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## Data Protection Policy

This policy applies to the personal information of job applicants, current and former staff (including employees), temporary and permanent workers, interns, volunteers and apprentices.

This policy states how May & Stephens Building Solutions process personal data, why we process personal data, how the data is protected, the data subjects' rights in the context of data protection and the consequences for not complying with this policy.

Our purpose with this policy is to be concise, clear and transparent regarding how we obtain and use personal information but also to ensure that staff understand the rules governing the processing of personal information to which they may have access in the course of their work.

Any references to 'we', 'us' or 'our' in this policy refers to May & Stephens Building Solutions of Ibex House 42-47 Minories, London EC3N 1DY.

We will review and update this policy from time to time in accordance with our data protection obligations. It does not form part of any employee's contract of employment and we may amend, update or supplement it from time to time. Your rights will not be affected by such an amendment.

### 1 Definitions

<b><i>criminal records information</i></b>	means personal information relating to criminal convictions and offences, allegations, proceedings, and related security measures;
<b><i>data breach</i></b>	means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal information;
<b><i>data subject</i></b>	means the individual to whom the personal information relates;
<b><i>personal information/data</i></b>	means information relating to an individual who can be identified (directly or indirectly) from that information;
<b><i>processing information</i></b>	means obtaining, recording, organising, storing, amending, retrieving, disclosing and/or destroying information, or using or doing anything with it;
<b><i>pseudonymised</i></b>	means the process by which personal information is processed in such a way that it cannot be used to identify an individual without the use of additional information, which is kept separately and subject to technical and organisational measures to ensure that the personal information cannot be attributed to an identifiable individual;
<b><i>sensitive personal</i></b>	also known as 'special categories of personal data', means personal information

- information/data** concerning an individual's race, ethnic origin, political opinions, religious or philosophical beliefs, trade union membership (or non-membership), genetic information, biometric information (where used to identify an individual) and information concerning an individual's health, sex life or sexual orientation.
- data protection laws** means the Data Protection Act 2018, the General Data Protection Regulation (EU 2016/679) or any applicable statutory or regulatory provisions in force from time to time relating to the protection and transfer of personal data.

## 2 Data protection principles

2.1 We will process data in accordance with the following data protection principles:

- a) lawfully, fairly and in a transparent manner;
- b) for specified, explicit and legitimate purposes only: we will not process personal data in a way that is incompatible with those legitimate purposes;
- c) the information will be adequate, relevant and necessary for the purposes set out in this policy;
- d) we will keep accurate and up to date personal information and will take reasonable steps to ensure that inaccurate personal data are deleted or corrected without undue delay;
- e) we will keep personal information in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the information is processed; and
- f) we will take appropriate technical and organisational measures to ensure that personal information is kept secure and protected against unauthorised or unlawful processing, and against accidental loss, destruction or damage.

## 3 Personal data we will collect and why

3.1 The table below sets out the type of data we may collect from you and the reasons why we do so:

Data	Reason
Professional references	In order to make informed decisions about the subcontractor's competence and quality of work.
Contact information, e.g. name, address telephone number, email address	In order that we can contact you for reasons relating to the subcontract, e.g. organisation of work, providing relevant information and making payment.
Bank account and details	Payroll and invoicing.
National insurance number and tax reference number	To facilitate payment.
Emergency contact details	In order that we can contact a family member or friend in the event of an emergency relating to an individual.
General health information *	In order that we can effectively respond to illness or injury at work and make adjustments to your role/workplace.

Proof of accreditation and training – certificates etc.	In order to demonstrate a subcontractor's ability to perform the work safely and competently.
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\* This type of data is classified as sensitive data and will be processed with basis in article 9(2)(b) and 9(2)(h) The General Data Protection Regulation (GDPR) (EU) 2016/679.

3.2 You do not have to provide us with your data however, unless you do, we might not be able to offer our services to you.

#### **4 Legal basis for processing personal information**

4.1 We will only process personal data where we have a legal justification for doing so. The legal bases that we rely on are:

- a) Our legitimate interests in providing you with our services. Such interests can however, be overridden by your privacy interests;
- b) legal obligation in some cases, where it is necessary for us to meet our legal or regulatory responsibilities;
- c) your consent to data processing for the activities not covered by our legitimate interests, which we will obtain from you from time to time;
- d) contractual obligations to which you are subject;

4.2 Where we are relying on legitimate interest to process your personal data our legitimate interests is as follows:

We obtain, keep and use personal data about job applicants and about current and former employees, temporary and permanent workers, contractors, interns, volunteers and apprentices.

The processing of personal data of our clients and subcontractors is essential to our operation. In order to connect our clients with our workers, we must handle and sometimes share data. We also require to keep a database of client and contractor personal data.

Furthermore, we may use your data for payroll and other administrative activities.

#### **5 Sensitive personal information**

5.1 We may from time to time need to process sensitive personal information. We will only process sensitive personal information if:

- a) we have a lawful basis for doing so as set out above, e.g. it is necessary for the performance of the employment contract, to comply with the our legal obligations or for the purposes of the our legitimate interests; and
- b) one of the special conditions for processing sensitive personal information applies.

#### **6 Criminal records information**

In the event that we carry out a criminal conviction check, the information received will be used to make the appropriate recruitment/employment decision only and will subsequently be destroyed. We will not retain criminal records information for any more than 6 months.

