

GENERAL DATA PROTECTION REGULATION (GDPR) PRIVACY NOTICE INDIVIDUAL RIGHTS FOR PROCESSING OF PERSONAL DATA

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Introduction

1. From 25 May 2018 the General Data Protection Regulation (GDPR) will impose greater obligations on organisations whilst giving more rights to individuals in relation to how their personal data is processed. The Data Protection Act 1988 (DPA) set out current rules relating to data protection in the UK in Eight Data Protection Principles. The GDPR is an EU regulation that will enhance the DPA rules and aims to ensure that businesses adopt a more stringent and effective approach to data protection. It will introduce new data protection obligations and the Government have published a Data Protection Bill to reflect the GDPR post-Brexit.
2. This Privacy Notice will explain what you should expect in relation to the personal information which is collected, handled and processed by Aviation Requirements Ltd (AR). We may also share your information with Airframe Systems Limited (ASL) which is a wholly owned subsidiary of AR for the purpose of finding you a suitable role.
3. GDPR expands the definition of 'personal data' to include:
 - a. Individuals name;
 - b. Individuals identification number;
 - c. Individuals location data;
 - d. Individuals online identifier;
 - e. Factors relation to psychological, economic, cultural, social or physical identity of an individual.
4. The personal data/information we may collect and hold on you is detailed below:
 - a. Your name;
 - b. Your address;
 - c. Your email address;
 - d. Your telephone number;
 - e. Your CV/work history including job preferences, geographical area and pay rate;
 - f. Education and training certificates;
 - g. Any other work-related information.

This information may be used to match your skill set with a contracting opportunity through a variety of contracting mechanisms including FATS Framework, CL1, PSR, Direct Contract (this list is not exhaustive). The information will enable us to keep you informed of available opportunities as they arise.

5. Individuals who have contracted through AR will usually have provided the following additional information (this list is not exhaustive):
 - a. Passport;
 - b. Driving licence;
 - c. Date of Birth, and in some cases birth certificate;
 - d. National Insurance Number;
 - e. Security Clearance details;
 - f. Criminal Record Checks supplied by the Disclosure and Barring Service;
 - g. Company information and bank details;
 - h. Reference information provided by a previous employer or Accountant;
 - i. Proof of Address which is any correspondence from a Government Agency (HMRC, Pension or Electoral Registration as examples) or a utility bills or bank statement. Mobile Phone bills cannot be accepted as proof of address.

This information will be used to establish your right to work, confirm your security clearance and criminal record check status, to engage in commercial and contracting arrangements once you have secured a role and most importantly, to pay you.



6. All this personal data/information is stored on our IT system based in the UK.

GDPR - Consent

7. The personal information Aviation Requirements Ltd (AR) hold is very limited and is freely given by individuals seeking contracting opportunities. However, GDPR requires businesses to obtain 'clear and affirmative' consent and individuals are to give consent in the form of an affirmative statement. Consent can be given in writing or by email and is to be completed by:
- a. all individuals currently on contract with AR or who have been on contract with AR in the last 6 years, for whom personal data is held for legal reasons, such as HMRC, payroll information, contract record.
 - b. all individuals with whom AR hold personal data who have not been engaged by AR in conjunction of the initial roll-out of GDPR.
 - c. all individuals on an annual basis to those individuals whose data is held on record but who are not currently working through AR to ensure the consent is still relevant.
 - d. all individuals on initial engagement with AR, either through the website or personal contact.

Rights of the Individual

8. The GDPR will introduce the following new sets of rights for individuals including:
- a. the requirement to give express consent in certain circumstances;
 - b. the right to withdraw consent;
 - c. the right to be informed;
 - d. the right to data portability;
 - e. the right to object;
 - f. rights in relation to automated decision making and profiling;
 - g. the right to rectification of incorrect or incomplete data; and
 - h. the right to erasure (the right to be forgotten).

Rights of the Individual – Explained

9. **Subject Access Requests** - Individuals have the right to request a Subject Access Request stayintouch@aviationrequirements.co.uk. A SAR will be provided by AR free of charge within 4 working weeks. AR can refuse or charge for requests that are manifestly unfounded or excessive. Further information regarding individual rights surrounding SARs can be found on the gov.uk website.
10. **Legal Basis for Processing Data** – An individual has to take a proactive step to give consent to process data and businesses are no longer able to rely on implied consent, silence or inactivity as a means of consent. Under the DPA, implied consent allowed AR to send any individuals CV to a Customer when considering candidates for contracting opportunities. The GDPR requires AR to gain consent from an individual every time their CV is forwarded to another party.
11. **Legitimate Interests** – Of particular relevance to businesses in the contracting field, the DPA and GDPR recognise that organisations may have legitimate reasons for processing personal data. Three criteria must be met in order to rely on this condition:
- a. AR must need to process the information for its own legitimate interests or for those of a third party to whom it may disclose the data;
 - b. Once the first criterion has been established AR's legitimate interests must be balanced against the individual's interests. They do not need to be the same interests but the legitimate interest condition will not be met if the processing is not justified because it prejudices the rights and freedoms, or legitimate interests, of the individual. Where there is a serious mismatch between competing interests, the individual's legitimate interests will take priority; and

