
DATA PROTECTION POLICY STATEMENT

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Background to the General Data Protection Regulation ('GDPR')

The General Data Protection Regulation 2016 replaces the EU Data Protection Directive of 1995 and supersedes the laws of individual Member States that were developed in compliance with the Data Protection Directive 95/46/EC. Its purpose is to protect the “rights and freedoms” of living individuals, and to ensure that personal data is not processed without their knowledge, and, wherever possible, that it is processed with their consent.

Policy, scope and objectives

AMS Automobile Marketing Systems Ltd is a data controller and/or data processor under the GDPR.

The Board of Directors of AMS Automobile Marketing Systems Ltd are committed to complying with all relevant UK and EU laws in respect of handling data, and to protect the “rights and freedoms” of individuals and clients whose information AMS Automobile Marketing Systems Ltd collects in accordance with the General Data Protection Regulation (GDPR).

This includes and is not limited to the following:

- ✓ The appointment of a Data Protection Officer
- ✓ Maintaining an inventory of the categories of information processed by AMS Automobile Marketing Systems Ltd and detailing the treatment of this data – See Data Inventory
- ✓ Processing information only where this is strictly necessary for legitimate organisational purposes
- ✓ Collecting only the minimum information required for these purposes and not processing excessive personal information
- ✓ Providing clear information to individuals and clients about how their information will be used and by whom
- ✓ Processing data fairly and lawfully
- ✓ Keeping information accurate and, where necessary, up-to-date
- ✓ Retaining information only for as long as is necessary for legal or regulatory reasons or, for legitimate organisational purposes
- ✓ Respecting individuals rights in relation to personal information, including their right of access to their own data
- ✓ Keeping all information secure
- ✓ Only transferring information outside the EU in circumstances where it can be adequately protected and only on the approval of the individual or the client concerned

Data Protection Officer

A Data Protection Officer/GDPR owner, who Board of Directors considers to be suitably qualified and experienced, has been appointed to take responsibility for AMS data protection policies and the processing / storage of data help by Automobile Marketing Systems Ltd.

The GDPR introduces the principle of accountability which states that the Data Protection Officer is not only responsible for ensuring compliance but for demonstrating that each processing operation complies with the requirements of the GDPR.

The data protection office is Gareth Ebenezer.

Responsibilities of the Data Protection Officer under the General Data Protection Regulation

The Data Protection Officer/GDPR owner is a member of the senior management team and accountable to Board of Directors for the management of information within AMS Automobile Marketing Systems Ltd and to ensure that compliance with data protection legislation and good practice is demonstrated. Accountability includes the following:

- ✓ To review, on an annual basis, the detail of this policy in the light of any changes to the companies' activities (as determined by changes to the Data Inventory Register) and any additional requirements identified by means of data protection impact assessments
- ✓ To ensure compliance with the data handling policies on a day-to-day basis
- ✓ To ensure responsibilities and procedures set out in this document have been reviewed by employees and sub-contractors
- ✓ To develop and implement the data protection policies defined in this document
- ✓ To audit policy compliance such as security and process management
- ✓ To ensure appropriate steps are taken to keep data accurate and up-to-date, taking into account the volume of data collected, the speed with which it might change and any other relevant factors
- ✓ To assume specific responsibilities in respect of procedures such as the data access queries
- ✓ Be the first point of call for employees / staff seeking clarification on any aspect of data protection compliance
- ✓ To ensure employees are trained and aware of their responsibilities in respect of data protection requirements
- ✓ On an annual basis, the Data Protection Officer will review all data maintained by AMS Automobile Marketing Systems Ltd and ensure compliance with this policy and ensure that all data collection methods are reviewed to ensure data collection continues to be adequate, relevant and not excessive
- ✓ Ensure information, which is not strictly necessary for the purpose for which it is obtained, is not collected.
- ✓ All data collected (electronic or paper-based), including data collection requirements (e.g. information systems) be approved as policy compliant
- ✓ If data given or obtained is excessive or not specifically required, the Data Protection Officer is responsible for ensuring that it is securely deleted or destroyed

Responsibilities of employees or those individuals working for AMS (including subcontractors)

The policy applies to all Employees and any outsourced suppliers / sub-contractors.

- ✓ It is also the responsibility of employees to ensure that data handled by AMS Automobile Marketing Systems Ltd is accurate, up-to-date and that the treatment of data complies with this policy
- ✓ Employees of AMS Automobile Marketing Systems Ltd should notify the Data Protection Officer of any changes in circumstance to enable personal records to be updated accordingly
- ✓ Employees must notify the Data Protection officer of any data breach within the same working day that the breach takes place. This must be done in a telephone call and immediately followed up in writing with an explanation of how the breach occurred
- ✓ Employees are required to change their IT security passwords every quarter
- ✓ Where AMS employees handle client data on client provided computers or have access to client mainframes and or sensitive client data they must comply with the clients own data protection policy

Accountability

- ✓ Any breach of the GDPR will be dealt with under the companies' disciplinary policy and may also be a criminal offence, in which case the matter will be reported as soon as possible to the appropriate authorities
- ✓ **Personal data breach** – a breach of security leading to the accidental, or unlawful, destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed. There is an obligation on the controller of the data to report personal data breaches to the Data Protection Officer

Partners and any third parties working with AMS Automobile Marketing Systems Ltd who have or may have access to information, will be expected to have read, understood and to comply with this policy.

