



Data Protection Policy

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01 - Introduction

This policy provides detailed information and procedures in relation to Data Protection. Please ensure that you are familiar with its content and ask the contact below for further information should you have any questions.

Every effort will be made to ensure the policy is reviewed and reissued in response to future changes in the law. In the event that legal requirements supersede the content of this policy, legal requirements will be followed.

It is intended that this policy is fully compliant with the GDPR and the Data Protection Act 2018. If any conflict arises between those laws and this policy, the Company intends to comply with its legal obligations.

This policy does not form part of your contract of employment and may be deviated from, amended or replaced in future from time to time at the Company's discretion.

For further information please contact:

Chris Thorpe
Director
On The Sly Music Ltd

02 – Overview

- 2.1 The Company takes the security and privacy of your data seriously. We need to gather and use information or 'data' about you as part of our business and to manage our relationship with you. We intend to comply with our legal obligations under the Data Protection Act 2018 (the '2018 Act') and the EU General Data Protection Regulation ('GDPR') in respect of data privacy and security. We have a duty to notify you of the information contained in this policy.
- 2.2 This policy applies to current and former employees, workers, volunteers, apprentices and consultants. If you fall into one of these categories then you are a 'data subject' for the purposes of this policy. You should read this policy alongside your contract of employment (or contract for services) and any other notice we issue to you from time to time in relation to your data.
- 2.3 The Company is a 'data controller' for the purposes of your personal data. This means that we determine the purpose and means of the processing of your personal data.
- 2.4 This policy explains how the Company will hold and process your information. It explains your rights as a data subject. It also explains your obligations when obtaining, handling, processing or storing personal data in the course of working for, or on behalf of, the Company.

03 – Data Protection Principles

- 3.1 Personal data must be processed in accordance with the principles relating to the processing of personal data set out in the GDPR. It must:
- 3.1.1 be processed fairly, lawfully and in a transparent manner;
 - 3.1.2 be collected and processed only for specified, explicit and legitimate purposes;
 - 3.1.3 be adequate, relevant and limited to what is necessary for the purposes for which it is processed;
 - 3.1.4 be accurate and where necessary kept up to date;
 - 3.1.5 not be kept in a form which permits identification of data subjects for longer than is necessary for the purposes for which it is processed; and
 - 3.1.6 be processed in a manner that ensures its security using appropriate technical and organisational measures to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage.

On The Sly and all those working with us are accountable for these principles and must be able to show that we are compliant in all our business operations.

04 – Definition of ‘Personal Data’

- 4.1 ‘Personal Data’ means information which relates to a living person who can be identified from that data (a ‘data subject’) on its own, or when taken together with other information which is likely to come into On The Sly’s possession or we can reasonably access. It includes any expression of opinion about the person and an indication of the intentions of us or others, in respect of that person. It does not include anonymised data.
- 4.2 This policy applies to all personal data whether it is stored electronically, on paper or otherwise.
- 4.3 This personal data might be provided to On The Sly by you, or someone else (such as a former employer, your doctor, or a credit reference agency), or it could be created by On The Sly. It could be provided or created during the recruitment process, during the course of the contract of employment (or services) or after its termination. It could be created by your manager or other colleagues.

- 4.4 On The Sly will collect and use the following types of personal data about you:
- 4.4.1 recruitment information such as your application form and CV, references, qualifications and membership of any professional bodies and details of any pre-employment assessments;
 - 4.4.2 your contact details and date of birth;
 - 4.4.3 the contact details for your emergency contacts;
 - 4.4.4 your gender;
 - 4.4.5 your marital status and family details;
 - 4.4.6 information about your contract of employment (or services) including start and end dates of employment, role and location, working hours, details of promotion, salary (including details of previous remuneration), pension, benefits and holiday entitlement;
 - 4.4.7 your bank details and information in relation to your tax status including your national insurance number;
 - 4.4.8 your identification documents including passport and driving licence and information in relation to your immigration status and right to work for us;
 - 4.4.9 information relating to disciplinary or grievance investigations and proceedings involving you (whether or not you were the main subject of those proceedings);
 - 4.4.10 information relating to your performance and behaviour at work;
 - 4.4.11 training records;
 - 4.4.12 electronic information in relation to your use of IT systems/swipe cards/telephone systems;
 - 4.4.13 your images (whether captured on CCTV, by photograph or video); and
 - 4.4.14 any other category of personal data which we may notify you of from time to time.
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05 – Special categories of Personal Data

