



## **GDPR – DATA PROTECTION POLICY – MAY 2018**

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## **F.L.I. GLOBAL LIMITED DATA PROTECTION POLICY**

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## **1.0 Introduction**

The General Data Protection Regulation (GDPR) came into force on May 25<sup>th</sup>, 2018 and will be directly applicable to all EU Member States, replacing the existing data protection framework under the EU Data Protection Directive. The UK post Brexit continues to comply with these regulations through UK GDPR.

At F.L.I. Global Limited, Waterford, Ireland (**FLI Group**) incorporating Vertase FLI Limited, FLI-QDS Remediation Limited, FLI Cap Technology, FLI Water Limited, FLI France SAS, FLI Carlow Limited and FLI Cadegeau SAS we take the right to the protection of the privacy of personal information seriously. Providing and holding personal information comes with significant rights on the part of employees/individuals, suppliers, sub-contractors and any third parties or stakeholders and significant responsibilities on ours as employers. It is important that all respective parties know exactly what we do with personal information that our staff and others such as suppliers, sub-contractors and any third parties or stakeholders provide to us, why we gather it, and what it may be required for.

The purpose of this document is to provide a concise policy statement regarding the Data Protection obligations of F.L.I. Global Limited and its divisions under the General Data Protection Regulation (**GDPR**).

## **2.0 Rationale**

The FLI Group must comply with the Data Protection principles as set out in the new regulation. This policy applies to all Personal Data collected and stored by F.L.I. Global Limited in relation to its staff, service providers, clients and all third parties responsible for the processing of personal data on behalf of F.L.I. Global Limited, and its subsidiary businesses during its activities. F.L.I. Global Limited makes no distinction between the rights of Data Subjects who are employees, and those who are not. All are treated equally under this policy.

Each FLI Group company or business unit will nominate a responsible person to act as data protection controller with the specific function of monitoring compliance with the GDPR regulation within that specific business unit. Communicating regularly with the parent company data protection controller to ensure consistency across all group businesses will be a responsibility of all nominated data protection controllers.

## **3.0 Scope**

The policy covers both Personal and Sensitive Personal Data held in relation to data subjects by F.L.I. Global Limited and its subsidiary businesses. The policy applies equally to personal data held in manual and automated form.

All Personal and Sensitive Personal Data will be treated with equal care by F.L.I. Global Limited and its subsidiary businesses. Both categories will be equally referred-to as Personal Data in our policy, unless specifically stated otherwise.

#### **4.0 Data Controller**

F.L.I. Global Limited as the headquarters for the F.L.I. Group will nominate a data controller/s responsible for F.L.I. Global Limited, Waterford, Ireland.

Each FLI Group business entity will nominate an individual/s who will be responsible for the collection of data, also known as a '**controller or data controller**'.

During its daily organisational activities, FLI Group businesses acquires, processes and stores personal data in relation to:

- Employees and potential employees
- Customers/Suppliers
- Third party service providers engaged by F.L.I. Groups

The **data controller** will be responsible for the **8** rules of privacy and protection of data collection:

##### ***1. ... be obtained and processed fairly and lawfully.***

For data to be obtained fairly, the data subject will, at the time the data is being collected, be made aware of:

- The identity of the Data Controller (in F.L.I. Global Limited or in an FLI Group subsidiary business)
- The purpose(s) for which the data is being collected
- The person(s) to whom the data may be disclosed by the Data Controller
- Any other information that is necessary so that the processing may be fair.

F.L.I. Global Limited and all FLI Group businesses will meet this obligation in the following ways:

- Where possible, the informed consent of the Data Subject will be sought before their data is processed;
- Where it is not possible to seek consent, F.L.I. Global Limited and all FLI Group businesses will ensure that the collection of the data is justified under one of the other lawful processing conditions – legal obligation, contractual necessity, etc.;
- Where F.L.I. Global Limited or other FLI Group businesses intends to record activity on CCTV or video, a Fair Processing Notice will be posted in full view.
- Processing of the personal data will be carried out only as part of F.L.I. Global Limited's lawful activities and the lawful activities of any FLI Group business, and F.L.I. Global Limited and all other FLI Group businesses will safeguard the rights and freedoms of the Data Subject;
- The Data Subject's data will not be disclosed to a third party other than to a party contracted to F.L.I. Global Limited or to another FLI Group business and operating on its behalf.

**2. .... be obtained only for one or more specified, legitimate purposes.**

F.L.I. Global Limited and other FLI Group businesses will obtain data for purposes which are specific, lawful and clearly stated. A Data Subject will have the right to question the purpose(s) for which F.L.I. Global Limited holds their data, and F.L.I. Global Limited will be able to clearly state that purpose or those purposes. A Data Subject will have similar rights in all respective FLI Group businesses.

