Privacy / Data Protection Policy

1. Aim of policy

VIVID and its subsidiaries are committed to protecting the rights and freedoms of data subjects and safely and securely processing their data in accordance with data protection legislation.
We process personal data about our employees, clients, suppliers and other individuals for a variety of business purposes.
This policy sets out how we seek to protect personal data and ensure that our staff understand the rules governing their use of the personal data to which they have access during their work.
This policy requires staff to ensure that the Data Protection Officer (DPO) be consulted before any significant new data processing activity is initiated to ensure that relevant compliance steps are addressed.

2. Scope of policy

This policy applies to all legal entities within VIVID and its subsidiaries, and all staff who must be familiar with this policy and comply with its terms.
This policy supplements our other policies relating to internet and email use. We may supplement or amend this policy by additional policies and guidelines from time to time. Any new or modified policy will be made available.
Our Data Protection Officer (DPO) has overall responsibility for the day-to-day implementation of this policy. You should contact the DPO for further information about this by contacting the Governance team on 0800 328 6461.

3. Policy statement

We have a legal and moral duty to ensure that all the personal and sensitive information we process is managed in line with the principles set out in data protection law.
VIVID is not currently bound by the requirements of the Freedom of Information Act 2000 but we will ensure it provides the Homes and Communities Agency with any information necessary to enable them to respond to such request.

4. Policy

We will comply with the principles of the European Union General Data Protection Regulation (GDR) 2016 / Data Protection Act (DPA) 2018 and any other associated applicable data protection legislation.
The Principles are:
1. Lawful, fair and transparent
Data collection must be fair, for a legal purpose and we must be open and transparent as to how the data will be used.
2. Limited for its purpose
Data can only be collected for a specific purpose.
3. Data minimisation
Any data collected must be necessary and not excessive for its purpose.
4. Accurate
The data we hold must be accurate and kept up to date.

5. Retention
We cannot store data longer than necessary.
6. Integrity and confidentiality
The data we hold must be kept safe and secure.

5. Statutory requirements

We use personal data for Personnel, administrative, financial, regulatory, payroll and business development purposes.

Business purposes include the following:
- Compliance with our legal, regulatory and corporate governance obligations and good practice.
- Gathering information as part of investigations by regulatory bodies or in connection with legal proceedings or requests.
- Ensuring business policies are adhered to (such as policies covering email and internet use).
- Operational purpose, such as recording transactions, training and quality control, ensuring the confidentiality of commercially sensitive information, security vetting, credit scoring and checking.
- Investigating complaints.
- Checking references, ensuring safe working practices, monitoring and managing staff access to systems and facilities and staff absences, administration and assessments.
- Monitoring staff conduct, disciplinary matters.
- Marketing our business.
- Improving services.

'Personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
The personal data we gather may include but is not limited to: individuals' phone number, email address, IP Address, educational background, financial and pay details, details of certificates and diplomas, education and skills, marital status, nationality, job title, family make-up, dependents, health information and images.

'Special categories' of data include information about an individual's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership (or non-membership), physical or mental health or condition, criminal offences, or related proceedings, and genetic and biometric information —any use of special categories of personal data should be strictly controlled.

'Processing' means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as;
- collection
- recording
- organisation
- structuring, storage
- adaptation or alteration
- retrieval

- consultation
- use
- disclosure by transmission
- dissemination or otherwise making available
- restriction
- erasure or
- destruction.

The information we processed is detailed in related privacy notices.

Accountability and transparency
We must ensure accountability and transparency in all our use of personal and sensitive data. To do this we must evidence we comply with each of the 6 Principles.
We do this by maintaining an Information Asset Register which is used to inform and ensure that we;
- Implement all appropriate technical and organisational measures
- Maintain up to date and relevant documentation on all processing activities
- Conduct Data Privacy Impact Assessments (where necessary)
- Implement measures to ensure privacy by design and default, including:
    - o Data minimisation
    - o Pseudonymisation / anonymisation
    - o Transparency
    - o Informing individuals of the processing of their information

Our procedures
Fair and lawful processing:
We must process personal data fairly and lawfully in accordance with individuals' rights under the first Principle. This generally means that we should not process personal data unless the individual whose details we are processing has consented to this happening or a condition for processing has been identified.

