

JODA Freight Ltd.

Data Protection Policy

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Introduction

The General Data Protection Regulation 2018 (GDPR) is a European Law which came into force on 25th May 2018 and superseded the Data Protection Act 1998. Its purpose is to harmonise data protection laws throughout the European Union. Also, it aims to protect the rights and freedoms of “living individuals” and to ensure that their personal data is processed with their knowledge and, wherever possible, with their consent. While the UK is planning to withdraw from the EU from 29th March 2019, the GDPR will be brought into UK law after Brexit.

JODA Freight Ltd. takes its responsibilities with regards to the management of the requirements of the General Data Protection Regulation (GDPR) 2018 very seriously. To abide by the requirements of the new Regulation’s requirements, JODA Freight Ltd. has reviewed its Data Protection Policy and has set its new GDPR compliant policy in the document herein. This document provides the policy framework through which JODA Freight Ltd.’s’ effective management of Data Protection matters can be achieved.

Background

JODA Freight Ltd. needs to collect personal information about the people it deals with to carry out its business and provide its services to. Such people include employees (present, past and prospective), customers, suppliers and other business contractors. The information includes name, address, email address, data of birth, private and confidential information. The full list of the data the Company holds is found in Appendix 1 and 2. JODA Freight Ltd. is required to collect some sensitive information as defined by the GDPR about some of its employees to comply with the requirements of the law and regulations applicable to the transport and logistics sector JODA Freight Ltd. operates in. Notwithstanding the way the data is collected, recorded and used (e.g. on a computer or other digital media, on hardcopy, paper or images, including CCTV), this personal information will be dealt with in compliance with the General Data Protection Regulations 2018 (GDPR).

Key Definitions

Data

The GDPR defines personal data as “any information relating to an identifiable person who can be directly or indirectly identified by reference to an identifier” (ICO, 2017).

Controllers and Processors

- A controller determines the purposes and means of processing personal data.
- A processor is responsible for processing personal data on behalf of a controller.

Scope of the Policy

The purpose of this is to ensure that all staff at JODA Freight Ltd. comply with the provisions of the GDPR when processing personal data. Any infringement of the Regulation will be considered under the Company’s Disciplinary procedures.

JODA Freight Ltd. is required to adhere to the six principles of data protection as laid down by the General Data Protection Regulation. In accordance with those principles, personal data shall be:

1. Processed fairly, lawfully and transparently

2. Collected for specified, explicit and legitimate purposes
3. Adequate, relevant and not excessive
4. Accurate and kept-up to date
5. Kept no longer than necessary
6. Processed and held securely

Responsibilities

JODA Freight Ltd.'s responsibilities

As the Data Controller, JODA Freight Ltd. is responsible for establishing policies and procedures to comply with the requirements of the General Data Protection Regulation (GDPR) 2018. Its staff have received confidentiality and privacy training with reference to this policy which they are expected to abide by. Any failure in abiding with this policy will be dealt with under the Company's Disciplinary policy.

Data Protection Advisor's responsibilities

The Data Protection Advisor holds responsibility for:

- JODA Freight Ltd.'s Data Protection notification. Anyone who is, or intends, processing personal data for purposes not included in the notification should seek advice from the Data Protection Advisor;
- drawing up guidance, giving advice and promoting compliance with this policy in such a way as to ensure the easy, appropriate and timely retrieval of information;
- the appropriate compliance with Subject Access rights and ensuring that data is released in accordance with subject access legislation under the General Data Protection Regulation (GDPR) 2018.
- ensuring that any data protection breaches are resolved, catalogued and reported appropriately in a swift manner and in line with guidance from the Information Commissioner's Office;
- investigating and responding to complaints regarding data protection including requests to cease processing personal data.

Staff responsibilities

Staff members who process personal data about staff, customers, suppliers or any other individual are expected to comply with the requirements of this policy.

Staff members must ensure that:

- all personal data is kept securely;
- no personal data is disclosed either verbally or in writing, accidentally or otherwise, to any unauthorised third-party;
- personal data is kept in accordance with JODA Freight Ltd.'s retention schedule;
- any queries regarding data protection, including Subject Access Requests and complaints, are promptly directed to the Data Compliance Advisor;
- any data protection breaches are swiftly brought to the attention of the Data Compliance Advisor and that they support the Data Compliance Advisor in resolving breaches;
- where there is uncertainty around a Data Protection matter, advice is sought from the Data Compliance Advisor.

When unsure of who are the authorised third-parties to whom they can legitimately disclose personal data, JODA Freight Ltd.'s employees should seek advice from the Company's Data Protection Advisor.

Third-Party Data Processors

JODA Freight Ltd. uses external companies to process personal data on its behalf, for the purpose of delivering its services and carrying out its business, a list of these is found in Appendix 3. The third-party processors are reputable companies who possess the required level of expertise and can guaranty the appropriate level of security and privacy.

Where a third-party data processor is used:

- a data processor must be chosen which provides sufficient guarantees about its security measures to protect the processing of personal data;
- reasonable steps must be taken that such security measures are in place;
- a written contract establishing what personal data will be processed and for what purpose must be set out;
- a data processing agreement, available from the Data Protection Advisor, must be signed by both parties;
- responsibility for the security and appropriate use of that data remains with JODA Freight Ltd..

