

Hertfordshire Building Control Limited
General Data Protection Regulation & Data Protection Act 2018 Policy
For customers and users of the Building Control service

GDPA Policy – Hertfordshire Building Control Ltd.

Schedule 2 – Customers and service users

1 Overview

- 1.1 Hertfordshire Building Control Ltd. (the Company) takes the security and privacy of your data seriously. We need to gather and use information or ‘data’ about you as part of our business and to manage our relationship with you. We intend to comply with our legal obligations under the **Data Protection Act 2018** (the ‘2018 Act’) and the **EU General Data Protection Regulation** (‘GDPR’) in respect of data privacy and security. We have a duty to notify you of the information contained in this policy.
- 1.2 All definitions used in this Policy are those determined by GDPR and are included to confirm compliance with the law.
- 1.3 This policy applies to current and former users of Hertfordshire Building Control Ltd’s services including in some cases users of the equivalent service provided by the relevant Council prior to the formation of the Company. If you fall into one of these categories then you are a ‘data subject’ for the purposes of this policy and you should frequently check our Privacy Notice on our website at www.hertfordshirebc.co.uk
- 1.4 The Company has measures in place to protect the security of your data in accordance with our Data Security Policy.
- 1.5 The company will only hold data for as long as necessary for the purposes for which we collected it.
- 1.6 As you are a customer of the Company we are usually known as the ‘**data processor**’. The purpose and means of processing your data is determined by our owning councils (the data controller) and the Company undertakes the processing of your data.

- 1.7 This policy explains how the Company will hold and process your personal information. It explains your rights as a data subject.
- 1.8 It is intended that this policy is fully compliant with the 2018 Act and the GDPR. If any conflict arises between those laws and this policy, the Company intends to comply with the 2018 Act and the GDPR.

2 Data Protection Principles

2.2 Personal data must be processed in accordance with six '**Data Protection Principles.**' It must:

- be processed fairly, lawfully and transparently;
- be collected and processed only for specified, explicit and legitimate purposes;
- be adequate, relevant and limited to what is necessary for the purposes for which it is processed;
- be accurate and kept up to date. Any inaccurate data must be deleted or rectified without delay;
- not be kept for longer than is necessary for the purposes for which it is processed; and
- be processed securely.

We are accountable for these principles and must be able to show that we are compliant. The Company has appropriate processes and measures in place to demonstrate compliance.

3 How we define personal data

3.2 '**Personal data**' means information which relates to a living person who can be **identified** from that data (a '**data subject**') on its own, or when taken together with other information which is likely to come

into our possession. It includes any expression of opinion about the person and an indication of the intentions of us or others, in respect of that person. It does not include anonymised data.

- 3.3 This policy applies to all personal data whether it is stored electronically, on paper or on other materials.
- 3.4 As a customer your personal data may be provided to us by you, or someone else (such as a professional agent, design consultant, or engineer) or it could be created by us. It could be provided or created during the statutory building regulations application process or in relation to a dangerous building, a demolition site or a complaint, in response to a phone call, email communication or letter. It could be created by our Operations Team, our surveyors or one of our Heads of Building Control or other managers.

4 How we define special categories of personal data

- 4.2 GDPR and the Data Protection Act 2018 both define '**Special categories of personal data**' which are types of personal data consisting of information as to:

- your racial or ethnic origin;
- your political opinions;
- your religious or philosophical beliefs;
- your trade union membership;
- your genetic or biometric data;
- your health;
- your sex life and sexual orientation; and
- any criminal convictions and offences.

We may hold and use any of these special categories of your personal data in accordance with the law.

5 How we define processing

5.2 **'Processing'** means any operation which is performed on personal data such as:

- collection, recording, organisation, structuring or storage;
- adaption or alteration;
- retrieval, consultation or use;
- disclosure by transmission, dissemination or otherwise making available;
- alignment or combination; and
- restriction, destruction or erasure.

This includes processing personal data which forms part of a filing system and any automated processing.

6 How will we process your personal data?

6.2 The Company will process your personal data (including special categories of personal data) in accordance with our obligations under the 2018 Act.

6.3 We will use your personal data for:

- performing a contract for any services agreed between us;
or
- complying with any legal obligation; or
- if it is necessary for our legitimate interests (or for the legitimate interests of someone else). However, we can only

do this if your interests and rights do not override ours (or theirs). You have the right to challenge our legitimate interests and request that we stop this processing. See details of your rights in section 12 below.

6.3 We can process your personal data for these purposes without your knowledge or consent. We will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.

6.4 As a customer of the Company using any of our services and you choose not to provide us with certain personal data you should be aware that we might not be able to carry out part or all of our service obligations to you. For example, if you do not provide us with your name and address we will not be able to fulfil our obligations in respect of your building regulations application. It might also stop us complying with certain legal obligations and duties which we have such as providing statutory returns relating to building work to government department.

7 Examples of when we might process your personal data

7.2 As a customer we have to process your data in various situations during the fulfilment of our delivery of our services to you and in some cases after we have delivered our service to you in order to comply with our legal obligations.

7.3 For example (and see section 7.5 below for the meaning of the asterisks):

- to enable us to communicate with you in respect of the service you have requested us to provide;
- to enable us to deliver the service you have requested us to provide;

- to enable us to offer/provide additional complementary services that support your obligations under the building act and building regulations;
- to enable us to progress our statutory obligations in respect of enforcement of building act and building regulation matters;
- to enable us to verify exemption to statutory fees by virtue of disability*;
- where we are the designer of building adaptations and we need to know your health information to enable us to accurately fulfil our design obligations to you*;
- to protect the health and safety of our surveyors;
- the prevention and detection of fraud or other criminal offences;
- to defend the Company in respect of any investigation or litigation and to comply with any court or tribunal orders for disclosure*; and
- for any other reason which we may notify you of from time to time.

