Data Protection Policy

Context and Overview

Introduction

Berserk Computers Ltd needs to gather and use certain information about individuals. These can include customers, suppliers, business contacts, employees and other people the organisation has a relationship with or may need to contact. This policy describes how this personal data must be collected, handled and stored to meet the company's data protection standards — and to comply with the law.

Why this policy exists

This data protection policy ensures Berserk Computers Ltd:

- Complies with data protection law and follows good practice
- Protects the rights of staff, customers and partners
- Is open about how it stores and processes individuals' data
- Protects itself from the risks of a data breach

Data protection law

The Data Protection Act 1998 describes how organisations – including Berserk Computers Ltd – must collect, handle and store personal information. These rules apply regardless of whether data is stored electronically, on paper or on other materials. To comply with the law, personal information must be collected and used fairly, stored safely and not disclosed unlawfully.

The Data Protection Act is underpinned by eight important principles. These say that personal data must:

1. Be processed fairly and lawfully
2. Be obtained only for specific, lawful purposes
3. Be adequate, relevant and not excessive
4. Be accurate and kept up to date
5. Not be held for any longer than necessary
6. Processed in accordance with the rights of data subjects
7. Be protected in appropriate ways
8. Not be transferred outside the European Economic Area (EEA), unless that country or territory also ensures an adequate level of protection

People, risks and responsibilities

Policy scope

This policy applies to:

- The head office of Berserk Computers Ltd
- All branches of Berserk Computers Ltd
- All staff and volunteers of Berserk Computers Ltd
- All contractors, suppliers and other people working on behalf of Berserk Computers Ltd

It applies to all data that the company holds relating to identifiable individuals, even if that information technically falls outside of the Data Protection Act 1998. This can include:

- Names of individuals
- Postal addresses
- Email addresses
- Telephone numbers
- Company details, such as registered company number and VAT numbers
- Information about your computer systems, including passwords and sign-in information
- Data gathered from computer systems of customers

Data protection risks

This policy helps to protect Berserk Computers Ltd from some very real data security risks, including:

- **Breaches of confidentiality**. For instance, information being given out inappropriately.
- **Failing to offer choice**. For instance, all individuals should be free to choose how the company uses data relating to them.
- **Reputational damage**. For instance, the company could suffer if hackers successfully gained access to sensitive data.

Responsibilities

Everyone who works for or with Berserk Computers Ltd has some responsibility for ensuring data is collected, stored and handled appropriately.

Each team that handles personal data must ensure that it is handled and processed in line with this policy and data protection principles. However, these people have key areas of responsibility:

- The **board of directors** is ultimately responsible for ensuring that Berserk Computers Ltd meets its legal obligations.
- The **Data Protection Officer, Lhyam Sumal**, is responsible for:
    - Keeping the board updated about data protection responsibilities, risks and issues.
    - Reviewing all data protection procedures and related policies, in line with an agreed schedule.
    - Arranging data protection training and advice for the people covered by this policy.
    - Handling data protection questions from staff and anyone else covered by this policy.
    - Dealing with requests from individuals to see the data Berserk Computers Ltd holds about them (also called ‘subject access requests’).
    - Checking and approving any contracts or agreements with third parties that may handle the company’s sensitive data.
    - Ensuring all systems, services and equipment used for storing data meet acceptable security standards.
    - Performing regular checks and scans to ensure security hardware and software is functioning properly.

- Evaluating any third-party services the company is considering using to store or process data. For instance, cloud computing services or sub-contractors.
- Approving any data protection statements attached to communications such as emails and letters.
- Addressing any data protection queries from journalists or media outlets like newspapers.
- Where necessary, working with other staff to ensure marketing initiatives abide by data protection principles.

General staff guidelines

- The only people able to access data covered by this policy should be those who **need it for their work**.
- Data **should not be shared informally**. When access to confidential information is required, employees can request it from their line managers.
- **Berserk Computers Ltd will provide training** to all employees to help them understand their responsibilities when handling data.
- Employees should keep all data secure, by taking **sensible precautions and following the guidelines** below.
- In particular, **strong passwords must be used** and they should never be shared.
- **Personal data should not be disclosed** to unauthorised people, either within the company or externally.
- Data should be **regularly reviewed and updated**.
- Employees **should request help** from their line manager or the data protection officer if they are unsure about any aspect of data protection.

Data storage

These rules describe how and where data should be safely stored.

Questions about storing data safely can be directed to the IT manager or data controller. When data is stored on paper, it should be kept in a secure place where unauthorised people cannot see it.

These guidelines also apply to data that is usually stored electronically but has been printed out for some reason:

- When not required, the paper or files should be **kept in a locked drawer or filing cabinet**.
- Employees should make sure paper and printouts are **not left where unauthorised people could see them**, like on a printer.
- **Data printouts should be shredded** and disposed of securely when no longer required.

