



## General Data Protection Regulations

Chescoe Ltd

Policy Document

February 2018

As amended.

For internal use

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Commissioned by: Chescoe Ltd

For Publication: May 2018

Circulation List: Chescoe Ltd

Amended date: February 2024

#### Synopsis:

This Privacy Notice has been written to respond to the EU General data protection Regulations (GDPR) rules on giving privacy information to data subjects in Articles 12,13 and 14.

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## Introduction:

This Privacy Notice has been written to respond to the EU General data protection Regulations (GDPR) rules on giving privacy information to data subjects in Articles 12,13 and 14.

The company is obligated to register with the Office of the Data Protection Authority and to conform with those requirements.

There is an annual subscription which is paid to ODPA which is currently £50.

## Executive Summary:

The document explains the sources of personal data during everyday use and normal trading conditions. How that data is stored and how it is used by the business and how we manage the amount of data stored on any individual of business.

Furthermore, there is a reference to RICS and their rules pertaining to data storage, duration of that storage and internal and external audits. PII insurers also require data to be stored for potential use in defending a claim made against the firm in the future and as such we explain that criteria in greater depth in the document.

Documents are either stored electronically and in some of the more historic files are also in paper format and are held in a secure room at the office.

#### Research and Investigations:

- Source of data
- What personal information does Chescoe Ltd hold
- What does Chescoe Ltd do with that data
- How much of that data is actually needed
- Is the data relevant and does Chescoe Ltd require it.
- Does Chescoe Ltd create new personal information
- Are there multiple data controllers

#### Source of data:

Data is usually obtained directly from the data subjects, whom impart their contact details with Chescoe Ltd for ease of contact and communication. There is never any inference that this data can be used for any other purpose other than business between these two parties, and Chescoe respects this confidentiality.

#### Personal information:

Data is collected following a disclosure from the third party to impart their contact details with Chescoe Ltd for ease of contact and communication for business purposes. There is never an inference that this data can be used for any other purpose and Chescoe respects this confidentiality. Data consists of their name (forename and surname), Telephone numbers both home and mobile numbers. Office and/or personal email accounts and their work /home addresses as is appropriate to the request for information.

#### Use of data:

Contact information and preparation of documents following their request and instruction only and is stored securely under RICS rules for record and audit purposes.

#### Amount of information:

Information is collected and stored for the duration of the instruction or engagement of Chescoe by the client, supplier, or subcontractor. RICS regulation information is held in a secure electronic storage facility for a runoff period of a minimum five years and extended as becomes necessary subject to risk of a claim against the business for insurance purposes. After that period the data will be deleted from the system and disposed of securely.

Paperwork is shredded and electronic records are deleted by a third-party IT consultancy. (Currently Valley Computers Murray Gilson).

Relevant data:

Chescoe will only hold personal data, if it is relevant to a professional instruction to act on behalf of the third party or by a supplier or contractor who may wish to be involved in that area of work.

All contact data is stored in an electronic format and is on an Apple I Mac "Contacts" program and is backed up using I Cloud. The system is password protected and has the usual security systems associated with this product and is regularly updated and is therefore protected against cyber-attack and data leaks. The business is insured against cyber-attacks under our business insurance policy.

New personal information:

Except for job descriptions and contractor contracts, Chescoe creates no other personal information.

Multiple data controllers:

Nigel Chescoe whom is the managing director of Chescoe Ltd controls all of the data.

RICS Regulation:

RICS regulations require that all Chescoe Ltd client details are retained for a minimum of five years following receipt of instruction to act on their behalf. This dictate always requires that Chescoe Ltd respect the RICS Code of Conduct and Code of Ethics and respects client confidentiality.

NOTE: This period can be extended by the data controllers' agreement should RICS or the firms insurers request that be done to defend a claim against the firm. As this would otherwise risk nullifying the insurance policy.

Chescoe will store certain data which will be confidential and that will be stored accordingly in both paper and electronic formats.

Chescoe Ltd does therefore consider that this type of data is "secure" and is not to be distributed or shared with any third party.

Information in the public domain:

The nature of the work that Chescoe carries out, ie planning and building control submissions. Once this information has been deposited with the regulatory body it is, by presumption, in the public domain and client s the regulatory body under statute will share personal data.

The extent of that personal data disclosed in connection with this process will be limited to name, address and occasionally their telephone number and email address. The regulatory body on the application forms requires this data.

