



## **Privacy Notice for Employees**

This Privacy Notice forms part of the Terms and Conditions of RKJOnline.

### **RKJOnline is a tradename of RKJ Consulting Ltd**

(Note this document owes credit in part to the Information Commissioners Office and this link & its subsequent pages <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>)

(Please also see ICO copyright statement <https://ico.org.uk/global/copyright-and-re-use-of-materials/>)

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**RKJ Consulting Limited trades as RKJOnline for the purposes of Web Design, Web Hosting, Search Engine Optimisation (SEO) & Social Media services**

Note "RKJWebDesign" is also a logo / brand name of RKJOnline.

Note also that RKJOnline is sometimes known as "RKJOnline Web Design Cheshire".

**This Privacy Notice has specifically been created with the General Data Protection Regulation "GDPR" in mind (more info below).**

**Effective Date:** 25<sup>th</sup> May 2018

**Review Date:** The next review will be 25<sup>th</sup> November 2018

**Ad Hoc reviews and changes may be necessary – see below.**

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# 1: KEY DEFINITIONS

**The following words and expressions shall have the following meanings:**

“the supplier” means RKJ Consulting Ltd. - the primary designer & employees or affiliates, also trading as (but not limited to) “RKJOnline”, “RKJ Web Design”, “RKJOnline Web Design Cheshire” and “Coming Write Up”.

Note that “RKJOnline” is used frequently in this privacy notice because that is the trade name best known by our clients.

"URL" stands for uniform resource locator (otherwise known as the “domain name”);

"the Website": with regard to Web Design, Maintenance, Hosting & Search Engine Optimisation, email boxes, means the website and its content to be designed by / as designed by the Supplier for the client (known by its url/domain name).

"the Services" / “web services” means web design, hosting, email, Search Engine Optimisation (SEO) and any other services or facilities such as plug-ins, use of images (with appropriate copyright), blogs, social media & online business directories provided by either RKJOnline or a 3<sup>rd</sup> party (usually Fasthosts Internet Limited)

“server” means the computer server equipment supplied and operated by a 3<sup>rd</sup> party (usually Fasthosts Internet Limited) in connection with the provision of their web hosting Services;

"Visitor" means a third party who has accessed the Website;

**Additionally, the following words and expressions are GDPR related and shall have the following meanings:-**

**GDPR** - The General Data Protection Regulation is a new, European-wide law that replaces the Data Protection Act 1998 in the UK. It places greater obligations on how organisations handle personal data. It comes into effect on 25 May 2018.

**Data controller** - A controller determines the purposes and means of processing personal data. Note that RKJOnline is a Data Controller

**Data processor** - A processor is responsible for processing personal data on behalf of a controller.

**Personal data** – Is any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier. It applies to both automated personal data and to manual filing systems.

**Sensitive Data** - The GDPR refers to sensitive personal data as “special categories of personal data” which include genetic data, and biometric data where processed to uniquely identify an individual, also for example, health, ethnic, religious data.

## 2: INTRODUCTION

Via this document, RKJOnline seeks to be transparent and provide clear, concise and accessible information about how we will gather, hold and process employee personal data, according to the EU General Data Protection Regulation (GDPR), which comes into UK law on 25<sup>th</sup> May 2018.

**In this context RKJOnline is a data controller.**

**We have appointed a Data Protection Officer; please contact us for further information (see bottom of this document)**

This Privacy Notice forms part of our overall GDPR Management System and together with our Terms and Conditions, Terms Of Website Use and Privacy Notice for employees, explains our commitment to GDPR and to the security and confidentiality of personal data that we collect, hold and process; as well as underlining the rights of individuals to access that data.

It should be noted that RKJOnline has 2 employees and these are the 2 Directors of the company. We do not employ anyone else, we will not be doing so and we do not outsource work. There may be individuals out there who claim on social media platforms to work for RKJOnline but they do not.

This document is thus written for completeness and compliance to GDPR; the 2 employees are well aware of their responsibilities and rights.