If we cannot apply a lawful basis (explained below), our processing does not conform to the first principle and will be unlawful. Data subjects have the right to have any data unlawfully processed erased

Data Controller
VIVD is classified as a data controller and a data processor. We must maintain our appropriate registration with the Information Commissioners Office (ICO) to continue lawfully processing data.
VIVID ICO registration is ZA248321
VIVID Build ICO Registration is ZA025256

Lawful basis for processing data
We must establish a lawful basis for processing data. Ensure that any data we are responsible for managing has a recorded lawful purpose. At least one of the following conditions must apply whenever we process personal data:

1. Consent
We hold recent, clear, explicit, and defined consent for the individual's data to be processed for a specific purpose.
2. Contract
The processing is necessary to fulfil or prepare a contract for the individual.
3. Legal obligation
We have a legal obligation to process the data (excluding a contract).
4. Vital interests
Processing the data is necessary to protect a person's life or in a medical situation.
5. Public function
Processing necessary to carry out a public function, a task of public interest or the function has a clear basis in law.
6. Legitimate interest
The processing is necessary for our legitimate interests. This condition does not apply if there is a good reason to protect the individual's personal data which overrides the legitimate interest.

Deciding which processing condition to rely on
Our commitment to the first Principle requires us to document this process and show that we have considered which lawful basis best applies to each processing purpose, and fully justify these decisions.

We must also ensure that individuals whose data is processed by us are informed of the lawful basis for processing their data, as well as the intended purpose. We do this via a privacy notice. This applies whether we have collected the data directly from the individual, or from another source.

Privacy notices are linked to the information populated in the Information Asset Register. Our corporate privacy notice is available from our website. Each business areas related privacy notice is available from VIV or by contacting the DPO.

Special categories of personal data
Previously known as sensitive personal data, this means data about an individual which is more sensitive, so requires more protection. This type of data could create more significant risks to a person's fundamental rights and freedoms, for example by putting them at risk of unlawful discrimination. The special categories include information about an individual's:

- race
- ethnic origin
- politics
- religion
- trade union membership
- genetics
- biometrics (where used for ID purposes)
- health
- sexual orientation

In most cases where we process special categories of personal data we will require the data subject's explicit consent to do this unless exceptional circumstances apply, or we are required to

do this by law (e.g. to comply with legal obligations to ensure health and safety at work). Any such consent will need to clearly identify what the relevant data is, why it is being processed and to whom it will be disclosed.

The condition for processing special categories of personal data must comply with the law. If we do not have a lawful basis for processing special categories of data that processing activity must cease.

Additionally, to establish a lawful basis for processing personal information we must also establish a lawful basis for processing sensitive data. At least one of the following conditions must apply whenever we process sensitive personal data:

1. Consent
2. Employment law
3. Vital interests
4. Legitimate activities
5. Made public by data subject
6. Establishment, exercise or defence of legal claims
7. Public interest on the basis of Union or Member State law
8. Health or social care
9. Public interest in the area of public health
10. Public interest in the area of archiving, scientific or historical research or statistical purposes.

The data protection legislation provides that our responsibilities as data controller are to;

• Analyse and document the type of personal data we hold
• Ensure compliance with the rights of the individual
• Identify the lawful basis for processing data
• Ensuring consent procedures are lawful
• Implementing and reviewing procedures to detect, report and investigate personal data breaches
• Store data in safe and secure ways
• Assess the risk that could be posed to individual rights and freedoms should data be compromised

All staff must ensure that they;

• Fully understand their data protection obligations
• Any new processing activities they are dealing with complies with our policy and are justified
• Do not use data in any unlawful way
• Do not store data incorrectly, be careless with it or otherwise cause us to breach data protection laws and our policies through their actions
• Comply with this policy at all times
• Raise any concerns, notify any breaches or errors, and report anything suspicious or contradictory to this policy or our legal obligations to the DPO without delay

Responsibilities of the Data Protection Officer;

• Keeping the board updated about data protection responsibilities, risks and issues
• Reviewing all data protection procedures and policies on a regular basis
• Arranging data protection training and advice for all staff members and those included in this policy
• Answering questions on data protection from staff, board members and other stakeholders

• Responding to individuals such as clients and employees who wish to know which data is being held on them by us
• Ensuring that third parties that handle the company's data have a contracts or agreement in place regarding data processing and the data controller / data processor responsibilities.

