

# **Data Protection Policy**

**Resolute Wills 2024**

**Version 0.1**

## Version Control

0.1	23.10.24	Richard Curtis	Document Created

# Contents

<b>Version Control.....</b>	<b>2</b>
<b>Contents.....</b>	<b>3</b>
<b>Purpose.....</b>	<b>4</b>
<b>Scope.....</b>	<b>4</b>
<b>Objectives.....</b>	<b>4</b>
<b>Data Protection Policy Statement.....</b>	<b>5</b>
<b>Basic Principles Regarding Personal Data Processing.....</b>	<b>5</b>
<i>(a) Lawfulness, Fairness and Transparency</i>	5
<i>(b) Purpose Limitation</i>	5
<i>(c) Data Minimization</i>	5
<i>(d) Accuracy</i>	5
<i>(e) Storage Period Limitation</i>	5
<i>(f) Integrity and confidentiality</i>	6
<b>Data Processing.....</b>	<b>6</b>
<i>Transmitting Personal Data</i>	6
<i>Storing Personal Data</i>	6
<i>Breaches of Personal Data</i>	6
<b>Responsibilities.....</b>	<b>6</b>
<b>The Rights of Access by Data Subjects.....</b>	<b>7</b>
<i>The right to be informed</i>	7
<i>The right of access</i>	7
<i>The right to rectification</i>	7
<i>The right to erasure (the right to be forgotten)</i>	7
<i>The right to restrict processing</i>	7
<i>The right to object</i>	7
<i>Rights in relation to automated decision making and profiling</i>	8
<b>Legal Basis for Processing (Consent).....</b>	<b>8</b>
<i>Article 6: Lawfulness of processing</i>	8
<i>Where consent is obtained from individuals directly</i>	8
<b>Subject Access Requests.....</b>	<b>9</b>
<b>Definitions.....</b>	<b>11</b>
<i>Personal Data</i>	11
<i>Sensitive Personal Data</i>	11
<i>Data Controller</i>	11
<i>Data Processor</i>	11
<i>Processing</i>	11
<i>Anonymization</i>	11

## Purpose

The purpose of this policy is to ensure that Resolute Wills and its staff (meaning permanent, fixed term, and temporary staff, any third party representatives or sub-contractors, agency workers, volunteers, interns and agents engaged with Resolute Wills), conduct their business practices in a manner compliant with the General Data Protection Regulation (GDPR:2016) and its six principles to ensure that all Personal Data is appropriately protected.

## Scope

This policy applies to all members of the organisation and those contracted to work on behalf of Resolute Wills and is to be followed at all times. Its aim is to protect the rights of individuals and applies to all personal and sensitive information that is used, stored and transmitted either electronically or via paper-based methods.

## Objectives

The objective of this policy is to protect the rights of individuals with regards to the personal information known and held about them by Resolute Wills in the course of business and ensure that every business practice, task and process carried out by Resolute Wills, is compliant with each principle of the Data Protection Act 1998 and the General Data Protection Regulation (GDPR:2016)

Resolute Wills aim to ensure that staff are trained and aware of the guiding principles behind Data Protection of Personally Identifiable Information (PII), namely to ensure;

- **Confidentiality** – That Personal Data will be handled with due regard to its sensitivity and appropriate security measures put in place to maintain its confidentiality
- **Integrity** – That the Personal Data which is held by Resolute Wills is up to date, accurate and can be relied upon.
- **Availability** – That the Personal Data will be available to the data subject when they require the information.

This policy is therefore in place to ensure regulatory and legal compliance at all times with regards to handling and processing personal data.

## **Data Protection Policy Statement**

Resolute Wills is classed as a Data Controller under GDPR:2016 however we recognise that our obligations to ensure appropriate controls are in place irrespective of classification is of critical importance.

This policy confirms our commitment to protect the privacy of PII of our customers, clients, employees and other interested parties. Resolute Wills have engaged in a programme of Information Security Management which is aligned to the international standard, ISO 27001:2013 to ensure that the processes of personal information is conducted using best practice processes.

## **Basic Principles Regarding Personal Data Processing**

The GDPR sets out a set of six guiding principles, which outline the responsibilities for organisations handling personal data. Article 5(2) of the GDPR states that *the controller shall be responsible for, and be able to demonstrate, compliance*. This is known as the 'Principle of Accountability'. The remaining policy statements demonstrate how Resolute Wills complies with these requirements.