For further guidance about the use of third-party data processors, please contact the Data Protection Advisor.

Contractors and Short-Term Staff

JODA Freight Ltd. takes responsibility for the use made of personal data by anyone working on its behalf such as contractors and short-term staff who are appropriately vetted for the data they process. In addition, JODA Freight Ltd. will ensure that:

- any personal data collected or processed during work undertaken for JODA Freight Ltd. is kept securely and confidentially;
- all personal data is returned to JODA Freight Ltd. on completion of the work, including any copies that may have been made. Alternatively, that the data is securely destroyed and JODA Freight Ltd. receives notification in this regard from the contractors or short-term member of staff;
- JODA Freight Ltd. receives prior notification of any disclosure of personal data to any other organisation or any person who is not a direct employee of the contractor;
- any personal data made available by JODA Freight Ltd., or collected during the work, is neither stored nor processed outside the UK unless written consent to do so has been received from JODA Freight Ltd.;
- all practical and reasonable steps are taken to ensure that contractors and short-term staff do not have access to any personal data beyond what is necessary for the work to be completed, familiarising themselves with the Data Protection Agreement provided when they register with JODA Freight Ltd.;
- ensuring that their personal data provided to JODA Freight Ltd. is accurate and up to date.

Subject Access Requests

JODA Freight Ltd. is required to allow individuals to access their own personal data held by the Company via a Subject Access Request. JODA Freight Ltd. aims to comply with requests for access to

personal information as quickly as possible and will ensure that it is provided within the 40-calendar day limit set out in the General Data Protection Regulation (GDPR), this from the date of receipt of the request.

Any individual wishing to exercise this right, should do so in writing to the Data Protection Advisor. A form is available from JODA Freight Ltd. 's Data Protection web pages. JODA Freight Ltd. will charge £10 to process a Subject Access Request.

Individuals will not be entitled to access information to which any of the exemptions in the Regulation applies. However, only those specific pieces of information to which the exemption applies will be withheld and determining the application of exemptions will be made by the Data Protection Advisor.

Data Protection Breaches

Where a Data Protection breach occurs, or is suspected, it should be reported promptly and in no less than 72 hours of becoming aware of the breach to, as the primary points of contact:

- the Data Protection Advisor on: 01535 614190, or HR@jodafreight.com
- and the IT Service Manager on: 01535 614172, or IT@jodafreight.com

The report should include full and accurate details of the incident including who is reporting the incident and what classification of data is involved, and any actions which have been taken because of the report.

Retention Period for Personal Data

JODA Freight Ltd. will retain personal data "*for no longer than is necessary*" in compliance with Article 30 of the GDPR 2018. It has set out an envisaged time limit of 7 years for the erasure of the different categories of data it holds as listed in Appendix 1 and 2 on its customers, suppliers and employees. This applies to the length of time for which employment records comprising of personal and any sensitive personal data relating to its employees, are retained and also why that information is being retained.

Some employment legislations prescribe a statutory minimum period to retain records and these statutory obligations constitute a lawful basis for the retention of those records, to be compliant with the DPA and GDPR. The list of the main UK legislation regulating statutory retention periods is summarised in Appendix 4. It is also highlighted that:

1. HMRC require an 6+1 year retention period of **tax records**.
2. Any information related to criminal cases will be kept indefinitely.

Deletion of Personal Data

JODA Freight Ltd. recognises its responsibilities to assess its data obligations and review the records it is retaining. In compliance with the ICO (2017), at the end of the 7 year retention period and in compliance with the requirements underlined in the section above, records as listed in Appendix 1

and 2 will be reviewed and will be deleted unless there are special reasons for keeping them. When deleted from live systems, records will also be deleted from any back-up systems.

Individual rights

JODA Freight Ltd. abides by individual's rights as set in the GDPR for individual's rights, with regards to their personal data, to:

- access their personal data,
- have it erased,
- have it "forgotten",
- have it rectified,
- to restrict its processing and,
- to withdraw consent for specific processing.

When a data holder has expressed an interest in exercise their rights and made a request with the Data Protection Advisor in writing, JODA Freight Ltd. will respond to their written request within 40 days.

JODA Freight Ltd. will consider its obligations with regards to the above rights being exercised and will take into account the requirements underlined in the Retention and Deletion sections above, to comply with its statutory obligations.