**3. .... not be further processed in a manner incompatible with the specified purpose(s).**

Any use of the data by F.L.I. Global Limited or any FLI Group member company will be compatible with the purposes for which the data was acquired.

**4. .... be kept safe and secure.**

F.L.I. Global Limited and all FLI Group member companies will employ high standards of security to protect the personal data under its care. Appropriate security measures will be taken to protect against unauthorised access to, or alteration, destruction or disclosure of any Personal Data held by F.L.I. Global Limited and all other FLI Group respective member companies in its capacity as Data Controller.

Access to and management of staff and customer records is limited to those staff members who have appropriate authorisation and password access from the data controller.

**5. ... be kept accurate, complete and up-to-date where necessary.**

F.L.I. Global Limited and all FLI Group businesses will:

- ensure that administrative and IT validation processes are in place to conduct regular assessments of data accuracy;
- conduct periodic reviews and audits to ensure that relevant data is kept accurate and up-to-date. F.L.I. Global Limited conducts a review of sample data every six months to ensure accuracy; Staff contact details and details on next-of-kin are reviewed and updated every 12 months. All FLI Group businesses will conduct similar reviews
- conduct regular assessments to establish the need to keep certain Personal Data.

**6. ... be adequate, relevant and not excessive in relation to the purpose(s) for which the data were collected and processed.**

F.L.I. Global Limited and all FLI Group member companies will ensure that the data it processes in relation to Data Subjects is relevant to the purposes for which those data details are collected. Data which is not relevant to such processing will not be acquired or maintained.

**7. ... not be kept for longer than is necessary to satisfy the specified purpose(s).**

F.L.I. Global Limited has identified an extensive list of data categories, with reference to the appropriate data retention period for each category. This list applies to data in both a manual and automated format.



Once the respective retention period has elapsed, F.L.I. Global Limited undertakes to destroy, erase or otherwise put this data beyond use.

All FLI Group member companies will identify their respective list of data categories and will act in a similar manner in terms of the appropriate data retention period.

***8. ... be managed and stored in such a manner that, in the event a Data Subject submits a valid Subject Access Request seeking a copy of their Personal Data, this data can be readily retrieved and provided to them.***

F.L.I. Global Limited has implemented a Subject Access Request procedure to manage such requests in an efficient and timely manner, within the timelines stipulated in the regulation.

The controller shall be responsible for and demonstrate compliance to meet GDPR. Not all staff members will be expected to be experts in Data Protection regulation, however F.L.I. Global Limited is committed to ensuring that it's staff have sufficient awareness of the regulation to be able to anticipate and identify a Data Protection issue, should one arise.

In such circumstances staff must inform the staff member responsible to ensure corrective action is taken.

All FLI Group companies will implement a similar respective Subject Access Request procedure and manage accordingly to meet the requirements of the GDPR legislation.

Due to the nature of the services provided by F.L.I. Global Limited and the respective FLI Group subsidiary businesses, there is regular and active exchange of personal data between F.L.I. Global Limited, the FLI Group member companies, and the respective Data Subjects. In addition, F.L.I. Global Limited and the FLI Group member companies exchanges personal data with Data Processors on the Data Subjects' behalf.

This is consistent with F.L.I. Global Limited's and the FLI Groups member companies' obligations under the terms of its contract with its Data Processors. This policy provides the guidelines for this exchange of information, as well as the procedure to follow if an F.L.I. Global Limited staff member or an FLI Group member company staff member is unsure whether such data can be disclosed.

In general terms, the staff member should consult with the controller to seek clarification.

All HR related information such as employee handbooks must be reviewed and updated to include and explain the purpose of personal data collection. Each FLI Group business entity, will be responsible for raising awareness to all stakeholders and/or staff training in relation to GDPR.

A privacy notice will be issued to all employees for signing.

## **5.0 Third-Party Processors**

In the course of its role as Data Controller, F.L.I. Global Limited and each FLI Group member company engages several Data Processors to process Personal Data on its behalf.

In each case, a formal, written contract must be in place with the Processor, outlining their obligations in relation to the Personal Data, the specific purpose or purposes for which they

are engaged, and the understanding that they will process the data in compliance with GDPR.

## **6.0 Consent**

Some types of data processing are carried out on the basis that an employee or employees have given their consent. Under the GDPR legislation, consent to processing must be freely given, be specific, and informed.

An individual employee cannot be forced to give their consent and must be told what purpose(s) their data will be used for, and each individual should acknowledge or demonstrate that their consent has been given through a 'statement or as a clear affirmative action' (e.g. ticking a box).

## **7.0 Subject Access Request (SAR)**

Any verbal and formal, written request by a Data Subject for a copy of their personal data (a Subject Access Request) will be referred to the controller and will be processed as soon as possible and information completed within one month of the request by the controller.