## 3: WHAT PERSONAL INFORMATION DO WE COLLECT AND HOLD?

- We collect and hold contact information with regard to our employees
- The information we collect from our employees is necessary for RKJOnline to fulfil legal obligations with regards to the Government, HMRC, The Pensions Regulator etc.
- The 2 employees ARE the 2 people who have to perform the tasks above. As such they provide the information “at source” and when needed to make (for example) HMRC PAYE returns.
- This covers for example:
  - Name
  - Position in company
  - Business location address
  - Telephone number
  - Email address
  - NI Number
  - Salary information
- We collect and hold only the information we need and only directly from the employee
- For completeness, in terms of clients please see our Client Privacy Notice with regard to the personal information we hold.
- In terms of suppliers we hold only generic, business contact information
- We do not collect or hold any information from other sources.
- We do not collect information via Cookies or Analytics
- We do not collect or hold any sensitive, **special category**, information
- We do not collect or hold any personal information regarding **Children**

## 4: WHAT DO WE DO WITH THE INFORMATION?

- All personal data we collect is used fairly, lawfully and in a transparent manner
- It is accurate and up to date; the employees ARE the company and so it is simple and quick to keep details updated
- It is used for limited, specifically stated purposes that are necessary for RKJOnline to fulfil its obligations to The Government, HMRC, The Pensions Regulator
- We use business contact information to contact each other for business purposes
- We use the information to:-
- Complete HMRC returns such as Payroll, PAYE
- Complete Business Returns such as to Companies House, Corporation Tax
- Follow legal compliance such as offering a Work Place pension to our employees and reporting back to the regulator
- We also need some of the personal information to register domain names or email boxes for our own company **Please see “Use of Third Parties” below.**
- We may keep some email communications with Government, our web services supplier or other 3<sup>rd</sup> parties as “audit trails”
- We do not use any personal data for any kind of automated individual decision-making
- If there was a reason to use our personal data for a new purpose, not covered by this Privacy Notice, we will discuss this together, seek agreement and update this privacy notice.
- We do not create further personal information with the data we already other than for the purposes as stated above

### **Opting-out of communications from RKJOnline**

We cannot opt out of communications with ourselves

## 5: WHO DO WE SHARE THIS INFORMATION WITH? USE OF THIRD PARTIES

We generally will not share any employee personal information except where it is necessary to fulfil our obligations – whether those are to the Government or our own web services supplier for example

We would only share employee personal information with other third parties if:-

- for example, our own website needed a new plug-in and this meant providing personal data to that 3<sup>rd</sup> party plug-in developer.
- we believe in good faith that we are legally or morally obliged to do so, such as for law enforcement, to prevent crime, to address fraud or illegal activities or for national security issues, to respond to a subpoena or court case etc
- to protect our own rights including legal rights, to defend against legal claims, collect debt or to protect our own or safety or the safety of others

**DOMAIN NAME REGISTRATION:** To clarify, Fasthosts (our supplier) requested information (our name and business address) to register RKJOnline “.co.uk” domain with Nominet - the official registry for .UK domain names; and with reputable registrars outside of the UK when our international (. “.com”) website domain was required.

It is our choice whether – if a privacy option applies – to take that privacy option.

- As at the date of publishing this privacy notice:-
  - RKJOnline is bound by the terms and conditions and Privacy Notice of Fasthosts which forms the basis of the contract between us.
  - Fasthosts has issued an updated Privacy Notice in compliance with GDPR <https://www.fasthosts.co.uk/terms/privacy-notice>
  - It is reported that Nominet will be implementing changes to comply with GDPR – further information is here <https://registrars.nominet.uk/namespace/uk/gdpr-changes>
  - Part of this information states that ***“The .UK WHOIS will no longer display the registrant’s name or address, unless they have given permission to do so – all other data shown in the current .UK WHOIS will remain the same.”***
  - We await full clarification from international registrars about GDPR compliance.
  - ICANN (Internet Corporation for Assigned Names and Numbers) “plays a unique role in the infrastructure of the Internet. Through its contracts with registries (such as dot-com or dot-info) and registrars (companies that sell domains names to individuals and organisations), ICANN helps define how the domain name system functions and expands”. <https://www.icann.org/resources/pages/effect-2012-02-25-en>  
As at the date of publishing this Privacy Notice, it is reported that ICANN has requested DPA Guidance on “Proposed Interim Model for GDPR Compliance”. We believe the outcome can only be positive for international domain registrars. <https://www.icann.org/news/announcement-2018-03-28-en> see also <https://www.icann.org/dataprotectionprivacy>
  - In needing to register an international domain (e.g. “.coms”) then it is inevitable that the name and address of the registrant is sent outside of the EEA European Economic Area. Under GDPR there are specific rules about this and so again we await full clarification from the international registrars about their GDPR compliance.

