

General Data Protection Regulations Policy

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Policy Statement

Land and Water Group processes information about people with whom it deals when conducting business, such as customers, potential customers and suppliers, and in the recruitment and management of candidates, employees and ex-employees.

General Data Protection Regulations effective 25th May 2018 relate to all organisations that hold or process personal data. Personal data is data that relates to an individual that is clearly identified or can be identified; the data may be processed electronically or kept in a filing system. The regulations require organisations to be open and honest about how information about individuals is being used and to ensure good procedures are in place to handle and protect the information. The GDPR policy includes a Privacy and Cookies Policy advising how the Group handle personal data of external parties as well as how personal data of in-house people is managed. Both aspects must be understood and complied with by all Land & Water Group people.

Land and Water Group regard the lawful and correct treatment of personal data as very important to the successful and trusting relationships it has between those with whom it deals. The Group therefore commit to having appropriate measures in place to abide by the regulations.

Privacy and Cookies Policy

Land & Water Group Ltd have a privacy and cookies policy that sets out its overall aim, which is to be fair and transparent about how we collect and process data and to provide you with enough information for you to clearly understand what we are doing with it. The link to the privacy policy is on the external website and can be found via the link below: -

<https://www.land-water.co.uk/privacy/>

Who we are

The Companies in the Group are:

Land and Water Services Ltd (LAWS) – are the largest business within LAWG and are specialists in marine engineering, working in both tidal and non-tidal waters in the UK. Other core activities include the construction and restoration of lakes and water courses and the design and construction of marinas, docks, harbours, flood embankments and flood relief infrastructure.

Terraqua Environmental Solutions (TES) – is a division of LAWS supplying coir products and indigenous aquatic marginal plants, water lilies and oxygenating plants to Group companies and the external market. The business has specialist installation resources to deliver these projects with expertise in planting care and optimisation of the natural habitat.

Land and Water Plant (LAWP) – own the largest fleet of long-reach excavators in Europe and offer for hire a wide range of equipment used for the maintenance of

water-related sites. Examples include weed-cutting boats, small tugs, barges, pontoons and a unique fleet of various sized amphibious excavators.

National Tracked Dumper Hire (NTD) – a joint venture company half owned by Flannery's and half owned by Land and Water Plant providing a fleet of tracked dumper trucks for hire. It has no employees and management is provided by both Flannery's and Land and Water Plant.

Land and Water Remediation (LAWR) – has secured the rights to operate the Rainham Marshes Dredging Tip Facility on behalf of the Port of London Authority (PLA) until 2037 having previously been dormant for a number of years.

Land and Water Estates (LAWE) – undertake feasibility and viability studies as well as obtaining planning permission for marinas. Other work involves advice for the construction of lakes and fishing ponds.

Geomac – develop and operate inland marinas with advice and support on acquisitions, planning, project management during the construction stage and operational management from Land and Water Estates.

Land and Water Foundation – is a not-for-profit company whose aim is to provide support to communities and other bodies who do not have the knowledge or resources to address flood and catchment management issues affecting their community.

Charybdis – is a shared services business trading only with the Group companies. It provides administrative functions to the businesses including accounts, HR, well-being, IT, insurance, procurement and reception services.

The Group's head office is based at Albury near Guildford with subsidiary offices at Appleby Magna, Derbyshire and Kingsbury, Warwickshire.

Scope

This policy applies to everyone involved in the performance of Land & Water Group business, including directors, employees, workers, contractors, work experience students and any external party legitimately provided with Land & Water personal data.

General Data Protection Regulations' Principles: -

1. Personal data should be processed fairly, lawfully and in a transparent manner
2. Data should be obtained for specific and lawful purposes and not further processed in a manner that is incompatible with those purposes
3. The data should be adequate, relevant and not excessive
4. The data should be accurate and where necessary kept up-to-date
5. Data should not be kept for longer than necessary
6. Data should be kept secure

Rights of individuals: -

- Right to be informed about the processing of their personal data
- Right to have their data amended, usually within one month, if their personal data is inaccurate or incomplete
- Right of access to their personal data and supplementary information, and the right to confirmation that their personal data is being processed
- Right to be forgotten by having their personal data deleted or removed on request when there is no compelling reason for an organisation to continue to process it
- Right to restrict processing of their personal data, e.g. if they consider that processing is unlawful, or the data is inaccurate
- Right to obtain and use their data for their own purposes
- Right to object to the processing of their personal data for direct marketing, scientific or historical research or statistical purposes

Obligations of employees: -

- All employees have a responsibility to ensure that their activities comply with the data protection principles above
- No employee should disclose personal data outside the organisation's procedures or use personal data held on others for their own purposes

Additional obligations of managers: -

- Managers also have a responsibility for the type of personal data they collect and how they use it (i.e. it must conform to the GDPR as set out above)

Lawful reasons for processing of personal data: -

The regulations provide six lawful reasons for processing of personal data and the Group must identify which of these are applicable for each category of data held and processed. The Group have conducted a data audit setting out which categories of personal data are held and processed, which legal reason applies and how the data is used and stored. Retention periods for the various categories of data comply with relevant legislation or best practice guidelines where no legal requirement exists. This audit can be found on the company's SharePoint site, on the link below, for Land & Water internal people to view. Any customer, supplier or legitimate external party may request this by contacting DP@land-water.co.uk