It is intended that by complying with these guidelines, F.L.I. Global Limited and all FLI Group member companies will adhere to best practice regarding the applicable Data Protection regulation.

Consent is not the only lawful basis on which an individual's personal data can be processed.

Article 6 of the GDPR legislation sets out a complete list of lawful purposes for processing Personal Data.

## **8.0 Data Portability**

Where controllers process Personal Data through "automated means", individuals will have the right under the GDPR to require an organisation to transmit their data to another organisation in a suitable and standard format where possible. F.L.I. Global Limited and all FLI Group member companies will respect and adhere to the data portability compliance requirements.

## **9.0 Data Protection Impact Assessments (DPIA)**

A DPIA is the process of systematically considering the potential impact that a project or initiative might have on the privacy of individuals. It will allow organisations to identify potential privacy issues before they arise and come up with a way to mitigate them. A DPIA can involve discussions with relevant parties/stakeholders. Ultimately such an assessment may prove invaluable in determining the viability of future projects and initiatives.

F.L.I. Global Limited and all FLI Group member companies will respect and adhere to the DPIA compliance requirements.

## **10.0 Reporting Data Breaches**

In the unlikely event of a personal data breach, such a breach must be reported to the relevant Supervisory Authority within 72 hours. Significant measures must be taken to

prevent a breach and to mitigate the potential consequences. Failure to report a breach may result in a fine as well as a fine for the breach itself. F.L.I. Global Limited and all FLI Group companies will adhere to the data breach reporting compliance requirements.

## **11.0 Definitions**

To avoid confusion and for consistency in terminology, the following definitions will apply in this Policy.

- **Data** - this includes both automated and manual data. Automated data means data held on computer or stored with the intention that it is processed on computer.

Manual data means data that is processed as part of a relevant filing system, or which is stored with the intention that it forms part of a relevant filing system.

- **Personal Data** - Information which relates to a living individual, who can be identified either directly from that data, or indirectly in conjunction with other data which is likely to come into the legitimate possession of the Data Controller.

If in doubt, F.L.I Global Limited and all FLI Group companies refers to the definition issued by the GDPR Article 29 Working Party and as updated from time to time.

- **Sensitive Personal Data** - A particular category of Personal data, relating to: Racial or Ethnic Origin, Political Opinions, Religious, Ideological or Philosophical beliefs, Trade Union membership, Information relating to mental or physical health, information in relation to one's Sexual Orientation, information in relation to commission of a crime and information relating to conviction for a criminal offence.
- **Data Controller** - is the person/business who either alone or with others makes decisions on what to do with data. The controller shall implement appropriate technical and organisational measures to ensure and be able to demonstrate that processing data is performed in accordance with this regulation to meet the requirements of GDPR.
- **Data Processor** - is a company/person who processes Personal Data on behalf of the Data Controller based on a formal, written contract, but who is not an employee of the Data Controller.
- **Data Subject** - is the living natural person who is the subject of the Personal Data, i.e. to whom the data relates either directly or indirectly.
- **Data Protection Officer** - is a person appointed to monitor compliance with the appropriate Data Protection regulation, to deal with Subject Access Requests, and to respond to Data Protection queries from staff members and service recipients. The Regulation provides that the following organisations shall appoint a DPO:
  - A public authority or body processing personal data, except for courts acting in their judicial capacity.



- Where an organisation's core activities consist of processing operations which, by virtue of their nature, their scope and/or their purposes, require regular and systematic monitoring of data subjects on a large scale.
- Where an organisation's core activities consist of processing on a large scale of special categories of data (sensitive personal data) and personal data relating to criminal convictions and offences.
- **Supervisory Authority** - is the authority who enforces the regulation. The GDPR includes a 'one-stop-shop' provision which will assist those organisations which operate in many EU member states.

Multinational organisations will be entitled to deal with one Data Protection Authority, referred to as a Lead Supervisory Authority (LSA) as their single regulating body in the country where they are mainly established.

- **WP29** - The Data Protection Commissioner is also an active participant in the Article 29 Working Party (WP29) comprising representatives from each EU member state's Data Protection authority. The WP29 has a central role in providing further explanatory and practical guidance on key provisions of the GDPR.
- **Extra Territoriality** - is a company/person or business outside the EEA.
- **Relevant Filing System** - is any set of information in relation to living individuals which is not processed by means of equipment operating automatically (computers), and that is structured, either by reference to individuals, or by reference to criteria relating to individuals, in such a manner that specific information relating to an individual is readily retrievable.
- **Appendices** - the attached appendices are for sample purposes only. Each FLI Group company will be responsible for having correct procedures/templates in place for GDPR purposes.

**Signed on behalf of F.L.I. Global Limited**

A handwritten signature in black ink, appearing to read 'Michael Flynn', written over a horizontal line.

**Michael Flynn, Executive Chairman**

**16/05/2018**