

Frama (UK) Ltd

Data Security & Data Protection Policy

V1.0

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1. Purpose

This policy details how Frama UK Ltd will manage data protection and data security and ensure a consistency of approach within Frama UK Ltd and adherence to the Data Protection Regulation. Frama UK Ltd recognises that failure to protect personal data poses a risk to employees and clients and to the reputation and good standing of the company, as well as risking financial penalties. Data Protection is regulated and enforced in the UK by the Information Commissioners Office (ICO) (<https://ico.org.uk/>).

Frama UK Ltd is authorised by the Financial Conduct Authority (FCA) and complying with some of the FCA rules requires Frama UK Ltd to process personal data.

While the ICO will regulate data protection, the FCA will also consider compliance with these regulations under their rules, in particular the Senior Management Arrangements, Systems and Controls standards in the FCA handbook (<https://www.handbook.fca.org.uk/handbook>).

1. Review of Policy

This policy will be reviewed by the Management Body on an ongoing basis in line with any regulatory changes but at least once a year.

2. Responsibilities

3.1 The Management Body

The Management Body are responsible for the compliance with data protection and ensuring that Frama UK Ltd is able to produce evidence to demonstrate the steps that it has taken to comply.

3.2 Employee Responsibilities

All employees, volunteers and business associates, such as Appointed Representatives, are required to read, understand and accept any policies and procedures that relate to the personal data they may handle in the course of their work.

All employees who deal with personal information are required to handle that information confidentially and sensitively. Employees who undertake to process personal data supplied by Frama UK Ltd must do so only in accordance with Frama UK Ltd's instructions.

Employee obligations in respect of the Data Protection Act form part of their contract of employment.

4 Definitions

4.1 Personal data

Personal data is any information relating to an, directly or indirectly, identified or identifiable natural person (also known as a data subject).

4.2 Special category data /Sensitive personal data

Special category or sensitive personal data refers to data relating to racial or ethnic origins, political opinions, religious or philosophical beliefs, trade union membership, health, sexual life, sexual orientation, genetic data or biometric data.

4.3 Data controller

A controller determines when, why and how to process personal data. Frama UK Ltd is the controller of all personal data relating to its employees, clients and others whose personal data is used in its business for its commercial purposes.

4.4 Data processor

A processor is responsible for processing personal data on behalf of a data controller and should act only on the controller's instructions. Processing is any activity that involves the use of personal data such as obtaining, recording, holding, amending, using, transferring, erasing or disclosing it. Frama UK Ltd is a processor of personal data. Personal data is only processed by Frama UK Ltd./Frama UK Ltd employs other companies to process certain personal data.

5 The Data Protection Principles

Data Protection law sets out 6 principles which define the obligations of Frama UK Ltd as a processor of personal data. These principles are as follows:-

- a) Personal data shall be processed lawfully, fairly and in a transparent manner
- b) Personal data shall be collected for specified, explicit and legitimate purposes and shall not be further processed in any manner incompatible with those purposes
- c) Personal data shall be adequate, relevant and limited to what is necessary for the purpose for which they are processed
- d) Personal data shall be accurate and, where necessary, kept up to date
- e) Personal data shall be kept in a form which permits identification of the data subjects for no longer than necessary for the purposes for which the personal data are processed
- f) Personal data shall be processed in a manner that ensures the security of personal data

The data protection law states that Frama UK Ltd shall be responsible for, and be able to demonstrate compliance with, these principles.

5.1 Lawful basis for processing

Frama UK Ltd will ensure that it has a lawful basis to process personal data. Frama UK Ltd will ensure that the processing is necessary for its purpose and that there is no other reasonable way to achieve that purpose.

Frama UK Ltd will determine and document the lawful basis before beginning processing. There may be more than one lawful basis that applies to the processing and, if this is the case, Frama UK Ltd will document it. Frama UK Ltd will ensure that it can justify its reasoning for the lawful basis chosen.