### **Lawfulness, Fairness and Transparency**

Data shall be processed lawfully, fairly and in a transparent manner in relation to individuals. Resolute Wills have taken steps to ensure that we understand the data that we control and/or process and have taken appropriate steps to establish the legal basis for this processing. Furthermore we have taken steps to inform the data subjects what processing takes place and why.

### **Purpose Limitation**

Data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes is not considered to be incompatible with the initial purposes. Resolute Wills will only process data for the purpose it has been collected, and will not process data for other reasons without the consent or knowledge of the data subject(s)

### **Data Minimisation**

Data shall be adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed and Resolute Wills have taken steps to ensure that data collected is not excessive and is appropriate to the purpose for which it is collected.

### **Accuracy**

Data shall be accurate and, where necessary, kept up to date; reasonable steps must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay. Resolute Wills have established a process for reviewing and assessing accuracy of data and have processes in place to ensure any requests for rectification or erasure are addressed without undue delay.

### **Storage Period Limitation**

Data shall be 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; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals. Resolute Wills have established the

retention periods of specific data sets and will continually assess these to ensure they fit within appropriate legislation.

### **Integrity and confidentiality**

Data shall be processed 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 ('integrity and confidentiality'). Resolute Wills have established a robust Information Security culture within the organisation, which is continually managed and improved upon. This is in line with the international standard for information security, ISO 27001:2013.

## **Data Processing**

### **Transmitting Personal Data**

Where personal data is to be transmitted (either electronically or in hard copy), staff are required to ensure that any such data is secured using appropriate measures (e.g. Use of encryption, passwords for electronic transmissions or using secure couriers).

Personal Data will only be transmitted in accordance with best practice and processes noted as part of the ISMS.

Personal data is only transmitted to a person authorised to receive it in compliance with these Data Protection principles.

### **Storing Personal Data**

Personal data in hard copies (e.g. paper medical records, copy passports etc) are retained only for as long as it is essential to the account and/or customer, employee or other interested party that they refer to.

Personal data in hard copy or electronic formats will be stored in accordance with best practice and in line with processes, which are part of a broader Information Security Management System (ISMS).

The management of Personal Data is controlled through this standard and Resolute Wills have committed to ongoing audit and review of policies, processes and practices associated to holding information in all its forms.

### **Breaches of Personal Data**

If any breach of the DPA or its Principles occurs, staff are required to inform their line manager, who will report the details to the owner of Resolute Wills, to be logged and investigated, in line with Resolute Wills Incident Management processes.

Upon notification and initial investigation Resolute Wills will ensure that when deemed necessary, both the Information Commissioner's Office and the data subjects affected will be informed without undue delay.

## **Responsibilities**

Resolute Wills recognises it has a responsibility to ensure that PII is protected using appropriate technical and operational measures and as such has implemented a security framework which focuses on both operational and technical aspects of data protection. In this regard Resolute Wills have;

- Implemented controls to ensure that staff cannot gain access to information that is not necessary for them to carry out their job functions.
- Put in place measures to ensure that all information held will be relevant, accurate and up-to-date and used only for the purpose for which it is required and was originally intended.
- Committed to ensure information will not be kept for longer than is necessary and will be kept secure at all times.

Resolute Wills also recognises it is responsible for ensuring that the data subjects data 'rights' are considered, when processing data.

## **The Rights of Access by Data Subjects**

Section 3 of the GDPR states that data subjects have rights in relation to their data, including; Individuals under the GDPR have:

### **The right to be informed**

Individuals have the right to be informed about how we use their personal data.

This includes:

- Who we are
- Any legal reason for us requiring their data
- How long we will keep their data for
- The existence of your rights under the General Data Protection Regulation

### **The right of access**

Individuals have the right to obtain:

- Confirmation that their data is being processed by us
- Access to the personal data we hold on them (through the 'Subject Access Review' process)

### **The right to rectification**

Individuals have the right to have their personal data rectified if it is inaccurate or incomplete

### **The right to erasure (the right to be forgotten)**

Individuals have the right to request the deletion or removal of their personal data, where there is no compelling reason for its continued processing, such as at the end of their contract.

### **The right to restrict processing**

Individuals have the right to request that we restrict further processing of their personal data where:

- They contest the accuracy of the personal data we hold on them, until it has been rectified and verified
- They have objected to us processing their personal data (where there is a legitimate reason for the processing such as a performance of a contract) until their objection has been fully considered and a decision made
- Processing is unlawful and they request the process of their data be restricted instead of erased

## The right to object

Where we process individuals' personal data for the performance of their contract, they have the right to object to the processing however, this must be on grounds relating to their particular situation. In these circumstances, we will stop processing their personal data unless:

- We can demonstrate compelling legitimate grounds for the processing, or
- The processing is for the establishment, exercise or defence of legal claims.