- 5.1 ‘Special categories of Personal Data’ are types of personal data that reveal a data subject’s:
- 5.1.1 racial or ethnic origin;

- 5.1.2 political opinions;
- 5.1.3 religious or philosophical beliefs;
- 5.1.4 trade union membership;
- 5.1.5 genetic or biometric data;
- 5.1.6 health; and
- 5.1.7 sex life and sexual orientation.

On The Sly may hold and use any of these special categories of your personal data in accordance with the law. See sections 07 and 08 for further information.

06 – Definition of ‘Processing’

- 6.1 ‘Processing’ means any activity that involves the use of Personal Data such as:
 - 6.1.1 collection, recording, organisation, structuring or storage;
 - 6.1.2 adaption or alteration;
 - 6.1.3 retrieval, consultation or use;
 - 6.1.4 disclosure by transmission, dissemination or otherwise making available;
 - 6.1.5 alignment or combination; and
 - 6.1.6 restriction, destruction or erasure.

This includes processing Personal Data which forms part of a filing system and any automated processing.

07 – Processing of Personal Data at On The Sly

- 7.1 On The Sly will process your Personal Data (including special categories of personal data) in accordance with our legal obligations.
- 7.2 We will use your Personal Data for:
- 7.2.1 performing the contract of employment (or services) between us;
 - 7.2.2 complying with any legal obligation; or
 - 7.2.3 if it is necessary for our legitimate interests (or for the legitimate interests of someone else). However, we can only do this if your interests and rights do not override ours (or theirs). You have the right to challenge our legitimate interests and request that we stop this processing. See details of your rights in section 13 below.
- 7.3 We can process your Personal Data for these purposes without your knowledge or consent. We will not use your Personal Data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.
- 7.4 If you choose not to provide us with certain Personal Data you should be aware that we may not be able to carry out certain parts of the contract between us. For example, if you do not provide us with your bank account details we may not be able to pay you. It might also stop us from complying with certain legal obligations and duties which we have such as to pay the right amount of tax to HMRC or to make reasonable adjustments in relation to any disability you may suffer from.
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08 – When we might process your Personal Data

- 8.1 On The Sly has to process your Personal Data in various situations during your recruitment, employment (or engagement) and even following termination of your employment (or engagement).

For example (and see section 8.4 below for the meaning of the asterisks):

- 8.1.1 to decide whether to employ (or engage) you;
- 8.1.2 to decide how much to pay you, and the other terms of your contract with us;
- 8.1.3 to check you have the legal right to work for us;

- 8.1.4 to carry out the contract between us including where relevant, its termination;
- 8.1.5 training you and reviewing your performance*;
- 8.1.6 to decide whether to promote you;
- 8.1.7 to decide whether and how to manage your performance, absence or conduct*;
- 8.1.8 to carry out a disciplinary or grievance investigation or procedure in relation to you or someone else;
- 8.1.9 to determine whether we need to make reasonable adjustments to your workplace or role because of your disability*;
- 8.1.10 to monitor diversity and equal opportunities*;
- 8.1.11 to monitor and protect the security (including network security) of the Company, of you, our other staff, customers and others;
- 8.1.12 to monitor and protect the health and safety of you, our other staff, customers and third parties*;
- 8.1.13 to pay you and provide pension and other benefits in accordance with the contract between us*;
- 8.1.14 paying tax and national insurance;
- 8.1.15 to provide a reference upon request from another employer;
- 8.1.16 to pay trade union subscriptions*;
- 8.1.17 monitoring compliance by you, us and others with our policies and our contractual obligations*;
- 8.1.18 to comply with employment law, immigration law, health and safety law, tax law and other laws which affect us*;
- 8.1.19 to answer questions from insurers in respect of any insurance policies which relate to you*;
- 8.1.20 running our business and planning for the future;
- 8.1.21 the prevention and detection of fraud or other criminal offences;
- 8.1.22 to defend the Company in respect of any investigation or litigation and to comply with any court or tribunal orders for disclosure*;
- 8.1.23 for any other reason which we may notify you of from time to time.

