



# DATA PROTECTION POLICY FOR EMILY BLAKE NUTRITION

Version 1.0



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## **1 Introduction**

### **1.1 Purpose of Policy**

Emily Blake Nutrition needs to gather and use certain information about individuals in order to operate and carry out its functions. These may include clients, suppliers, employees and other people the organisation has a relationship with or may need to contact. This personal information must be handled and dealt with properly in whatever way it is collected, recorded and used, and whether it is on paper, in computer records or recorded by other means.

Emily Blake Nutrition regards the lawful and appropriate treatment of personal information as very important to its successful operations and essential to maintaining confidence between Emily Blake Nutrition and those with whom it carries out business. Emily Blake Nutrition therefore fully endorses and adheres to the Principles of the General Data Protection Regulation.

This policy describes how this personal data will be collected, handled and stored to comply with the General Data Protection Regulation.

### **1.2 Policy Statement**

Emily Blake Nutrition is committed to a policy of protecting the rights and privacy of clients, staff and others in accordance with General Data Protection Regulation.

Emily Blake Nutrition commits to:

- comply with both the law and good practice
- respect individuals' rights
- be open and honest with individuals whose data is held
- Register our details with the Information Commissioner's Office (ICO)

### **1.3 Personal Data**

Personal Data is any information relating to an identified or identifiable natural person. Personal data will therefore cover basic details such as name, address, date of birth and telephone numbers.

Emily Blake Nutrition may hold data for the following purposes:

- Provision of direct healthcare
- Marketing and newsletters
- Anonymised case histories for educational purposes

Emily Blake Nutrition makes the distinction between personal data and 'special category' data. Special categories of data include:

- Racial or ethnic origin
- Political opinion
- Religious/philosophical belief
- Trade union membership
- Physical or mental health condition
- Genetics
- Biometrics (where used for ID purposes)

- Sexual life and orientation.

Emily Blake Nutrition may hold special category data, primarily regarding racial or ethnic origin, religious/ philosophical belief, physical and mental health, genetics, and sexual life and orientation, for the following purposes:

- Provision of direct healthcare

Emily Blake Nutrition will ensure that the rights of people about whom information is held can be fully exercised under the General Data Protection Regulation

These rights include:

- The right to be informed
- The right of access to personal information
- The right to request rectification
- The right to request erasure
- The right to restrict processing in certain circumstances
- The right to data portability
- The right to object to processing

#### **1.4 Data Protection Principles**

On 25 May 2018, the Data Protection Act (DPA) 1998 will be replaced by the General Data Protection Regulation (GDPR). This legislation places responsibilities and liabilities on Emily Blake Nutrition as an organisation that collects and processes personal data

This Regulation affects every client and the data processor and controller of Emily Blake Nutrition (Emily Blake), as most of our information is held electronically or in structured manual records

If these records contain personal data, then Emily Blake Nutrition must be very careful to whom we disclose the information. If the information is disclosed, even accidentally, Emily Blake Nutrition can be held liable.

There are six data protection principles that are core to the General Data Protection Regulation. Emily Blake Nutrition will make every possible effort to comply with these principles at all times in our information-handling practices.

The principles are:

**1) Lawful, fair and transparent**

Data collection must be fair, for a legal purpose and we must be open and transparent as to how the data will be used.

**2) Limited for its purpose**

Data can only be collected for a specified, explicit and legitimate purpose, and not further processed in a manner that is incompatible with those purposes.

**3) Data minimisation**

Any data collected must be necessary and not excessive in relation to the purposes for which it was collected.

**4) Accurate**

The data we hold must be accurate and where necessary, kept up to date. Every reasonable step will be taken to ensure that personal data that are deemed inaccurate, having regard to the purposes for which they are processed, are erased or rectified with immediate effect.

#### **5) Retention**

Kept in a form which permits identification of data subjects, for no longer than is necessary for the purposes for which the personal data are processed.

#### **6) Integrity and confidentiality**

The data we hold must be kept safe and secure. Data processing must be undertaken in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures in accordance with the rights of data subjects under the Act.

### **1.5 Key risks**

The main risks are in two key areas:

- information about individuals getting into the wrong hands, through poor security or inappropriate disclosure of information
- individuals being harmed through data being inaccurate or insufficient

## **2 Responsibilities**

Emily Blake Nutrition is the data controller for all personal data held by us and is responsible for:

- Analysing and documenting the type of personal data we hold
- Checking procedures to ensure they cover all the rights of the individual
- Identifying the lawful basis for processing data
- Ensuring consent procedures are lawful
- Implementing and reviewing procedures to detect, report and investigate personal data breaches
- Storing data in safe and secure ways
- Assessing the risk that could be posed to individual rights and freedoms should data be compromised

## **3 Data Recording, Security and Storage**

### **3.1 Data accuracy and relevance**

Emily Blake Nutrition will ensure that any personal data we process is accurate, adequate, relevant and not excessive, given the purpose for which it was obtained. We will not process personal data obtained for one purpose for any unconnected purpose unless the individual concerned has agreed to this or would otherwise reasonably expect this.

### **3.2 Data security**

Emily Blake Nutrition will keep personal data secure against loss or misuse. Where other organisations process personal data as a service on our behalf, their GDPR compliance will be checked beforehand and we will establish what, if any, additional specific data security arrangements need to be implemented in contracts with those third-party organisations.

