



The James
Hutton
Institute

James Hutton Group

General Data Protection Regulation (GDPR) Privacy Notice Policy

Prepared By: Information Governance Officer

Approved By: Data Protection Officer

Date: 19 April 2018

Summary of Changes Since Previous Version:

New Policy.

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The James Hutton Group Privacy Notice Policy

1.0 Overview and Scope

This document applies to the employees, staff, workers and/or other individuals working or undertaking a role under or on behalf of the James Hutton Group which consists of The James Hutton Institute (“Hutton”) including Biomathematics & Statistics Scotland (“BioSS”) and James Hutton Limited (“JHL”). Hutton is a data controller in respect of all personal data it processes and JHL is a data controller in respect of the personal data it processes. When the terms ‘we’, ‘us’ or ‘our’ are used it should be read as referring to the James Hutton Group, unless otherwise specified.

The General Data Protection Regulation (GDPR) includes rules on giving explicit privacy information to data subjects as outlined Articles 12, 13 and 14. These rules are more specific and detailed than previous legislation under the Data Protection Act 1998 (DPA) and place an emphasis on the need for organisations to make privacy notices more accessible and easily understood.

The GDPR states that the information which organisations provide to people about how their personal data is processed must be:

- concise, transparent, intelligible and easily accessible;
- written in clear and plain language, particularly if addressed to a child; and
- free of charge.

These requirements ensure that privacy information is clear and understandable for data subjects and should be adopted by organisations as best practice.

2.0 Policy Statement

The Hutton Group has a responsibility under the GDPR to provide individuals with information (“fair processing information”) about how we process their personal data including any special category data. These terms are defined below. For the purpose of this policy, when we are referring to ‘personal data’, we are referring to Personal Data and Special Category of Data collectively.

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.

Special Category of Data: means personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation.

We provide this fair processing information in a number of ways, one of which is the publication of privacy notices. Organisations variously call them a privacy statement, a fair processing notice or a privacy policy.

To ensure that we process an individual's personal data fairly and lawfully we are required to inform such individual with specific information as set out in Art 13 of GDPR (where Hutton Group collects this directly from the relevant individual) and in Art 14 of GDPR (where Hutton Group collects this indirectly i.e. from another source). Generally, Hutton Group needs to inform individuals:

- Why it collects the personal data
- How it will be used
- Who it will be shared with

Hutton Group is also required to explain what rights individuals have to control how Hutton Group uses their personal data and how to inform us about their wishes. Hutton Group will make the Privacy Notice available via the website and/or at the point we request personal data via other means.

3.0 Responsibilities

Hutton's Data Protection Officer (DPO) is responsible for advising of what fair processing information requires to be provided to individuals and assisting Hutton Group in ensuring that such information is provided to such individuals at the appropriate time.

Where Hutton Group collects the personal data directly from the individual, it must provide this information to the individual at the point of collecting the personal data. Where Hutton Group collects the personal data indirectly, it must provide this information: (a) within a reasonable timeframe after obtaining the personal data, but at least within one month, having regard to the specific circumstances in which the personal data are processed; (b) if the personal data are to be used for communication with the individual, at the latest at the time of the first communication to that individual; or (c) if a disclosure to another party is envisaged, at the latest when the personal data are first disclosed.

There is an exception to providing a privacy notice to individuals where the personal data is collected indirectly. This exemption may apply where (a) the individual already has the fair processing information; (b) the provision of the fair processing information would prove impossible or would involve a disproportionate effort, in particular for processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes; (c) obtaining or disclosure is laid down by UK or other applicable law to which Hutton Group is subject and which provides appropriate measures to protect the individual's legitimate interests; or (d) where the personal data must remain confidential subject to an obligation of professional secrecy regulated by UK or other applicable law. If you feel this exemption could be applied to a matter you are dealing with, please contact your Data Protection Officer to confirm.

All employees, staff, workers and/or other individuals working or undertaking a role under or on behalf of Hutton Group and who interact with individuals are responsible for ensuring that informing the Data Protection Officer if he or she considers (acting reasonably) that a privacy notice is required and for providing this to the individuals attention.

4.0 Privacy Notice Content

In order to ensure compliance with the requirements of the GDPR, Hutton Group's Privacy Notices must include the following as a minimum:

- Hutton Group's contact details and role (e.g. data controller);
- Data Protection Officer's contact details for any Privacy Notice enquiries;
- What data are you collecting?;
- Why are you collecting this data and what is the legal basis for this? If Hutton Group is basing this on 'legitimate interests', Hutton Group needs to inform the individual of the 'legitimate interest'. If it is based on performance of a contract or for statutory purposes, Hutton Group needs to inform the individual whether he or is obliged to provide the personal data and the consequences if he or she does not;
- If the personal data is collected indirectly, where did Hutton Group get it from?
- Will it be shared with any other organisation? Who? (Name them.);
- Will it be transferred to a third country outside the EEA or to an international organisation and if so what adequacy measures have been put in place?
- Length of time for which information kept for;
- Information about any automated decision making including profiling (if any) e.g. Google Analytics.
- Rights of the individual in relation to their personal data

5.0 Template Privacy Notice

Who we are?

The James Hutton Institute ("Hutton")/James Hutton Ltd ("JHL") is the Data Controller over any personal data we process about you for the purposes set out in this Privacy Notice. Hutton/JHL is committed to protecting your personal data and adheres to the principles of the General Data Protection Regulation (GDPR) when processing your personal data. If you have any concerns about Hutton's/JHL's processing of your personal data or you have a general enquiry in relation to data protection please contact our Data Protection Officer at DPO@hutton.ac.uk or by telephone 01382 346814.

