



Data Protection Policy

POL006/01/0419

Last Reviewed: 03/2024

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Owner: David Hopley

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Millbank Holdings Group Ltd (Incorporating Priory Design Services Ltd, MDA Rail Ltd, Forbes HR Ltd)		
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Millbank Holdings Limited and its subsidiaries are committed to protecting the rights of individuals with regard to processing personal data.

1 Policy Statement

- 1.1 Millbank obtains, keeps and uses personal information (also referred to as data) on current and former employees, candidates and suppliers, temporary and agency workers, contractors, apprentices and a number of clients interested in our services. This data is held securely on electronic and/or as a paper record, as set out in Millbank's data protection privacy notices relating to recruitment and employment.
- 1.2 This policy sets out how we comply with our data protection obligations and seek to protect personal information relating to our workforce. Its purpose is also to ensure that employees understand and comply with the rules governing the collection, use and deletion of personal information to which they may have access in the course of their work.
- 1.3 We are committed to complying with our data protection obligations, and to being concise, clear and transparent about how we obtain and use personal information relating to our workforce, and how (and when) we delete that information once it is no longer required.
- 1.4 The Person Responsible for Data Protection (PRDP), is responsible for informing and advising Millbank and its employees on its data protection obligations, and for monitoring compliance with those obligations and with Millbank's policies. If you have any questions or comments about the content of this policy or if you need further information, you should contact the PRDP on 01928 751000 or email GDPR@Millbank.com

2 Definitions and Reference Documents

2.1 Definitions

- Data - is information which is stored electronically, on a computer, or in certain paper-based filing systems.
- Data breach - means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal information;
- Data subject - means the individual to whom the personal information relates;
- Data users - include employees whose work involves using personal data. Data users have a duty to protect the information they handle by following our data protection and security policies at all times.
- Personal Information (sometimes known as personal data) - means information relating to an individual who can be identified (directly or indirectly) from that information; Personal data can be factual (such as a name, address or date of birth) or it can be an opinion (such as a performance appraisal).
- Processing information - means obtaining, recording, organising, storing, amending, sharing, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, retrieving, disclosing and/or destroying information. Processing also includes transferring personal data to third parties.
- Pseudonymised - means the process by which personal information is processed in such a way that it cannot be used to identify an individual without the use of additional information,

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which is kept separately and subject to technical and organisational measures to ensure that the personal information cannot be attributed to an identifiable individual;

- Sensitive personal information (sometimes known as ‘special categories of personal data’ or ‘sensitive personal data’) - means personal information about an individual’s race, ethnic origin, political opinions, religious or philosophical beliefs, trade union membership (or non-membership), genetics information, biometric information (where used to identify an individual) and information concerning an individual’s health, sex life or sexual orientation.
- Data controllers - are the people who or organisations which determine the purposes for which, and the manner in which, any personal data is processed. They have a responsibility to establish practices and policies in line with the Data Protection Act and General Data Protection Regulation. We are the data controller of all personal data used in our business.
- Data processors - include any person who processes personal data on behalf of a data controller. Employees of data controllers are excluded from this definition but it could include suppliers which handle personal data on our behalf.

3 Scope and Purpose

- 3.1 This policy applies to the personal information of current and former employees, including employees, temporary and agency workers, interns, volunteers and apprentices, candidates and suppliers and clients interested in our services.
- 3.2 Employees should refer to Millbank’s Privacy Notice and, where appropriate, to its other relevant policies including in relation to internet, email and communications, monitoring, social media, IT Policy, Corporate Data Retention, which contain further information regarding the protection of personal information in those contexts.
- 3.3 Data will only be used for the proper purpose of conducting our business activities; the handling of data will be restricted to those personnel to whom it is necessary in undertaking their Company responsibilities. Personal data will only be transferred to third parties where there is a business-related purpose and with your knowledge.

4 Data protection principles

- 4.1 Anyone processing personal data must comply with the following enforceable principles of good practice, which state that:
- 4.1.1 we will process personal information lawfully, fairly and in a transparent manner;
- 4.1.2 we will collect personal information for specified, explicit and legitimate purposes only, and will not process it in a way that is incompatible with those legitimate purposes;
- 4.1.3 we will only process the personal information that is adequate, relevant and necessary for the relevant purposes;
- 4.1.4 we will keep accurate and up to date personal information, and take reasonable steps to ensure that inaccurate personal information is deleted or corrected without delay;

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4.1.5 we will keep personal information in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the information is processed;
and

4.1.6 we will take appropriate technical and organisational measures to ensure that personal information is kept secure and protected against unauthorised or unlawful processing, and against accidental loss, destruction or damage.