**EMAIL BOX SETUP:** When our own mail boxes “at the business domain” were set up we needed to provide the name of the person and the requested address of the email box to Fasthosts.

- We never sell employee (or any other) personal information to anyone.
- We do not use any personal information for direct marketing means

## 6: OUR LAWFUL BASIS FOR GATHERING, HOLDING AND USING THE PERSONAL INFORMATION

RKJOnline must have a lawful reason to gather, hold and use the personal information as detailed in “3” above.

Our lawful reason will usually be as follows:-

“**Legal obligations**” – when sharing employee data with the Government, The Pensions Regulator, Companies House etc

If we are legally obliged to share personal information (such as the examples in “5” above) then our lawful purpose would again be “**legal obligations**” (e.g. a subpoena) or “**public interest**” (e.g. prevention of crime) or “**vital interests**” (e.g. protect the safety of others)

“**Legitimate Interests**” for business related occurrences such as registering our own domain name and email box – we cannot fulfil our own obligations to either ourselves as employees or our clients without those in place

**Consent** could also be cited as our lawful basis because as the employees of RKJOnline we give consent to ourselves to process our own data as described above. If we do, then

- We know we have the right to withdraw that consent; there is more information about employees’ rights in section **10** below.
- Would display it clearly and prominently;
- Ask ourselves to positively opt-in;
- Give ourselves sufficient information to make a choice;
- Be aware of the ways we will use the information
- Provide a clear and simple way for us to indicate we agree to different types of processing;

## 7: RETENTION OF EMPLOYEE PERSONAL INFORMATION

Principle 5 of the GDPR concerns retaining personal data (storage limitations).

RKJOnline documents where we keep the personal under ICO Step 2 “Personal Information You Hold and How Shared”, part of our GDPR management System.

It underlines that we do not hold any more or different data than we need to.

**Our policy on retention is to follow the legal obligations for doing so.**

We need for example to keep copies of payslips, pension regulator returns, Companies House returns for a certain amount of time.

## 8: HOW DO WE KEEP EMPLOYEE PERSONAL DATA SECURE?

One of the GDPR Principles (f) relates to security, integrity & confidentiality.

It states that personal data is “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.”

RKJOnline is diligent with and respectful of all the personal data we hold. RKJOnline takes the security and confidentiality of personal data very seriously & has undergone a thorough security audit, changing any procedure or measure where we felt it in everyone’s interests to do so. Additionally we build security and confidentiality into everything we do, particularly IT based work. Examples of appropriate security measures to guard against loss, theft, damage, destruction are locked and alarmed premises, password protected computers and phones, and strong password protected spreadsheets, our website passwords stored in “Steganos” – an encrypted password manager system - erasure of cookies, cache, browsing history etc. each time a browser is closed. Only the 2 RKJOnline employees know how to access passwords, guarding against unlawful access to the data. Firewall(s) and virus-checking are installed on computers i.e. laptops and PCs. Systems are regularly backup up with personal data files on devices that are stored under lock and key.

The lists of measures we take are extensive and (for the purposes of the regulator, should it wish to see them) are documented in a database that covers the following:-

- Computer Security
- Mobile Phones
- Email Security
- Fax security
- Hardcopy security
- Website security
- Premises security
- Staff Training and experience

No unauthorised processing can take place – we process only what we need to process and we have only the 2 employees – the 2 Directors – no other staff are employed and thus nobody else (someone who was unauthorised) would be able to process the personal data.

The professional backgrounds of both RKJOnline staff lends themselves to security and risk analysis and awareness and we adopt a “Privacy By design” approach throughout our web services “lifecycle”.

All measures we take are reviewed and are systems are checked and tested for vulnerabilities. We’ll employ new or different security measures as technology or circumstances allow. We regard security as “work in progress” – it never stops.

**RKJOnline business website** - The information in it is business information which we have control over. For example what the ABOUT or CONTACT pages say about the 2 employees is what those 2 employees have agreed should be said (and coded the info). We do not use contact forms (no data in transit issues) or hold any customer or employee information on site. We use Cookies but not to gather personal information – see our Cookie Policy.

Please also see “Transfers of data outside of the EEA” below, to complete the overall picture.

Additionally, the RKJOnline WordPress website has a standard SQL database on servers which reside in the UK, at the premises of our 3<sup>rd</sup> party supplier Fasthosts. Fasthosts data centres have ISO 27001 certification (more info here <https://www.fasthosts.co.uk/about/data-centre>) and passwords residing on the databases are in a protected format.

