



## **GDPR Privacy Notice for Health and Safety**

Data controller ("the Company"): All companies collectively known as The Lulworth Estate including:

Lulworth Castle Farms; Lulworth Heritage Ltd; Lulworth Landscapes Ltd; Lulworth Leisure; The Trustees of the Weld 1994 Settlement; The Trustees of the Weld Estate; Weld Enterprises Ltd and any other businesses operated by James Weld, Sara Weld and / or Eleanor Weld.

Controller's representative (if any): James Weld

Data protection contact: Sue Raywood

Head of Health and Safety: Joe Bowtell

### **Introduction**

The Company collects and processes personal information and or personal data, relating to its employees, workers, contractors and visitors to manage their health and safety responsibilities and legal duties where required due to an accident, incident or other health and safety concern. This personal information may be held by the Company on paper or in electronic format.

The Company is committed to being transparent about how it handles your personal information, to protecting the privacy and security of your personal information and to meeting its data protection obligations under the General Data Protection Regulation ("GDPR") and the Data Protection Act 2018. The purpose of this privacy notice is to make you aware of how and why we will collect and use your personal information both during and after your working relationship with the Company. We are required under the GDPR to notify you of the information contained in this privacy notice.

This privacy notice applies to all current and former employees, workers contractors and visitors who have been involved in an accident incident or other health and safety undertaking. It is non-contractual and does not form part of any employment contract, casual worker agreement,

### **Data protection principles**

Under the GDPR, there are six data protection principles that the Company must comply with. These provide that the personal information we hold about you must be:

1. Processed lawfully, fairly and in a transparent manner.

2. Collected only for legitimate purposes that have been clearly explained to you and not further processed in a way that is incompatible with those purposes.
3. Adequate, relevant and limited to what is necessary in relation to those purposes.
4. Accurate and, where necessary, kept up to date.
5. Kept in a form which permits your identification for no longer than is necessary for those purposes.
6. Processed in a way that ensures appropriate security of the data.

The Company is responsible for, and must be able to demonstrate compliance with, these principles. This is called accountability.

### **What types of personal information do we collect about you?**

Personal information is any information about an individual from which that person can be directly or indirectly identified. It doesn't include anonymised data, i.e. where all identifying particulars have been removed.

The Company collects, uses and processes a range of personal information about you. This may include:

- your contact details, including the following
- your name
- address
- telephone number
- personal e-mail address
- age and or date of birth
- specific information relating to any injuries that may have been sustained as a result of an accident or incident, including photographs and or descriptions.

### **How do we collect your personal information?**

The Company may collect personal information in a variety of ways such as:

- Via Email
- Via Phone
- Communicated in person to Company employees such as First Aiders.
- Through collection of data entered on accident and incident report forms.

### **Why and how do we use your personal information?**

We will only use your personal information when the law allows us to. These are known as the legal bases for processing. We will use your personal information in one or more of the following circumstances:

- where you report an accident, injury or incident or where an accident injury or incident occurs involving you.
- where we need to comply with a legal obligation, for example the Reporting of Injuries, Diseases and Dangerous Occurrence Regulations 2013.
- where it is necessary to ensure your own safety.
- where it is necessary for our legitimate interests (or those of a third party), and your interests or your fundamental rights and freedoms do not override our interests.

We may also occasionally use your personal information where we need to protect your vital interests (or someone else's vital interests).

We need all the types of personal information listed under *“What types of personal information do we*

*collect about you?”* primarily to enable us to comply with our legal obligations. In some cases, we may also use your personal information where it is necessary to pursue our legitimate interests (or those of a third party), provided that your interests or your fundamental rights and freedoms do not override our interests.

The purposes for which we are processing, or will process, your personal information is to:

- Enable us to maintain accurate and up-to-date accident, injury and incident records.
- Investigate accidents and incidents to minimise the chance of reoccurrence.
- Fulfil our legal obligations under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations.
- Fulfil our legal obligations under the Management of Health and Safety at Work Regulations.
- Ensure adherence to Company rules, policies and procedures.
- Enable us to establish, exercise or defend possible legal claims.

Please note that we may process your personal information without your consent, in compliance with these rules, where this is required or permitted by law.

### **What if you fail to provide personal information?**

If you fail to provide certain personal information when requested or required, we may not be able to assist you in the way we would desire and / or adequately perform our legal duties.

### **Why and how do we use your sensitive personal information?**

We will only collect and use your sensitive personal information, for the purpose of recording, monitoring and reporting accidents and incidents that occur on the Company property or as a result of the Company's acts or omissions.

### **Change of purpose**

We will only use your personal information for the purposes for which we collected it. If we need to use your personal information for a purpose other than that for which it was collected, we will provide you, prior to that further processing, with information about the new purpose, we will explain the legal basis which allows us to process your personal information for the new purpose and we will provide you with any relevant further information. We may also issue a new privacy notice to you.

