

## GDPR Data Protection Policy

### 1. Introduction

Cool-Therm (UK) hold personal data about our employees, clients, suppliers and other individuals for a variety of business purposes.

This policy sets out how Cool-Therm (UK) seek to protect personal data and ensure that staff understand their responsibilities when using personal data in the course of their work and that they adhere to the Data Protection Act 2018 and the UK GDPR.

This policy requires staff to ensure that the Data Protection Officer (DPO) be consulted before any significant new data processing activity is initiated to ensure that relevant compliance steps are addressed.

### 2. Definitions

#### 2.1 Business Purposes

The purposes for which personal data may be used by us:

Personnel, administrative, financial, regulatory, payroll and business development purposes including the following:

- *Compliance with our legal, regulatory, and corporate governance obligations and good practice*
- *Gathering information as part of investigations by regulatory bodies or in connection with legal proceedings or requests*
- *Ensuring business policies are adhered to (such as policies covering email and internet use)*
- *Operational reasons, such as recording transactions, training, and quality control, ensuring the confidentiality of commercially sensitive information, security vetting, credit scoring and checking*
- *Investigating complaints*
- *Checking references, ensuring safe working practices, monitoring, and managing staff access to systems and facilities and staff absences, administration and assessments*
- *Monitoring staff conduct, disciplinary matters*
- *Marketing our business*
- *Improving services*

#### 2.2 Personal Data

Information relating to identifiable individuals, such as job applicants, current and former employees, agency, contract and other staff, clients, suppliers and marketing contacts.

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*Personal data we gather may include: individuals' contact details, educational background, financial and pay details, details of certificates and diplomas, education and skills, marital status, nationality, job title, and CV.*

### 2.3 Sensitive Personal Data

*Personal data about an individual's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership (or non-membership), physical or mental health or condition, criminal offences, or related proceedings—any use of sensitive personal data should be strictly controlled in accordance with this policy.*

## 3. Scope

This policy applies to all staff, you must be familiar with it and comply with its terms. This policy supplements our other policies relating to internet and email use. We may supplement or amend this policy by additional policies and guidelines from time to time. Any new or modified policy will be circulated to staff before being adopted.

## 4. Who is responsible for this policy?

As our Data Protection Officers, Justin Fisher and Karen Warrington have overall responsibility for the day-to-day implementation of this policy.

## 5. Our procedures

### 5.1 Fair and lawful processing

We must process personal data fairly and lawfully in accordance with individuals' rights. Therefore we should not process personal data unless the individual has consented.

### The Data Protection Officer's responsibilities – Justin Fisher

- Keeping the board updated about data protection responsibilities, risks and issues
- Reviewing all data protection procedures and policies on a regular basis
- Arranging data protection training and advice for all staff members
- Answering questions on data protection from staff, board members and other stakeholders
- Processing Subject Access Requests from clients and employees who wish to know which data is being held on them by Cooltherm.
- Checking and approving with third parties that handle the company's data any contracts or agreement regarding data processing

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## Responsibilities of the IT Manager – Justin Fisher

- Ensure all systems, services, software and equipment meet acceptable security standards
- Checking and scanning security hardware and software regularly to ensure it is functioning properly
- Researching third-party services, such as cloud services the company is considering using to store or process data

## Responsibilities of the Marketing Manager – Justin Fisher

- Approving data protection statements attached to emails and other marketing copy
- Addressing data protection queries from clients, target audiences or media outlets
- Coordinating with the DPO to ensure all marketing initiatives adhere to data protection laws and the company's Data Protection Policy

### 5.2 The processing of all data must be:

- Necessary to deliver our services
- In our legitimate interests and not unduly prejudice the individual's privacy
- In most cases this provision will apply to routine business data processing activities.

Our Terms of Business contains a Privacy Notice to clients on data protection.

The notice:

- Sets out the purposes for which we hold personal data on customers and employees
- Highlights that our work may require us to give information to third parties such as expert witnesses and other professional advisers
- Provides that customers have a right of access to the personal data that we hold about them

## 6. Sensitive personal data

In most cases where we process sensitive personal data we will require the data subject's *explicit* consent for this unless exceptional circumstances apply or we are required to do this by law (e.g. to comply with legal obligations to ensure health and safety at work). Any such consent will need to clearly identify what the relevant data is, why it is being processed and to whom it will be disclosed.

## 7. Accuracy and relevance

We will ensure that any personal data we process is accurate, adequate, relevant and not excessive, given the purpose for which it was obtained. We will not process personal data obtained for one purpose for any unconnected purpose unless the individual concerned has agreed to this or would otherwise reasonably expect this.

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Individuals may ask that we correct inaccurate personal data relating to them. If you believe that information is inaccurate you should record the fact that the accuracy of the information is disputed and inform the DPO's, Justin Fisher or Karen Warrington.

Individuals may ask us to remove their data as if they did not exist.

## 8. Your personal data

You must take reasonable steps to ensure that personal data we hold about you is accurate and updated as required. For example, if your personal circumstances change, please inform the HR Department so that they can update your records.

## 9. Data security

You must keep personal data secure against loss or misuse. Where other organisations process personal data as a service on our behalf, the DPO's will establish what, if any, additional specific data security arrangements need to be implemented in contracts with those third-party organisations.