The six lawful bases for processing personal data are:

- 1) Consent - the data subject has given clear consent for Frama UK Ltd to process their personal data for a specific purpose
- 2) Contract - the processing is necessary for a contract Frama UK Ltd has with the data subject or because they have requested that Frama UK Ltd take specific steps before entering into a contract
- 3) Legal obligation - the processing is necessary for Frama UK Ltd to comply with the law
- 4) Vital interests - the processing is necessary to protect someone's life
- 5) Public task - the processing is necessary for Frama UK Ltd to perform a task in the public interest
- 6) Legitimate interests - the processing is necessary for Frama UK Ltd's (or a third party's) legitimate interests unless there is good reason to protect the individual's personal data which overrides those legitimate interests

When choosing the lawful basis for processing, Frama UK Ltd will consider what it is trying to achieve, can it reasonably be achieved in another way and whether or not it has a choice to process the data.

Frama UK Ltd has reviewed its lawful bases for processing in the light of the General Data Protection Regulations (GDPR) and updated them where necessary. These have been/must be communicated to the data subjects before 25th May 2018.

If there is a change in circumstances or a new purpose for processing the data then Frama UK Ltd will review the lawful basis and make any changes ensuring that the data subjects are informed and the change documented.

5.1.1 Consent

When requesting consent, Frama UK Ltd will:

- Make the request for consent prominent and separate from its terms and conditions
- Ask people to positively opt-in
- Not use pre-ticked boxes or other types of default consent
- Use clear, plain language that is easy to understand
- Specify why it wants the data and what it will do with it
- Give individual options to consent to different purposes and types of processing
- Name Frama UK Ltd and any other third parties who will be relying on consent
- Tell people that they can withdraw consent at any time
- Ensure that people can refuse consent without detriment
- Not make consent a precondition of a service

Frama UK Ltd will record when, how and from whom it obtained consent and what they were told at the time of consent.

Frama UK Ltd has reviewed its existing consents in light of GDPR and obtained fresh consent where necessary.

5.1.2 Contract

When using contract as the lawful basis for processing personal data, Frama UK Ltd will ensure that the processing is necessary to deliver its side of the contract and that it could not reasonably do what was required without processing the personal data.

5.1.3 Legal obligation

When using legal obligation as the lawful basis for processing personal data, Frama UK Ltd will ensure that the processing is necessary to comply with a law or statutory obligation and that it could not reasonably do what was required without processing the personal data. Frama UK Ltd will identify the specific legal provision or appropriate source of advice that sets out its obligation.

5.1.4 Vital interests

Frama UK Ltd is unlikely to use vital interests as a lawful basis for processing personal data. When using vital interests as the lawful basis for processing personal data, Frama UK Ltd will ensure that the processing is necessary to protect someone's life and that it could not reasonably do what was required without processing the personal data. Frama UK Ltd will not use vital interests as the lawful basis if the data subject is capable of giving their consent.

5.1.5 Public task

Frama UK Ltd will not/is unlikely to use public task as a lawful basis for processing personal data. Delete if not using Public task as lawful basis: When using public task as the lawful basis for processing personal data, Frama UK Ltd will ensure that the processing is necessary to comply with a specific task in the public interest that is set out in law and that it could not reasonably do what was required without processing the personal data. Frama UK Ltd will identify the specific task and identify its statutory or common law basis.

Delete if not using Public task as lawful basis: Data subject's rights to erasure and data portability do not apply when Frama UK Ltd is processing personal data on the basis of public task.

5.1.6 Legitimate interests

Frama UK Ltd is aware that when it uses legitimate interests as the lawful basis for processing personal data that it takes on extra responsibility for protecting the people's rights and interests. Frama UK Ltd will avoid using legitimate interests as the lawful basis where individuals would not reasonably expect the processing or where their interests are likely to override Frama UK Ltd's legitimate interests.

