

Stonehaven Microbiology Services Ltd. (trading as SMS) Data Protection Policy

This statement summarises the Data Protection Policy adopted by Stonehaven Microbiology Services Ltd. (trading as SMS), as required to conform to the General Data Protection Regulation 2016/679 “GDPR” and the Data Protection Act 2018 “DPA 2018”.

SMS needs to collect and use information about people and businesses with whom it deals in order to function. These include current, past and prospective employees, suppliers, customers, clients, and others with whom it communicates. In addition, it may occasionally be required by law to collect and use certain types of information of this kind to comply with the requirements of government departments for business data, for example. This personal information must be dealt with properly, however it is collected, recorded and used – whether on paper, in a computer, or recorded on other material – and there are safeguards to ensure this in accordance with the REGULATION (EU) 2016/679. We ensure that our organisation treats personal information lawfully and correctly. To this end we fully endorse and adhere to the principles of The General Data Protection Regulation (GDPR), as enumerated in the REGULATION (EU) 2016/679. Specifically, the principles require that personal information:

- Shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met;
- Shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes;
- Shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed;
- Shall be accurate and, where necessary, kept up to date;
- Shall not be kept for longer than is necessary for that purpose or those purposes;
- Shall be processed in accordance with the rights of data subjects under the DPA 2018;
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data; Therefore, SMS will:
 - Observe fully conditions regarding the fair collection and use of information;
 - Meet its legal obligations to specify the purposes for which information is used;
 - Collect and process appropriate information, and only to the extent that it is needed to fulfill operational needs or to comply with any legal requirements;
 - Ensure the quality of information used;
 - Ensure that the rights of people about whom information is held, can be fully exercised under the DPA 2018.

These include the right to:

- Be informed that processing is being undertaken;

- Have access to one's personal information;
- Prevent processing in certain circumstances;
- Correct, rectify, block or erase information which is regarded as wrong information;
- Exclude information being made public or passed to a third party;
- Take appropriate technical and organisational security measures to safeguard personal information; In addition, SMS will ensure that:
 - There is someone with specific responsibility for data protection in the organisation.
 - Everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice;
 - Anybody wanting to make enquiries about handling personal information knows what to do;
 - Queries about handling personal information are promptly and courteously dealt with;
 - Methods of handling personal information are clearly described;

This concludes the current Data Protection Policy that SMS has agreed to abide by. The information presented here does not constitute legal advice. For personal legal advice on this or other areas you should consult a solicitor. SMS does not store individual Bank Card or Credit Card details, or share these details or customer details with any 3rd parties.

Further information on current SMS Data Protection Policy is given in Appendix 1 below.
SMS Data Privacy Notice

Appendix 1 – SMS Data Privacy Notice

1. General

Personal data relates to a living individual who can be identified from that data. Identification can be the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession. The processing of personal data is governed by the General Data Protection Regulation 2016/679 "GDPR" and the Data Protection Act 2018.

The owner of that personal data is referenced in the legislation as the Data Subject. SMS are the Data Controllers and determine how your personal data is processed and for what purposes. SMS and its subsidiaries comply with their obligations under GDPR by keeping personal data up to date; by storing and destroying it securely; by not collecting or retaining excessive amounts of data; by protecting personal data from loss, misuse, unauthorised access and disclosure and by ensuring that appropriate technical measures are in place to protect personal data.

2. Purposes for collecting and using of data

We collect and use personal data for the following purposes:

- Management and administrative use;
- To conclude the supply of services and/or goods to our customers;
- To protect our customers, employees and other individuals and maintain their safety, health and welfare;
- To promote, market and advertise our services and/or goods;
- To comply with a supply agreement and an order for services and/or goods;
- To conclude the purchase of services and/or goods;
- To comply with a purchase agreement and an order for services and/or goods;
- To conclude the transportation of goods;
- To maintain our accounts and records;
- To enable us to run our business and manage our relationship with our employees effectively, lawfully and appropriately, during the recruitment process, whilst our employees are working for us, at the time when their employment ends and after they have left our company;
- To comply with our employment contracts;
- To comply with any legal and regulatory obligations and requirements;
- To pursue the legitimate interests of our company;
- To protect our legal position in the event of legal proceedings;
- To deliver the obligations that the individuals have requested;
- To inform individuals of news, activities and services running at SMS;
- To share your contact details with other processors and sub-processors so that the purchase, supply, order, storage, transportation will be concluded;
- To prevent, investigate and detect crime, fraud and anti-social behaviour and prosecute offenders;