ICT support
•Ensure all systems, services, software and equipment meet acceptable security standards
• Checking and scanning security hardware and software regularly to ensure it is functioning properly
• Researching third-party services, such as cloud services the company is considering using to store or process data

Communications support
• Approve data protection statements attached to emails and other marketing copy
• inform the DPO without any delay of data protection queries from clients, target audiences or media outlets
• Coordinating with the DPO to ensure all marketing initiatives adhere to data protection laws and the company's Data Protection Policy

Accuracy and relevance
VIVID will ensure that any personal data we process is accurate, adequate, relevant and not excessive, given the purpose for which it was obtained. We will not process personal data obtained for one purpose for any unconnected purpose unless the individual concerned has agreed to this or would otherwise reasonably expect this.

Individuals may ask that we correct inaccurate personal data relating to them. If you believe that information is inaccurate you should record the fact that the accuracy of the information is disputed and inform the DPO.

Data security
We must keep personal data secure against loss or misuse. Where other organisations process personal data as a service on our behalf, VIVID's data processing agreement reflects that.

Storing data securely
• In cases when data is stored on printed paper, it should be kept in a secure place where unauthorised personnel cannot access it
• Printed data should be shredded when it is no longer needed
• Data stored on a computer should be in line with VIVIDS ICT policy
• Data stored on CDs or memory sticks must be encrypted or password protected and locked away securely when they are not being used
• Any cloud used to store data needs to be registered on VIVID's Information Asset register
• Servers containing personal data must be kept in a secure location, away from general office space
• Data should be regularly backed up in line with the company's backup procedures
• Data should never be saved directly to mobile devices such as laptops, tablets or smartphones
• All servers containing sensitive data must be approved and protected by security software
• All possible technical measures must be put in place to keep data secure

Data retention
We must retain personal data for no longer than is necessary. What is necessary will depend on the circumstances of each case, considering the reasons that the personal data was obtained. These are reflected in our Retention Schedule

Transferring data internationally
There are restrictions on international transfers of personal data. You must not transfer personal data abroad, or anywhere else outside of normal rules and procedures without having this registered onto the Information asset register and making the DPO aware.

Rights of individuals
Individuals have rights to their data which we must respect and comply with to the best of our ability. We must ensure individuals can exercise their rights in the following ways:

Right to be informed
• Providing privacy notices which are concise, transparent, intelligible and easily accessible, free of charge, that are written in clear and plain language, particularly if aimed at children.
• Keeping a record of how we use personal data to demonstrate compliance with the need for accountability and transparency.

Right of access
• Enabling individuals to access their personal data and supplementary information
• Allowing individuals to be aware of and verify the lawfulness of the processing activities

Right to rectification
• We must rectify or amend the personal data of the individual if requested because it is inaccurate or incomplete.
    - This must be done without delay, and no later than one month. This can be extended to two months with permission from the DPO.

Right to erasure
• We must delete or remove an individual's data if requested and there is no compelling reason for its continued processing.

Right to restrict processing
• We must comply with any request to restrict, block, or otherwise suppress the processing of personal data.
• We are permitted to store personal data if it has been restricted, but not process it further. We must retain enough data to ensure the right to restriction is respected in the future.

Right to data portability
• We must provide individuals with their data so that they can reuse it for their own purposes or across different services.
• We must provide it in a commonly used, machine-readable format, and send it directly to another controller if requested.

Right to object
• We must respect the right of an individual to object to data processing based on legitimate interest or the performance of a public interest task.

• We must respect the right of an individual to object to direct marketing, including profiling.
• We must respect the right of an individual to object to processing their data for scientific and historical research and statistics.

