

Data Protection Policy

As a Telecommunication service provider and contractor company, the COMSTAR Global are committed to being transparent about how they collect and use personal data to meet its data protection obligations. This policy sets out COMSTAR Global's commitment to General Data Protection Regulations 2018 (GDPR), and individual rights and obligations in relation to personal data.

This policy applies to:

- the personal data of all current employees, internal work-seekers and former employees, referred to as HR-related personal data;
- the personal data of all client contacts;
- the personal data of all external work-seekers/contractors; and
- the personal data of external delegates attending our training courses.

COMSTAR Global has appointed our Managing Director as its Data Protection Officer. Their role is to inform and advise the company on its data protection obligations. They can be contacted at contact@comstar-globa.co.uk. Questions about this policy, or requests for further information, should be directed to the Data Protection Officer.

All organisations that process personal data are required to comply with the data protection legislation. This includes the General Data Protection Regulations and subsequent Data Protection Laws. The Data Protection Laws provide individuals (known as "data subjects") with certain rights over their personal data, whilst imposing certain obligations on the organisations that process their data.

As a Telecom services organisation, COMSTAR Global collects and processes both personal data and sensitive personal data. It is required to do so to comply with other legislation. It is also required to keep this data for varying periods depending on the nature of the data and any relevant governing legislation.

COMSTAR Global provides training to all of its employees regarding their data protection responsibilities as part of their employee induction process and on an annual basis thereafter.

Individual employees whose roles require regular access to personal data, or who are responsible for implementing this policy or responding to subject access requests under this policy, will receive additional training to help them understand their duties and how to comply with them.

Definitions

In this policy the following terms have the following meanings:

COMSTAR Global means COMSTAR Services Limited

Consent means any freely given, specific, informed, and unambiguous indication of an individual's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.

Data Controller means an individual or organisation which, alone or jointly with others, determines the purposes and means of the processing of personal data.

Data Processor means an individual or organisation which processes personal data on behalf of the data controller.

Personal Data means any information to an individual who can be identified, such as by a name, an identification number, location data, an online identifier or one or more factors specific to the physical, physiological genetic, mental, economic, cultural or social identity of that natural person.

Personal Data Breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

Processing means any operation or set of operations performed on personal data such as collection, recording, organisation, structuring, storage (including archiving) adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Profiling means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to an individual, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interest, reliability, behaviour, location or movements.

Pseudonymisation means the processing of personal data in such a manner that the personal data can no longer be attributed to an individual without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data is not attributed to an identified or identifiable individual.

Sensitive personal data means personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data, data concerning health, an individual's sex life or sexual orientation and an individual's criminal convictions.

Supervisory authority means an independent public authority which is responsible for monitoring the application of data protection. In the UK the supervisory authority is the Information Commissioners Office (ICO).

COMSTAR Global processes personal data in relation to its own employees, work-seekers, delegates and individual client contacts and is a data controller for the purposes of the Data Protection Laws.

COMSTAR Global may hold personal data on individuals for the following purposes:

- Employee administration;
- Advertising, marketing and public relations;
- Accounts and financial records;
- Administration and processing of work-seekers personal data for the purposes of providing work finding services, including using software solution providers and back office support for free-lance/contractor pay and bill, right to work and if applicable referencing and security checks;
- Administration and processing of client's personal data for the purposes of supplying/ introducing work-seekers; and
- Administration and processing of delegate personal data for the purposes of providing training services, including using software solution providers and back office support.

1 – Data protection principles

The Data Protection Laws require COMSTAR Global, acting as either data controller or data processor, to process data in accordance with the principles of data protection. These require that personal data is:

- Processed lawfully, fairly and in a transparent manner;

- Collected for specified and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- Adequate, relevant, and limited to what is necessary for the purposes of which it is processed;
- Accurate and kept up to date. Every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which it is processed, is erased or rectified without delay;
- Kept no longer than is necessary for the purposes for which the personal data is processed;
- 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; and that
- The data controller shall be responsible for, and be able to demonstrate compliance with, the principles.

2 – Legal bases for processing

COMSTAR Global will only process personal data if it has a lawful reason for doing so, such as:

- **Consent** – the individual has given clear consent for COMSTAR Global to process their personal data for a specific purpose;
- **Contract:** the processing is necessary for the performance of a contract that COMSTAR Global has with the individual, or because they have asked COMSTAR Global to take specific steps before entering into a contract;
- **Legal obligation:** the processing is necessary for COMSTAR Global to comply with the law (not including contractual obligations);
- **Legitimate interests:** the processing is necessary for COMSTAR Global's legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests;
- **Vital interests:** the processing is necessary to protect someone's life; or
- **Public task:** the processing is necessary for COMSTAR Global to perform a task in the public interest or for its official functions and the task or function has a clear basis in law.