### **3.3 Storing data securely**

- In cases when data is stored on printed paper, it will be kept in a lockable filing cabinet in a secure place where unauthorised personnel cannot access it. Keys will only be held by authorised users.
- When paper client files need to be transported to clinic for a consultation, they will be stored in a portable lockable filing cabinet and kept in a secure place, supervised at all times by an authorised individual.
- Printed data will be shredded by a professional grade shredder (cross-cut; DIN security level P-4) when it is no longer needed. The shredded data will then be disposed of through a secure channel.
- In cases when data is stored digitally, it will be pseudonymised and stored on authorised computers and portable external hard drives, protected by strong passwords that are changed regularly. A password manager will be used to create and store passwords.
- This digital data will be regularly backed up onto authorised portable external hard drives which will be kept in a lockable filing cabinet in a secure place where unauthorised personnel cannot access it, when they are not being used.
- All servers containing data will be protected by security software
- Computers containing personal data will be kept in a secure location at all times.
- Email and cloud services used to store personal data will be assessed for compliance with GDPR principles. The email server used will be protected by encryption technology, strong passwords, and two-factor authentication.
- Receipt of identifiable personal data and special category data via email will be minimised. Where it is necessary in order for Emily Blake Nutrition to carry out its business, it will be downloaded onto the above mentioned digital devices and then deleted from the email inbox in order to minimise the data stored.
- Old digital devices containing data will have the data permanently deleted from them prior to disposal of these devices.
- All possible technical measures will be put in place to keep data secure

### **3.4 Data retention**

Emily Blake Nutrition will retain personal data for no longer than is necessary. This shall be in accordance with the guidelines of our professional association, BANT.

## **4 Accountability and Transparency**

Emily Blake Nutrition will ensure accountability and transparency in all our use of personal data. We will keep written up-to-date records of all the data processing activities that we do and ensure that they comply with each of the GDPR principles.

The owner and CEO of Emily Blake Nutrition, Emily Blake, will undertake an audit at least once a year to ensure that Emily Blake Nutrition maintains compliance with the GDPR - these audits will include the security of personal information and its management by employees.

We will regularly review our data processing activities and implement measures to ensure privacy by design including data minimisation, pseudonymisation, transparency and continuously improving security and enhanced privacy procedures.

## **5 Consent**

Emily Blake Nutrition will ensure that consents are specific, informed and plain English such that individuals clearly understand why their information will be collected, who it will be shared with, and the possible consequences of them agreeing or refusing the proposed use of the data. Consents will be granular to provide choice as to which data will be collected and for what purpose. We will seek explicit consent wherever possible.

We will maintain an audit trail of consent by documenting details of consent received including who consented, when, how, what, if and when they withdraw consent. For online consent, we may use a cryptographic hash function to support data integrity. Alternatively, we will maintain the consents information in a spreadsheet with links to the consent forms.

We will regularly review consents and seek to refresh them regularly or if anything changes.

## **6 Direct Marketing**

Emily Blake Nutrition will comply with both data protection law and Privacy and Electronic Communication Regulations 2003 (PECR) when sending electronic marketing messages. PECR restricts the circumstances in which we can market people and other organisations by phone, text, email or other electronic means.

We will seek explicit consent for direct marketing. We will provide a simple way to opt out of marketing messages and be able to respond to any complaints.

## **7 Subject Access Requests**

### **7.1 What is a subject access request?**

An individual has the right to receive confirmation that their data is being processed, access to their personal data and supplementary information which means the information which should be provided in a privacy notice.

### **7.2 How to deal with subject access requests**

Emily Blake Nutrition will provide an individual with a copy of the information requested, free of charge. Upon receipt of the request, Emily Blake Nutrition will ask for proof of identification. Emily Blake Nutrition will provide a copy of the information requested within one month of receipt of this ID. We endeavour to provide data subjects access to their information in commonly used electronic formats (as described in section 4.3).

If complying with the request is complex or numerous, the deadline can be extended by two months, but the individual will be informed within one month. We can refuse to respond to certain requests, and can, in circumstances of the request being manifestly unfounded or excessive, charge a fee. If the request is for a large quantity of data, we can request the individual specify the information they are requesting.

Once a subject access request has been made, we will not change or amend any of the data that has been requested. Doing so is a criminal offence.

### **7.3 Data portability requests**

We will provide the data requested in a structured, commonly used and machine-readable format. This would normally be a PDF file, although other formats are acceptable. We must provide this data to the individual who has requested it within one month of receipt of both the request and proof of identification.

## **8 Transferring data internationally**

There are restrictions on international transfers of personal data. We will not transfer personal data abroad without express consent.

## **9 Third Parties**

### **9.1 Using third party controllers and processors**

As a data controller and/or data processor, we will have written contracts in place with any third-party data controllers (and/or) data processors that we use. The contract will contain specific clauses which set out our and their liabilities, obligations and responsibilities.

As a data controller, we will only appoint processors who can provide sufficient guarantees under GDPR and that the rights of data subjects will be respected and protected.

As a data processor, we will only act on the documented instructions of a controller. We acknowledge our responsibilities as a data processor under GDPR and we will protect and respect the rights of data subjects.

## **9.2 Contracts**

Our contracts will comply with the standards set out by the ICO and, where possible, follow standard contractual clauses. Our contracts with data controllers (and/or) data processors will set out the subject matter and duration of the processing, the nature and stated purpose of the processing activities, the types of personal data and categories of data subject, and the obligations and rights of the controller.

## **10 Reporting breaches**

Any breach of this policy or of data protection laws will be reported as soon as practically possible. This means as soon as we become aware of a breach.

Emily Blake Nutrition has a legal obligation to report any data breaches to UK Supervisory authority which is the Information Commissioners Officer within 72 hours.

## **11 Further information**

For further information about the use of personal data or to make an access request for copies of personal data held by Emily Blake Nutrition, the following contact details are available:

Emily Blake (CEO, Data Protection Officer, and Registered Nutritional Therapist for Emily Blake Nutrition)

Tel: 07913 187 685

Email: [emily@emilyblakenutrition.com](mailto:emily@emilyblakenutrition.com)

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