5 Basis for processing personal information

5.1 In relation to any processing activity, we will, before the processing starts for the first time, and then regularly while it continues:

5.1.1 review the purposes of the particular processing activity, and select the most appropriate lawful basis (or bases) for that processing, i.e.:

- a) that the data subject has consented to the processing;
- b) that the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- c) that the processing is necessary for compliance with a legal obligation to which Millbank is subject;
- d) that the processing is necessary for the protection of the vital interests of the data subject or another natural person; [or]
- e) that the processing is necessary for the purposes of legitimate interests of Millbank or a third party, except where those interests are overridden by the interests of fundamental rights and freedoms of the data subject—see clause 6.2 below.

5.1.2 except where the processing is based on consent, satisfy ourselves that the processing is necessary for the purpose of the relevant lawful basis (i.e., that there is no other reasonable way to achieve that purpose);

5.1.3 document our decision as to which lawful basis applies, to help demonstrate our compliance with the data protection principles;

5.1.4 include information about both the purposes of the processing and the lawful basis for it in our relevant privacy notice(s);

5.1.5 where sensitive personal information is processed, also identify a lawful special condition for processing that information (see paragraph 6.2.2 below), and document it;

5.2 When determining whether Millbank’s legitimate interests are the most appropriate basis for lawful processing, we will:

5.2.1 conduct a Legitimate Interests Assessment (LIA) and keep a record of it, to ensure that we can justify our decision;

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- 5.2.2 if the LIA identifies a significant privacy impact, consider whether we also need to conduct a data protection impact assessment (DPIA);
- 5.2.3 keep the LIA under review, and repeat it if circumstances change; and
- 5.2.4 include information about our legitimate interests in our relevant privacy notice(s).

6 Sensitive Personal Information

- 6.1 Sensitive personal information is sometimes referred to as ‘special categories of personal data’ or ‘sensitive personal data’.
- 6.2 Millbank may from time to time need to process sensitive personal information. We will only process sensitive personal information if:
 - 6.2.1 we have a lawful basis for doing so as set out in paragraph 4.1.1 above, e.g., it is necessary for the performance of the employment contract, to comply with Millbank’s legal obligations or for the purposes of Millbank’s legitimate interests; and
 - 6.2.2 one of the special conditions for processing sensitive personal information applies, e.g.:
 - a) the data subject has given explicit consent;
 - b) the processing is necessary for the purposes of exercising the employment law rights or obligations of Millbank or the data subject;
 - c) the processing is necessary to protect the data subject’s vital interests, and the data subject is physically incapable of giving consent;
 - d) processing relates to personal data which are manifestly made public by the data subject;
 - e) the processing is necessary for the establishment, exercise or defence of legal claims; or
 - f) the processing is necessary for reasons of substantial public interest.

Before processing any sensitive personal information, employees must talk to the PRDP 01928 751000 or email GDPR@Millbank.com, of the proposed processing, in order that they may assess whether the processing complies with the criteria noted above.

- 6.3 Sensitive personal information will not be processed until:
 - 6.3.1 the assessment referred to in paragraph 6.2.1 has taken place; and
 - 6.3.2 the individual has been properly informed (by way of a privacy notice or otherwise) of the nature of the processing, the purposes for which it is being carried out and the legal basis for it.
- 6.4 Millbank will not carry out automated decision-making (including profiling) based on any individual’s sensitive personal information.
- 6.5 Millbank’s Privacy Notice sets out the types of sensitive personal information that Millbank processes, what it is used for and the lawful basis for the processing.
- 6.6 In relation to sensitive personal information, Millbank will comply with the procedures set out in paragraphs 6.7 and 6.8 below to make sure that it complies with the data protection principles set out in this Policy.

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- 6.7 During the recruitment process: the HR department, will ensure that (except where the law permits otherwise):
- 6.7.1 during the short-listing, interview and decision-making stages, no questions are asked relating to sensitive personal information, e.g., race or ethnic origin, trade union membership or health;
 - 6.7.2 if sensitive personal information is received, e.g., the applicant provides it without being asked for it within his or her CV or during the interview, no record is kept of it and any reference to it is immediately deleted or redacted;
 - 6.7.3 any completed equal opportunities monitoring form is kept separate from the individual's application form, and is not to be seen by the person shortlisting, interviewing or making the recruitment decision;
 - 6.7.4 'right to work' checks are carried out before an offer of employment is made unconditional, and not during the earlier short-listing, interview or decision-making stages;
 - 6.7.5 we will only ask health questions once an offer of employment has been made.
- 6.8 During employment: the HR department, will process:
- 6.8.1 health information for the purposes of administering sick pay, keeping sickness absence records, monitoring employee attendance and facilitating employment-related health and sickness benefits;
 - 6.8.2 sensitive personal information for the purposes of equal opportunities monitoring and pay equality reporting. [Where possible, this information will be anonymised]; and
 - 6.8.3 trade union membership information for the purposes of employee administration and administering 'check off'.