Where COMSTAR Global does not have a legal reason for processing personal data, any processing will be a breach of the Data Protection Laws.

COMSTAR Global will review the personal data it holds on a regular basis to ensure it is being lawfully processed and it is accurate, relevant, and up to date and the compliant team shall be responsible for doing this.

Before transferring personal data to any third party (such as past, current or prospective employers, suppliers, customers and clients, intermediaries such as Umbrella Companies, persons making an enquiry or complaint or any other third party, such as software solutions providers and back office support), COMSTAR Global will establish that it has a legal reason for making the transfer.

Where COMSTAR Global processes special categories of personal data or criminal records data to perform its contractual obligations or to exercise rights in employment law, this is done in accordance with GDPR.

Personal data gathered during the employment, delegate or volunteer relationship, apprenticeship or internship is held in the individual's personnel file in electronic format and/or on the company's secure HR systems.

Personal data gathered from work-seekers and client contacts is held in electronic format within a secure CRM system. The maximum period that COMSTAR Global holds work-seeker and client contact personal data is detailed in its privacy notice provided to the respective individuals.

3 – Privacy by design and by default

COMSTAR Global has implemented measures and procedures that adequately protect the privacy of individuals and ensures that data protection is integral to all processing activities. This includes implementing measures such as:

- Data minimisation (i.e. Not keeping data for longer than necessary);
- Pseudonymisation;
- Anonymization; and
- Cyber Security

Individual rights

COMSTAR Global shall provide any information relevant to the data processing of an individual in a concise, transparent, intelligible, and easily accessible form, using clear and plain language. The information shall be provided in writing, or by other means, including, where appropriate, by electronic means. COMSTAR Global may provide this information orally if required to do so by the individual.

Privacy notices

Where COMSTAR Global collects personal data from an individual, the Company will provide the individual with a privacy notice at the time when it first obtains the personal data.

Where COMSTAR Global collects personal data other than from the individual directly, it will where required provide the individual with a privacy notice within a reasonable period after obtaining the personal data, but at the latest within one month. If COMSTAR Global intends to disclose the personal data to a third party then that privacy notice will be issued when the personal data is first disclosed (if not issued sooner).

Where COMSTAR Global intends to further process the personal data for a purpose other than that for which the data was initially collected, COMSTAR Global will provide the individual with information on that other purpose and any relevant further information before it does the further processing.

Subject Access Requests

An individual is entitled to access their personal data on request from the data controller.

If an individual makes a subject access request, COMSTAR Global will tell them:

- 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;
- 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;
- for how long his/her personal data is stored (or how that period is decided);
- his/her rights to rectification or erasure of data, or to restrict or object to processing;
- his/her right to complain to the Information Commissioner if he/she thinks COMSTAR Global has failed to comply with his/her data protection rights; and

- whether or not COMSTAR Global carries out automated decision-making and the logic involved in any such decision-making.

COMSTAR Global will also provide the individual with a copy of the personal data undergoing processing. This will normally be in electronic form if the individual has made a request electronically unless he/she agrees otherwise.

If the individual requests additional copies of the data, COMSTAR Global will charge a fee, which will be based on the administrative cost to COMSTAR Global for providing such copies.

To make a subject access request, the individual should send the request to contact@comstar-global.co.uk. In some cases, COMSTAR Global may need to ask for proof of identification before the request can be processed. COMSTAR Global will inform the individual if it needs to verify their identity and the identification documents it requires.

COMSTAR Global will normally respond to a request within a period of one month from the date it is received. In some cases, such as where COMSTAR Global processes large amounts of the individual's personal data, it may respond within three months of the date the request is received. COMSTAR Global will write to the individual within one month of receiving the original request to tell him/her of the expected time frames.

If a subject access request is manifestly unfounded or excessive, COMSTAR Global is not obliged to comply with it. Alternatively, COMSTAR Global 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 COMSTAR Global has already responded. If an individual submits a request that is unfounded or excessive, COMSTAR Global will notify him/her that this is the case and whether it will respond to it.

Rectification

The individual or another data controller at the individual's request, has the right to ask COMSTAR Global to rectify any inaccurate or incomplete personal data concerning an individual.

If COMSTAR Global has given the personal data to any third parties it will tell those third parties that it has received a request to rectify the personal data unless this proves impossible or involves disproportionate effort. Those third parties should also rectify the personal data they hold – however COMSTAR Global will not be in a position to audit those third parties to ensure that the rectification has occurred.