Where we process individuals personal data for direct marketing purposes, they have the right to object at any time.

If they object to their personal data being processed for direct marketing purposes:

- We will stop the processing as soon as we received their objection
- We will deal with their objection at any time and free of charge

## Rights in relation to automated decision making and profiling

Individuals have the right not to be subject to a decision when:

- It is based on automated processing, and
- It produces a legal effect or a similarly significant effect on them

We will **not** use individuals' personal information for any automated decision-making or profiling purposes.

When acting as a data controller, Resolute Wills is responsible for providing data subjects with a reasonable access mechanism to enable them to exercise these rights.

## Legal Basis for Processing (Consent)

### Article 6: Lawfulness of processing

Article 6 of the GDPR provides the legal basis under which personal data can be processed, and Resolute Wills uses the following, legal basis:

- **Employee Data** - Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.
- **Marketing and Promotional Material** – The 'Legitimate Interests' of individuals will be considered for marketing purposes, and only where clear Consent has been obtained or where previous indications of interest have been shown.

Under these conditions, Resolute Wills will apply the following legal basis for processing personal data:

- Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject, which require protection of personal data, in particular where the data subject is a child.

In all other circumstances, Resolute Wills apply the following legal basis for processing personal data:

- The data subject has given consent to the processing of his or her personal data for one or more specific purposes.



## **Where consent is obtained from individuals directly**

### **The GDPR states:**

Consent should be given by a clear affirmative act establishing a freely given, specific, informed and unambiguous indication of the data subject's agreement to the processing of personal data relating to him or her, such as by a written statement, including by electronic means, or an oral statement. This could include ticking a box when visiting an internet website, choosing technical settings for information society services or another statement or conduct which clearly indicates in this context the data subject's acceptance of the proposed processing of his or her personal data.

Silence, pre-ticked boxes or inactivity should not therefore constitute consent.

Consent should cover all processing activities carried out for the same purpose or purposes. When the processing has multiple purposes, consent should be given for all of them. If the data subject's consent is to be given following a request by electronic means, the request must be clear, concise and not unnecessarily disruptive to the use of the service for which it is provided.

Where required, Resolute Wills obtains consent from individuals at the Registration Stage, via appropriate means. This is gained through the individual ticking a box, or signing a 'Consent form' and making a conscious decision to 'opt in'.

## **Subject Access Requests**

Under Article 15 of the GDPR, an individual has 'The Right to Access' personal information which is being held about them by Resolute Wills. This information is to be provided free of charge and individuals have the right to obtain:

- the purposes of the processing;
- the categories of personal data concerned;
- the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
- where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
- the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- the right to lodge a complaint with a supervisory authority;
- where the personal data are not collected from the data subject, any available information as to their source;

Although the information will be provided free of charge, where there is an excessive request for data, or repetitive requests a 'reasonable fee' can and may be charged.

Any fee charged must be based on the administrative cost of providing the information and information must be provided without delay and at the latest within one month of receipt.

We are able to extend the period of compliance by a further two months where requests are complex or numerous. If this is the case, we must inform the individual within one month of the receipt of the request and explain why the extension is necessary.

It is important that we verify the identity of the person making the request, using 'reasonable means'. If the request is made electronically, we will provide the information in a commonly used electronic format (e.g. CSV, or PDF).

## **Definitions**

To ensure Resolute Wills understands its obligations to the protection of Personal Information, the following definitions apply and are based on current understanding of these terms within UK and European law, and specifically in Article 4 of the GDPR.

### **Personal Data**

Any information relating to an identified or identifiable natural person ("Data Subject") who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

### **Sensitive Personal Data**

Personal data which are, by their nature, particularly sensitive in relation to fundamental rights and freedoms merit specific protection as the context of their processing could create significant risks to the fundamental rights and freedoms. Those personal data include personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

### **Data Controller**

The natural or legal person, public authority, agency or any other body, which alone or jointly with others, determines the purposes and means of the processing of personal data.

### **Data Processor**

A natural or legal person, public authority, agency or any other body which processes personal data on behalf of a Data Controller.

### **Processing**

An operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction of the data.

### **Anonymisation**

Irreversibly de-identifying personal data such that the person cannot be identified by using reasonable time, cost, and technology either by the controller or by any other person to identify that individual. The personal data processing principles do not apply to anonymized data as it is no longer personal data.