What is personal data?

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.

Special Category of Data: means personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

When we use the term 'personal data' we mean both personal data and special category of data.

What personal data is Hutton/JHL processing?

Hutton/JHL is processing the following types of personal data about you **[Insert what you are collecting]**.

Where did Hutton/JHL obtain my personal data from?

[Insert where you got it from]

Where will Hutton/JHL keep my data?

[Insert e.g. Your personal data is stored on secure servers in the UK.]

Why is Hutton/JHL processing my personal data?

Hutton/JHL is processing your personal data for **[Insert purpose(s)]**. Our legal basis for this processing is **[Insert Legal Basis. N.B. If the Legal Basis is legitimate interests, explain here what that legitimate interest is. If it is based on performance of a contract or for statutory purposes, Hutton/JHL needs to inform the individual whether he or is obliged to provide the personal data and the consequences if he or she does not. Speak to Hutton's DPO if unsure]**.

Will my personal data be shared with any other organisation/third parties and if so, why?

[Hutton/JHL will not share your personal data with any other organisation or third parties without seeking your prior explicit consent]. OR [Hutton/JHL shall only share your personal data with [Insert – consider sharing across the Hutton Group as this needs to be documented also]

An exception to this would be where we are required to share your personal data in accordance with law or any regulatory requirement to which Hutton/JHL is subject or where we are undergoing a corporate restructure.

Will my personal data be shared outside of the EEA?

[Explain position. If it will be transferred out side of the EEA or to an international organisation, explain what adequate measures you have in place. Speak to the DPO if unsure.]

Is my personal data safe?

Hutton/JHL works hard to protect your personal data and have adopted appropriate technical and organisational measures to keep it safe from unauthorised disclosure, alteration or destruction.

[Option clause if privacy notice is for website/App - Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of your personal data transmitted to Hutton/JHL via the internet; any transmission is at your own risk.]

[How can I stop Hutton/JHL using my personal data for marketing purposes if I no longer wish to receive communications from Hutton/JHL?

If you no longer wish to receive communication from Hutton/JHL via e.g. our monthly newsletter and would like your personal data removed from our database please e-mail our Communications Department on Comms@hutton.ac.uk or telephone 0344 928 5428. **[N.B. only include if personal data will be used for marketing purposes]**

How long will Hutton/JHL retain my personal data?

Hutton/JHL will keep your personal data **[insert]**.

Does Hutton/JHL make any automated decisions about me or profile my personal data??

[Insert].

What are my rights in relation to the personal data Hutton/JHL holds about me?

We have summarised your rights below. Please contact our Data Protection Officer at DPO@hutton.ac.uk to exercise these.

- If we are relying on your consent, you can withdraw your consent at any time, at which point we shall stop processing your personal data in that way. Please note this does not affect the legality of our processing up to the date of your withdrawal of consent.
- You can seek to restrict our processing of your personal data, ask us to rectify any personal data we hold about you or object to us processing your personal data for the purposes stated above.
- You have the right to lodge a complaint with the Information Commissioners Office (ICO) if you think that we have infringed your rights. You can find more information about reporting a matter to the ICO at the following link: <https://ico.org.uk/>
- You have the right to access personal data held by us about you.
- In certain circumstances you have the right to ask us to provide you with your personal data in a structured, commonly used and machine-readable format to allow you (or us on your behalf) to transmit this information to another party. More information can be found at <https://ico.org.uk>
- In certain circumstances you have the right to ask us to erase the personal data we hold about you. Such circumstances include (a) where we no longer need your personal data for the purposes set out above; (b) if you withdraw your consent to our processing; (c) if you object to our processing based on our legitimate interest and we have no overriding legitimate grounds

to continue processing your personal data; (d) if we process the data unlawfully; or (e) where the personal data has to be erased to comply with legal obligation to which we are subject. We will consider any such request in line with GDPR. Please note this is not an absolute right and there may be circumstances where we choose not to delete all of the personal data we hold about you. More information about your right of erasure can be found at <https://ico.org.uk>

Third Party Links [Clause For Website Privacy Statement Or App Statement Only]

Hutton's/JHL's [websites] may, from time to time, contain links to and from the websites of third parties. If you follow a link to any of these websites, please note that these websites and any services that may be accessible through them have their own privacy notices and that we do not accept any responsibility or liability for these notices or for any personal data that may be collected through these websites or services, such as contact and location data. Please check these notices before you submit any personal data to these websites or use these services.

Changes to Privacy Notice

Any changes we may make to our privacy notice in the future will be communicated to you in some manner.

Contact

Questions, comments and requests regarding this privacy notice are welcomed and should be addressed to: DPO@hutton.ac.uk

6.0 Version Control

Title	General Data Protection Regulation (GDPR) Privacy Notice Policy
Author/Creator	Data Protection Officer, Information Governance Officer
Owner	Information Governance Officer
Date Published/Approved	19 April 2018
Version	Final Draft
Date of Next Review	12 Months from published/approval date
Audience	All
Related Documents	GDPR Policy
Subject/Description	Following the implementation of the GDPR on 25 May 2018 this policy outlines the rights and responsibilities of the Hutton Group as a data controller and individuals as regards personal data.
Group	Finance and Corporate Services
Department	Research Support