Should an individual or data controller wish to have their data rectified they should submit their request to contact@comstar-global.co.uk.

Erasure

The individual or another data controller at the individual's request, has the right to ask COMSTAR Global to erase an individual's personal data.

If COMSTAR Global receives a request to erase it will ask the individual if he/she wants their personal data to be removed entirely or whether he/she is happy for his or her details to be kept on a list of individuals who do not want to be contacted in the future (for a specified period or otherwise). COMSTAR Global cannot keep a record of individuals whose data has been erased so the individual may be contacted again by COMSTAR Global should we come into possession of the individual's personal data later.

If COMSTAR Global has made the data public, it shall take reasonable steps to inform other data controllers and data processors processing the personal data, considering available technology and the cost of implementation.

If COMSTAR Global has given the personal data to any third parties it will tell those third parties that it has received a request to erase the personal data, unless this proves impossible or involves disproportionate effort. Those third parties should also rectify the personal data they hold – however the company not be able to audit those third parties to ensure that the rectification has occurred.

Restriction of processing

The individual or a data controller at the individual's request, has the right to ask COMSTAR Global to restrict its processing of an individual's personal data where:

- the individual challenges the accuracy of the personal data;
- the processing is unlawful, and the individual opposes its erasure;
- COMSTAR Global no longer needs the personal data for the purposes of the processing, but the personal data is required for the establishment, exercise of defence of legal claims; or
- The individual has objected to processing (on the grounds of public interest or legitimate interest) pending the verification whether the legitimate grounds of COMSTAR Global override those of the individual.

If COMSTAR Global has given the personal data to any third parties it will tell those third parties that it has received a request to restrict the personal data, unless this proves impossible or involves disproportionate effort. Those third parties should also rectify the personal data they hold – however COMSTAR Global will not be in a position to audit those third parties to ensure that the rectification has occurred.

Data Portability

The individual shall have the right to receive personal data concerning him/her, which he or she has provided to COMSTAR Global, in a structured, commonly used, and machine-readable format and have the right to transmit that data to another data controller in circumstances where:

- The processing is based on the individuals consent or a contract; and
- The processing is carried out my automated means.

Where feasible, COMSTAR Global will send the personal data to the named third party at the individual's request.

Object to processing

The Individual has the right to object to their personal data being processed based on a public interest or a legitimate interest. The individual will also be able to object to the profiling of their data base on a public interest or a legitimate interest.

The individual has the right to object to their personal data being used for direct marketing. Please refer to COMSTAR Global's Marketing Policy for further information.

COMSTAR Global shall cease processing unless it has compelling legitimate grounds to process the personal data which override the individual's interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

Details of the types of personal data that COMSTAR Global can have a compelling legitimate ground to process are within our **retention policy** (see table below)

Document type	Retention Period	Purpose for Retaining Data
Basic personal details – name, home address, date of birth, personal telephone number, personal email address	From date of offer until 6 years after employment has ended	To register them as an employee, as a unique identifier and to fulfil legal employer obligations
Working time records: 48 hour opt out notice	From employment commencement date until 6 years after employment has ended as it is contained within the employment contract	Compliance with the Working Time Regulations 1998
Working time records: Annual leave records	From employment commencement date until 6 years after employment has ended	Important evidence to be able to defend any legal claim in relation to Working Time Regulations 1998, breach of contract, unlawful deduction of wages
Appraisal / assessment records	From employment commencement date until up to 6 years after employment has ended	Important evidence to be able to defend any legal claim (unfair dismissal, discrimination, breach of contract, unlawful deduction of wages) as these detail probations, performance reviews and bonus payments
Records held relating to right to work in the UK (Passport, Visa if applicable, National Insurance number and birth certificate if applicable)	From date of offer of employment until up to 2 years after employment has ended	Compliance with Equality Act 2010 and Immigration Act 2016
Statutory Pay – Maternity, Paternity, Shared Parental and Adoption	From commencement date until 3 years from the end of the tax year to which it relates	HMRC legal obligation
Sickness records – Statutory Sick Pay	From commencement date until 3 years from the end of the tax year to which it relates	HMRC legal obligation
Sickness records – Occupational Health	From date of assessment until up to 6 months after	Claims of discrimination must be made within 3 months but COMSTAR Global may

