

Sample Do Not Use



# **GDPR Toolkit**

## **DATA PRIVACY POLICY**

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Do not use as-is, but make necessary amendments relevant to your organisation

# GDPRToolkit

## INTRODUCTION

Please read the READ ME User Guide first to make sure you know and understand the need to add, amend, or delete in order to reflect your people, processes and technologies as well as the data you hold and the jurisdiction(s) you operate in.

Please browse through this READ ME guide to make sure you understand before starting to use the toolkit



The READ ME User Guide will help you navigate around the GDPR-Toolkit and identify what you need to do for your organisation.

## DISCLAIMER

GDPR can be complicated and there are different laws in UK, EU, Jersey and Guernsey. Simply having Templates, Documents, Samples and Guidance does not make you compliant.

The reason for this disclaimer is that I cannot warrant or guarantee materials for every system or circumstance or jurisdiction and the client/user/recipient is obliged to review, test and where necessary customise or take advice to generally assert that they are satisfied before using this “live”.

If DIY isn't for you, that's OK. I'm rubbish at electrical work, plumbing or carpentry. Call an expert. There are many out there and data protection is too important for you, your organisation and the people who trust you with their data for you to get it wrong.

## SUPPORT

For those organisations without the resources, skills or experience I can help with training or provide support to customise the documents to meet your particular needs. [TimHJRogers@AdaptConsultingCompany.com](mailto:TimHJRogers@AdaptConsultingCompany.com)

# GDPRToolkit

## PRIVACY POLICY AND PROCEDURE

TITLE	ACC GDPR Privacy policy, procedure and notice.docx	DATE	10/04/18
LOCATION	V:\Data2018\product_gdprtoolkit\ACC GDPR Privacy policy, procedure and notice.docx	VERSION	Ver 1
AUTHOR	[Author]	Pages	3 of 9
APPROVER	[Approver]		

### INTRODUCTION

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The READ ME User Guide will help you navigate around the GDPR-Toolkit and identify what you need to do for your organisation.

The key data you'll need to update in this document include [AUTHOR]; [APPROVER]; [ORGANISATION NAME]; [CONTACT DETAILS]; [DOCUMENT OWNER];, plus of course the data that needs to be in the Privacy Statement, which will be based on your data-mapping and understanding the people, process and technology you use as well as the purpose and legal basis of data.

### PRIVACY POLICY

Being transparent and providing accessible information to individuals about how [Organisation name] will use their personal data is a key element of the Data Protection and the EU General Data Protection Regulation (GDPR).

The most common way to provide this information is in a privacy notice. However, in other situations it will not be effective to use a single document to inform individuals about what you do with personal data.

It is [Organisation name] policy to issue a Privacy Notice on websites and/or a Privacy Statement in contracts or correspondence so as to provide full transparency to data subjects.

The Privacy Notice and/or Privacy Statement will cover

1. who the data controller is;
2. the purpose or purposes for which the information will be processed; and
3. any further information which is necessary in the specific circumstances to enable the processing to be fair.
4. what information [Organisation name] hold that constitutes personal data;

# GDPRToolkit

5. what [Organisation name] do with the personal data you process;
6. what [Organisation name] actually need to carry out these processes - a privacy impact assessment can help [Organisation name] to answer this question;
7. whether [Organisation name] are collecting the information you need;
8. whether [Organisation name] are creating derived or inferred data about people, for example by profiling them; and
9. whether [Organisation name] will be likely to do other things with it in the future – this can be particularly important if you are undertaking large scale analysis of data, as in big data analytics.

## PRIVACY PROCEDURE

Privacy Statements should satisfy the guidance of the ICO. The model Privacy Statements will therefore include the following headings, some of which we can simply omit where unnecessary (eg cookies –if you don't use them).



Each Privacy Statements will be effected by this because the nature of the data and the context in which it is used, and the controls effecting privacy, safety and security (ensuring it confidentiality, integrity and accessibility) will inevitably affect risk and the data-subjects need to be fully informed in order to achieve meaningful agreement.

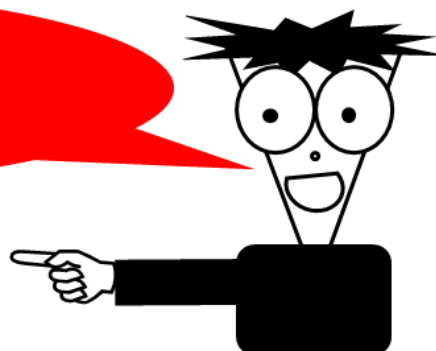
The Privacy Statements will be effected by this Data Sharing because, for example, sharing data with marketing businesses may not be something that customers want to do and they need to be fully informed in order to achieve meaningful agreement.

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## PRIVACY STATEMENT TEMPLATE

PRIVACY STATEMENT will appear on the website for general use and versions of it in the staff handbook (in relation to staff data) in the customers contract (in relation to customers data) and in separate notices or brochures where relevant and necessary.

Make sure you fully understand who, what, when, where, why, how you use data before completing this!