<https://landandwater.sharepoint.com/sites/intranet/pages/home.aspx>

The six lawful reasons for processing are: -

1. Consent – the individual has given clear consent for the Group to process their personal data for a specific purpose (e.g. permission to contact the GP to provide medical advice in relation to an employee performing their role following an illness or accident/use of information provided in order to do business with us as set out in our privacy and cookie policy)
2. Contract – the processing is necessary for a contract held with the individual (e.g. bank account details provided to enable Land & Water to pay an employee or supplier)
3. Legal obligation – the processing is necessary for the employer to comply with the law (e.g. national insurance number for HM Revenue and Customs purposes)
4. Vital interests – the processing is necessary to protect someone's life (e.g. holding of health information required for use in an emergency)
5. Public task – the processing is necessary to perform a task in the public interest or for official functions (NB this relates mainly to public authorities)
6. Legitimate interests – the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (NB Where this reason applies Land & Water have considered whether people would reasonably expect the processing to take place and that it would not have an unwarranted impact on them)

Subject Access Requests (sometimes called personal data requests)

Most requests to see personal data can be handled informally, quickly and easily by an employee asking their manager or a customer/supplier asking via DP@land-water.co.uk Where this has not been possible a formal Subject Access Request should be raised.

The regulations require organisations to respond to a formal request from an individual for a copy of their own data without delay (typically within one month of the request unless it is particularly complex in which case it may be extended by up to two months). Land & Water commits to respond to any such request within these timeframes and has appointed the Company Secretary as the contact point for any such requests. A Subject Access Request should be in writing and include: -

- The individual's full name, address and contact details
- Details of the specific information required and any relevant dates

Requests for copies of personal data will not attract a charge unless they are 'manifestly unfounded or excessive' in which case the company has the discretion to charge a reasonable administration cost.

In the event the company considers it necessary to refuse a request they will inform the individual within one month of the reason for this and the individual then has the right to complain to the supervisory authority (Information Commissioner's Office) and to pursue legal proceedings if they wish.

Sharing and transferring personal data

Land & Water have several third-party suppliers who assist with their business operations. These include companies providing IT systems for processing customer, supplier and employee data and third parties engaged to provide marketing and advertising services. All such suppliers have been requested to provide assurance and copies of documentation evidencing compliance with the General Data Protection Regulations. Where the providers use cloud-based systems with servers located outside of the UK the company have checked that additional security measures are in place to protect personal data.

Monitoring using CCTV

Land & Water Plant have CCTV installed at a number of locations as follows: -

For the purpose of protecting plant and equipment from theft and damage by unauthorised intruders

- Kingsbury Yard and Workshop where the company's plant is taken for repair and maintenance
- Sand Pit, which is an unattended site used for storage of plant and equipment

For the purpose of monitoring collisions on waterways, damage caused to hoppers and tugs and driver activity. This is used as evidence in the event of a collision to back up a claim, and to inform training and development needs to reduce the cost of repairs for the business. It is also used to meet our duty of care, particularly where a tug driver is working alone.

- On one tug which is being used on a trial basis to assess the benefits of fitting on all tugs

Geomac have CCTV installed at the following Marinas for the purpose of safety of residents and visitors and security monitoring to prevent theft or damage by unauthorised intruders

- Caen Hill – 4 CCTV cameras (at the bridge for safety monitoring/at the gate for security/on the compound for security and safety/at the entrance to the office for security and safety)
- Northwich Quay – 4 CCTV cameras (in the office facing towards the desk and door to wash facilities for safety and security monitoring/at the main gain for security/at the far end of the marina for safety and security monitoring/at the opposite end of the marina for safety and security monitoring)

CCTV is sometimes installed on sites where we are working temporarily for the purpose of protecting the security of the site and any equipment on it. This is usually managed by a third-party company. In these situations it would be used if there was a break-in or theft from the site and would be provided to police to support the investigation.

It is not the intention for the company to use CCTV to generally monitor the activities of employees, contractors, workers or visitors to its sites. However, in the event of a specific issue being raised, e.g. a report of a theft on that site or where a formal

process has been invoked such as a disciplinary and it is anticipated that CCTV may provide factual evidence to support a fair process it will be reviewed for that specific purpose. No information seen in the review of CCTV that is irrelevant to that specific purpose will be used unless it cannot be ignored (e.g. a clear breach of health and safety law has been noted).

Ongoing compliance

Land and Water will maintain the data audit document adding any further categories of personal data that become necessary or removing any that are no longer carried out. Employees will be advised of changes to this as and when they occur and the lawful reason for the processing. Processes have been developed to enable the company to manage the retention periods effectively; periodic audits will be carried out in line with the various retention periods to ensure that data is destroyed when appropriate.

Data breach

In the event of a personal data breach that is likely to result in a risk to the rights and freedom of an individual, Land & Water commits to inform the Information Commissioner's Office within 72 hours and to inform the individual concerned.

Related documentation

Other documents which relate to this policy include

- IT Policy: The Use of Technology
- Privacy and Cookies Policy

Contact details

The company have appointed the Company Secretary, e-mail DP@land-water.co.uk, as the relevant person to deal with any queries or subject access requests.