



## What are your individual rights under GDPR?



We will look at each of the above –  
First, the right to be informed.

This is about being transparent, and  
is a requirement that companies  
must adhere to under GDPR.

# Data Matters

A very warm welcome to you all in this sunny month of August. I hope you find the information provided in our August Data Matters newsletter informative and useful. This month we will be re-visiting employers responsibilities surrounding the GDPR and Data Protection Act, which was previously provided in our October Newsletter, and continue to look at what has changed regarding Data Protection, concentrating on the tighter guidelines under children's data aged under 13 and the right to see information that companies or public authorities hold about you, aka Subject Access Requests.

What are your individual rights under GDPR? We will look at the first of the 8 rights – the right to be informed. We will also look at the work the Information Commissioners Office are undertaking around protection of your personal data, including some details from a blog post written by the Information Commissioner for the UK, Elizabeth Denham, and their annual survey, and information about cookies.

## People care more about how their Personal Data is used

It seems amazing when I completed a project at school many years ago now (ahem!) that you lost marks if using a computer to complete your research, typing the contents and printing. Instead, you gained marks by writing the project, and researching content via the local library. Now, you can research extensive material at the click of a button, not only for research for school projects (☺), but also for obtaining the best deals for financial products, places to visit etc. This will, at times come with a price - you will need to provide your personal information, including your IP address to obtain the information you require. It's a double-edged sword, you have the ability to research products easily, but this in turn could make your personal data a lot more accessible to those who know how to obtain it, legally or otherwise. There is a greater responsibility to those companies who maintain your records, and hold your data, to keep it safe.

Elizabeth Denham wrote a recent blog around the digital age and data protection rights. (ICO 31/07/2019) She quite rightly states that more people are becoming aware of the personal data that is held when accessing on-line services and are realising their rights with their personal data.

The ICO carries out an annual survey, which details how people in the UK view their information rights. To see the full copy, click on the link. [ICO recent annual track survey](#)

Some of the main points shown are:

- The importance of data protection continues to increase for the public.
- Significantly more people strongly agree it is important that their personal information is protected when they share it with companies.
- Significantly more people are concerned about their online activity being tracked.
- There has been a significant rise in the proportion of people stating that if an organisation was sharing personal information without permission this would have a negative impact on their trust and confidence.

Any individual has the right to be informed about how and why their personal data will be collected.

If you deal with personal data, as, for example a business, you must tell individuals, including your staff, why you process their personal data, how long it will be held for, and who you will share this with. This is 'privacy information' and must be provided the same time that you collect their data. Normally, this will be in the form of a privacy notice, or a privacy policy.

The information provided must be in clear and plain language and easily accessible.

The information must be regularly reviewed

Getting the right to be informed correct can help you to comply with other aspects of the GDPR and build trust with people - getting it wrong can leave you open to fines and lead to reputational damage.

Apex has a range of packages to assist you with compliance of privacy notices, and the right to be informed. Get in touch for more information.



Cyber security remains the main concern of people taking the survey. A number of attacks have directly affected numerous people, and also made the headlines.

It is becoming more and more obvious that companies who look after and treat personal information as 'precious' gain peoples trust and instill confidence in their company.

People's direct experience of how companies handle their personal data – good and bad – open or closed — greatly shapes their opinions about that organisation.

Be at the front of the game, as the ICO increase auditing and monitoring of companies, to ensure compliance, put your Data Protection package in place now, be ready to show your people that you care about their personal information.

If you need any cyber security advice, speak to our trusted partner Bruce Brooker. For further details and to register for a free no obligation trial of the technology please click on the link below to complete your details:

<https://www.senseon.io/partner/bruce-brooker>

## Data Protection doesn't take a day off

The ICO are increasing action against organisations for non-payment of their data protection fee, sending a clear message that those who didn't pay, or are not compliant with the law risked a fine.

Did you know? - There are now more than half a million fee payers!

If you haven't paid the fee before you can find out if you are required to by visiting the ICO's website, and completing their self-assessment form.

They have a handy fee-assessment tool, to check if you are paying the correct level of fee. You can also check the date your renewal is due on their website, if you have already paid the fee.

## Activity carried out by the ICO

This month's activity has seen visits to various sites.

These visits have consisted of advisory and audit-based visits from the ICO.



Date of Activity	Identified DC	Type of DC	Type of Visit
28 June 2019	South East Ambulance Service	Health	audit
21 June 2019	Lancashire Police	Criminal Justice	Audit
19 June 2019	The CLD Trust Hereford	Charitable & Voluntary	Advisory
18 June 2019	West Midlands Police	Criminal Justice	Follow up audit
17 June 2019	Long Furlong Primary School	Education & Healthcare	Advisory

To find out more information about the ICO, visit their website [www.ico.org.uk](http://www.ico.org.uk)

The activity carried out by the ICO provides support to ensure Data Controllers/Processors are compliant under Data Protection laws. They will support but they also there to enforce if Data Controllers consistently fail to comply with Data Protection laws and demonstrate Accountability. The information of Data Controllers/Processors visited by the ICO and their published reports are freely available on their website.

The relationship from the Principles to the real life enforcement action.....

*As you can see from the enforcement action taken by the ICO how the principles apply and are strictly enforced.*

<b>14 June 2019</b>	By Design Group Ltd	Education & Healthcare	Advisory
<b>12 June 2019</b>	East London NHS Foundation Trust	Health	Audit
<b>11 June 2019</b>	Devon Partnership NHS Trust	Health	Follow up audit

The ICO continue to carry out advisory and audit visits. These visits are undertaken on a regular basis. Any organization can ask for a visit to take place, to ensure their practices and procedures meet requirements. The audits that are carried out are to ensure the governance and accountability of data processing.

