



# General Data Protection Regulation (GDPR) Factsheet

## for Independent Living Policyholders



### What is the GDPR?



The GDPR is a new data protection regulation. This regulation will bring data protection rules up to date with current practices. It also strengthens the rights of individuals.

### When does it come in?



### Who does it apply to?

**It applies to all organisations and individuals that process data in the EU or hold data about individuals in the EU.** The GDPR covers all processing of personal data. As an employer you will store or process your employees' personal details, which can be anything from their name, financial details and employment history, so GDPR will impact you.

### What are the main changes you will need to make?

**If you're already following best practice you may not need to change much.** The main change, if you don't already, is that you must ensure the data you keep is secure, which means locking it away in a cabinet or if you hold it electronically, make sure you password protect access to your system.

### What are the new rights for data subjects under the GDPR?

Most of these rights are not new as they already exist under the current data protection laws:

- ✓ Right to be informed
- ✓ Right of access
- ✓ Right of rectification, erasure and to restrict processing
- ✓ Right to data portability
- ✓ Right to object
- ✓ Right of automated decision making and profiling

**YOU NEED TO MAKE SURE YOU HAVE PROCESSES IN PLACE THAT THESE RIGHTS CAN BE EXERCISED.**

### When can you process personal information?

Under the GDPR there are six lawful bases for processing personal information:

- 1 necessary to enter into or to perform a contract.
- 2 necessary for compliance with a legal obligation.
- 3 necessary to protect 'vital interests'.
- 4 necessary for the public interest.
- 5 necessary for a legitimate interest.
- 6 with the consent of the data subject.



## What do you have to tell your employees'?

You **HAVE TO** tell them who you are, what you will do with their data, who you pass it to (for example, a payroll provider) and how long you will store it for. You have to tell them about their rights under the GDPR and you also **HAVE TO** tell them your legal basis for processing data, who you are processing the data and how you will keep it safe.

### As an employer

your legal basis for processing data is 'necessary to enter into or to perform a contract'.



## Does the GDPR affect how long you should keep data for?



The GDPR says you should only keep data for as long as necessary. The mandatory data retention periods are unchanged but you must delete data when it is no longer necessary. For example, employment information, including personnel and training records, written particulars of employment and changes to terms/ conditions should be retained for a maximum of 6 years after the employment ceases in accordance with legislation.

## How should you store personal data?

You should keep all your employment records, which includes identifiable personal data, secure. For example in a locked cabinet and/or apply password restrictions. **Access to these records should be restricted and the electronic storage medium should be encrypted.**



## Where can you get more information and support?

If you have our 'Full' Independent Living Policy you have access to our **24 hour Employment Law and Tax Advice Line provided by Peninsula Business Services – 0344 892 2480\***

Please quote **FIS033** and your policy number

Peninsula will be able to give you employment guidance in relation to the GDPR and provide you with new employment documentation.



**PENINSULA**



If you have our 'Basic' Independent Living Policy, you may be able to upgrade your policy so you can benefit from our 24 hour Employment Law and Tax Advice Line **Call us to discuss on 0333 331 3900\***

Disclaimer | This factsheet is provided for information purposes and although every effort has been made to ensure it is correct at the time of publishing it should not be considered to be legal advice. All businesses and individuals will have different data protection requirements. You are responsible for ensuring that you comply with relevant laws and if you are uncertain you should seek specialist independent advice. \*Calls to 0333 and 0344 numbers are usually chargeable at a local rate from both UK landlines and mobile phones. These calls are normally included within network providers 'free minutes' packages. Fish Insurance is a trading name of Fish Administration Ltd which is authorised and regulated by the Financial Conduct Authority under Firm Reference 310172. Fish Insurance is registered in England and Wales. Company Registration Number 4214119. Registered Office: 68 Lombard Street, London, United Kingdom, EC3V 9LJ.

**fish**   
INSURANCE