#### **7 Individual rights**

7.1 You have the following rights in relation to your personal information:

- a) to be informed about how, why and on what basis that information is processed, which is expressed in this policy;

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- b) to obtain confirmation that your information is being processed and to obtain access to the data by making a subject access request;
- c) to have data corrected if it is inaccurate or incomplete;
- d) to have data erased if it is no longer necessary for the purpose for which it was originally collected/processed, or if there are no overriding legitimate grounds for the processing;
- e) to restrict the processing of personal information where the accuracy of the information is contested, or the processing is unlawful (but you do not want the data to be erased), or where the employer no longer needs the personal information but you require the data to establish, exercise or defend a legal claim; and
- f) to restrict the processing of personal information temporarily where you do not think it is accurate (and the employer is verifying whether it is accurate), or where you have objected to the processing (and the employer is considering whether the organisation's legitimate grounds override your interests).

### 7.2 Accessing your personal data

- a) You have the right of access the personal data we have possession of, subject to certain legal limitations (e.g. in order to protect the rights and freedoms of other individuals).
- b) If you wish to access your personal data you should submit a written subject access request (SAR) which:
  - (a) Identifies who you are (we may seek confirmation of identity); and
  - (b) States what personal data you wish to access
- c) We will reply to a subject access requests within one month of receiving the request unless it is a complex request.

### 7.3 Deletion of personal data

- a) We will delete personal data once we no longer have a lawful reason to hold and use it, unless you ask us not to delete it.
- b) You have the right to have personal data deleted in certain circumstances. If you wish for personal data to be deleted, you should contact us in writing, setting out what data you wish to be deleted.

7.4 If you wish to exercise any of the rights in clause 8, use the contact information below.

## **8 Information security**

We use appropriate technical and organisational measures to keep personal information secure and in particular to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage.

## **9 Storage and retention of personal information**

- 9.1 Personal and sensitive personal data will be kept securely in accordance with our data protection obligations. The information will be stored:
  - a) In electronic format; and/or
  - b) in hard copy format.
- 9.2 Personal data stored in electronic format will be stored within computer or cloud based systems which are password protected.
- 9.3 Personal data stored in hard copy will be stored in locked filing cabinets, storage cupboards or offices.
- 9.4 Access to all data will be limited to those members of May & Stephens Building Solutions who require access to the data to fulfil their duties in accordance with their employment contract.

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9.5 Personal and sensitive personal data will not be retained for longer than is necessary. The length of time over which data should be retained will depend upon the circumstances, including the reasons why the personal information was obtained. Please see our retention policy for more information.

9.6 Personal and sensitive personal data that are no longer required for our purposes of processing, will be deleted permanently from our information systems and any hard copies will be destroyed securely.

## 10 Third parties

10.1 It may be necessary for us to share personal data with third parties. Where we share personal data with a third party, we will take measures to ensure that:

- a) the security of the personal data is maintained; and
- b) that it is not used unlawfully.

10.2 Circumstances where personal data may be shared include:

- a) With our accountants for payment and accounting purposes;
- b) With HMRC for CIS purposes;
- c) With legal advisors in order to obtain advice in relation to any contractual dispute or other legal matters;
- d) In order to comply with our statutory reporting duties to HMRC, the Health and Safety Executive etc.;
- e) With our clients in order that they can maintain site records and to demonstrate subcontractor competence.

10.3 If you consider that any third party has unlawfully used your personal data, you should notify us as soon as possible in order that we can investigate the matter and take steps to protect your personal data.

## 11 Data breaches

11.1 A data breach may take many different forms, for example:

- a) loss or theft of data or equipment on which personal information is stored;
- b) unauthorised access to or use of personal information either by a member of staff or third party;
- c) loss of data resulting from an equipment or systems (including hardware and software) failure;
- d) human error, such as accidental deletion or alteration of data;
- e) unforeseen circumstances, such as a fire or flood;
- f) deliberate attacks on IT systems, such as hacking, viruses or phishing scams; and
- g) 'blagging' offences, where information is obtained by deceiving the organisation which holds it.

## 12 Training

May & Stephens Building Solutions will ensure that the staff is adequately trained regarding their data protection responsibilities. Individuals whose roles require regular access to personal information or who are responsible for implementing this policy or responding to subject access requests under this policy, will receive additional training to help them understand their duties and how to comply with them.

## 13 Consequences of failing to comply

May & Stephens Building Solutions takes compliance with this policy very seriously. Because of the importance of this policy, an employee's failure to comply with any requirement of it may lead to disciplinary action under our procedures and this action may result in dismissal for gross misconduct. If a non-employee breaches this policy, they may have their contract terminated with immediate effect.

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### 14 Complaints

Any complaints in relation to May & Stephens Building Solutions' use of your personal data should be addressed to the contact below or through our grievance procedure. You may also report data protection concerns to the Information Commission on 0303 123 1113 or by using this link:

<https://www.ico.org.uk/concerns>.

### 15 Contact information

If you have any questions or comments about the content of this policy, if you need further information or if you wish to make a subject access request, ask for data to be deleted or make a complaint about data protection, please do so in writing to:

Name and position or department: Jacky May, Secretary

Email address: jacky.may@maystephens.co.uk

Postal address: Ibex House  
42-47 Minories  
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EC3N 1DY