Rights in relation to automated decision making and profiling
• We must respect the rights of individuals in relation to automated decision making and profiling.
• Individuals retain their right to object to such automated processing, have the rationale explained to them, and request human intervention.

Privacy notices
When to supply a privacy notice
A privacy notice must be supplied at the time the data is obtained if obtained directly from the data subject. If the data is not obtained directly from the data subject, the privacy notice must be provided within a reasonable period of having obtained the data, which means within one month.
If the data is being used to communicate with the individual, then the privacy notice must be supplied at the latest when the first communication takes place.
If disclosure to another recipient is envisaged, then the privacy notice must be supplied prior to the data being disclosed.
VIVID's privacy notice is available from our website and on request by contacting us.

The following information must be included in a privacy notice:
• Identification and contact information of the data controller and the Data Protection Officer
• The purpose of processing the data and the lawful basis for doing so
• The legitimate interests of the controller or third party, if applicable
• The right to withdraw consent at any time, if applicable
• The category of the personal data (only for data not obtained directly from the data subject)
• Any recipient or categories of recipients of the personal data
• Detailed information of any transfers to third countries and safeguards in place
• The retention period of the data or the criteria used to determine the retention period, including details for the data disposal after the retention period
• The right to lodge a complaint with the supervisory authority, and internal complaint procedures
• The source of the personal data, and whether it came from publicly available sources (only for data not obtained directly from the data subject)
• Any existence of automated decision making, including profiling and information about how those decisions are made, their significances and consequences to the data subject
• Whether the provision of personal data is part of a statutory of contractual requirement or obligation and possible consequences for any failure to provide the data (only for data obtained directly from the data subject)
• The right to access their information (subject access request)

Subject Access Requests
An individual has the right to receive confirmation that their data is being processed,
We must provide an individual with a copy of the information they request free of charge. This must occur without delay, and within one month (27 days) of request. We endeavour to provide data subjects access to their information in commonly used electronic formats. We reserve the right to introduce a minimum charge for any SAR.

If complying with the request is complex or numerous, the deadline can be extended by two months, but the individual must be informed within one month of the original request.

The DPO must be informed when a request for information is received without any delay.

We can in some circumstances refuse to respond to requests, and can, in circumstances of the request being manifestly unfounded or excessive, charge a fee. If the request is for a large quantity of data, we can request the individual specify the information they are requesting. Once a subject access request has been made, you must not change or amend any of the data that has been requested. Doing so is a criminal offence.

Data portability requests
We must provide the data requested in a structured, commonly used and machine-readable format. This would normally be a CSV file, although other formats are acceptable. We must provide this data either to the individual who has requested it, or to the data controller they have requested it be sent to. This must be done free of charge and without delay, and no later than one month.

Right to erasure
Individuals have a right to have their data erased and for processing to cease in the following circumstances:
• Where the personal data is no longer necessary in relation to the purpose for which it was originally collected and / or processed
• Where consent can be withdrawn
• Where the individual objects to processing and there is no overriding legitimate interest for continuing the processing
• The personal data was unlawfully processed or otherwise breached data protection laws
• To comply with a legal obligation
• The processing relates to a child

How we deal with the right to erasure
We can only refuse to comply with a right to erasure in the following circumstances:
• To exercise the right of freedom of expression and information
• To comply with a legal obligation for the performance of a public interest task or exercise of official authority
• For public health purposes in the public interest
• For archiving purposes in the public interest, scientific research, historical research or statistical purposes
• The exercise or defence of legal claims

If personal data that needs to be erased has been passed onto other parties or recipients, they must be contacted and informed of their obligation to erase the data. If the individual asks, we must inform them of those recipients.

The right to object
Individuals have the right to object to their data being used on grounds relating to their situation. We must cease processing unless:
• We have legitimate grounds for processing which override the interests, rights and freedoms of the individual.

• The processing relates to the establishment, exercise or defence of legal claims.
We must always inform the individual of their right to object at the first point of communication, i.e. in the privacy notice. We must offer a way for individuals to object online.

The right to restrict automated profiling or decision making
We may only carry out automated profiling or decision making that has a legal or similarly significant effect on an individual in the following circumstances:
• It is necessary for the entry into or performance of a contract.
• Based on the individual's explicit consent.
• Otherwise authorised by law.