- c. Any processing under the legitimate interests condition must be fair and lawful and must comply with all the data protection principles.

12. Data Breach - Should a Data Breach occur the nominated AR Data Controller will investigate the Data Breach and depending on the severity will contact either the individual concerned or the Information Commissioner's Office accordingly.

13. Right to Withdraw – GDPR will give individuals the right to withdraw consent for their personal data to be processed at any time. Individuals are to contact AR in writing either by letter or email at stayintouch@aviationrequirements.co.uk. Individuals can withdraw consent by contacting AR on 01935 813220, but any request is to be followed up in writing at the individual's earliest convenience.

14. Right to be Informed – GDPR gives individuals the right to be informed about whether their personal data is being processed by a data controller. They will have the right to be informed of the following:

- a. the purpose and legal basis for the processing;
- b. the contact details of the data controller and the data protection officer;
- c. the categories of personal data concerned;
- d. where applicable, the legitimate interests pursued by the data controller where data has been processed lawfully;
- e. if applicable, the data controller's intentions to transfer personal data to an international third party;
- f. the period for which the personal data will be stored;
- g. the existence of the right to request from the data controller rectification or erasure of the individual's personal data;
- h. the right to bring a complaint with a supervisory authority which in the UK is the ICO;
- i. the right to withdraw consent at any time where data has been processed;
- j. information about the nature of personal data provisions (whether they are statutory or contractual) and whether they are mandatory and the consequences for an individual's failure to provide their personal data;
- k. information about the existence of automated decision-making and profiling, as well as information regarding the significance and consequences of processing data in this way for the individual.

15. Right to Data Portability – This enables individuals to move, transfer, receive and reuse their personal data across different IT services. The right to data portability applies to the following:

- a. personal data provided by the individual;
- b. personal data that is processed with the individual's consent or on the basis of a contract; and
- c. when processing is carried out through automated means. (Not applicable – no data is processed by AR through automated means).

References given by third parties about the data subject will not be subject to the right of data portability because data portability relates only to data given by the data subject themselves.

16. Right to Object – The data subject (individual to whom personal data relates) will have the right to object on the processing of their personal data where that processing is based on public interest, the exercise of official authority or legitimate interests. The data controller must stop the processing of personal data unless the data controller demonstrates compelling legitimate grounds for continuing the processing which overrides the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims.

17. Right to Rectification – A data subject has the right to request that the data controller rectifies any inaccurate or incomplete data. Individuals are to contact AR in writing either by letter or email at stayintouch@aviationrequirements.co.uk to exercise their right to rectification. Alternatively, an individual can contact AR on 01935 813220, but any request is to be followed up in writing at the individual's earliest convenience.

18. Right to Erasure – GDPR gives individuals the right to have their personal data erased without showing that damage or distress has been caused by the data processing. The individual essentially ‘has the right to be forgotten’. This right will apply in the following circumstances:

- a. the personal data is no longer necessary with regard to the reason or purpose for which it was collected;
- b. the individual withdraws his/her consent;
- c. the individual objects to the processing of their personal data and there are no overriding legitimate grounds for the processing;
- d. the individual objects to the processing of their personal data for marketing purposes; (Not applicable to AR)
- e. the personal data has been unlawfully processed; or
- f. the personal data has to be erased due to a legal obligation to which the data controller is subject.

Importantly the right to erasure is not an absolute right. There will be circumstances where AR are required to retain data and therefore not comply with a request to erase – for example information is to be retained for up to 6 years in accordance with HMRC requirements. AR will reply to an individual's erasure request and if the data is not completely erased will explain why we are still retaining some, if not all, the data.

19. To exercise their right to erasure individuals are to contact AR in writing either by letter or email at stayintouch@aviationrequirements.co.uk or by contacting AR on 01935 813220, but any request is to be followed up in writing at the individuals earliest convenience.

20. Hard copies of data will be shredded and disposed of as confidential waste, and soft copy data will be deleted from the AR IT system.

S E Leggett
Managing Director
Aviation Requirements Ltd