Contact

Queries regarding this policy or the General Data Protection Regulation (GDPR) should be directed to:

The JODA Freight Ltd.'s Data Protection Advisor
JODA Freight
Riparian Way
Cross Hills
BD20 7BW

Tel: 01535 614190

Appendix 1

Customer and Supplier Data

Relevant data JODA Freight Ltd. holds on its Customers and Suppliers:

- Company's name and address
- VAT number
- Company registration number
- Delivery and sites addresses
- Bank Detail, name, address, sort code and account number(s)
- Business contact details, as supplied during the business relationship, including:
 - First name
 - Last name
 - Salutation
 - Position
 - Business email address
 - Relevant business phone /fax numbers
 - Business address
 - Signature

Appendix 2

Employee Data

Relevant data held by JODA Freight Ltd. On its employees:

- Name
- Surname
- Start date
- End date
- Address
- Telephone numbers
- Email address
- Date of Birth
- National Insurance Number
- Banking details, Account Number and Sort Code
- Next of Kin details, relationship, address and contact details
- Hours
- Time sheets
- Rate
- Job Role
- Driver Card Number
- Forklift Licence Number
- CSCS Number
- Manager
- Work location
- Shift-patterns
- Relevant Qualifications and Certificates
- Sensitive data gathered under the Employee Medical Declaration

Appendix 3

Third Parties Processors

List of JODA Freight Ltd.'s third-parties processors and links to their Data Compliance Regulation and Privacy Policies.

Vigo Software

<https://vigosoftware.com/privacy-policy/>

Mobilock Pro

<https://mobilock.in/legal/privacy-policy>

Tachomaster

<https://www.roadtech.co.uk/privacypolicy/>

Samsung Xchange

<https://www.samsung.com/uk/info/privacy/>

Sage 50

<https://www.sage.co.uk/uk/hrpayrollhero/privacy-policy>

BigChange App

<https://www.bigchangeapps.com/wp-content/uploads/2018/05/BigChange-Privacy-Policy-2018.pdf>

Stirling Solutions

<http://sterlingsolutions.co.uk/privacy-policy/>

Microsoft Office

<https://privacy.microsoft.com/en-gb/privacystatement>

legalesign

<https://legalesign.com/opn/privacy/>

TimeLog

<https://www.timelog.com/en/about/privacy-policy/>

Appendix 4

Statutory retention periods

The main UK legislation regulating statutory retention periods is summarised below. It had been advised for employers to keep records for at least 6 years to cover the time limit for bringing any civil legal action.

Record types:

Accident books, accident records/reports

Statutory retention period: 3 years from the date of the last entry (or, if the accident involves a child/ young adult, then until that person reaches the age of 21). (See below for accidents involving chemicals or asbestos).

Statutory authority: The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI 1995/3163) as amended, and Limitation Act 1980. Special rules apply concerning incidents involving hazardous substances (see below).

Accounting records

Statutory retention period: 3 years for private companies, 6 years for public limited companies.

Statutory authority: Section 221 of the Companies Act 1985 as modified by the Companies Acts 1989 and 2006.

Income tax and NI returns, income tax records and correspondence with HMRC

Statutory retention period: not less than 3 years after the end of the financial year to which they relate.

Statutory authority: The Income Tax (Employments) Regulations 1993 (SI 1993/744) as amended, for example by The Income Tax (Employments) (Amendment No. 6) Regulations 1996 (SI 1996/2631).

Medical records and details of biological tests under the Control of Lead at Work Regulations

Statutory retention period: 40 years from the date of the last entry.

Statutory authority: The Control of Lead at Work Regulations 1998 (SI 1998/543) as amended by the Control of Lead at Work Regulations 2002 (SI 2002/2676).

Medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)

Statutory retention period: 40 years from the date of the last entry.

Statutory authority: The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (SIs 1999/437 and 2002/2677).

Medical records under the Control of Asbestos at Work Regulations: medical records containing details of employees exposed to asbestos and medical examination certificates

Statutory retention period: (medical records) 40 years from the date of the last entry; (medical examination certificates) 4 years from the date of issue.

Statutory authority: The Control of Asbestos at Work Regulations 2002 (SI 2002/ 2675). Also see the Control of Asbestos Regulations 2006 (SI 2006/2739) and the Control of Asbestos Regulations 2012 (SI 2012/632)

Medical records under the Ionising Radiations Regulations 1999

Statutory retention period: until the person reaches 75 years of age, but in any event for at least 50

years.

Statutory authority: The Ionising Radiations Regulations 1999 (SI 1999/3232).

National Minimum Wage records

Statutory retention period: 3 years after the end of the pay reference period following the one that the records cover.

Statutory authority: National Minimum Wage Act 1998.

Records of tests and examinations of control systems and protective equipment under the Control of Substances Hazardous to Health Regulations (COSHH)

Statutory retention period: 5 years from the date on which the tests were carried out.

Statutory authority: The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (SIs 1999/437 and 2002/2677).

Retirement Benefits Schemes – records of notifiable events, for example, relating to incapacity

Statutory retention period: 6 years from the end of the scheme year in which the event took place.

Statutory authority: The Retirement Benefits Schemes (Information Powers) Regulations 1995 (SI 1995/3103)

Statutory Maternity Pay records, calculations, certificates (Mat B1s) or other medical evidence

Statutory retention period: 3 years after the end of the tax year in which the maternity period ends.

Statutory authority: The Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960) as amended.

Wage/salary records (also overtime, bonuses, expenses)

Statutory retention period: 6 years.

Statutory authority: Taxes Management Act 1970.

Working time records

Statutory retention period: 2 years from date on which they were made.

Statutory authority: The Working Time Regulations 1998 (SI 1998/1833).

References

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