of their personal information;
4. personal information is not used in ways that would have adverse effects on individuals;
5. clients and potential clients are provided with easy to read and understand privacy notices when information is collected;
6. personal information will only be handled in ways that individuals would reasonably expect;
7. where we work with the third-party providers, they too must comply with the requirements of the General Data Protection Regulation;
8. marketing undertaken by us will be undertaken in a manner that complies with the General Data Protection Regulation and any other relevant regulation; and
9. We seek to uphold the individual's rights with regard to their personal information.

Appropriate records will be maintained to demonstrate compliance with the above-mentioned requirements.

Consent

Consent will be required for certain types of information usage.

When consent is required, it must be freely given, specific, informed and unambiguous. Requests for consent will be separate from other terms and be in clear and plain language. The individual's consent will be "explicit" where it relates to sensitive data. EMCS is required to be able to demonstrate that consent was given. We therefore maintain records of clients consent to meet the accountability requirements for both our profession and the requirements of the General Data Protection Regulation.

Computer Equipment, Security and updates

We ensure that all equipment used as part of our business processes is appropriately protected and secured. The equipment we use has up to date Malware and anti-virus software. When updates are notified because of a software patch, these are applied as they become available.

Removable Media

The use of any removable media used such as an external hard drive or USB pen drive is not permitted.

Fair treatment

Fairness generally requires us to be transparent, i.e. clear at outset and open with individuals about why the information is being collected and how it will be used. Assessing whether information is being processed fairly depends partly on how it is obtained. In particular, if anyone is deceived or misled when the information is obtained, then this is unlikely to be fair.

EMCS aim to ensure that, in all cases, consent and privacy statements will:

- be clear, fair and not misleading;
- explain the consequences of providing the required information;
- explain how long the information will be kept for;
- explain if the replies to questions are mandatory or voluntary;
- explain if the information is to be anonymised and how;
- explain if the information will be transferred overseas;
- explain that if the information will be shared, who with and how they will use it;
- explain how individuals may be contacted e.g. telephone, email, SMS, post;
- explain the individual's rights – e.g. they can obtain a copy of their personal information;
- explain who to contact if they wish to know more information about how their information is held or to opt-out of receiving further information or if they need to complain; and
- Explain the individuals' right to complain to the Information Commissioner's Office.

Minimum amount of personal data

Under the principles of GDPR, EMCS identify the minimum amount of personal data we need to properly fulfil our purpose. We ensure that we hold that much information, but nothing further. If we need to hold particular information about certain individuals, we only collect the information for those

individuals and nothing more. EMCS does not collect or retain personal data on the off chance that it might be useful in the future.

Accurate and kept up to date

EMCS will:

- take reasonable steps to ensure the accuracy of any personal information they obtain;
- ensure that the source of any personal information is clear;
- Establish if the individual has challenged the accuracy of the information, this is evaluated and recorded carefully; and
- Consider whether it is necessary to update the information, particularly if the purpose relies on the information being current.

Subject Access Requests

An individual has the right to see the information that EMCS holds about them and can make a request to access this information. Requests must be responded to within a calendar month of receipt.

In line with the GDPR, EMCS will request certain information before responding to a request:

- enough information to judge whether the person making the request is the individual to whom the personal information relates to avoid personal information about one individual being sent to another, accidentally or as a result of deception.
- Sufficient information that would reasonably be required to find the personal information amongst the records held by the company and covered by the request.

In the event of an individual making a subject access request via a third party, EMCS will request written consent from the individual to confirm that the third party can request and receive information on the individual's behalf.

An individual who makes a request is entitled to be:

- told whether any personal information is held and being used;
- given a description of the personal information, the reasons it is being processed, and whether it will be shared with any other organisations or individuals;
- given a copy of the information; and
- Given details of the source of the information (where this is available).

Working with our clients to ensure compliance

Our core business is monitoring CCTV and other security monitoring. As a result we may be required to support our clients in complying with data protection legislation or responding to requests from individuals who wish to exercise their rights. Any requests for support or information should be passed to the Operations Manager without delay.

Requests for information from law enforcement agencies

The General Data Protection Regulation includes exemptions, which allow personal information to be disclosed to law enforcement agencies without the consent of the individual who is the subject of the information, and regardless of the purpose for which the information was originally gathered. EMCS will release personal information to law enforcement agencies if required to do so. This will normally be to protect your safety (or the safety of others), to assist the investigation of fraud or respond to a court order.