No third party may access data held by AMS Automobile Marketing Systems Ltd without having first entered into a data confidentiality agreement which imposes on the third party obligations no less onerous than those to which AMS Automobile Marketing Systems Ltd is committed, and which gives AMS Automobile Marketing Systems Ltd the right to audit compliance with this policy.

Data protection principles & policies

All processing of personal data must be done in accordance with the following data protection principles:

- ✓ Data must be processed lawfully, fairly and transparently
- ✓ Data must be kept in a form such that the data subject can be identified only as long as is necessary for processing
- ✓ Data must be processed in a manner that ensures its security
- ✓ Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- ✓ Data shall not be transferred to a country or territory outside the European Union unless that country or territory ensures an adequate level of protection for the 'rights and freedoms' of data subjects in relation to the processing of personal data

Safeguards

An assessment of the adequacy by the data controller taking into account the following factors:

- The nature of the information being transferred;
- The country or territory of the origin, and final destination, of the information;
- How the information will be used and for how long;
- The laws and practices of the country of the transferee, including relevant codes of practice and international obligations; and the security measures that are to be taken as regards the data in the overseas location. (This is a UK-specific option.)

Data subjects' rights (the rights of those whose data the company handles)

Data subjects have the following rights regarding data processing, and the data that is recorded about them:

- ✓ To make data available to the owner
- ✓ To prevent processing likely to cause damage or distress
- ✓ To prevent processing for purposes of direct marketing
- ✓ To take action to rectify, block, erase, including the right to be forgotten, or destroy inaccurate data
- ✓ To request the Data Protection Officer to assess whether any provision of the GDPR has been contravened
- ✓ The right for data to be provided to them in a structured, commonly used and machine-readable format, and the right to have that data transmitted to other parties as requested
- ✓ The right to object to any automated profiling without consent

Data subjects may make data access requests and AMS Automobile Marketing Systems Ltd will ensure that its response to the data access request complies with the requirements of the Regulation.

Data inventory register:

Data held by AMS Automobile Marketing Systems Ltd

- ✓ **Client Data:** This includes data relating to the KPI performance of AMS employees engaged on client projects, client presentations, client intellectual property and client performance data from sources such as internal target, business objectives and outcomes
- ✓ **Customer Data:** Specifically, this refers to customer names and addresses supplied to AMS Automobile Marketing Systems Ltd by our clients for purposes of marketing. For example, how we handle customer record files when provided to AMS by Dealers participating in the AMS Showroom VIP Event
- ✓ **Internal Data Storage:** This includes data recovery, password policies and data storage
- ✓ **Employee Data:** This includes employee data such as CV's, home addresses and all personal employee data such as performance reviews, salary and tax records and business expenses
- ✓ **Policies for employees using company computers:** Both at the client location and at AMS HO
- ✓ **The Storage & Management of CV's:** This includes the processes for storing information from potential employees / individuals who wish to have their CV held on file with AMS for future employment opportunities

Data handling procedure (in respect of the AMS data inventory)

Client Data:

This includes data relating to the KPI performance of AMS employees engaged on client projects, client presentations, intellectual property and client data from sources such as internal sales target, business objectives and outcomes

- ✓ Specific client data (KPI performance information) is destroyed at the end of each assignment

Customer Data:

Specifically this refers to customer names and addresses supplied to AMS by our clients for purposes of marketing. For example, how we handle the customer record files when provided to AMS by Dealers participating in the AMS Showroom VIP Event

- ✓ Data is passed through AMS to marketing agencies approved by our clients. This data is then destroyed

Internal Data Storage:

This includes data recovery, password policies and data storage

- ✓ Client data is stored on an internal hard drive. This is backed-up every night on high speed tape-drive. The previous night's tape-drive is taken off-site by an "approved" AMS head-office employee and stored in a secure location away from the head-office location
- ✓ No client data is stored on employee lap top computers. This is added and deleted for client meetings / presentations as required
- ✓ AMS employees are required to change IT passwords every 3-months. Those employees based at client locations are required to follow the client data protection policies / requirements

Employee Data:

This includes employee data such as CV's, home addresses and all personal employee data such as performance reviews, salary and tax records and business expenses

- ✓ Personal data may not be retained for longer than it is required. Once a member of staff has left AMS Automobile Marketing Systems Ltd it may not be necessary to retain all the information held on them. Some data will be kept for longer periods than others. AMS data retention and data disposal procedures will apply in all cases.