### **Who has access to your personal information?**

Your personal information may be shared internally within the Company, including with relevant Heads of Department and IT staff if access to your personal information is necessary for the performance of their roles.

We may share your personal information with third parties where it is necessary to comply with a legal obligation, or where it is necessary for our legitimate interests (or those of a third party) including:

- The Health and Safety Executive (HSE).
- The Local Authority (LA)
- Our insurers.
- Your Doctor, or appointed occupational health therapist.

We may also need to share your personal information with a regulator or to otherwise comply with the law.

### **How does the Company protect your personal information?**

The Company has put in place measures to protect the security of your personal information. It has internal policies, procedures and controls in place to try and prevent your personal information from being accidentally lost or destroyed, altered, disclosed or used or accessed in an unauthorised way. In addition, we limit access to your personal information to those employees, workers, agents, contractors and other third parties who have a business need to know in order to perform their job duties and responsibilities. You can obtain further information about these measures from [gdpr@lulworth.com](mailto:gdpr@lulworth.com).

Where your personal information is shared, we require all third parties to take appropriate technical and organisational security measures to protect your personal information and to treat it subject to a duty of confidentiality and in accordance with data protection law. We only allow them to process your personal information for specified purposes and in accordance with our legal obligations and we do not allow them to use your personal information for their own purposes.

The Company also has in place procedures to deal with a suspected data security breach and we will notify the Information Commissioner's Office (or any other applicable supervisory authority or regulator) and you of a suspected breach where we are legally required to do so.

### **For how long does the Company keep your personal information?**

The Company will only retain your personal information for as long as is necessary to fulfil the purposes for which it was collected and processed, including for the purposes of satisfying any legal, tax, health and safety, reporting or accounting requirements.

The Company will generally hold your personal information for six years from the date of any accident or incident. The exceptions are:

- If the accident or incident results in a civil claim or criminal proceedings, the information will be held for at least the duration of any claim or proceeding.
- If the accident or incident involves a child, the information will be held for three years after their 18<sup>th</sup> birthday.
- If the accident or incident involves a hazardous or potentially hazardous substance, the information will be held for at least 40 years in accordance with current legislation.

### **Your rights in connection with your personal information**

It is important that the personal information we hold about you is accurate and up to date. Please keep us informed if your personal information changes, e.g. you change your home address, email or telephone number

As a data subject, you have a number of statutory rights. Subject to certain conditions, and in certain circumstances, you have the right to:

- request access to your personal information - this is usually known as making a data subject access request and it enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it
- request rectification of your personal information - this enables you to have any inaccurate or incomplete personal information we hold about you corrected
- request the erasure of your personal information - this enables you to ask us to delete or remove your personal information where there's no compelling reason for its continued processing, e.g. it's no longer necessary in relation to the purpose for which it was originally collected
- restrict the processing of your personal information - this enables you to ask us to suspend the processing of your personal information, e.g. if you contest its accuracy and so want us to verify its accuracy

- object to the processing of your personal information - this enables you to ask us to stop processing your personal information where we are relying on the legitimate interests of the business as our legal basis for processing and there is something relating to your particular situation which makes you decide to object to processing on this ground
- data portability - this gives you the right to request the transfer of your personal information to another party so that you can reuse it across different services for your own purposes.

If you wish to exercise any of these rights, please contact [gdpr@lulworth.com](mailto:gdpr@lulworth.com). We may need to request specific information from you in order to verify your identity and check your right to access the personal information or to exercise any of your other rights. This is a security measure to ensure that your personal information is not disclosed to any person who has no right to receive it.

In the limited circumstances where you have provided your consent to the processing of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. This will not, however, affect the lawfulness of processing based on your consent before its withdrawal. If you wish to withdraw your consent, please contact [gdpr@lulworth.com](mailto:gdpr@lulworth.com). Once we have received notification that you have withdrawn your consent, we will no longer process your personal information for the purpose you originally agreed to, unless we have another legal basis for processing.

If you believe that the Company has not complied with your data protection rights, you have the right to make a complaint to the Information Commissioner's Office (ICO) at any time. The ICO is the UK supervisory authority for data protection issues.

### **Transferring personal information outside the European Economic Area**

The Company will not transfer your personal information to countries outside the European Economic Area.

### **Automated decision making**

No automated decision making is undertaken with data collected for health and safety purposes.

### **Changes to this privacy notice**

The Company reserves the right to update or amend this privacy notice at any time, including where the Company intends to further process your personal information for a purpose other than that for which the personal information was collected or where we intend to process new types of personal information. We will issue you with a new privacy notice when we make significant updates or amendments. We may also notify you about the processing of your personal information in other ways.

### **Contact**

If you have any questions about this privacy notice or how we handle your personal information, please contact James Weld, The Estate Office. Lulworth Castle, Wareham; BH20 5QS; [gdpr@lulworth.com](mailto:gdpr@lulworth.com).