Assessments	employment has ended	not receive notification of a claim until up to 5 months
Pensions auto-enrolment (including auto-enrolment, joining date, opt in and opt out notices, contributions paid)	From commencement date until 6 years except for opt out notices which should be kept for 4 years	HMRC legal obligation and for performance of the employment contract during employment
Wages, Salary and other payroll records, including details of benefits and bank details	From date of offer of employment until 7 years from the end of the tax year after employment has ended	HMRC legal obligation and for performance of the employment contract (during employment)
Employment terms including contract of employment and any amendments made during the employment relationship	From date of contract raised until up to 6 years after employment has ended, unless employment does not commence in which case it is retained for a 6 month period	To be able to defend against any legal claims, namely breach of contract, discrimination, unlawful deduction of wages or unfair dismissal
Criminal Records checks / basic Disclosure Barring checks	From date of check, then retained for up to 1 month within the SafeScreen system, never transferred to employee personnel file	Retained for the minimum time the team need to enact the data erasure procedure
Enhanced Disclosure Barring checks	From date of check and held for duration of employment within relevant role	Legal requirement if working with children during their employment
Client dictated security agreements	From date of agreement until up to 6 years after the termination of the contract with the client	To be able to defend against any legal claim in relation to a breach of contract
Loan agreements, including equipment loan records	From date of agreement until 6 years after employment has ended	To be able to defend against any legal claims, namely breach of contract or unlawful deduction of wages
Disciplinary Records e.g. verbal and written warnings	From date of record until 6 years after employment has ended	Whilst the warning may only stay current for a 12 month period, COMSTAR Global needs to be able to defend a legal claim, namely breach of contract or unfair dismissal, to show that the company followed the ACAS

code of practice in relation to disciplinary proceedings and to refer back to if an employee claims that they have had an “unblemished record”

Next of Kin

Duration of employment

To contact them in the event of an emergency in relation to the employee

Enforcement of rights

All requests regarding individual rights should be sent to the contact@comstar-global.co.uk

COMSTAR Global shall act upon any subject access request, or any request relating to rectification, erasure, restriction, data portability or objection or automated decision-making processes or profiling within one month of receipt of the request. COMSTAR Global may extend this period for two to three further months where necessary, taking into account the complexity and number of requests.

Where COMSTAR Global considers that a request under this section is manifestly unfounded or excessive due to the request’s repetitive nature then COMSTAR Global may either refuse to act on the request or may charge a reasonable fee taking into account the administrative costs involved.

Automated decision making

COMSTAR Global will not subject individuals to decisions based on automated processing that produce a legal effect or a similarly significant effect on the individual, except where the automated decision:

- is necessary for the entering into or performance of a contract between the data controller and the individual;
- is authorised by law; or
- the individual has given their explicit consent.

Reporting personal data breaches

All data breaches should be referred to the Data Protection Officer whose details are listed below.

1 – Personal data breaches where the Company is the data controller:

When COMSTAR Global establishes that a personal data breach has taken place, COMSTAR Global will take steps to contain and recover the breach. Where a personal data breach is likely to result in a risk to the rights and freedoms of any individual then COMSTAR Global will notify the ICO.

Where the personal data breach happens outside the UK, COMSTAR Global shall alert the relevant supervisory authority for data breaches in the effected jurisdiction.

2 – Personal data breaches where COMSTAR Global is the data processor:

COMSTAR Global will alert the relevant data controller as to the personal data breach as soon as they are aware of the breach.

3 – Communicating personal data breaches to individuals:

Where COMSTAR Global has identified a personal data breach resulting in a high risk to the rights and freedoms of any individual, COMSTAR Global shall tell all affected individuals without undue delay.

COMSTAR Global will not be required to tell individuals about the personal data breach where:


- COMSTAR Global has implemented appropriate technical and organisational protection measures to the personal data affected by the breach, in particular to make the personal data unintelligible to any person who is not authorised to access it, such as encryption;
- COMSTAR Global has taken subsequent measures which appropriate to ensure that the high risk to the rights and freedoms of the individual is no longer likely to materialise;
- It would involve disproportionate effort to tell all affected individuals. Instead, COMSTAR Global shall make a public communication or similar measure to tell all affected individuals.

All individuals have the following rights under the Human Rights Act 1998 (HRA) and in dealing with personal data these should be respected at all times:

- Right to respect for private and family life (Article 8)
- Freedom of thought, belief and religion (Article 9)
- Freedom of expression (Article 10)
- Freedom of assembly and association (article 11)
- Protection from discrimination in respect of rights and freedom under the HRA (Article 14)

Contact Information

Requests for information about our privacy policy can be sent by email to info@comstar-global.co.uk

Signed  -----

Date : 29th MAY 2018

Managing Director

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