Furthermore Fasthosts contacted RKJOnline with its updated Privacy Notice in accordance with GDPR – this is public and it can be read here:- <https://www.fasthosts.co.uk/terms/privacy-notice>

**Security Breaches** - if we did suffer a security breach which affected our ability to protect employee personal information, we would report it as soon as possible.

We have a data breach policy and response plan in place.

It's highly unlikely that a personal data breach at RKJOnline could result in a risk to employee's rights and freedoms. However we will notify the ICO if such an event occurred.

We would also follow ICO advice here:-

<https://ico.org.uk/for-organisations/report-a-breach/> and here <https://ico.org.uk/for-organisations/report-a-breach/personal-data-breach/>

It is also the case, under Article 32 of the GDPR that any EEA based 3<sup>rd</sup> party supplier RKJOnline uses must report a breach to us with undue delay.

In the event of any breach we would also work with affected individuals and ICO to put things right

We will then review the incident and take learnings for future mitigation.

## **9: TRANSFERS OF PERSONAL DATA OUTSIDE OF THE EEA (EUROPEAN ECONOMIC AREA)**

AS the ICO states here <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/international-transfers/> “The GDPR imposes restrictions on the transfer of personal data outside the European Union, to third countries or international organisations.

These restrictions are in place to ensure that the level of protection of individuals afforded by the GDPR is not undermined.”

It also explains that “you may transfer personal data where the organisation receiving the

personal data has provided adequate safeguards. Individuals' rights must be enforceable and effective legal remedies for individuals must be available following the transfer".

ICO further explains that "The GDPR provides derogations from the general prohibition on transfers of personal data outside the EU for certain specific situations" and goes on to list examples, such as:-

- Made with the individual's informed consent;
- necessary for the performance of a contract between the individual and the organisation or for pre-contractual steps taken at the individual's request;
- necessary for the performance of a contract made in the interests of the individual between the controller and another person;

**RKJOnline does not transfer, hold or process employee personal information to a country outside the European Union, to third countries or international organisations.**

However in the interest of transparency, we explain:-

As mentioned above, we provide some personal information to our 3<sup>rd</sup> party supplier Fasthosts so that they can arrange a domain registration such as for the RKJOnline site.

For the RKJOnline ".com" domain there is a strong probability that the personal data of at least one employee will have been sent to an international domain registrar based outside of the EU (at the time of publication of this privacy notice we are aware of the international registrar generally used and are very happy with their reputation and the fact it is reported they are pursuing GDPR compliance). It should also be noted that ICANN – as mentioned above – is reported to have requested GDPR guidance.

Even though it is not RKJOnline that made any transfer out of the EEA, we believe that informed consent has been given by the 2 employees (ourselves). Without registering the domain, we couldn't have had the website that has helped us launch our business and help many other local businesses. This could also be argued as "pre-contractual steps".

We have reviewed our cloud "fallback" system to ensure no personal data is sent outside of the EEA from any of our websites. Indeed it isn't sent outside of the UK. Note that RKJOnline website content (words, photos or other media, coding) is sent to a cloud system outside of the EEA but that business information which is already in the public domain and NOT personal data, albeit the public business contact information may be the same as that which we hold for the employees.

## 10: EMPLOYEE RIGHTS

Under GDPR legislation, the following rights are provided for regarding the processing of personal information:-

- The right to be informed
- The right of access (SUBJECT ACCESS REQUESTS)
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling.

Note that whilst these rights apply generally to all personal information, some of the rights apply only in certain circumstances; the information below clarifies this.

### • The Right To Be Informed

- <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-be-informed/>
- Individuals have the right to be informed about the collection and use of their personal data. This is a key transparency requirement under the GDPR.
- We must provide individuals with information including: our purposes for processing their personal data, our retention periods for that personal data, and who it will be shared with. This is called 'privacy information'.
- This right is covered in the RKJOnline Policy Document "Right To be Informed as well as in this Privacy Notice. Please contact us for a copy of the policy.
- And a spreadsheet to record request is also part of our overall GDPR Management System

### • The Right Of Access

- <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-of-access/>
- Individuals have the right to access their personal data and supplementary information.
- The right of access allows individuals to be aware of and verify the lawfulness of the processing
- This right is covered in RKJOnline's Policy Document "Right Of Access" and in our Policy "Subject Access Requests". Please contact us for a copy of the policies
- And a spreadsheet to record request is also part of our overall GDPR Management System

- **The Right To Rectification**

- <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-rectification/>
- The GDPR includes a right for individuals to have inaccurate personal data rectified, or completed if it is incomplete.
- An individual can make a request for rectification verbally or in writing.
- RKJOnline has one calendar month to respond to a request.
- In certain circumstances we can refuse a request for rectification.