## 10. Storing data securely

- In cases when data is stored on printed paper, it should be kept in a secure place where unauthorised personnel cannot access it and shredded when it is no longer required
- Data stored on a computer should be protected by strong passwords that are changed regularly. We encourage all staff to use a [password manager](#) to create and store their passwords.
- Data stored on CDs or memory sticks must be locked away securely when they are not being used or should be encrypted
- No personal cloud storage may be used. All Staff must use the Company Cloud storage
- Data should be regularly backed up in line with the company's backup procedures
- Data should never be saved directly to mobile devices such as laptops, tablets or smartphones
- All servers containing personal data and sensitive data must be approved and protected by security software and strong firewall.

## 11. Data retention

We must retain personal data for no longer than is necessary. What is necessary will depend on the circumstances of each case, taking into account the reasons that the data was obtained and legal requirements, but should be determined in a manner consistent with our data retention guidelines.

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## 12. Transferring data internationally

There are restrictions on international transfers of personal data. You must not transfer personal data anywhere outside the UK without first consulting the Data Protection Officer.

## 13. Subject access requests

Please note that under the Data Protection Act 2018, individuals are entitled, subject to certain exceptions, to request access to information held about them.

If you receive a subject access request, you should refer that request immediately to the DPO. We may ask you to help us comply with those requests.

## 14. Processing data in accordance with the individual's rights

You should abide by any request from an individual not to use their personal data for direct marketing purposes and notify the DPO about any such request.

Do not send direct marketing material to someone electronically (e.g. via email) unless you have an existing business relationship with them in relation to the services being marketed.

Please contact the DPO for advice on direct marketing before starting any new direct marketing activity.

## 15. Training

All staff will receive training on this policy. New joiners will receive training as part of the induction process. Further training will be provided at least every two years or whenever there is a substantial change in the law or our policy and procedure.

Training is provided through an approved online training provider.

It will cover:

- The law relating to data protection
- Our data protection and related policies and procedures.

Completion of training is compulsory.

## 16. Privacy Notice - transparency of data protection

Being transparent and providing accessible information to individuals about how we will use their personal data is important for our organisation.

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## 17. Conditions for processing

We will ensure any use of personal data is justified using at least one of the conditions for processing and this will be specifically and all staff who are responsible for processing personal data will be trained appropriately. The conditions for processing will be available to data subjects in the form of a privacy notice.

## 18. Justification for personal data

We will process personal data in compliance with all six data protection principles. They are as follows:

- a right of access the information comprised in their personal data;
- a right to object to processing that is likely to cause or is causing damage or distress;
- a right to prevent processing for direct marketing;
- a right to object to decisions being taken by automated means;
- a right in certain circumstances to have inaccurate personal data rectified, blocked, erased or destroyed; and
- a right to claim compensation for damages caused by a breach of the Act.

We will document the additional justification for the processing of sensitive data and will ensure any biometric and genetic data is considered sensitive.

## 19. Consent

The data that we collect is subject to active consent by the data subject. This consent can be revoked at any time.

## 20. Criminal record checks

Any criminal record checks are justified by law. Criminal record checks cannot be undertaken based solely on the consent of the subject.

## 21. Data portability

Upon request, a data subject should have the right to receive a copy of their data in a structured format. These requests should be processed within one month, provided there is no undue burden, and it does not compromise the privacy of other individuals. A data subject may also request that their data is transferred directly to another system. This must be done for free.

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## 22. Right to be forgotten

A data subject may request that any information held on them is deleted or removed, and any third parties who process or use that data must also comply with the request. A request can only be refused if an exemption applies.

## 23. Privacy by design and default

Privacy by design is an approach to projects that promote privacy and data protection compliance from the start. The DPO will be responsible for conducting Privacy Impact Assessments and ensuring that all IT projects commence with a privacy plan.

When relevant, and when it does not have a negative impact on the data subject, privacy settings will be set to the most private by default.

## 24. International data transfers

Data is not generally transferred outside the UK. No data may be transferred outside of the EEA without first discussing it with the data protection officer. Specific consent from the data subject must be obtained prior to transferring their data outside the EEA.

## 25. Reporting breaches

All members of staff have an obligation to report actual or potential data protection compliance failures. This allows us to:

- Investigate the failure and take remedial steps if necessary
- Maintain a register of compliance failures
- Notify the DPO of any compliance failures that are material either in their own right or as part of a pattern of failures

## 26. Monitoring

Everyone must observe this policy. The DPO has overall responsibility for this policy. They will monitor it regularly to make sure it is being adhered to.

Consequences of failing to comply

We take compliance with this policy very seriously. Failure to comply puts both you and the organisation at risk.

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The importance of this policy means that failure to comply with any requirement may lead to disciplinary action under our procedures which may result in dismissal. A solicitor in breach of Data Protection responsibility under the law or the Code of Conduct may be struck off.

If you have any questions or concerns about anything in this policy, do not hesitate to contact the DPO's.

Signed:



Name: Justin Fisher – Director

Date: 1<sup>st</sup> October 2023

Employee Ack:

Name:

Date:

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