

## T R Davies Ltd

### Data Protection Policy

1. This data protection policy is designed to ensure that the rights to privacy of individuals are protected. T R Davies Ltd is committed to the principles set out in the General Data Protection Regulation and has reviewed its personal data processing activities so as to carry on its business as a Chartered Building Surveyor, RICS Accredited Valuer & Expert Witness in compliance with the provisions of the Regulation.
2. **Data protection lead:** this person is responsible for ensuring compliance with policies and procedures on data protection, for providing any staff training, for conducting audits, risk assessments and data protection impact assessments, for responding to requests from data subjects and dealing with data breaches. He or she also handles queries and complaints from data subjects about the processing of their data, including from any members of staff. The name of the data protection lead is **Tim Davies**.
3. **Data subject:** an individual whose personal data is processed.

T R Davies Ltd processes personal data belonging to those who wish to obtain expert advice in relation to legal issues or disputes, or those who require surveying/valuation services, and also individuals linked in any way to the circumstances giving rise to those issues. The personal data of any members of staff is also processed.

4. **Personal data:** any information from which a living individual can be identified, either directly or indirectly. It is not limited to names and identification numbers, or to photographs or addresses.

The categories of personal data T R Davies Ltd processes include:

#### Legal cases/Surveying/Valuation Matters

- Names, addresses, dates of birth and other personal data contained in witness statements and other evidence relevant to the legal issues (regularly);
- Health information contained in medical records, together with information on sex, race and ethnic origin (rarely);
- Personal data in invoices and copy receipts, accounting records, tax and VAT returns and related information (regularly);
- Copy passports, driving licenses, utility bills and other documents used to check identity (rarely);

- Mortgage/property information

### **Members of staff**

- Names, addresses, dates of birth, personal email addresses and telephone numbers;
  - CVs, contracts of employment, references, appraisals and salaries;
  - Bank details and pay slips;
  - Health information;
5. **Special category data:** information revealing an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, genetic and biometric data, health information and data in relation to a person's sex or sexual orientation.

The special category personal data T R Davies Ltd holds includes:

- Medical and other health records (rarely)
  - Information on sex, race and ethnic origin (rarely)
6. **Processing:** covers any activity involving personal data, including holding, storage and destruction. The Information Commissioner says it is difficult to image an activity involving personal data that does not fall within the definition.
7. T R Davies Ltd processes personal data in order to carry out its work as an expert witness and when carrying out other functions necessary to its business.
8. The data processing activities include: compiling expert reports, taking copies of identity documents and storing them in files or online, sending and receiving emails internally and externally, submitting invoices and filing them with receipts, using an invoice management system, holding staff details on hard copy/electronic personnel files, archiving and destroying information.
9. **Sharing of personal data:** T R Davies Ltd shares personal internally, and also externally only when necessary to achieve its business purposes. In particular, it shares data with the following:
- Photocopying companies
  - Confidential waste disposal companies

- Digital typing services
  - Website providers
  - Cloud storage providers
  - IT support providers
  - Accountants and other professional advisers
  - HMRC
  - VAT Commissioner
  - Companies House
10. **Data controller:** decides the why and the how of personal data processing. T R Davies Ltd is a data controller for the purposes of this policy.
11. **Data processor:** processes personal data in accordance with the written instructions of the data controller. Most of the organisations that T R Davies Ltd shares personal data with are processors.
12. **Legitimising conditions:** The processing of personal data is unlawful unless a legitimising condition, or lawful basis, applies. T R Davies Ltd generally relies on the following legitimising conditions:
- Legitimate interest as a business (in the majority of cases)
  - Contract (with employees) (regularly)
  - Consent (rarely)

When processing special category data, T R Davies Ltd generally relies on one of the following additional legitimising conditions

- Legal claims
- Explicit consent

T R Davies Ltd avoids relying on the consent basis where possible. In order to be valid, consent must be freely given and as easily withdrawn as it was to give it.

13. **Data protection principles:** Where there is a lawful basis for processing personal data, T R Davies Ltd takes proportionate steps to ensure it carries out its personal data processing activities in accordance with the various conditions or principles contained in the GDPR.
14. **Accountability:** This principle is designed to ensure that data protection is embedded in an organisation at all levels of decision making and becomes fundamental to its culture. All staff receive training in these policies and T R Davies Ltd ensures that they are implemented.
15. **Data protection by design:** Examples: a substantial upgrade to an IT system, the introduction of CCTV cameras, outsourcing such as engaging a new cloud provider. Data Protection Impact Assessments are carried out by the data protection lead in these and other circumstances where there is likely to be a high risk to data subjects.
16. **Data protection by default: minimisation:** The retention periods for the personal data T R Davies Ltd stores are up to six years, as necessary. A schedule of retention periods is appended to this policy.
17. **Security:** T R Davies Ltd has taken physical, organisational and technical measures to ensure that its personal data is secure. Hard copy as well as electronic data is processed in accordance with T R Davies Ltd's security policy, attached to this policy.
18. **Personal data breach:** The data protection lead is responsible for responding to personal data breaches. He or she will notify the Information Commissioner as necessary, and also data subjects where the risk to them is high.
19. Breaches which carry any risk to data subjects will be reported to the Information Commissioner's Office (ICO) within 72 hours, together with a summary of the nature of the breach, the steps taken to reduce the risk to data subjects, and measures to prevent the breach from happening again. T R Davies Ltd's data breach policy is attached.
20. **Rights of data subjects:** Data subjects have eight rights which include:
  - Right to be informed about what T R Davies Ltd does with personal data;
  - Right of access to personal data by means of a subject access request;
  - Right to rectification of inaccurate data, and to add to the information T R Davies Ltd holds about the data subject if it is incomplete;
  - Right to erasure, otherwise known as the right to be forgotten;
  - Right to restrict the processing of personal data;

- Right to object to the processing T R Davies Ltd carries out based on its legitimate interest.

T R Davies Ltd will respond to requests from data subjects within one month. The procedure for responding to requests is appended to this policy.

21. **Human Resources:** It is stored in hard copy files that are stored securely/electronic files stored securely in the cloud. Access to these files is restricted. Special category data, such as medical records, is further restricted as appropriate. Special category data stored electronically are encrypted. No personal data is shared outside Human Resources, other than with the member of staff's manager.
22. All members of staff receive training in data protection.
23. **Data Protection Risk Register:** All personal data processing activities are recorded in the data protection risk register.
24. Personal data breaches are recorded in the risk register, whether they are reportable or not.
25. The risk register contains a copy of all audits, risk assessments and Data Protection Impact Assessments.
26. The data protection lead holds the risk register.
27. **Enforcement and disciplinary action:** Failure to comply with the General Data Protection Regulation is a criminal offence in many cases and can result in large fines.
28. Any staff failure to comply with this and its associated policies is a disciplinary offence which may lead to disciplinary action and dismissal.