

**Biffa is committed to being transparent about how we collect and use the Personal Data of our customers and suppliers, members of the public and Employees, and to meeting our data protection obligations pursuant to the GDPR. This policy sets out Biffa's commitment to data protection and Data Subject rights in relation to Personal Data.**

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## 1. Introduction

The GDPR comes into effect in the United Kingdom on 25 May 2018. The GDPR introduces a number of new obligations on Data Controllers and data processors and new rights for Data Subjects.

This policy has been created to replace Biffa's Data Protection Policy and Procedure document dated October 2014 which dealt with data protection compliance pursuant to the Data Protection Act (1998) and which the GDPR will supersede.

## 2. Purpose

Biffa is committed to being transparent about how we collect and use the Personal Data of our customers and suppliers, members of the public and Employees, and to meeting our data protection obligations pursuant to the GDPR. This policy sets out Biffa's commitment to data protection and Data Subject rights in relation to Personal Data.

## 3. Scope and Effective Date

This policy applies to all companies in the Biffa group of companies.

This policy is in addition to Biffa's Employee Data Protection Policy & Procedure relevant to Employees.

The effective date of this policy is 25 May 2018.

## 4. Person with responsibility for Data Protection

The Company Secretary of Biffa plc is the person with primary responsibility for data protection compliance within the Biffa group of companies.

If you would like to contact us with any queries or comments regarding this policy please send an email to [GDPR@biffa.co.uk](mailto:GDPR@biffa.co.uk) or send a letter to The Company Secretary, Biffa plc, Coronation Road, Cressex, High Wycombe, Buckinghamshire HP12 3TZ

## 5. Policy

### 5.1 Definition of Terms

The capitalised terms used in this policy are explained below: -

**"Biffa group of companies"** or **"Biffa"** means all companies of which Biffa plc is the ultimate parent company from time to time including (but not limited to) Biffa Waste Services Ltd, Biffa Municipal Ltd, Biffa Environmental Municipal Services Ltd, Biffa Polymers Ltd, Biffa Leicester Ltd, Biffa West Sussex Ltd, O'Brien Waste Recycling Solutions Ltd, Amber Engineering Ltd and Cressex Insurance Services Ltd. The expression **"Biffa Entity"** means any one of these companies. The listed companies are all companies registered in England and Wales and whose registered office is at Coronation Road, Cressex, High Wycombe, Buckinghamshire HP12 3TZ.

**"Data Controller"** means the Biffa Entity which determines the purposes for which and the manner in which any Personal Data is, or is to be, processed.

“**Data Subject**” means the individual to which the Personal Data refers.

“**Employee**” means any job applicant or candidate, full or part time; temporary or permanent employee, worker, contractor, volunteer, intern, apprentice and former employee of any Biffa Entity.

“**GDPR**” means the General Data Protection Regulation (EU) 2016/679.

“**Personal Data**” is any information that relates to a living individual who can be identified from that information.

“**Processing**” is any use that is made of data, including collecting, storing, amending, disclosing or destroying it.

## 5.2 Data protection principles

Biffa processes Personal Data in accordance with the GDPR and the following data protection principles:

1. Biffa processes Personal Data lawfully, fairly and in a transparent manner;
2. Biffa collects Personal Data only for specified, explicit and legitimate purposes;
3. Biffa processes Personal Data only where it is adequate, relevant and limited to what is necessary for the purposes of processing;
4. Biffa keeps accurate Personal Data and takes all reasonable steps to ensure that inaccurate Personal Data is rectified or deleted without delay;
5. Biffa keeps Personal Data only for the period necessary for processing;
6. Biffa adopts appropriate measures to make sure that Personal Data is secure, and protected against unauthorised or unlawful processing, and accidental loss, destruction or damage.

### 5.2.1 Privacy Notices and Privacy Statement

Biffa tells Data Subjects the reasons for processing their Personal Data, how it uses such data and the legal basis for processing in its privacy notices. In addition to any specific privacy notices that may be contained in Biffa’s terms of business or other online or paper forms Biffa explains its basis for processing Personal Data in its Privacy Statement which can be found at [www.biffa.co.uk/privacy](http://www.biffa.co.uk/privacy)

Biffa will not process Personal Data of Data Subjects for other reasons. Where Biffa relies on its legitimate interests as the basis for processing data, it will carry out an assessment to ensure that those interests are not overridden by the rights and freedoms of Data Subjects.

Biffa will update Personal Data promptly if a Data Subject advises that his/her information has changed or is inaccurate.

Biffa keeps a record of its processing activities in respect of Personal Data in accordance with the requirements of the GDPR.

## 5.3 Individual rights

Data Subjects have a number of rights in relation to their Personal Data.

### 5.3.1 Subject Access Requests

Data Subjects have the right to make a Subject Access Request (“SAR”). If an individual makes a SAR, Biffa will tell him/her:

1. whether or not his/her data is processed and if so why, the categories of Personal Data concerned and the source of the data if it is not collected from the individual;
2. to whom his/her data is or may be disclosed, including to recipients located outside the European Economic Area (EEA) and the safeguards that apply to such transfers;
3. for how long his/her Personal Data is stored (or how that period is decided);
4. his/her rights to rectification or erasure of Personal Data, or to restrict or object to processing;
5. his/her right to complain to the Information Commissioner if he/she thinks Biffa has failed to comply with his/her data protection rights; and
6. whether or not Biffa carries out automated decision-making and the logic involved in any such decision-making.

Biffa will also provide the individual with a copy of the Personal Data undergoing processing unless there is some lawful basis for not doing so, in which case it will inform the Data Subject of the reasons for this.

Any data provided will normally be in electronic form if the Data Subject has made a request electronically, unless he/she agrees otherwise or it is otherwise not technically possible or practicable for Biffa to provide it electronically.