- To handle customers' and suppliers' contracts, queries, complaints and disputes;
- To manage insurance claims by customers, suppliers and third parties;
- To protect our Company, our employees, our suppliers and customers, by taking legal action against third parties who have committed criminal acts or are in breach of legal obligations to SMS;
- To effectively handle any legal claims or regulatory enforcement actions taken against SMS and
- To fulfil our duties to our suppliers, customers, employees, shareholders and stakeholders.

3. Process of personal data

As a Company pursuing trading activities worldwide, we may sometimes need to process your data when:

- a) processing is necessary for the performance of a contract with the data subject or to take steps to enter into a contract;
- b) processing is necessary for compliance with legal obligation;
- c) processing is necessary to protect vital interests of a data subject or another person;
- d) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller;
- e) processing is necessary for the legitimate interests of the data controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject;
- f) processing is based on the explicit consent of the data subject;
- g) processing is necessary for carrying out obligations under employment, social security, or a collective agreement;
- h) processing is necessary to protect the vital interests of the data subject or another individual where the data subject is physically or legally incapable of giving consent;
- i) processing relates to personal data manifestly made public by the data subject;
- k) processing is necessary for the establishment, exercise or defence of legal claims or where courts are acting in their judicial capacity;
- l) processing is necessary for reasons of substantial public interest because of EU Member State Law;
- m) processing is necessary for assessing the working capacity of an employee, medical diagnosis, the provision of health or social care or treatment or management of health or social care systems and services and services because of EU or Member State law or a contract with a health professional;
- n) processing is necessary for the reasons of public interest around public health;
- o) processing is necessary for archiving purposes in the public interest or scientific and historical research or statistical purposes. Your personal data will be treated as strictly confidential, and will be shared only with the Management of SMS.

4. Type of personal data we collect

Much of the information we hold will have been provided by you, but some may come from other internal or external sources. The sort of information we hold regarding our employees may include disabilities, medical records, origin, religion, date of birth, nationality, bank account number, social security number, personal tax number, criminal record, credit history check, driving licence and checks, family

details, disciplinary records, working visa, photo, visual identifiers, performance plan progress, or gender identifiers.

The sort of information we hold regarding our customers, suppliers and third parties include name, contact detail, telephone number, fax number, email address and address. You will inevitably be referred to in many company documents and records that are produced by you and your colleagues during the performance of your duties and the business of the company. You should refer to the Data Protection Policy.

Where necessary we may keep information relating to your health, which could include reasons for absence and reports and notes. This information will be used to comply with our health and safety and occupational health obligations – to consider how your health affects your ability to do your job and whether any adjustments to your job might be appropriate. Where we may process special categories of information relating to your racial or ethnic origin, political opinions, religious and philosophical beliefs, criminal record, credit history check, family details, disciplinary records, working visa, photo, visual identifiers, performance plan progress, gender identifiers etc. we will always obtain your explicit consent to those activities, unless this is not required by law or the information is required to protect your health in an emergency.

In addition, we monitor computer, telephone and mobile telephone use, as detailed in our policy.

5. Sharing Data with Third Parties

Other than mentioned below, we will only disclose information about you to third parties if we are legally obliged to do so or where we need to comply with our contractual duties to you, for instance we may need to pass on certain information to an external provider. More specifically, to make certain services available to you, we may need to share your personal data with some of our service partners. These include, IT software companies, insurance companies and insurance brokers, external lawyers, consultants, external auditors etc.

SMS only allows the service providers to handle your personal data when we have confirmed that they apply appropriate data protection and security controls. We also impose contractual obligations on service providers relating to data protection security. Aside from the service providers, SMS will not disclose your personal data to third parties, except as set out below. We may share your data with:

- Our carefully selected partners who provide SMS branded products and services, if we have your consent to do so;
- Governmental bodies, regulators, law enforcement agencies, court/tribunals and insurers where we are required to do so either to comply with our legal obligations, or to exercise our legal rights, or for the prevention, detection, investigation of crime, prosecution and for the protection of our employees, suppliers and customers.