7 Data Protection Impact Assessments (DPIAs)

- 7.1 Where processing is likely to result in a high risk to an individual's data protection rights (e.g., where Millbank is planning to use a new form of technology), we will, before commencing the processing, carry out a DPIA to assess:
- 7.1.1 whether the processing is necessary and proportionate in relation to its purpose;
 - 7.1.2 the risks to individuals; and
 - 7.1.3 what measures can be put in place to address those risks and protect personal information.
- 7.2 Before any new form of technology is introduced, the manager responsible should therefore contact the PRDP on 01928 751000 or email GDPR@Millbank.com in order that a DPIA can be carried out.
- 7.3 During the course of any DPIA, the Managing Director will seek the advice of the PRDP on 01928 751000 or email GDPR@Millbank.com and the views of employees and any other relevant stakeholders.

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8 Documentation and records

- 8.1 We will keep written records of processing activities [which are high risk, i.e., which may result in a risk to individuals' rights and freedoms or involve sensitive personal information], including:
- 8.1.1 the name and details of the employee's organisation (and where applicable, of other controllers, the employer's representative and PRDP);
 - 8.1.2 the purposes of the processing;
 - 8.1.3 a description of the categories of individuals and categories of personal data;
 - 8.1.4 categories of recipients of personal data;
 - 8.1.5 where relevant, details of transfers to third parties including documentation of the transfer mechanism safeguards in place;
 - 8.1.6 where possible, retention schedules; and
 - 8.1.7 where possible, a description of technical and organisational security measures.
- 8.2 As part of our record of processing activities we document, or link to documentation, on:
- 8.2.1 information required for privacy notices;
 - 8.2.2 records of consent;
 - 8.2.3 controller-processor contracts;
 - 8.2.4 the location of personal information;
 - 8.2.5 DPIAs; and
 - 8.2.6 records of data breaches.
- 8.3 If we process sensitive personal information or criminal records information, we will keep written records of:
- 8.3.1 the relevant purpose(s) for which the processing takes place, including (where required) why it is necessary for that purpose;
 - 8.3.2 the lawful basis for our processing; and
 - 8.3.3 whether we retain and erase the personal information in accordance with our Retentions Policy document and, if not, the reasons for not following our policy.
- 8.4 We will conduct regular reviews of the personal information we process and update our documentation accordingly. This may include:
- 8.4.1 carrying out information audits to find out what personal information Millbank holds;
 - 8.4.2 distributing questionnaires and talking to employees across Millbank to get a more complete picture of our processing activities; and
 - 8.4.3 reviewing our policies, procedures, contracts and agreements to address areas such as retention, security and data sharing.
- 8.5 We document our processing activities in electronic form so we can add, remove and amend information easily.

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9 Privacy notice

- 9.1 Millbank will issue privacy notices from time to time, informing you about the personal information that we collect and hold relating to you, how you can expect your personal information to be used and for what purposes.
- 9.2 We will take appropriate measures to provide information in privacy notices in a concise, transparent, intelligible and easily accessible form, using clear and plain language.

10 Individual rights

- 10.1 You (in common with other data subjects) have the following rights in relation to your personal information:
- 10.1.1 to be informed about how, why and on what basis that information is processed—see Millbank’s Privacy notice;
 - 10.1.2 to obtain confirmation that your information is being processed and to obtain access to it and certain other information, by making a subject access request;
 - 10.1.3 to have data corrected if it is inaccurate or incomplete;
 - 10.1.4 to have data erased if it is no longer necessary for the purpose for which it was originally collected/processed, or if there are no overriding legitimate grounds for the processing (this is sometimes known as ‘the right to be forgotten’);
 - 10.1.5 to restrict the processing of personal information where the accuracy of the information is contested, or the processing is unlawful (but you do not want the data to be erased), or where the employer no longer needs the personal information but you require the data to establish, exercise or defend a legal claim; and
 - 10.1.6 to restrict the processing of personal information temporarily where you do not think it is accurate (and the employer is verifying whether it is accurate), or where you have objected to the processing (and the employer is considering whether the Millbank’s legitimate grounds override your interests).
- 10.2 If you wish to exercise any of the rights, please contact the PRDP on 01928 751000 or email GDPR@Millbank.com
- 10.3 Access to personal data

Access to personal data is restricted to only those who require the information to perform the functions stated in the previous paragraph.