To make a SAR, the Data Subject should send the request to [SAR@biffa.co.uk](mailto:SAR@biffa.co.uk) or send a letter to The Company Secretary, Biffa plc, Coronation Road, Cressex, High Wycombe, Buckinghamshire HP12 3TZ

In some cases, Biffa may need to ask for proof of identification before the request can be processed. Biffa will inform the individual if it needs to verify his/her identity and the documents it requires.

Biffa will normally respond to a request within one month from the date it is received.

In some cases, such as where Biffa processes large amounts of the individual's data, it may respond within three months of the date the request is received. Biffa will write to the Data Subject within one month of receiving the original request to tell him/her if this is the case.

If a SAR is manifestly unfounded or excessive, Biffa is not obliged to comply with it. Alternatively, Biffa can agree to respond but will charge a fee, which will be based on the administrative cost of responding to the request. A subject access request is likely to be manifestly unfounded or excessive where it repeats a request to which Biffa has already responded. If a Data Subject submits a request that is unfounded or

excessive, Biffa will notify him/her that this is the case and whether or not Biffa will respond to it.

### **5.3.2 Other rights**

Data Subjects have a number of other rights in relation to their Personal Data.

They can require a Data Controller to:

1. rectify inaccurate data;
2. stop processing or erase data that is no longer necessary for the purposes of processing;
3. stop processing or erase data if the Data Subject's interests override the Biffa Entity's legitimate grounds for processing data (where the Biffa Entity relies on its legitimate interests as a reason for processing data);
4. stop processing or erase data if processing is unlawful; and
5. stop processing data for a period if data is inaccurate or if there is a dispute about whether or not the Data Subject's interests override the Biffa Entity's legitimate grounds for processing data.

To ask Biffa to take any of these steps, the Data Subject should send the request to [SAR@biffa.co.uk](mailto:SAR@biffa.co.uk)

## **5.4 Data security**

Biffa takes the security of Personal Data seriously. Biffa has internal policies and controls in place to protect Personal Data against loss, accidental destruction, misuse or disclosure, and to ensure that data is not accessed, except by Employees in the proper performance of their duties.

Biffa requires all of its Employees to follow its IT Security Policy, Information Security Policy and Data Breach Policy.

Where Biffa engages third parties to process Personal Data on its behalf, such parties do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

## **5.5 Privacy Impact Assessments**

Some of the processing that Biffa carries out may result in risks to privacy. Where processing would result in a high risk to a Data Subject's rights and freedoms, Biffa will carry out a data protection privacy impact assessment to determine the necessity and proportionality of processing. This will include considering the purposes for which the activity is carried out, the risks for Data Subjects and the measures that can be put in place to mitigate those risks.

## **5.6 Data breaches**

If Biffa discovers that there has been a breach of Personal Data that poses a risk to the rights and freedoms of Data Subjects, it will report it to the Information Commissioner within 72 hours of discovery. Biffa will record all data breaches regardless of their effect.

If the breach is likely to result in a high risk to the rights and freedoms of individuals, it will tell affected individuals that there has been a breach and provide them with information about its likely consequences and the mitigation measures it has taken.

If Employees suspect or become aware of a data security breach, they are required to follow the steps set out in our Personal Data Breach Policy to enable Biffa to respond appropriately.

### **5.7 International data transfers**

Personal Data may be transferred to countries outside the EEA as some Biffa business systems, which hold Personal Data, are stored in 'the cloud' where the physical data centres are not located in the EEA. Such Personal Data is transferred outside the EEA on the basis of model contractual clauses, supplier certification schemes and voluntary codes of conduct.

### **5.8 Individual responsibilities**

Data Subjects are responsible for helping Biffa keep their Personal Data up to date. Data Subjects should let Biffa know if data provided to Biffa changes.

Biffa's Employees may have access to the Personal Data of our customers, suppliers and members of the public in the course of their employment, contract, volunteer period, internship or apprenticeship. Where this is the case, Biffa relies on its Employees to meet its data protection obligations to those customers, suppliers and members of the public.

Employees who have access to Personal Data are required:

1. to access only data that they have authority to access and only for authorised purposes;
2. not to disclose data except to individuals (whether inside or outside the organisation) who have appropriate authorisation;
3. to keep data secure (for example by complying with rules on access to premises, computer access, including password protection, and secure file storage and destruction);
4. not to remove Personal Data, or devices containing or that can be used to access Personal Data, from the organisation's premises without adopting appropriate security measures (such as encryption or password protection) to secure the data and the device;
5. not to store Personal Data on local drives or on personal devices that are used for work purposes; and
6. to report data breaches of which they become aware to the Company Secretary immediately in accordance with Biffa's Personal Data Breach Policy.

Failing to observe these requirements may amount to a disciplinary offence, which will be dealt with under Biffa's disciplinary procedure. Significant or deliberate breaches of this policy, such as accessing employee, customer, supplier data or data connected with members of the public without authorisation or a legitimate reason to do so, may constitute gross misconduct and could lead to dismissal without notice.

### **5.9 Training**

Biffa will provide appropriate training to relevant Employees about their data protection responsibilities as part of the induction process and at regular intervals thereafter.

Employees whose roles require regular access to Personal Data, or who are responsible for implementing this policy or responding to SARs under this policy, will receive additional training to help them understand their duties and how to comply with them.

## **6. Review of this Policy**

Biffa will review this policy periodically and will make any required updates.

## **7. Further Information and Support**

In the event of further queries about this policy please contact [GDPR@biffa.co.uk](mailto:GDPR@biffa.co.uk) or send a letter to The Company Secretary, Biffa plc, Coronation Road, Cressex, High Wycombe, Buckinghamshire HP12 3TZ