- 8.2 On The Sly will only process special categories of your personal data (see above) in certain situations in accordance with the law. For example, if you have given your explicit consent. If On The Sly requested your consent to process a special category of personal data then we would explain the reasons for our request. You do not need to consent and can withdraw consent later if you choose by contacting the Directors.
- 8.3 On The Sly does not need your consent to process special categories of your personal data when it is processed for the following purposes:
- 8.3.1 where it is necessary for carrying out rights and obligations under employment law;
 - 8.3.2 where it is necessary to protect your vital interests or those of another person where you/they are physically or legally incapable of giving consent;
 - 8.3.3 where you have made the data public;
 - 8.3.4 where processing is necessary for the establishment, exercise or defence of legal claims; and
 - 8.3.5 where processing is necessary for the purposes of occupational medicine or for the assessment of your working capacity.
- 8.4 We might process special categories of your personal data for the purposes in paragraph 8.1 above which have an asterisk beside them. In particular, we will use information in relation to:
- 8.4.1 your race, ethnic origin, religion, sexual orientation or gender to monitor equal opportunities;
 - 8.4.2 your sickness absence, health and medical conditions to monitor your absence, assess your fitness for work, to pay you benefits, to comply with our legal obligations under employment law including to make reasonable adjustments and to look after your health and safety; and
 - 8.4.3 your trade union membership to pay any subscriptions and to comply with our legal obligations in respect of trade union members.
- 8.5 We do not take automated decisions about you using your personal data or use profiling in relation to you.
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09 – Sharing your Personal Data

- 9.1 Generally, we are not allowed to share Personal Data with third parties unless certain safeguards and contractual arrangements have been put in place. Sometimes we might share your Personal Data with group companies, payroll providers or our contractors and agents to carry out our obligations under our contract with you or for our legitimate interests.
 - 9.2 We require those companies to keep your Personal Data confidential and secure and to protect it in accordance with the law and our policies. They are only permitted to process your data for the lawful purpose for which it has been shared and in accordance with our instructions.
 - 9.3 We do not send your Personal Data outside the European Economic Area. If this changes you will be notified of this and the protections which are in place to protect the security of your data will be explained.
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10 – Processing Personal Data for the On The Sly

- 10.1 Everyone who works for, or on behalf of, On The Sly, is responsible for ensuring data is collected, stored and handled appropriately, in line with this policy.
- 10.2 The Directors are responsible for reviewing this policy and updating the Board of Directors on the Company's data protection responsibilities and any risks in relation to the processing of data. You should direct any questions in relation to this policy or data protection to this person.
- 10.3 You should only access Personal Data covered by this policy if you need it for the work you do for, or on behalf of the Company and only if you are authorised to do so. You should only use the data for the specified lawful purpose for which it was obtained.
- 10.4 You should not share personal data informally.
- 10.5 You should keep Personal Data secure and not share it with unauthorised people.
- 10.6 You should regularly review and update Personal Data which you have to deal with for work. This includes telling the company if your own contact details change.
- 10.7 You should not make unnecessary copies of Personal Data and should keep and dispose of any copies securely.
- 10.8 You should use strong passwords.
- 10.9 You should lock your computer screens when not at your desk.
- 10.10 Consider anonymising data or using separate keys/codes so that the data subject cannot be identified.