This right is closely linked to the controller's obligations under the accuracy principle of the GDPR (Article (5)(1)(d)).

This right is covered in RKJOnline's policy document "Right Of Rectification". Please contact us for a copy of the policy

And a spreadsheet to record request is also part of our overall GDPR Management System

- **The Right To Erasure**

- <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-erasure/>
- Under GDPR, one of the individual's rights is the right to erasure – otherwise known as the right to be forgotten.
- *"Under Article 17 of the GDPR individuals have the right to have personal data erased. This is also known as the 'right to be forgotten'. The right is not absolute and only applies in certain circumstances."*
- This right is covered in RKJOnline's policy document "Right Of Erasure". Please contact us for a copy of the policy
- And a spreadsheet to record request is also part of our overall GDPR Management System

- **The Right To Restrict Processing**

- Individuals have the right to request the restriction or suppression of their personal data.
- This is not an absolute right and only applies in certain circumstances.
- When processing is restricted, we are permitted to store the personal data, but not use it.
- An individual can make a request for restriction verbally or in writing.
- RKJOnline has one calendar month to respond to a request.
- This right has close links to the right to rectification (Article 16) and the right to object (Article 21).
- This right is covered in RKJOnline's policy document "Right To Restrict Processing". Please contact us for a copy of the policy
- And a spreadsheet to record request is also part of our overall GDPR Management System

- **The Right To Data Portability**

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-data-portability/>

RKJOnline has produced a statement about this as part of our overall GDPR Management System. Please contact us for a copy of the statement.

We do not believe that Data Portability is something RKJOnline is bound by as we do not use any sort of automated processing.

- **The Right To Object**

- RKJOnline has produced a policy about this as part of our overall GDPR Management System. Please contact us for a copy of the policy.

**Individuals have the right to object to:**

- processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling);
- direct marketing (including profiling); and
- Processing for purposes of scientific/historical research and statistics.

- **Rights related to automated decision making including profiling**

- Article 22 doesn't apply to RKJOnline's processing of employee personal data
- Article 22 applies to solely automated individual decision-making, including profiling, with legal or similarly significant effects.
- Our processing does not match this definition – we do not carry out any profiling and/or automated decision-making.
- We will still comply with the GDPR principles.
- We will still identify and record our lawful basis for the processing.
- We still have processes in place so people can exercise their rights.
- Individuals have a right to object to profiling in certain circumstances. Our statement on the right to object also clarifies we do not operate in the way described. Please contact us for a copy of the statement.

## 11: YOUR RESPONSIBILITIES

- Employees must keep us updated with any changes to the personal information we need to hold about them such as contact information and must ensure the information we have is accurate.
- All employees may have a level of access to the RKJOnline websites and access to their own email box. They must keep access ids and passwords secure and confidential and not disclose them to any third party.

## 12: TO CONTACT US OR MAKE A COMPLAINT ABOUT HOW WE USE YOUR PERSONAL INFORMATION

This Privacy Notice concerns the personal information of our 2 employees who are the 2 Directors of RKJOnline / RKJ Consulting Ltd. They are the people writing this notice.

We know how to contact ourselves and if we wish to “complain” it would be to ourselves.

However we are aware and how and why we may need to contact the regulator – the **Information Commissioner's Office** - who is responsible for handling complaints about the use of personal information. <https://ico.org.uk/global/contact-us/>

“Our helpline and live chat services are usually available between 9am and 4:30pm, Monday to Friday (excluding bank holidays).”

**Helpline:** - 0303 123 1113

<https://ico.org.uk/concerns/> to “Report a Concern”

**Contact Form** at: <https://ico.org.uk/global/contact-us/email/>

**Postal Address** of Head Office: Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

## 13: CHANGES TO THIS PRIVACY NOTICE

RKJOnline reserves the right to amend or update this Privacy Notice at any time. The updates or amendments are effective immediately. If we believe that any of the changes are substantial, we’ll know as we would have made them.