These audit reports are freely available on the ICO website and they are a useful tool to assess and identify areas for improvement and good practice being actioned followed by other Data Controllers and Data Processors.

This reinforces the fact the ICO do visit organisations regularly. So, consistently adhering to the Data Protection Act will ensure your organisation remains compliant.

If you feel your company would benefit from a free Data Protection Health Check, please contact Apex HR, where we will be more than happy to help guide you in the right direction. Keeping data safe is all about your companies reputation.



## Enforcement Action

Making it Easy Ltd, a boiler replacement firm (Retail & manufacturing) has been fined £160,000 by the Information Commissioner's Office (ICO) for making spam calls to people registered with the Telephone Preference Service (TPS).

The ICO has also issued an enforcement notice to Making it Easy Ltd ordering it to stop its illegal marketing activity.

London Estate Agency, Life at Parliament View (LPVL) left 18,610 of their customers' personal data exposed for almost two years.

The security breach happened when Life at Parliament View Ltd (LPVL) transferred personal data from its server to a partner organisation and failed to switch off an 'Anonymous Authentication' function. This failure meant access restrictions were not implemented and allowed anyone going online to have full access to all the data stored between March 2015 and February 2017.

The exposed details included personal data such as bank statements, salary details, copies of passports, dates of birth and addresses of both tenants and landlords.



## Cookies – good or bad?

When you visit a website, you will often see a request to accept Cookies, what are they?

Cookies are placed on your computer via text files when you visit a website. They are used to ensure the website works more efficiently, and to provide information to the website owners.

Cookies are not governed by GDPR, but the PECR (Privacy & Electronic Communications Regulations) – BUT – the key concepts of the PECR now comes from the GDPR, such as consent on how the cookies are used.

New guidance has been released around cookies and how companies can use them. You need to ensure that your website complies with the new changes.

Work towards compliance now, undertake a cookie audit and document the decisions you make.

## Employers Responsibilities

The below information was provided in our October newsletter, however, it never hurts to re-iterate how important your accountability as an employer is to look after your customers and your own peoples personal information. Make sure you take these responsibilities seriously.

As an employer you have accountability to ensure your business is compliant. What does compliant look like?

- ✓ You are registered with the Information Commissioners Office
- ✓ Assign responsibility- appoint a designated person or a data protection officer to take responsibility of data
- ✓ Assess & Audit data – the designated person (DP) or data protection officer (DPO) will need to assess the data being held and carry out a recorded audit
- ✓ Review and check policies- it is important that you work with the DP/DPO to update and introduce policies and procedures
- ✓ Check Security- you must check the security of the data, whether it is electronic or manual.
- ✓ Train Staff- it is vital that staff are made aware of the new policies and updates of DPA 2018
- ✓ Monitor and Review – ensure you monitor and review your policies and practices frequently
- ✓ Notification of Breaches in place- you must ensure that you understand the procedure for notifying breaches and how to do this.



## Changes brought into effect since GDPR was introduced

### Tighter guidelines on children's data under the age of 13

The ICO's annual survey shows that the public's wish to protect data and maintain children's privacy is also of utmost importance. The ICO are currently in a consultation period of planning a new code of practice to protect children's privacy online.

If you deal with children's information under the age of 13, here are some points you should ensure you consider:

Children are less aware of their rights, so you should have a privacy notice that is written in a way they can understand.

Ensure your systems and processes are written to protect their information, and that you adhere to the data protection principles – keep fairness to the forefront of your mind.

You will need consent from the parent for a child under the age of 13 to process their data (unless for a counselling referral)

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Children are protected from specific marketing when using their personal information, and automated processing must not take place if this will have an effect on them (legally or otherwise)

Children have the same rights over their personal data as adults, so, for example have the right to erasure, rectification, access and can object to their data being processed.

### **More rights for the data subject, especially now subject access requests are free.**

I have worked closely with adults in the past who were desperate for information that had been recorded about them as they grew up, more often in care, to answer questions regarding their childhood, trying to piece together memories and experiences. This can be a very personal journey that can cause distress, and also relief or a sense of being able to 'close the door' on their past.

Subject Access Requests are a great tool for people to be able to access records about them. This could be in the form of any form of social or health care records, school records, and employee records, to name the more obvious ones.

Since the fee of £10.00 has been waived for anyone wishing to ask to see their records (NHS records were £50.00) more people are coming forward to ask for their information to be released.

When you write any personal information regarding any person, via an email, reports, they have the right to access this data. This puts you in a position of trust to ensure what you write is up to date and correct. Don't put anything in documentation that isn't true, stick to facts, and if you state an opinion, back this up. Being open and providing access to records for people is a good thing, and also provides them with the ability to erase or change anything they feel may be incorrect, or even, as in the case above, give them the tools to move on in their life.

### **Top Tip for the month**

How much do you and your staff understand around Data Protection? Would you know what a data breach looks like, or how to deal with one? Did you know it's your company that's accountable for any data breaches?

You need to ensure your staff are trained how to deal with keeping personal data safe, on induction, and annually, to adhere to the law, whilst protecting you and your company.

Apex can offer training to you and your company if you need assistance with this.

I hope you have found this newsletter interesting, please do let me know if you would like to provide any feedback. Apex has an excellent Data Protection service that can offer you and your company advice and guidance on how to demonstrate your compliance.

***So, call or email us at Apex HR and we will support with all of your Data Protection needs.***

Check out our Data Protection service on our website.

[www.apexhr.co.uk](http://www.apexhr.co.uk)