Frama UK Ltd will use a legitimate interests assessment (LIA) to check whether it is appropriate to rely on legitimate interests as the lawful basis for processing personal data and will record this and the outcome to demonstrate compliance with accountability obligations. The LIA consists of 3 parts:

- 1) Purpose test - is Frama UK Ltd pursuing a legitimate interest?
- 2) Necessity test - is the processing necessary for that purpose?
- 3) Balancing test - do the individual's interests override the legitimate interest?

Considerations for these 3 tests are listed in Annex 1 - Legitimate Interests Assessments. If the LIA identifies significant risks then Frama UK Ltd will consider performing a Data Protection Impact Assessment (DPIA) to assess the risks and potential mitigation in more detail.

When Frama UK Ltd uses legitimate interests as the lawful basis, the individual's right to data portability does not apply.

5.1.7 Special category data/sensitive personal data

Frama UK Ltd will ensure that it meets at least one of the following conditions before processing special category data:

- a) The data subject has given explicit consent to the processing of those personal data for a specified purpose
- b) The processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the data controller or of the data subject in the field of employment and social security and social protection law
- c) The processing is necessary to protect the vital interests of the data subject or another person where the data subject is incapable of giving consent
- d) The processing is carried out in the course of its legitimate activities with appropriate safeguards by a body, with a political, philosophical, religious or trade union aim, on condition that the processing relates solely to the members, or former members, of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects
- e) The processing relates to personal data which is clearly made public by the data subject
- f) The processing is necessary for legal claims or courts acting in their judicial capacity
- g) The processing is necessary for reasons of substantial public interest and is proportionate to the aim pursued, respectful of the right to data protection and provides measures to safeguard the fundamental rights and the interests of the data subject
- h) The processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services
- i) The processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices which provides measures to safeguard the rights and freedoms of the data subject
- j) The processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes which are proportionate to the aim pursued, respectful of the right to data protection and provides for measures to safeguard the fundamental rights and the interests of the data subject

Frama UK Ltd will record any special category conditions that are applicable to the personal data it is processing.

5.1.8 Criminal offence data

Personal data on criminal convictions or offences can only be processed if Frama UK Ltd has an official authority to do so or is processing the data in an official capacity. Frama UK Ltd has/has no official authority to process criminal offence data.

6 Rights of the individual/data subject

Frama UK Ltd recognises that the data subjects/individuals have the following rights:

- 1) The right to be informed
- 2) The right of access
- 3) The right of rectification
- 4) The right to erasure
- 5) The right to restrict processing
- 6) The right to data portability
- 7) The right to object
- 8) Rights in relation to automated decision making and profiling

6.1 Right to be informed

Frama UK Ltd will provide individuals with the following privacy information:

- The name and contact details of Frama UK Ltd
- The name and contact details of Frama UK Ltd's representative (delete if not applicable)
- The name and contact details of the Data Protection Officer (delete if not applicable)
- The purposes of the processing
- The lawful basis for the processing
- The legitimate interests for the processing (if applicable)
- The categories of personal data obtained (if the data is obtained from a third party)
- The recipients or categories of recipient of the personal data
- The details of any transfers of the personal data to any third countries or international organisations
- The retention periods of personal data
- The rights available to individuals in respect of the processing
- The right to withdraw consent (if applicable)
- The right to lodge a complaint with the ICO
- The source of personal data (if the data is obtained from a third party)
- The details of whether individuals are under a statutory or contractual obligation to provide the personal data (Note: this is not required when the personal data is obtained from sources other than the data subject)
- The details of any automated decision-making, including profiling (if applicable)

Frama UK Ltd will provide this information to individuals at the time they collect the data from them. If the data is obtained from another source then Frama UK Ltd will provide this information within a reasonable time and no later than a month after receiving the data. If Frama UK Ltd is planning to communicate with the individual, it will provide the privacy information when it communicates for the first time. If Frama UK Ltd is disclosing the information to a third party, Frama UK Ltd will provide the individual with the privacy information at the latest when the data is disclosed.

Frama UK Ltd will regularly review and update its privacy information. Any new uses of personal data will be brought to the data subject's attention before the new processing starts.