Anyone wishing to have access to their personal details must make a request in writing. The records will be made available within one calendar month. Requests must be made to the Person Responsible for Data Protection, Millbank Holdings Ltd, Millbank House, Northway, Runcorn, Cheshire WA7 2SX.

Any requests for access to a reference given by a third party must be referred to the HR Department and should be treated with caution even if the reference was given in relation to the individual making the request. This is because the person writing the reference also has a right to have their personal details handled in accordance with the Data Protection Act 2018 and not disclosed without their consent. Therefore, when taking up references an individual should always be asked to give their

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consent to the disclosure of the reference to a third party and/or the individual who is the subject of the reference if they make a subject access request. However, if they do not consent then consideration should be given as to whether the details of the individual giving the reference can be deleted so that they cannot be identified from the content of the letter. If so, the reference may be disclosed in an anonymised form.

11 Individual obligations

- 11.1 Individuals are responsible for helping Millbank keep their personal information up to date. You should let the HR department know if the information you have provided to Millbank changes, for example if you move house, change next of kin, any health and medical changes, change details of the bank or building society account to which you are paid or any other changes.
- 11.2 You may have access to the personal information of other employees, suppliers, candidates and customers OR clients of Millbank in the course of your employment or engagement. If so, Millbank expects you to help meet its data protection obligations to those individuals. For example, you should be aware that they may also enjoy the rights set out in paragraph 10.1 above.
- 11.3 If you have access to personal information, you must:
- 11.3.1 only access the personal information that you have authority to access, and only for authorised purposes;
 - 11.3.2 only allow other Company employees to access personal information if they have appropriate authorisation;
 - 11.3.3 only allow individuals who are not Company employees to access personal information if you have specific authority to do so from the PRDP.
 - 11.3.4 keep personal information secure (e.g., by complying with rules on access to premises, computer access, password protection and secure file storage and destruction and other precautions set out in Millbank's IT Policy);
 - 11.3.5 not remove personal information, or devices containing personal information (or which can be used to access it), from Millbank's premises unless appropriate security measures are in place (such as pseudonymisation, encryption or password protection) to secure the information and the device; and
 - 11.3.6 not store personal information on local drives or on personal devices that are used for work purposes.
- 11.4 You should contact the PRDP if you are concerned or suspect that one of the following has taken place (or is taking place or likely to take place):
- 11.4.1 processing of personal data without a lawful basis for its processing or, in the case of sensitive personal information, without one of the conditions in paragraph 7.2.2 being met;
 - 11.4.2 any data breach as set out in paragraph 15.1 below;
 - 11.4.3 access to personal information without the proper authorisation;

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- 11.4.4 personal information not kept or deleted securely;
- 11.4.5 removal of personal information, or devices containing personal information (or which can be used to access it), from Millbank’s premises without appropriate security measures being in place;
- 11.4.6 any other breach of this Policy or of any of the data protection principles set out in paragraph 3.1 above.

12 Information security

- 12.1 Millbank will use appropriate technical and organisational measures in accordance with Millbank’s IT Policy to keep personal information secure, and in particular to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage. These may include:
 - 12.1.1 making sure that, where possible, personal information is pseudonymised or encrypted;
 - 12.1.2 ensuring the ongoing confidentiality, integrity, availability and resilience of processing systems and services;
 - 12.1.3 ensuring that, in the event of a physical or technical incident, availability and access to personal information can be restored in a timely manner; and
 - 12.1.4 a process for regularly testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring the security of the processing.
- 12.2 Where Millbank uses external organisations to process personal information on its behalf, additional security arrangements need to be implemented in contracts with those organisations to safeguard the security of personal information. In particular, contracts with external organisations must provide that:
 - 12.2.1 the external organisation may act only on the written instructions of Millbank;
 - 12.2.2 those processing the data are subject to a duty of confidence;
 - 12.2.3 appropriate measures are taken to ensure the security of processing;
 - 12.2.4 sub-contractors are only engaged with the prior consent of Millbank and under a Data Sharing Agreement;
 - 12.2.5 the external organisation will assist Millbank in providing subject access and allowing individuals to exercise their rights under the DPA and GDPR;
 - 12.2.6 the external organisation will assist Millbank in meeting its DPA and GDPR obligations in relation to the security of processing, the notification of data breaches and DPIA;
 - 12.2.7 the external organisation will delete or return all personal information to Millbank as requested at the end of the contract; and
 - 12.2.8 the external organisation will submit to audits and inspections, provide Millbank with whatever information it needs to ensure that they are both meeting their data protection obligations, and tell Millbank immediately if it is asked to do something infringing data protection law.