7.4 We will only process special categories of your personal data (see 4.1 above) in certain situations in accordance with the law. For example, we can do so if we have your explicit consent. If we asked for your consent to process a special category of personal data then we would explain the reasons for our request. You do not need to consent and can withdraw consent later if you choose by contacting the Data Protection Officer.

7.5 We do not need your consent to process special categories of your personal data when we are processing it for the following purposes, which we may do:

- where it is necessary for carrying out rights and obligations under the law;

- where it is necessary to protect your vital interests or those of another person where you/they are physically or legally incapable of giving consent;
- where you have made the data public;
- where processing is necessary for the establishment, exercise or defence of legal claims;
- for the accurate design of a building adaption if we are designing the adaption for you on behalf of one of our owning councils.

7.6 We might process special categories of your personal data for the purposes in paragraph 7.2 above which have an asterisk beside them. In particular, we will use information in relation to:

- ensuring that claimed exemptions to statutory fees by virtue of disability are correctly and consistently applied; or
- Ensuring that any disabled adaption to a property where HBC is the designer is designed appropriately to assist the applicant or their relative to overcome their disability

7.7 We do not make automated decisions about you using your personal data or use profiling in relation to you.

8 Sharing your personal data

8.2 Sometimes we might share your personal data with group companies or our contractors and agents to carry out our obligations under our contract with you, our statutory obligations or for our legitimate interests.

8.3 We require those companies to keep your personal data confidential and secure and to protect it in accordance with the law and our policies. They are only permitted to process your data for the lawful

purpose for which it has been shared and in accordance with our instructions.

- 8.4 We do not send your personal data outside the European Economic Area. If this changes you will be notified of this and the protections which are in place to protect the security of your data will be explained.

9 How do employees/staff process personal data for HBC?

- 9.2 Everyone who works for, or on behalf of, the Company has responsibility for ensuring data is collected, stored and handled appropriately, in line with this Policy and the Company's Data Security and Data Retention policies.
- 9.3 The Company's Data Protection Officer is responsible for reviewing this policy and updating the Managing Director and Board of Directors on the Company's data protection responsibilities and any risks in relation to the processing of data. You should direct any questions in relation to this Policy or data protection to this person.
- 9.4 Employees will only access personal data covered by this policy if it is needed for the work they do for, or on behalf of the Company and only if they are authorised to do so. They will only use the data for the specified lawful purpose for which it was obtained.

10 How we deal with data breaches

- 10.2 We have robust measures in place to minimise and prevent data breaches from taking place. Should a breach of personal data occur (whether in respect of you or someone else) then we must take notes and keep evidence of that breach. If the breach is likely to result in a risk to the rights and freedoms of individuals then we will also notify

the Information Commissioner's Office within 72 hours. The decision to notify or not notify the Information Commissioner's Office is for the Data Protection Officer to determine.

11 Subject access requests

- 11.2 Data subjects can make a '**data subject access request**' ('DSAR') to find out the information we hold about them.
- 11.3 If you wish to make a DSAR in relation to your personal data you should make this in writing to a the Data Protection Officer. We must respond within one month unless the request is complex or numerous in which case the period in which we must respond can be extended by a further two months.
- 11.4 There is no fee for making a DSAR. However, if your request is manifestly unfounded or excessive we may charge a reasonable administrative fee or refuse to respond to your request.

12 Your data subject rights

- 12.2 You have the right to information about what personal data we process, how and on what basis as set out in this policy.
- 12.3 You have the right to access your own personal data by way of a data subject access request (see above).
- 12.4 You can correct any inaccuracies in your personal data. To do so you should contact the Data Protection Officer.

- 12.5 You have the right to request that we erase your personal data where we were not entitled under the law to process it or it is no longer necessary to process it for the purpose it was collected. To do so you should contact the Data Protection Officer.
- 12.6 While you are requesting that your personal data is corrected or erased or are contesting the lawfulness of our processing, you can apply for its use to be restricted while the application is made. To do so you should contact the Data Protection Officer.
- 12.7 You have the right to object to data processing where we are relying on a legitimate interest to do so and you think that your rights and interests outweigh our own and you wish us to stop.
- 12.8 You have the right to object if we process your personal data for the purposes of direct marketing.
- 12.9 You have the right to receive a copy of your personal data and to transfer your personal data to another data controller. We will not charge for this and will in most cases aim to do this within one month.
- 12.10 With some exceptions, you have the right not to be subjected to automated decision-making.
- 12.11 You have the right to be notified of a data security breach concerning your personal data.
- 12.12 In most situations we will not rely on your consent as a lawful ground to process your data. If we do however request your consent to the processing of your personal data for a specific purpose, you have the right not to consent or to withdraw your consent later. To withdraw your consent, you should contact the Data Protection Officer.

12.13 Hertfordshire Building Control Limited's Data Protection Officer is:

Head of Quality and Compliance
Hertfordshire Building Control Ltd
Campus West
Welwyn Garden City
Hertfordshire
AL8 6BX

building.control@hertfordshirebc.co.uk

12.14 You have the right to complain to the Information Commissioner. You can do this by contacting the Information Commissioner's Office directly. Full contact details including a helpline number can be found on the Information Commissioner's Office website (www.ico.org.uk). This website has further information on your rights and our obligations.

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