Best practice - delete if not doing this: Frama UK Ltd undertakes an information audit to find out what personal data it uses and what it does with it.

Best practice - delete if not doing this: Frama UK Ltd carries out user testing to evaluate how effective its privacy information is.

6.2 Right of access

Frama UK Ltd recognises that individuals have the right to obtain: confirmation that their data is being processed, access to their personal data and the information provided in the privacy information.

Frama UK Ltd will provide this information free of charge. Frama UK Ltd may charge a fee, based on the administrative costs of processing the request, for requests for further copies of the same information.

Where an individual makes a request for a copy of their information, this should be managed by the Data Protection Officer / Compliance Officer.

6.3 Right to rectification

Frama UK Ltd will respond to any request for rectification of inaccurate or incomplete data within one month, or within three months if the request is complex. If the personal data has been disclosed to third parties, Frama UK Ltd will inform them of the rectification.

6.4 Right to erasure

Frama UK Ltd recognises that individuals have the right erasure in certain circumstances, and will erase the data without undue delay, contacting any third parties, to whom the data has been passed, to inform them to erase the data.

The circumstances in which the right to erasure exists are as follows:

- Where personal data is no longer necessary for the purpose for which it was originally collected or processed
- The data subject withdraws their consent
- When the individual objects to the processing and there is no overriding legitimate reason for continuing the processing
- The personal data was unlawfully processed
- The personal data has to be erased to comply with a legal obligation

Frama UK Ltd can refuse the request for erasure for the following reasons:

- To exercise the right of freedom and information
- To comply with a legal obligation for the performance of a public interest task or exercise of official authority
- For public health purposes in the public interest
- For archiving purposes in the public interest, scientific or historical research or statistical purposes
- For the exercise or defence of legal claims

6.5 Right to restrict processing

Frama UK Ltd will restrict the processing of personal data on request from an individual where one of the following applies:

- Where an individual contests the accuracy of the personal data, the processing will be restricted until the accuracy of the data has been verified or corrected
- Where an individual objects to the processing (where it was necessary for performance of a public interest task or legitimate interests) and Frama UK Ltd is considering whether Frama UK Ltd's legitimate grounds override those of the individual
- When the processing was unlawful and the individual opposes erasure and request restriction instead
- If Frama UK Ltd no longer needs the personal data but the individual needs it for a legal claim

When the processing has been restricted, Frama UK Ltd will, except for the storage of the data, only process the data with the individual's consent. Frama UK Ltd will inform individuals before a restriction on processing is lifted.

6.6 Right to data portability

Where individuals have provided personal data to Frama UK Ltd based on consent or for the performance of a contract and the processing is carried out by automated means, the individual has the right to data portability. Frama UK Ltd will provide the personal data, without undue delay and within one month, in a structured, commonly used and machine readable form. Frama UK Ltd will provide this information free of charge.

6.7 Right to object

Frama UK Ltd recognises that individuals have the right to object to direct marketing (including profiling), processing for the purposes of scientific or historical research and statistics and processing based on legitimate interests or the performance of a task in the public interest or exercise of official authority.

If an objection is received, Frama UK Ltd will no longer process the personal data unless it can demonstrate compelling legitimate grounds for the processing which overrides the interests, rights and freedoms of the individual or the processing is for the exercise or defence of a legal claim. For direct marketing Frama UK Ltd will stop the processing as soon as the objection is received.

Frama UK Ltd will inform individuals of their right to object at the point of first communication and in the privacy notice.

6.8 Rights related to automated decision making (including profiling)

Either delete: Frama UK Ltd does not carry out automated individual decision-making or profiling.

Or: Frama UK Ltd will only carry out automated individual decision-making or profiling where the decision is necessary for the entry into or performance of a contract, authorised by law or based on the individual's explicit consent. Frama UK Ltd will provide individuals with information about the processing and a simple process for them to request human intervention. Frama UK Ltd will carry out regular checks to ensure the systems are worked as expected.

