



# LSx

London Sustainability Exchange

## London Sustainability Exchange Data Protection

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1. London Sustainability Exchange (LSx) holds several types of personal data which is protected by the Data Protection Act 1998. It is LSx's legal responsibility to respect and enforce this Act. LSx understands that the processing of personal data must be accurate in order to prevent unfair decisions being made and that it must balance the need to retain privacy and maintain security whilst being open about the data obtained, stored and used (generally known as processing). This policy covers personal data whether recorded on paper, on computer or any other form of recordable media that is organised in a way which allows staff to easily obtain information on an individual.

### Definitions

2. To better understand this policy, some of the key phrases used within the Act are outlined in more detail.
  - i **Personal Data** is information about a living individual, who can be identified either from that information, or from other information which is likely to come into possession of the person who processes the data. It may include opinions on, and intentions for, this individual. It includes manual and automated records, including e-mails where specific persons are named in the subject line. **Sensitive personal data** includes information on racial or ethnic origin; political opinions; physical / mental health or condition, which could include assessments of disabilities or sickness records; religious or similar beliefs; trade union membership; sexual life; or a criminal offence, alleged criminal offence, or the hearing or penalty imposed as a result. Personal data does not include anonymised data, aggregate data, or similar data where individuals are not identifiable.
  - ii **Data subject** is any individual who can be identified by the personal data. All current employees and some future and past employees are data subjects, as well as applicants for posts, agency workers, consultants, contractors, students, interns, trustees, volunteers and other workers at LSx. Donors, partner contacts, and other people registered on Maximiser or on personal contact lists are also data subjects.
  - iii **Processing** means obtaining, recording or holding information and data; it also covers adapting or altering the information; using, consulting or retrieving the information; disclosing the information or combining or destroying the information. It is a wide definition that encompasses any action you may perform on data in your possession.
  - iv A **Data Controller** decides the purposes and the way in which the data will be processed. Any references to the 'data controller' or 'we' in this document mean London Sustainability Exchange.

The Operations Coordinator is primarily responsible for LSx's performance as a data controller.

- v A **Data Processor** processes personal data on behalf of the data controller. Key data processors at LSx include:
  - The Director, who holds all personnel records
  - The Operations Coordinator, who is responsible for the security of data on the computer system; the Operations Coordinator is also responsible for accident records.
  - All line managers, who process data about staff, interns, students etc.

In addition, whenever staff members participate in a recruitment panel, work on LSx's contacts management database Maximiser or manage information related to team members, donors, partners, subscribers or contacts, they are acting as a data processor and are responsible for complying with the data protection principles.

### Principles of Data Protection

3. When we process any personal data we will follow these principles:

- it will be processed fairly and will only be processed for lawful purposes;
- it will only be processed for limited purposes;
- it will be adequate, relevant and not excessive for the purposes we are processing it;
- it will be accurate and, where possible and necessary, kept up to date;
- it will not be kept for any longer than necessary;
- it will be processed in accordance with the data subject's rights;
- it will be processed securely, so we will take measures to guard against accidental loss, destruction or damage; and
- it will not be transferred to another country which does not have adequate protection for the data.

4. We will only process personal data where:

- the data subject has consented;
- we need to process the data to perform a contract with the individual;
- we need to process the data to comply with a legal duty;
- we need to process the data to protect an individual's vital interests;
- it is necessary to carry out a public function; or
- it is to pursue a legitimate interest of the data controller or a third party (providing it does not prejudice or unfairly affect the individual's rights).

5. If the information is sensitive personal data we will only process it if:

- we have the individual's express consent;
- we must process the data to meet legal requirements;
- it is necessary for equal opportunities monitoring
- we need to process it to protect either the individual's or another person's vital interests; or
- we are helping to administer justice or legal proceedings.