When data is stored electronically, it must be protected from unauthorised access, accidental deletion and malicious hacking attempts:

- Data should be **protected by strong passwords** where possible that are never shared between employees.
- If data is stored on removable media (like a CD or DVD), these should be **kept locked away securely** when not being used.
- Data should only be stored on **designated drives and servers**, and should only be uploaded to an **approved cloud computing services where necessary**.
- Data gathered from customer computer systems should only be **stored temporarily for the purpose of transferring to a repaired system, a replacement system or to the customer's own backup media, or when the risk of data loss is imminent** and it's within our professional judgement to act accordingly.
- Servers containing personal data should be **sited in a secure location**, away from general office space.
- **Data should be backed up frequently**. Those backups should be tested regularly, in line with the company's standard backup procedures.

- Data should **never be saved directly** to laptops or other mobile devices like tablets or smart phones.
- All servers and computers containing data should be protected by **approved security software and a firewall**.

Data use

Personal data is of no value to Berserk Computers Ltd unless the business can make use of it. However, it is when personal data is accessed and used that it can be at the greatest risk of loss, corruption or theft:

- When working with personal data, employees should ensure the **screens of their computers are always locked when left unattended**.
- Personal data **should not be shared informally**. In particular, it should never be sent by email, as this form of communication is not secure.
- **Data must be encrypted before being transferred electronically**. The IT manager can explain how to send data to authorised external contacts.
- Personal data should **never be transferred outside of the European Economic Area**.
- Employees should **not save copies of personal data to their own computers**. Always access and update the central copy of any data.

Data accuracy

The law requires Berserk Computers Ltd to take reasonable steps to ensure data is kept accurate and up to date.

The more important it is that the personal data is accurate, the greater the effort Berserk Computers Ltd should put into ensuring its accuracy. It is the responsibility of all employees who work with data to take reasonable steps to ensure it is kept as accurate and up to date as possible.

- Data will be **held in as few places as necessary**. Staff should not create any unnecessary additional data sets.
- Staff should **take every opportunity to ensure data is updated**. For instance, by confirming a customer's details when they call.
- Berserk Computers Ltd will **make it easy for data subjects to update the information** Berserk Computers Ltd holds about them. For instance, via the telephone or in-store.
- Data **should be updated as inaccuracies are discovered**. For instance, if a customer can no longer be reached on their stored telephone number, it should be removed from the database.
- It is the marketing manager's responsibility to **ensure marketing databases are checked** against industry suppression files every six months.

Erasing Data

Some, or all, data relating to individuals can be considered no longer necessary when:

- **The data subject requests that we remove their data**.
- It is found to be **out of date**.
- We no longer have a **purpose for storing it**.

Data should be deleted and disposed of securely where possible following DoD 5220.22-M methods, and in any case **within 2 working days** of knowing the data is no longer required.

When data drives are no longer required, **they should be destroyed** in line with our Waste Electrical & Electronic Equipment (WEEE) Policy.

Subject Access Requests (SARs)

All individuals who are the subject of personal data held by Berserk Computers Ltd are entitled to:

- Ask what information the company holds about them and why.
- Ask how to gain access to it.
- Be informed how to keep it up to date.
- Be informed how the company is meeting its data protection obligations.

If an individual contacts the company requesting this information, this is called a Subject Access Request (SAR).

Subject access requests from individuals should be made by email, addressed to the data controller at **service@berserkcomputers.co.uk** or by writing to 10 New Bridge Street, Ayr, South Ayrshire, KA7 1JX. The data controller can supply a standard request form, although individuals do not have to use this.

Individuals will be charged £10 per subject access request. The data controller will aim to provide the relevant data within 14 days. The data controller will always verify the identity of anyone making a subject access request before handing over any information.

Confidentiality

This agreement relates to all communications whether written or otherwise between the individual and Berserk Computers Ltd and always applies to the supplying of communication and exchange of any information. Any information received by either of the parties from the other will be regarded as and kept confidential unless otherwise agreed, and no part of it will be divulged by the parties to any third party at any time or in any form whatsoever without the prior consent of the party supplying such information (the “Supplying Party”).

Information received by either party from the other will be used only by the party in receipt of such information for purposes relating to the provision of I.T. services or otherwise to be agreed in writing with the Supplying Party. The party in receipt of such information undertakes to take no action or otherwise to use or exploit such information without prior written consent. At no times will either party use information gained from the other party for potential or actual commercial gain unless agreed by the Supplying Party in advance. For the avoidance of doubt, ownership of such information shall remain the property of the Supplying Party and shall not be copied or reproduced in any form without the written permission of the Supplying Party.

This Confidentiality Agreement shall not apply to information which:

- At the date of the Agreement is in the public domain or subsequently comes into the public domain through no fault of the parties and otherwise than in breach of this Agreement;
- Was already known to the party in receipt of such information on the date of disclosure, provided that such prior knowledge can be sustained and proved by documentation;
- Properly and lawfully becomes available to the party in receipt of such information from sources other than the Supplying Party.
- Will infringe upon our legal obligations or duties to report criminal activity or assist with law enforcement agencies for the purposes of preventing crime.

Disclosing data for other reasons

In certain circumstances, the Data Protection Act allows personal data to be disclosed to law enforcement agencies without the consent of the data subject.

Under these circumstances, Berserk Computers Ltd will disclose requested data. However, the data controller will ensure the request is legitimate, seeking assistance from the board and from the company’s legal advisers where necessary.