In these circumstances, we must:
• Give individuals detailed information about the automated processing.
• Offer simple ways for them to request human intervention or challenge any decision about them.
• Carry out regular checks and user testing to ensure our systems are working as intended.
Third parties

Using third party controllers and processors
As a data controller and/or data processor, we must have written contracts in place with any third-party data controllers and/or data processors that we share information with and or process information for. The contract must contain specific clauses which set out our and their liabilities, obligations and responsibilities.

As a data controller, we must only appoint processors who can provide sufficient guarantees under data protection legislation.

In some circumstances we may act as a data processor. For this we must only act on the documented instructions of a controller. We acknowledge our responsibilities as a data processor under data protection legislation and we will protect and respect the rights of data subjects.

Contracts
Our contracts must comply with the standards set out by the ICO and, where possible, follow the standard contractual clauses which are available. Our contracts with data processors must set out the subject matter and duration of the processing, the nature and stated purpose of the processing activities, the types of personal data and categories of data subject, and the obligations and rights of the controller. These will be specified in the data processing agreements and may be further supported by a data sharing agreement and/or a privacy impact assessment.

At a minimum, our contracts must include terms that specify:
• Acting only on written instructions
• Those involved in processing the data are subject to a duty of confidence
• Appropriate measures will be taken to ensure the security of the processing
• Sub-processors will only be engaged with the prior consent of the controller and under a written contract
• The controller will assist the processor in dealing with subject access requests and allowing data subjects to exercise their rights under GDPR

• The processor will assist the controller in meeting its GDPR obligations in relation to the security of processing, notification of data breaches and implementation of Data Protection Impact Assessments
• Delete or return all personal data at the end of the contract
• Submit to regular audits and inspections and provide whatever information necessary for the controller and processor to meet their legal obligations.
• Nothing will be done by either the controller or processor to infringe on GDPR.

Criminal offence data / Criminal record checks
Any criminal record checks are justified by law. Criminal record checks cannot be undertaken based solely on the consent of the subject. We cannot keep a comprehensive register of criminal offence data. All data relating to criminal offences is a special category of personal data and must be treated as such.

Audits, monitoring and training / Data audits
Regular (quarterly) data audits to manage and mitigate risks will inform the information asset register. This is to contain information on what data is held, where it is stored, how it is used, who is responsible and any further regulations or retention timescales that may be relevant. We must conduct a regular data audit.

Reporting breaches
Any breach of this policy or of data protection laws must be immediately reported to the DPO. As soon as you have become aware of a breach we have a legal obligation to report any high risk data breaches to the supervisory authority within 72 hours.

All members of staff have an obligation to report actual or potential data protection compliance failures to the DPO. This allows us to:
• Investigate the failure and take remedial steps if necessary
• Maintain a register of compliance failures
• Notify the ICO of any compliance failures.

Any member of staff who fails to notify of a breach / incident or is found to have known or suspected a breach has occurred but has not followed the correct reporting procedures will be liable to disciplinary action.

Please refer to our Breach Reporting policy available on VIV or by contacting the DPO.

We take compliance with this policy very seriously. Failure to comply puts both you and the organisation at risk.
The importance of this policy means that failure to comply with any requirement may lead to disciplinary action under our procedures which may result in dismissal.

If you have any questions or concerns about anything in this policy, do not hesitate to contact the DPO.

6. Related policies

ICT policy
HR policy

Procurement policy
Complaints policy
Breach reporting policy

7. Monitor and review process

Everyone must observe this policy. We will keep this policy under review and amend or change it as required. You must notify the DPO of any breaches of this policy. You must comply with this policy fully and at all times.

All staff will receive adequate training on provisions of data protection law specific for their role. All staff must complete relevant training as requested. If you move role or responsibilities, your line manager is responsible for requesting new data protection training relevant to your new role or responsibilities if required.
If you require additional training on data protection matters, contact the DPO.

8. References/appendices

Data Privacy Impact Assessment
VIVID's Privacy Statement

Author	Owner	Date approved	Review date
Audrey Olden	DPO		