In limited and necessary circumstances, your information may be transferred outside of the EEA or to an international organisation to comply with our legal or contractual requirements. We have in place safeguards to ensure the security of this data as we monitor that all our processors outside of the EEA are registered to the relevant Data Protection Authorities or follow the relevant Data Protection Regulations. We have always to ensure that the transfer will be compliant with the Data Protection Law and all personal data will be secured. One standard practice is to use “standard data protection clauses” which have been approved by the European Commission for such transfers. (https://ec.europa.eu/info/law/law-topic/data-protection_en)

6. Retention of Data

Your personal data will be stored for a period of 6 years plus current years. As stated in our Data Protection Policy and our Data Retention Policy, personal data should not be stored and held for more than six years after it ceases to be current, unless there is a specific reason for doing so. The definition of current will vary according to the personal data.

It should be remembered that the current plus six years rule is the usual maximum period of retention. If there is no need to keep personal data that long, then it should be disposed of securely before the six years' time limit.

When the above-mentioned period is expired, SMS has the right to erase or destroy the personal data without any impact.

7. Website cookies

The www.sms-ltd.co.uk website uses "cookie" technology. Cookies are small text files that a website stores on a user's computer. Cookies enable us to customise our website and offerings to your needs, and provide you with a better online experience. We use cookies to measure usage of various pages on our website to help us make our information more useful to your needs and easy for you to access. The types of cookies that we use are referred to as "session" cookies and "persistent" cookies. Session cookies are temporary and are automatically deleted once you leave our website. Persistent cookies remain on your computer hard drive until you delete them or they expire.

8. Future Process of data

When in the future we intend to process your personal data for a purpose other than that which it was collected, we will provide you with information on that purpose and any other relevant information.

9. Controls

SMS is committed to keeping your personal data safe and secure. Our security measures include:

- Encryption of data;
- Regular cyber security assessments and crisis management exercises to ensure that we are ready to respond to cyber security attacks and data security incidents;
- Regular penetration testing of systems;
- Security controls which protect the entire SMS IT infrastructure from external attack and unauthorised access and
- Internal policies setting out our data security approach and training for employees.

10. Legal Basis for processing your data

SMS collects and uses personal data because it is necessary for:

- The purposes of complying with our duties and exercising our rights under a contract for the sale or a purchase or transportation or storage of goods;
- The purposes of complying with our duties and exercising our rights under an employment contract or a contract with a third party;
- The pursuit of our legitimate interest and
- To comply with legal obligations.

In general, we will only rely on consent as a legal basis for processing in relation to direct marketing purposes (very limited with respect to SMS). Where we are processing data based on consent, the data subjects have the right to withdraw that consent at any time. Where consent is the only legal basis for processing, we will cease to process data after consent is withdrawn.

11. Your Rights

Under the General Data Protection Regulation and the Data Protection Act 2018 the data subject has many rights with regards to its personal data. The rights that you have are the following:

- The right to request from us access to and rectification or erasure of their personal data;
- The right to restrict processing, object processing of your personal data;
- The right to request that SMS as the Data Controller provides you with your personal data and where possible, to transmit that data directly to another data controller, known as the right to data portability (only where processing is based on consent or it is necessary for the performance of a contract with the data subject and in either case the data controller processes the data by automated means);
- The right to request a copy of your personal data that SMS holds about you;
- The right to withdraw your consent to the processing at any time (only if consent is relied upon as a processing condition) at any time which will not affect the lawfulness of the processing before your consent was withdrawn;
- The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing;
- The right to object to the processing of personal data (only applies where processing is based on legitimate interest);
- The right to lodge a complaint with the Information Commissionaire Officer if you believe that SMS has not complied with the requirements of the GDPR or the DPA 2018 regarding your personal data.

12. Contact Information

SMS are the Controllers of the data for the purposes of GDPR and DPA 2018.

To exercise all relevant rights, queries of complaints and if you have any concerns as how your data is processed you can contact:

SMS, at enquiries@sms-ltd.co.uk or at 01651 873222 or you can send a letter to SMS, Units 1 & 2 Oldmeldrum Business Centre, Colpy Way, Oldmeldrum, Aberdeenshire, Scotland, AB51 0BZ.
