



Privacy Notice – Providing Advice, Guidance and Data Protection Officer Services

Introduction

As you would expect, Tkm always endeavours to follow best practice with regards to the way in which personal data is processed. We will not collect personal data unless it is specifically required for the purposes for which we need to process it.

This privacy notice deals with personal data that is processed for the purposes of delivering Data Protection Officer (DPO) services. It is important to note that when Tkm provides DPO services or advice and guidance, Tkm is usually a controller under data protection law in their own right and will be providing services to another controller (or sometimes processor). To help make it clear as to which controller is processing personal data in terms of data protection law in this privacy notice, Tkm is referred to as the controller and Tkm's client is referred to as the client controller.

What Information is Collected and How is it Used?

Contract Management

Tkm will obtain and process information of members of staff including telephone numbers and e-mail addresses where they are necessary for contract management purposes.

Information will also be processed by Tkm for the purposes of complying with specific legal obligations such as the preparation of annual accounts although it is unlikely, with the exception of sole traders and partnerships, that this will require the processing of any personal data.

Providing Advice, Guidance and DPO Services

When providing DPO services or advice and guidance, Tkm does not routinely collect any personal data although will undertake a number of tasks that can involve the processing of personal data. Some tasks are laid down by the General Data Protection Regulation (the GDPR) and include:

- Monitoring of compliance. This will include processing personal data through audits and other checks. Personal data is not generally recorded or retained as part of audit documentation although original records may be required to be maintained as audited when needed as evidence in some circumstances. These will be retained by the client controller;
- Being accessible to people whose data is being processed by the client controller. This means that you may wish to send Tkm correspondence which will be processed according to the topic of the correspondence. The DPO is legally required to be available to data subjects for the purposes of:
 - All issues related to processing of their personal data;
 - Exercising rights under the GDPR;
- Collecting information about those that attend training or awareness raising sessions. This is normally name and will sometimes include job title, department and location for larger organisations.

When providing DPO services or advice and guidance about specific cases, such as a data subject access request, Tkm will usually be asked to review the relevant information. A copy of relevant information may be provided by the client controller in order to complete any necessary tasks although Tkm's copy is destroyed once the client controller agrees the matter has been brought to a conclusion. Tkm does not retain copies of personal data provided by the client controller and will often access relevant personal data from within a client controller's own IT systems for security



reasons. Tkm will retain their own file notes for the purposes demonstrating compliance with data protection law and delivery of a contract. These may contain personal data, which will be kept strictly to the minimum required for the purposes of documenting actions taken or discussions that have been held with the data subject.

It is important to note that the DPO is bound by secrecy or confidentiality under the GDPR and therefore, where requested by the data subject, communications will be held by Tkm in confidence. **If you wish to contact the DPO in confidence, please make sure you highlight any wish for communications to be held in confidence as early as possible.** It is important to remember that Tkm ultimately works for the client controller and therefore must not be in a position where they are unable to comply with their obligations towards the client controller. This may mean that, in some exceptional circumstances, Tkm will advise data subjects that they need to take their own legal advice. This does **not** mean that confidentiality will be compromised.

Tkm will sometimes provide additional services to an organisation.

The Legal Basis for Processing

Contract Management

Where the service is being provided to an organisation, any personal data processed for the purposes of managing the contract is processed using legitimate interests as it is in the interests of both parties to a contract for the contract to be delivered as agreed. Where this information is provided to a sole trader or partnership, this information is processed as it is necessary for the performance of a contract.

Providing Advice, Guidance and DPO Services

As stated above, tasks of a DPO are a legal obligation placed on the DPO, which provides the legal basis for processing personal data. Records will also be retained to comply with Tkm's legal obligation under Article 5(2) of the GDPR (accountability).

Personal information will be retained as described above where it provides evidence of actions taken by Tkm or of the performance of a contract, although is retained under the legal basis of legitimate interests.

Recipients

Some of the technology used by Tkm, is managed by third parties. Tkm uses a data processor to provide data storage and another data processor to provide backup services. Tkm does not transfer your information internationally and uses data processors that process personal data within the EEA. In the event that personal data requires to be transferred out with the EEA, adequate safeguards will be implemented. Additional recipients are described below.

Contract Management

Where a contract is with an individual, sole trader or partnership, some limited information may be passed to HMRC for the purposes of reporting tax and finance matters.

Providing Advice, Guidance and DPO Services

Some personal information collected in the course of providing services will be passed back to the client controller, in particular, information relating to delivery of training and information that documents requests of data subjects to exercise their rights under data protection legislation. This is because it is a legal duty for the client controller to respond to these requests and therefore they must



retain the necessary documentation to demonstrate compliance even where a request is sent to Tkm in the first instance. This will be made clear to you at the point of your first contact with Tkm.

Other correspondence may be provided to client controllers, for example, where it is reporting a personal data breach. This is because the legal duty is placed on the client controller to ensure the breach is reported and managed appropriately. It may be possible in some cases for Tkm to withhold the identity of those reporting matters to the DPO that require reporting to the client controller, and this will be discussed with you if relevant to your correspondence.

You should be aware that, where you report a matter that you want to be treated in confidence, it may not always be possible to report that matter to the client controller. This is because to do so would identify you. Again, this will be discussed with you where relevant.

Tkm does not pass information to any other recipients unless otherwise lawful under data protection law.

What Happens to My Information When it is No Longer Required?

Information is securely destroyed when it is no longer required for the purposes for which it was obtained or created. Information relating to the provision of services is retained as stated below:

- i. Information relating to a contract with a client controller, whether that is contract management information or contact with data subjects and subsequent file notes, is retained for 5 years from the conclusion of the contract;
- ii. Financial transaction information is retained for 6 years from the end of the financial year in which the payment was made. This is a legal requirement.

Your Rights

Under the GDPR, you have a number of rights in relation to your personal information. You have the right to:

- i. request access to your personal information;
- ii. request rectification of your personal information which means you are able to have inaccurate personal information corrected without undue delay;
- ii. request erasure of your personal information when certain conditions apply;
- iii. restrict processing under certain circumstances;
- iv. object to processing;
- v. data portability in some circumstances.

Requests that relate to rectification, erasure or restricting processing will be passed to any recipients of your personal information. Details of recipients can be found above.

There may be occasions when Tkm is unable to comply with requests to exercise the rights above. Should this apply to a request you make, it will be explained to you why Tkm is unable to comply with the request and any options available to you.

Where your personal information is being processed using consent, one further right is the right to withdraw your consent at any time. You should be aware that, while Tkm will stop using your



information for that purpose with immediate effect, it may not always be possible to remove information from the public domain, for example where it has been used in hard copy promotional materials. You may withdraw your consent at any time for allowing your information to be used for marketing purposes.

Complaints

Should you be unhappy with the way in which Tkm have processed your personal data, we would like you to contact us first. We will always endeavour to resolve any issues wherever we can. You have the right to lodge a complaint with the Information Commissioner, who regulates data protection legislation across the UK. Their contact details can be found at <https://ico.org.uk/>.

Contact Details

Tkm Consulting (Craigellachie) Limited is the controller or controller for all personal information processed for administering training courses.

Liz Taylor is responsible for data protection matters and you can use any of the contact details at the top of each page to contact her.