Data Protection Policy

In compliance with the UK General Data Protection Regulations (UK GDPR) 2021 and the Data Protection Act 2018 MJCA recognise the importance of ensuring that personal data remains safe, secure and that the rights of individuals are respected.

MJCA collect and process information about individuals (i.e. 'personal data') for business purposes, including employment and HR administration, provision of our services, marketing, and business administration. This includes personal data relating to our staff, customers, suppliers, temporary staff, voluntary staff and other third parties. This policy applies to all the personal data that MJCA process regardless of where that personal data is stored.

Definitions

Personal data *(also referred to as ordinary personal data)*	means any information relating to an identifiable natural person (also known as a 'data subject') who can be identified (directly or indirectly) in particular by reference to an identifier such as a name, NI number, employee number, email address. Individuals whose personal data that MJCA will need to process will include employees, clients, members of the public, business contacts (regulators, contractors and suppliers).
Processing	means any activity that involves the use of personal data *i.e. obtaining, recording or holding the data, amending, retrieving, using, disclosing, sharing, erasing or destroying.* It also includes sending or transferring personal data to third parties.
Data subject	Refers to any person whose personal data is being processed
Special Category personal data	any personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health, gender reassignment (transgender, gender identity, non-binary, gender expression) or data concerning sex life or sexual orientation is known as **Special Category** personal data (any other data is classed as **ordinary personal data**)

Who is the data controller?

MJCA is the "data controller" for the purposes of data protection law and is responsible for deciding how personal data is held and used.

MJCA's registered business address is Baddesley Colliery Offices, Main Road, Baxterley, Atherstone, Warwickshire, CV9 2LE

MJCA are on the register of data controllers held by the Information Commissioner's Office.

The principles of the Data Protection Act 2018

Under the Data Protection Act 2018 there are 6 principles set out that MJCA adhere to when processing data:

- **Processing should be lawful and fair**
  Personal data is processed for lawful purposes and consent obtained where required.
- **The purposes of processing personal data be specified, explicit and legitimate**
  Personal data is not processed for any reason other than that for which it was originally collected and is processed for a lawful purpose under the UK General Data Protection Regulations 2021.

- **Personal data shall be adequate, relevant and not excessive**
  Personal data is only processed in relation to the purpose for which it was collected.
- **Personal data shall be accurate and kept up to date**
  Reasonable steps are taken to ensure that if we become aware of any inaccurate information it is erased or rectified without delay.
- **Personal data shall be kept for no longer than is necessary**
  Appropriate time limits are established for the periodic review of the need for continued storage of personal data.
- **Personal data shall be processed in a manner that ensures appropriate security.**
  Appropriate security measures are implemented against protection from unauthorised or unlawful processing and against accidental loss, destruction or damage.

Transfer of personal data to overseas countries
To ensure that Data Protection is not compromised where personal data is transferred to another country MJCA will assess the risks of any transfer of personal data outside of the UK and put in place additional appropriate safeguards if deemed necessary.

Lawful reasons for processing personal data
Personal data will only be processed if it meets one of the 6 lawful reasons under the UK General Data Protection Regulation (UK GDPR) 2021. The lawful reasons are as follows:

Contract	The processing is necessary for a contract with an individual, or because of a request to take specific steps before entering into a contract (eg.contract of services or contract of employment).
Legal obligation	The processing is necessary to comply with the law.
Vital interests	The processing is necessary to protect someone's life (eg data relating to allergies, medical conditions, next of kin information).
Public task	The processing is necessary to perform a task in the public interest.
Legitimate interests	The processing is necessary for legitimate interests or the legitimate interests of the controller or by a third party.
Consent	An individual has given clear consent for MJCA to process personal data for a specific purpose.

Special Category personal data will only be processed if there are additional legal grounds present to justify using this information.

Consent
MJCA will seek to obtain a data subject's consent for processing personal data only where there is no other legal basis that can be relied on. Where consent is relied upon a record of the consent obtained will be kept on file so that MJCA can demonstrate compliance.

Right of Access by data subject
Under the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR) data subjects have the following rights:
- **The right to make a subject access request.** This enables the data subject to receive information about how we use their personal data as well as to receive a copy of it and to
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check that we are lawfully processing it.

- **The right to request that we correct incomplete or inaccurate** personal data that we hold about the data subject.
- **The right to request that we delete or remove** personal data that we hold about the data subject where there is no good reason for us to continue to process it. It also includes the right to ask us to delete or remove personal data where the data subject has exercised the right to object to processing (see below).
- **The right to object to our processing** of personal data where we are relying on our legitimate interest (or those of a third party) and where there is no compelling reason to continue the processing
- **The right to request that we restrict our processing** of personal data. This enables the data subject to ask us to suspend the processing of personal data.
- **The right to request that we transfer** the data subject's personal data to another party.
- **The right not to have decisions made about you solely on the basis of automated decision making processes where there is no human intervention.** MJCA does not make any decisions based on such processes.

MJCA will endeavour to respond to Subject Access Requests within one month of receipt.

Responsibilities

(a) MJCA responsibilities

MJCA are responsible for:

- Putting in place policies / procedures for compliance with the UK General Data Protection Regulation 2021 and the Data Protection Act 2018
- Compliance with this policy
- Compliance with any data subject access rights, including the investigation and response to data subject requests to cease the processing of personal data
- Dealing with any reportable data protection breaches in line with the guidance from the Information Commissioners Office (ICO)

(b) MJCA's staff responsibilities

Any employee of MJCA processing personal data in the course of employment must ensure that:

- Ensure all personal data is kept secure.
- Not disclose personal data either verbally or in writing to any unauthorised third party.
- Store personal data in compliance with MJCA's retention schedule.
- Keep personal data accurate and up to date.
- Direct any queries / uncertainty in relation to compliance with data protection legislation promptly to the HR Department
- Direct any subject access requests and complaints immediately to the HR Department to be assessed and dealt with.
- Report any data breaches immediately to the HR Department for investigation.

(c) Third party processors

- Where third party processors are used on behalf of MJCA the responsibility for the security measures to protect personal data remains with MJCA.
  Where a third party processor is used:
- The third party must provide policy documentation (privacy notice) as required in compliance with the UK General Data Protection Regulations 2021 to provide sufficient assurance that there are security measures in place that are adhered to when processing any personal data on behalf of MJCA.

(d) Contractors, short term or voluntary employment

- MJCA is responsible for the lawful processing of personal data by anyone working on its behalf.
- Any processing of personal data during the course of work for MJCA will be kept secure.

- All work involving use of personal data belonging to MJCA must be returned to MJCA on completion of the work, this will include any copies of work that may have been taken. MJCA will then dispose of any data no longer required in a secure manner.
- All reasonable steps are taken to ensure that contractors, temporary staff or voluntary staff only have access to personal data that is essential for the work to be carried out by them.

Data breach
Any data breaches must be reported in a timely manner to the HR Department so that MJCA can assess if the breach is a reportable incident to the Information Commissioner Office (ICO). The ICO require that serious breaches are reported within 72 hours of the event occurring.

Complaints
If you are dissatisfied with how we are using your personal information or you wish to complain about how we have handled a request then please contact MJCA's HR Department or a Board Director so that we can resolve any issues you may have.

You have the right to complain at any time to the Information Commissioner's Office, which is the UK statutory regulator for data protection law. Details of how to contact the Information Commissioners Office can be found on their website **https://ico.org.uk**

Changes to our privacy policy
MJCA will keep this policy under regular review. MJCA reserves the right to update this Privacy Notice from time to time to reflect changes in legal requirements or business practices.