Financial Information:

Bank details for Chescoe clients, subcontractors and suppliers are only held on the electronic banking system and the usual Lloyds Bank banking security procedures are in place. This information is confidential and is never shared outside of the business.

Results:

Table 1: Comparison of electronic data stored by Chescoe Ltd Business / Personal at Feb 2024

Type of personal data	Business use, technical or contract use (%)	Personal use, friends and family (%)
Phone numbers (h) & (m)	70	30
Email (h) & (m)	70	30
Address (h) & (w)	70	30

Table 2: Paper / electronic documents containing personal data at Feb 2024

Type of personal data	Electronic storage (%)	Paper storage (%)
Professional instructions and all documents which are created by Chescoe following that until the completion of that instruction	90	10

#### Discussion:

The GDPR requires that the identity and the contact details of the controller is made known, and for the purposes of this document that person is Nigel Chescoe whom is the managing principal of Chescoe Ltd.

The GDPR also requests that the purpose of the processing of personal data is done so on a legal basis. This propriety has been explained and justifies in the research section of this document.

Legitimate interests of the data controller and the third party have been established in the research section of this document.

Recipients of personal data are limited to those directly involved in the scope of the work outlined in the professional instruction received by the controller.

Details of transfers to third country and safeguards, there are none.

Retention period is defined by the RICS Code of conduct and ethics and is set at 5 years, subject to circumstance.

Data subjects rights under the GDPR have been considered and acknowledged by the data controller and have been circulated to the data subject.

Data subjects rights to withdraw consent at any time under the GDPR have been considered and acknowledged by the data controller and have been circulated to the data subject.

Data subjects rights to lodge a complaint to a supervisory body under the GDPR have been considered and acknowledged by the data controller and have been circulated to the data subject.

The provision of personal data is usually part of a statutory or contractual requirement or obligation and the consequences of failing to provide that data has been made clear to the data subject.

Chescoe does not use any automated decision-making within its business.

Reference [www.ico.org.uk/for-organisations/guide-to-data-protection](http://www.ico.org.uk/for-organisations/guide-to-data-protection)

DSAR (Data Subject Access request).

Claimant will usually write to the business and request a DSAR within a nominated time usually 30 days.

Chescoe will compile the data and instruct Valley Computers Ltd to create a file which will be loaded onto a memory stick. This will then be couriered signed and dated and witnessed to the claimant within the specified timeframe.

## **Conclusions:**

Following the creation of this document the EU GDPR requirements should have been met. With a proactive approach continual monitoring and review and providing the necessary training for employees Chescoe Ltd are well placed to be compliant with these new regulations when they come into force in May 2018.

## Recommendations:

1. Create a document, which can be used for all existing data providers that will cover the following items in respect of the company's privacy notice document.
  - Advise all data providers that Nigel Chescoe is the data controller under the GDPR
  - Advise all data providers that the collection of the data is for contractual purposes and is essential for Chescoe to act as instructed on behalf of the data provider
  - Advise all data providers that their consent can be withdrawn at any time, bearing in mind the consequences of that withdrawal in regard to specific contractual obligations
  - Advise all data providers that there is a complaints procedure and whom they ought to contact.??
2. Establish a suitable medium to circulate this document so as to get the data subject to "opt in"
3. For all new fee proposals and instructions amend the existing Chescoe fee proposal document to include the above information regarding the company's privacy notice document and by signing it they are "opting in".
4. Review this document annually and update the processes and procedures and becomes necessary following the monitoring of its usefulness and authenticity.

## Information from ODPA website re complaints handling etc.

What is a breach?

A personal data breach is defined in the Law as a breach of security leading to accidental or unlawful destruction, loss or alteration of personal data or unauthorised disclosure of or access to personal data.

A breach can occur when personal data have been sent to the wrong person, there has been a cyber-attack on your organisations data, personal data have been lost etc.

What do we have to do if we suffer a personal data breach?

Have a plan in place before that happens.

If you become aware of a breach, you are legally obliged to tell the ODPA within 72 hours after becoming aware unless the breach is unlikely to result in any harm to the individuals whose data are involved.

You may also be required to notify the individuals whose data have been breached in some circumstance.

Please note: There are extra things to consider when a controller becomes aware of a breach under the Law Enforcement Ordinance. When processing personal data for a Law Enforcement purpose under the [Law Enforcement Ordinance](#) please consult section 34 of the [Ordinance](#).

Nigel Chescoe MRICS February 2024.