7 Accountability and Governance

7.1 Contracts with processors

Frama UK Ltd will ensure that it has written contracts in place with any data processors. Frama UK Ltd will only appoint data processors that can provide sufficient guarantees that they can meet the GDPR requirements and that the rights of the individuals will be protected.

The contracts will include the following information:

- The subject matter and the duration of the processing
 - The nature and purpose of the processing
 - The type of personal data and categories of the data subjects
 - The obligations and rights of Frama UK Ltd
- The contract will include the following terms:
- The processor must only act on written instructions from Frama UK Ltd
 - The processor must ensure that the people processing the data are subject to a duty of confidence
 - The processor must take appropriate measures to ensure the security of processing
 - The processor must only engage a sub-processor with the prior consent of Frama UK Ltd
 - The processor must assist Frama UK Ltd in providing subject access and allowing individuals to exercise their rights
 - The processor must assist Frama UK Ltd in meeting its obligations in relation to the security of processing, notification of personal breaches and DPIAs
 - The processor must delete or return all personal data to Frama UK Ltd as requested at the end of the contract
 - The processor must submit to audits and inspections and provide Frama UK Ltd with any information it needs to meet its obligations
 - The contract does not relieve the processor of its own responsibilities under GDPR

7.2 Documentation/Record keeping

Frama UK Ltd will document the following information:

- The name and contact details of Frama UK Ltd
- The purposes of its processing
- A description of the categories of individuals and categories of personal data
- The categories of recipients of personal data
- Details of transfers and mechanisms of transfer to third countries
- Retention schedules
- A description of its technical and organisational security measures

As part of the processing activities, Frama UK Ltd will also document:

- The lawful basis for processing
- The legitimate interests for processing
- Individuals' rights
- The existence of automated decision-making (including profiling)
- The source of personal data
- Records of consent
- Contract between Frama UK Ltd and any processors
- The location of personal data
- DPIA reports
- Records of personal data breaches
- Information required for processing of special category data or criminal conviction and offence data

7.3 Employee Training

Employees will be trained on their data protection and security responsibilities at induction and given the necessary ongoing training to perform their roles in line with Frama UK Ltd's policy and the data protection law.

7.4 Data protection impact assessments (DPIA)

Frama UK Ltd will use DPIAs to help it identify the most effective way to comply with its obligations and meet individuals' expectations of privacy.

Frama UK Ltd will use DPIAs when using new technologies and when the processing is likely to result in a high risk to the rights and freedoms of individuals.

8 Data Security

Frama UK Ltd will ensure that any personal data held will be processed in a manner that ensures its security. It will ensure that its systems and processes include protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.

Frama UK Ltd will regularly review its procedures for ensuring that personal data held remains accurate and consistent. It will, in particular, ensure that:

- Its IT systems are designed, where possible, to encourage and facilitate the entry of accurate data
- Data on any individual will be held in as few places as necessary, and all employee and volunteers will be discouraged from establishing unnecessary additional data sets
- Effective procedures will be in place so that all relevant systems are updated when information about any individual change

Frama UK Ltd has undertaken an assessment of its information risk to determine an appropriate level of security, reviewing the data held and how it is used as well as how the damage or distress it would cause if the data was compromised.

Frama UK Ltd has considered confidentiality, integrity and availability when implementing its data security measures ensuring that:

- The data can be accessed, altered and deleted only by persons Frama UK Ltd has authorised to do so
- The data held is accurate and complete for the purposes for which Frama UK Ltd is processing it
- The data remains accessible and usable, so it can be recoverable in the event of accidental loss, alterations or destruction

Frama UK Ltd's security measures take into account both physical and cybersecurity, including the following:

- The protection of Frama UK Ltd premises
- How access to the premises is controlled and how visitors are supervised
- How paper or electronic waste is disposed of
- How IT equipment is kept secure
- The security of the network and information systems
- The security of the data within the systems
- The security of the website (delete if not applicable)

Frama UK Ltd will also ensure the resilience of its systems and services, to enable the systems to continue operating under adverse conditions and the ability to restore the systems to an effective state within a timely manner.