Think carefully about a Privacy Notice or Privacy Statement. Here is a working template. Clearly we need to complete the data-mapping + data-processes work in order to add the necessary content, but hopefully this is a useful prototype which we can build on for all the systems/departments that you want to bring into scope.

Whilst this is ostensibly a good idea to have Privacy Notice(s) or Privacy Statement(s) on a webpage you should carefully consider what is best for the data-subject. Maybe for example...

1. Put the HR Privacy Statement in the Staff Handbook or Contract
2. Put the Customer Privacy Statement in the Customer Contract or T&Cs
3. Put the Supplier Privacy Statement in the Processor/Controller or Data-Sharing Contract

The web-based approach to Privacy Notices is useful where (like Transport for London) you never meet or contract with your users/customers.

Think carefully about the language, font-size, and complexity when planning Privacy Notice(s) or Privacy Statement(s)

# GDPRToolkit

INTRODUCTION	This Privacy Notice sets out how the [Organisation name] deals with your personal data. We take privacy and security of your information seriously and will only use such personal information as set out in this privacy policy.
CONTROLLER	Information which is collected will be the responsibility of the [Organisation name], who will act as data controller in relation to your personal data.  If you have any questions in relation to this policy or data protection within please contact us at: <a href="#">[Contact details]</a>
WHAT DATA WE COLLECT	
WHERE AND WHEN WE COLLECT YOUR DATA	
HOW WE USE COOKIES	
WHAT PURPOSES USE YOUR PERSONAL DATA FOR	We use your data to ...
STATUTORY OR CONTRACTUAL REQUIREMENTS	
AUTOMATED DECISIONS	
LAWFUL BASIS	Where our processing is based on consent, you may withdraw your consent by unsubscribing from the service or emailing <a href="#">[Contact details]</a>
HOW LONG WE HOLD DATA	[Organisation name] will retain your personal data for as long as necessary to fulfil the purpose for which it was collected.  You can unsubscribe at any time and subscribe with a new email address if you want to change details.
DATA SECURITY	[Organisation name] uses up-to-date data storage and security techniques to protect your personal information from unauthorised access, improper use or disclosure, unauthorised modification or unlawful destruction or accidental loss.
DATA SHARING AND DISCLOSURE	

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THIRD COUNTRY TRANSFERS AND SAFEGUARDS	<p>Where we transfer data to another jurisdiction, which does not offer the same level of protection of personal data as may be enjoyed within your home country, we will ensure that your data is appropriately protected.</p>
YOUR RIGHTS	<p>You have the right to apply for a copy of the personal data we hold about you and to have any inaccurate personal data about you rectified.</p> <p>In some circumstances you may also have the right to ask us to erase your personal data or restrict its processing.</p> <p>Where we process your data for our legitimate interests, you have the right to object to such processing.</p> <p>Please bear in mind that if you object to processing or withdraw your consent, this may affect our ability to deliver services to you.</p> <p>Should you wish to discuss the exercise of any your rights, please contact us as set out below.</p> <p>There is an excellent guide explaining your data rights here <a href="https://ec.europa.eu/commission/sites/beta-political/files/data-protection-overview-citizens_en.pdf">https://ec.europa.eu/commission/sites/beta-political/files/data-protection-overview-citizens_en.pdf</a></p>
CONCERNS OR QUERIES	<p>If you have any questions in relation to this policy or data protection within please contact us at:[Contact details]</p> <p>If you would like to make a complaint to the Information Commissioner, or learn more about data protection in Jersey please visit their website at <a href="http://www.dataci.je">www.dataci.je</a>.</p> <p>The Commissioner is an independent statutory authority, with a mission to promote respect for the private lives of individuals through ensuring privacy of your personal information.</p> <p>Please bear in mind that the Office of the Information Commissioner (OIC) as referred to in this Policy and on our website is that in the Bailiwick of Jersey and not the United Kingdom.</p>

# GDPRToolkit

## DOCUMENT CONTROL

[document owner] is the owner of this document and is responsible for ensuring that this procedure or process is reviewed in line with the review requirements.

Consultation Phase: A document which is circulated for comment to key stakeholders to ensure support for scope, format, and content.

Draft Phase: Ostensibly the last draft, capturing all the points from the previous consultation phase and circulated for comment before being finalised.

Final Phase: A document which is FINAL. This is the baseline document which may subsequently amend over time.

VERSION	DESCRIPTION OF CHANGE	AUTHOR	APPROVAL	DATE OF ISSUE
Consultation	Initial Issue for consultation.	[Author]	[Approver]	March 2018



# GDPRToolkit

## FORM

INTRODUCTION	
CONTROLLER	
WHAT DATA WE COLLECT	
WHERE AND WHEN WE COLLECT YOUR DATA	
HOW WE USE COOKIES	
WHAT PURPOSES USE YOUR PERSONAL DATA FOR	
STATUTORY OR CONTRACTUAL REQUIREMENTS	
AUTOMATED DECISIONS	
LAWFUL BASIS	
HOW LONG WE HOLD DATA	
DATA SECURITY	
DATA SHARING AND DISCLOSURE	
THIRD COUNTRY TRANSFERS AND SAFEGUARDS	
YOUR RIGHTS	
CONCERNS OR QUERIES	