### **Staff Responsibilities**

6. Through their employment each staff member agrees that LSx must hold and process a certain amount of personal data regarding him or her, for example, name, address, and national insurance number.
7. In helping LSx put this data protection policy in place, staff members must inform their line manager of any changes in your personal data which are relevant to their employment.
8. All workers are responsible for helping to implement this policy and helping us to comply with the data protection laws. If a staff member handles and/or processes personal data they must make sure that they follow the data protection principles and follow this policy. If a staff member breaks the data protection principles, they may be subject to disciplinary action; they may also be committing a crime.
9. All data processors must regularly review any data that is processed to make sure that it is relevant and necessary. They must properly dispose of all personal data which is no longer relevant or necessary or required to be retained for legal purposes; this will include shredding documents where practical, removing data from temporary files if sent as an email attachment and making sure that electronic copies are permanently deleted.

### **LSx's duties as Employer**

10. We, LSx, are data controllers and as the people who mainly decide how and why personal data on staff members is being processed, we will follow the data protection principles.
11. We will take appropriate technical and organisational steps to prevent unauthorised or unlawful processing of the data.
12. We will regularly review the relevance of the data we hold.
13. As data controllers we will make sure that there are written agreements between us and any external data processors we use.

### **Data subjects' rights**

14. If you are a data subject, you have the following rights:
  - i. You are allowed to know that information is held on you, the personal data that is being processed, why it is being processed and to whom it is disclosed. This applies to information held on computers and some paper records.

If we hold any personal data on you and you make a written request we will provide you with a written statement of your personal data, the source of that data (if possible) and, if it is processed automatically, the logic we use in processing this data. We will normally provide this within 40 days of a written request being received.

We can charge a fee in satisfying your request but we will not charge more than £10. Before complying with your request we may need more information from you to confirm your identity and will not provide you with a written statement if you refuse to provide us with that information. If we can only satisfy your request by revealing another person's identity, we will not comply unless that other person agrees to the disclosure, or it is reasonable to comply in all the circumstances without the other person's consent.

- ii. In the case of inaccurate data, or opinions based on inaccurate data, you have the right to order the data controller to correct or destroy the data.
- iii. If processing data is likely to cause you substantial unwarranted distress or damage, then you can make a written request that the data is not processed. We will respond in 21 days either informing you that we have complied with your request (or intend to); or explaining why we do not think your request is justified and set out how, if at all, we have complied with, or intend to comply with, your request.
- iv. LSx currently do not make any decisions about you solely by automated processing of data. We do not currently use automated systems for routine monitoring of your performance or behaviour. If this changes we will consult and inform you.
- v. You have right to compensation for damage and distress caused by breaches of the Data Protection Act, and in limited situations you may be entitled to compensation for distress alone.

### **Notification**

- 12. We have notified the Data Commissioner about the personal data that we process, why we process it, details of those who will receive the data and if it is transferred overseas. The Operations Coordinator is responsible for renewing our registration and checking that our entry on the Data Protection Register is accurate and complete every 12 months.

### **Access to personal data**

- 13. Only authorised personnel will be granted access to personal data held on computer and in manual format. Authorisation will depend on each staff

member's role within the organisation.

14. If personal data is stored on computers it will be protected by password. Staff members are asked to inform the data controller immediately if they suspect that somebody who is not authorised to process the data knows their password or has accessed the data.
15. Personal data which is on paper will be stored in a locked filing cabinet or similar locked environment. Only people who are authorised to process this data will hold and have access to the key(s) for this personal data.
16. Staff members are asked to be extremely careful, when processing personal data, of situations where others who do not have the right to process the data, might be able to access the data. In particular, they are instructed to check the identity of any caller before giving them any personal information over the phone. They are instructed to take care not to display personal data of partners or employees, for example, on computer screens in such a way that others who do not have the right to process the data might see it; they are asked not to leave a computer unattended when it displays or allows access to personal data.
17. Staff members are requested to be aware that a request from a data subject to see the data held on them may not mention the Data Protection Act. If they receive a request for access to personal data and are unsure how to respond, they are asked to contact the Operations Coordinator.

### **Implementation and review of this policy**

18. In order to ensure effective implementation of this policy, the following steps will be taken:
  - Training sessions will be made available to any data processors within LSx
  - Job descriptions for key data processors will include reference to Data Protection
  - Regular audits will be conducted to review what data is being kept, and the practices for ensuring that the data are being handled properly
  - Detailed guidance on recruitment, retention of personnel records, employee monitoring and similar DP issues will be available from the Operations Coordinator.
  - This policy will be reviewed regularly to ensure that it is up to date.