We hold the following data on employees:

- Full Name
- Address
- Phone numbers (mobile / home)
- Date of birth
- National Insurance number / Social Security number / Citizens Card number / Tax number
- Bank details
- Driving License details
- Number of children
- Next of kin details and contact numbers
- We also hold data for payroll legislation in the county where they live and work:

The following data on employees that leave AMS will be held for a period of 10 years:

- ✓ Data of employment
- ✓ Name, address and contact details

Data is stored in a locked filing cabinet. Only the Data Protection Officer has access to this data.

All personal HR records such as performance evaluations will be destroyed within 12-months of the employee leaving AMS Automobile Marketing Systems.

Policies for employees using company or supplier computers:

- ✓ Employees are required to understand and comply with the client's data protection policy that is in place at the location / site the AMS employee is based

The storage & management an individual's CV / employment resume:

This includes the processes for storing information from potential employees / individuals who wish to have their CV held on file with AMS for future employment opportunities

1. Job seeker / applicant CV are destroyed as soon as the vacancy is filled
2. If AMS wishes to retain a CV, the data owner is asked for their permission
3. In respect of point 2 above, no data from potential job seekers is held for more than 12-months

Disposal of paper documents and data printed from computer files

All printed and paper-based documents are destroyed every quarter. Printed data (no longer being used) is placed in secure paper bins and emptied for shredding by our selected supplier.

Data security

Employees are responsible for ensuring that any personal data which AMS Automobile Marketing Systems holds and for which they are responsible, is kept securely and is not under any conditions disclosed to any third party unless that third party has been specifically authorised by AMS to receive that information and has entered into a confidentiality agreement.

All personal data should be accessible only to those who need to use it.

Care must be taken to ensure PC screens and terminals are not visible except to authorised employees of AMS Automobile Marketing Systems Ltd. AMS Employees must ensure their PC screens are not visible to others while working remotely on, for example, aeroplanes and other forms of public transport of public places.

Manual records may not be left where they can be accessed by unauthorised personnel and may not be removed from business premises without explicit authorisation. As soon as manual records are no longer required for day-to-day client support, they must be removed from secure archiving and destroyed in line with the "Disposal of paper documents and data printed from computer files" policy.

Rights of access to data

Data subjects have the right to access any personal data (i.e. data about them) which is held in electronic format and manual records which form part of a relevant filing system. This includes the right to inspect confidential personal references received by AMS Ltd, and information obtained from third-party organisations about that person.

Disclosure of data

AMS Automobile Marketing Systems Ltd must ensure that personal data is not disclosed to unauthorised third parties which includes family members, friends, government bodies, and in certain circumstances, the Police. Employees should exercise caution when asked to disclose personal data held by AMS that relates to another individual or a client to a third party. Any such data transfers or disclosures must be approved by the Data Protection Officer.

GDPR permits certain disclosures without consent so long as the information is requested for one or more of the following purposes:

- To safeguard national security
- To prevent or detect crime including the apprehension or prosecution of offenders
- To assess or collect tax duty
- To discharge regulatory functions (includes health, safety and welfare of persons at work)
- To prevent serious harm to a third party;
- To protect the vital interests of the individual, this refers to life and death situations.

All requests to provide data for one of these reasons must be supported by appropriate paperwork and all such disclosures must be specifically authorised by the Data Protection Officer

Procedure for data retention

Data will only be retained where necessary, for compliance with requirements set down by other organisations such as the UK Inland Revenue. This relates to tax, employee records and legislation compliance.

Complaints procedure

Data Subjects (this includes clients) who wish to complain to AMS Automobile Marketing Systems Ltd about how their data / information is processed may lodge their complaint directly with the Data Protection Officer. The Data Protection officer can be contacted at the company's business address or by telephone on +44 (0) 1628 667668.

Risk assessment

Objective: To ensure that AMS Automobile Marketing Systems Ltd is aware of any risks associated with the processing of particular types of data.

AMS Automobile Marketing Systems Ltd has a process for assessing the level of risk to individuals associated with the processing of their personal information. AMS Automobile Marketing Systems Ltd shall manage any risks which are identified by the risk assessment in order to reduce the likelihood of a non-conformance with this policy.

Where a type of processing, in particular using new technologies and taking into account the nature, scope, context and purposes of the processing is likely to result in a high risk to the "rights and freedoms" of natural persons, AMS Automobile Marketing Systems Ltd shall, prior to the processing, carry out an assessment of the impact of the envisaged processing in respect of GDPR legislation.

Where, as a result of a Data Protection Impact Assessment, it is clear that AMS Automobile Marketing Systems Ltd is about to commence processing of personal information that could cause damage and/or distress to the data subjects, the decision as to whether or not AMS Automobile Marketing Systems Ltd may proceed must be escalated for review to the Data Protection Officer.

The Data Protection Officer shall, if there are significant concerns, either as to the potential damage or distress, or the quantity of data concerned, escalate the matter to an external specialist in data protection legislation.

Approved by: Darren Atkin, Managing Director

Date: 28th February 2018