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12.3 Before any new agreement involving the processing of personal information by an external organisation is entered into, or an existing agreement is altered, the relevant employees must seek approval of its terms by the person responsible for data protection, Sarah Holland, HR and Compliance Manager.

13 Storage and retention of personal information

13.1 Personal information (and sensitive personal information) will be kept securely in accordance with Millbank's IT Policy.

13.2 Personal information (and sensitive personal information) should not be retained for any longer than necessary. The length of time over which data should be retained will depend upon the circumstances, including the reasons why the personal information was obtained. Employees should follow Millbank's Data Retention Policy which sets out the relevant retention period, or the criteria that should be used to determine the retention period. Where there is any uncertainty, employees should consult the PRDP.

13.3 Personal information (and sensitive personal information) that is no longer required will be deleted permanently from our information systems and any hard copies will be destroyed securely.

14 Data breaches

14.1 A data breach may take many different forms, for example:

- 14.1.1 loss or theft of data or equipment on which personal information is stored;
- 14.1.2 unauthorised access to or use of personal information either by a employee or a third party;
- 14.1.3 loss of data resulting from an equipment or systems (including hardware and software) failure;
- 14.1.4 human error, such as accidental deletion, destruction or alteration of data;
- 14.1.5 unforeseen circumstances, such as a fire or flood;
- 14.1.6 deliberate attacks on IT systems, such as hacking, viruses or phishing scams; and
- 14.1.7 'blagging' offences, where information is obtained by deceiving the organisation which holds it.

14.2 Millbank will:

- 14.2.1 make the required report of a data breach to the Information Commissioner's Office without undue delay and, where possible within 72 hours of becoming aware of it, if it is likely to result in a risk to the rights and freedoms of individuals; and
- 14.2.2 notify the affected individuals, if a data breach is likely to result in a high risk to their rights and freedoms and notification is required by law.

15 Training

15.1 Millbank will ensure that employees are adequately trained regarding their data protection responsibilities. Individuals whose roles require regular access to personal information, or

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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.

16 Consequences of failing to comply

16.1 If you consider that the policy has not been followed in respect of personal data about yourself or others you should raise the matter with the PRDP.

16.2 It should be remembered that incorrect processing of personal data e.g. sending an individual's details to the wrong person; allowing unauthorised persons access to personal data; or sending information out for the purposes for which the individual did not give their consent may give rise to a breach of contract and/or negligence leading to a claim against Millbank for damages from an employee, candidate or client contact.

16.3 Millbank takes compliance with this policy very seriously. Failure to comply with the policy:

16.3.1 puts at risk the individuals whose personal information is being processed; and

16.3.2 carries the risk of significant civil and criminal sanctions for the individual and Millbank; and

16.3.3 may, in some circumstances, amount to a criminal offence by the individual.

16.4 Because of the importance of this policy, an employee's failure to comply with any requirement of it may lead to disciplinary action under our procedures, and this action may result in dismissal for gross misconduct. If a non-employee breaches this policy, they may have their contract terminated with immediate effect.

16.5 If you have any questions or concerns about anything in this policy, do not hesitate to contact the PRDP.

16.6 You must read this policy because it gives important information about:

- the data protection principles with which Millbank must comply;
- what is meant by personal information (or data) and sensitive personal information (or data);
- how we gather, use and (ultimately) delete personal information and sensitive personal information in accordance with the data protection principles;
- where more detailed privacy information can be found, e.g., about the personal information we gather and use about you, how it is used, stored and transferred, for what purposes, the steps taken to keep that information secure and for how long it is kept;
- your rights and obligations in relation to data protection; and
- the consequences of failure to comply with this policy.

Once you have read and understood this policy, please confirm you that have done so by signing and returning the attached copy to the PRDP.

I have read and understood this policy and agree to abide by its terms.

Signed: _____

Print name: _____

Date: _____

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17 Reference Documents

17.1 Internal Documents

- POL001 - Data Retention Policy
- POL011 - social media Policy
- POL010 - IT Policy
- POL007- Privacy Notice (Internal Staff)
- ROPOL002 - Privacy Notice (External)

17.2 External Documents

- Data Protection Act 2018
- EU GDPR 2016/679 (Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC)

18 Policy Review

This policy will be reviewed annually, when circumstances indicate a change is needed or when legislation is introduced that necessitates change.

Signed by:

David Hopley

Title: Managing Director

Date: March 2024

Any personal data collected in line with this policy will be stored and used in line with our Data Protection Policy, Retention Policy and Privacy Notice.