- 10.11 Do not save Personal Data to your own personal computers or other devices.
 - 10.12 Personal Data should never be transferred outside the European Economic Area except in compliance with the law and authorisation of The Directors.
 - 10.13 You should lock drawers and filing cabinets. Do not leave paper with Personal Data lying about.
 - 10.14 You should not take Personal Data away from Company's premises without authorisation from your line manager.
 - 10.15 Personal Data should be shredded and disposed of securely when you have finished with it.
 - 10.16 You should ask for help from the Directors if you are unsure about data protection or if you notice any areas of data protection or security On The Sly can improve upon.
 - 10.17 Any deliberate or negligent breach of this policy by you may result in disciplinary action being taken against you in accordance with our disciplinary procedure.
 - 10.19 It is a criminal offence to conceal or destroy personal data which is part of a subject access request (see below). This conduct could also amount to gross misconduct under our disciplinary procedure, which could result in your dismissal.
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11 – Dealing with Data Breaches

- 11.1 On The Sly has robust measures in place to minimise and prevent data breaches from taking place. Should a breach of Personal Data occur (whether in respect of you or someone else) then we must take notes and keep evidence of that breach. If the breach is likely to result in a risk to the rights and freedoms of individuals then we must also notify the Information Commissioner's Office within 72 hours.
 - 11.2 If you are aware of a data breach you must contact the Directors immediately and keep any evidence you have in relation to the breach.
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12 – Subject access requests

- 12.1 Data subjects can make a 'subject access request' ('SAR') to find out the information On The Sly holds about them. This request must be made in writing. If you receive such a request you should forward it immediately to the Directors who will coordinate a response.
 - 12.2 If you would like to make a SAR in relation to your own Personal Data you should make this in writing to Chris Thorpe On The Sly must respond within one month unless the request is complex or numerous in which case the period in which we must respond can be extended by a further two months.
 - 12.3 There is no fee for making a SAR. However, if your request is manifestly unfounded or excessive On The Sly may charge a reasonable administrative fee or refuse to respond to your request.
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13 – Data Subject Rights

- 13.1 You have the right to information about what Personal Data we process, how and on what basis as set out in this policy.
- 13.2 You have the right to access your own Personal Data by way of a subject access request (see above).
- 13.3 You can correct any inaccuracies in your Personal Data by contacting the Directors.
- 13.4 You have the right to request that we erase your Personal Data where we were not entitled under the law to process it or it is no longer necessary to process it for the purpose it was collected. To do so you should contact the Directors.
- 13.5 While you have an outstanding application for your Personal Data to be corrected or erased or are contesting the lawfulness of our processing, you can apply for its use to be restricted by contacting the Directors.
- 13.6 You have the right to object to data processing where we are relying on a legitimate interest to do so and you think that your rights and interests outweigh our own and you wish us to stop.
- 13.7 You have the right to object if we process your Personal Data for the purposes of direct marketing.
- 13.8 You have the right to receive a copy of your Personal Data and to transfer your Personal Data to another data controller. We will not charge for this and will in most cases aim to do this within one month.
- 13.9 With some exceptions, you have the right not to be subjected to automated decision-making.

- 13.10 You have the right to be notified of a data security breach concerning your Personal Data.
- 13.11 In most situations On The Sly will not rely on your consent as a lawful ground to process your data. If we do however request your consent to the processing of your Personal Data for a specific purpose, you have the right not to consent or to withdraw your consent later. To withdraw your consent, you should contact the Directors.
- 13.12 You have the right to complain to the Information Commissioner. You can do this by contacting the Information Commissioner's Office directly. Full contact details including a helpline number can be found on the Information Commissioner's Office website (www.ico.org.uk). This website has further information on your rights and our obligations.