Data security

EMCS has appropriate security measures to prevent personal information held being accidentally or deliberately compromised. In particular, EMCS

- have designed and organised security to fit the nature of the personal information held and the harm that may result from a security breach;
- are clear about everyone's responsibility for ensuring information security;
- make sure that the correct physical and technical security is in place, backed up by robust processes and procedures and reliable, well-trained staff; and
- Are ready to respond to any breach of security swiftly and effectively.

EMCS recognise that information security breaches may cause real harm and distress to the individuals if their personal information is lost or abused (this is sometimes linked to identity fraud).

Outsourcing

EMCS have procedures in place if we use third parties to process information to ensure that we:

- only choose a data processor that provides sufficient guarantees about its security measures to protect the information and the processing it will carry out;
- take reasonable steps to check that those security measures are working effectively in practice; and
- Put in place a written contract setting out what the data processor is allowed to do with the personal information or business information.
- Notify any data controllers with whom we are working, who the proposed data processor will be.

EMCS requires third parties that it works with to ensure that there are adequate security measures in place to secure the information that is being held.

Restrictions on transferring information to other countries

There are no restrictions on moving personal information within EEA countries. As EMCS hosts the information it retains on servers within the organisation, we know that personal information will be held within the UK. We are open and transparent with our clients and potential clients about where their information is processed and accessed.

Where EMCS was required to host information outside of their own servers, they would consider the following factors when deciding which storage and hosting is appropriate:

- the nature of the personal information being transferred;
- how the information will be used and for how long; and
- The laws and practices of the country where information is being transferred to.

We also consider additional factors such as:

- the extent to which the country has adopted data protection standards in its law;
- whether there is a way to make sure the standards are achieved in practice; and
- Whether there is an effective procedure for individuals to enforce their rights or get compensation if things go wrong.

Data loss

If personal information is accidentally lost, altered or destroyed, attempts to recover it will be made promptly to prevent any damage or distress to the individuals concerned. In this regard EMCS consider the following:

- Containment and recovery – the response to the incident includes a recovery plan and, where necessary, procedures for damage limitation.
- Assessing the risks – assess any risks and adverse consequences associated with the breach, as these are likely to affect how the breach needs to be contained.
- notification of breaches – informing the Information Commissioner’s Office or other relevant Supervising Authority as necessary (within 72 hours), law enforcement agencies, data controllers on whose behalf we are working and individuals (whose personal information is affected) about the security breach is an important part of managing the incident.
- Evaluation and response – it is important to investigate the causes of the breach, as well as, the effectiveness of controls to prevent future occurrence of similar incidents.
- Additionally, EMCS would also look to ensure that any weaknesses highlighted by the information breach are rectified as soon as possible to prevent a recurrence of the incident.

Data retention

To comply with information retention best practice, EMCS have established standard retention periods for different categories of information, keeping in mind any professional rules or regulatory requirements that apply and ensuring that those retention periods are being applied in practice. Any personal information that is no longer required will either be archived or deleted in a secure manner.

EMCS has retention periods for different categories of personal information are based on individual business needs and contractual obligations. For example, CCTV images are retained for a period of 30 days before deletion and this is part of our contractual agreement with clients.

EMCS understands the difference between permanently deleting a record and archiving it. If a record is archived or stored offline, it will reduce its availability and the risk of misuse or mistake. If it is appropriate to delete a record from a live system, EMCS will also delete the record from any back-up of the information on that system, unless there are business reasons to retain back-ups or compensating controls in place.

Secure disposal of records and computer equipment

Once the retention period expires or, if appropriate, the customer or business information is no longer required; paper records should be disposed of in a secure manner. All paper records containing customer or business information are disposed of by shredding. This includes all archived records.

All used computers, fax machines, printers and any other electronic equipment that may contain or that will have stored customer or corporate information in electronic format must be disposed of in an appropriate manner after the information has been completely wiped off. An external provider will be used to ensure that the memory on the devices is completely clean of information before the item is disposed of.

Training

EMCS takes its responsibilities with regards to ensuring training is undertaken seriously. We know that having policies and procedures in place provides a solid base for our training programme and we aim to undertake training in accordance with the role and seek specialist advice as and when required. All training is documented and reviewed regularly.

Data Protection Officer

EMCS does not currently meet the requirements for a dedicated Data Protection Officer. EMCS have appointed a data protection consultancy to support good practice and ongoing compliance with the

legislation. The need for a Data Protection Officer is reviewed on a regular basis as business needs and services change and develop.

Questions

If you have any questions regarding this policy or responding to data protection questions, please contact Ramiz Ahmed who will be able to help you.

Review

This policy will be reviewed periodically considering changing business priorities and practices and to consider any changes in legislation.