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DATA PROTECTION POLICY

This policy document applies to your employment at [*Insert organisation name and address*] ("the Organisation") and all other Organisation sites that you may be asked to work at from time to time. However, this policy does not form part of your contract of employment.

1. Your Individual Rights

The Organisation complies with the Data Protection Act 1998 and from 25th May 2018 onwards the General Data Protection Regulation (GDPR) and all the Articles of the Regulation, this means:

The right to be informed - this policy details the information to be collected and how it will be processed and used. Your data and personal information will be fairly and lawfully processed.

The right of access - you are entitled to confirm that your data is being processed. You also have the right to see your personal data.

The right to rectification - you are entitled to have any inaccurate or incomplete personal data corrected. Where possible any third parties that have access to such data should be informed by the Organisation of any subsequent correction or addition.

The right to erase - also known as the "right to be forgotten". You are entitled to have your data erased and to prevent any further processing where:

- The use of your personal data is no longer necessary
- Where you withdraw your consent
- Where you object to the processing and no overriding legitimate interest exists
- Your data was unlawfully processed

- Your data has to be erased to comply with a legal obligation or court order

The right to restrict processing - you have the right to block further data processing in the following circumstances:

- Where you contest the accuracy of the data
- Where you have objected to processing, but a legitimate public interest may exist
- Where processing was unlawful, but you have requested restriction, not erasure
- Where the Organisation no longer needs the data, but you require it to establish, exercise or defend a legal claim, (this can include an employment-related claim).

In this situation, the Organisation will continue to hold your data, but cease to process it further. The Organisation will continue to hold such data as is necessary to respect your request to prevent further processing.

The right to data portability - you have the right to request that electronic personal data provided by you to the Organisation be provided by the Organisation back to you in an open format (and free of charge) that allows such data to be readily transferred back to you or to a third party. This can only be personal data related to you, and not any data related to another party or employee.

The right to object - you have the right to object to any personal data used:

- As part of the performance of a task within the Organisation or where done in a legitimate public interest or in the exercise of an official duty.
- In direct marketing, including profiling.
- Any processing for scientific or historical research and statistical analysis.

Rights in relation to automated decision-making and profiling - you have the right not to be subject to a decision based upon an automated process where that decision has a significant (including legal) effect on you. In this situation you are entitled to human intervention in the decision, to express your views and receive an explanation of the decision and have the right to challenge the decision.

The exceptions to this are where the process is necessary:

- To enter into a contract with the Organisation
- Where authorised by law, for example, to prevent fraud or tax evasion
- You have already given your explicit consent under Article 9 (2) of the GDPR.

2. GDPR Data Protection Principles

Under Article 5 of the GDPR the Organisation will comply with the following principles to ensure your personal data will be:

- Processed for limited purposes and not in any way incompatible with those purposes
- Adequate, relevant and will not be excessive
- Accurate
- Not kept for longer than necessary
- Processed in accordance with your individual rights
- Secure
- Not transferred to countries without adequate data protection

3. Your Explicit Agreement & Consent

3.1 As part of your employment within the Organisation, the Organisation will seek your explicit consent to the collection and storage of your personal data within the scope of the Data Protection Act 1998 and from 25th May 2018 onwards under the General Data Protection Regulation (GDPR) in accordance with Article 6 (a) of the GDPR.

3.2 Furthermore, the Organisation also relies upon Article 6 (b) of the General Data Protection Regulation (GDPR) - due to the contractual relationship between you and the Organisation by virtue of your employment within the Organisation, and under Article 6 (c) of the General Data Protection Regulation (GDPR) - due to the Organisation's legal obligations to collect and process your employment data.

3.3 All employees should read this Policy and the attached Data Consent Letter and complete the attached Data Consent Letter and submit it to the Organisation on or before 25th May 2018.

Sample document – the remaining are clause headings only
Full document contains all clauses

4. Your Personal Data

5. Maintaining Records

6. Sickness & Health Records

7. Data Security

8. Data Breaches & Reporting

- 9. External Data Processing**
- 10. Benefits Schemes**
- 11. Equal Opportunities Monitoring**
- 12. Employee Reviews & Appraisals**
- 13. Data Transfers Outside The European Economic Area**
- 14. Data Access & Disclosure**
- 15. References**
- 16. External Disclosure Requests**
- 17. Other Disclosures**
- 18. Trade Unions**
- 19. Employee Monitoring**
- 20. CCTV Monitoring**
- 21. Medical Testing**
- 22. Retention of Employee Records**
- 23. Criminal Liability**
- 24. Date of Implementation**
- 25. Questions**
- 26. Data Protection Impact Assessments (DPIAs)**
- 27. Data Protection Officer**
- 28. Alteration of this Policy**

DATA CONSENT LETTER – PROVIDING YOUR CONSENT

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