Frama UK Ltd will carry out periodic checks to ensure that its security measures remain appropriate and up to date.

9 International transfers

Frama UK Ltd will only transfer personal data to third countries where the receiving organisations have provided adequate safeguards. Individuals' rights must be enforceable.

Adequate safeguards may be provided by:

- A legally binding agreement between public authorities or bodies
- Binding corporate rules (agreements governing transfers made between organisations within in a corporate group)
- Standard data protection clauses in the form of template transfer clauses adopted by the Commission
- Standard data protection clauses in the form of template transfer clauses adopted by a supervisory authority and approved by the Commission
- Compliance with an approved code of conduct approved by a supervisory authority
- Certification under an approved certification mechanism as provided for in the GDPR;
- Contractual clauses agreed authorised by the competent supervisory authority
- Provisions inserted into administrative arrangements between public authorities or bodies authorised by the competent supervisory authority

In the absence of an adequacy decision, personal data can be transferred outside the EU where one or more of the following conditions are met:

- It is made with the individual's informed consent
- It is necessary for the performance of a contract between the individual and the organisation or for pre-contractual steps taken at the individual's request
- It is necessary for the performance of a contract made in the interests of the individual between Frama UK Ltd and another person
- It is necessary for important reasons of public interest
- It is necessary for the establishment, exercise or defence of legal claims
- It is necessary to protect the vital interests of the data subject or other persons, where the data subject is physically or legally incapable of giving consent

- It is made from a register which under UK or EU law is intended to provide information to the public (and which is open to consultation by either the public in general or those able to show a legitimate interest in inspecting the register)

10 Cooperation with the ICO

Frama UK Ltd will cooperate with the ICO when requested.

11 Personal data breaches

A personal data breach can be defined as a security incident that has affected the confidentiality, integrity or availability of personal data.

If a security incident occurs, Frama UK Ltd will establish whether a personal data breach has occurred and if so, establish the likelihood and severity of the resulting risk to people's rights and freedoms.

Frama UK Ltd will investigate the cause of the breach and determine what steps are required to correct it and prevent a recurrence.

11.1 Notification to the ICO

Where a personal data breach occurs and it has been established that there is a likely risk to people's rights and freedoms, Frama UK Ltd will notify the ICO as soon as possible and within 72 hours of becoming aware of it. If Frama UK Ltd takes longer than 72 hours to notify the ICO, it will provide the ICO with reasons for the delay.

The notification to the ICO will include:

- A description of the nature of the breach including the categories and approximate numbers of individuals concerned and the personal data records concerned
- The name and contact details of the Data Protection Officer/ point of contact within Frama UK Ltd
- A description of the likely consequences of the breach
- A description of the measures taken to deal with the breach and measures taken to mitigate any possible adverse effects

The information may be provided to the ICO in phases as soon as possible if it is not all available within 72 hours. In these cases Frama UK Ltd will explain the delay to the ICO and advise when it expects to submit further information.

A failure to notify the ICO can result in a significant fine.

11.2 Informing individuals about a breach

If a breach is likely to result in a high risk to the rights and freedoms of individuals, Frama UK Ltd will inform those concerned as soon as possible.

Frama UK Ltd will provide the following information to individuals when telling them about a breach:

- The name and contact details of the Data Protection Officer/point of contact within Frama UK Ltd
- A description of the likely consequences of the breach
- A description of measures taken to deal with the breach and mitigate any possible adverse effects

11.3 Recording breaches

Frama UK Ltd will record all personal data breaches, documenting the facts of the breach, its effects and any remedial action taken. Decisions whether to report the breach to the ICO, or inform individuals will also be recorded.

12 Breaches of Data Protection and Data Security Policy

Any breaches of the Data Protection and Security Policy will be recorded on Frama UK Ltd's breach log in conjunction with its Regulatory Breach Policy.