

The General Data Protection Regulation (GDPR) is a European regulation that took effect across Europe on 25 May 2018. As a result it replaces the existing law on data protection in Northern Ireland and the Republic of Ireland and gives individuals more rights and protection in how their personal data is used by organisations. GDPR therefore simply builds on what we are already required to do in respect of data protection, but recognises the extraordinary developments over the past 20 years in technology and social media, and the need for greater transparency and accountability from organisations in respect of how personal data is processed. Just like any other business, NI Property Group must comply with the GDPR requirements.

### What is GDPR about?

GDPR is focused on looking after the privacy and rights of the individual and based on the principle that consumers and data subjects should have knowledge of:

- What personal data is held about them.
- How it is held.
- How it is used.

Personal data is information, held electronically or physically, about a living individual, which is capable of identifying that individual. The lead authority in Northern Ireland on GDPR is the Office of the Information Commissioner. For the Republic of Ireland the lead authority is the Office of the Data Protection Commissioner.

Further information, guidance and resource can be found by visiting their websites:

- Republic of Ireland: [Data Protection Commissioner](#)
- Northern Ireland: [The Information Commissioner](#)

Information, guidance and resources from the European Union are available [here](#).

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A Brief Guide to General Data Protection Regulations and why is it important. The General Data Protection Regulation (GDPR) took effect in the UK in May 2018. It replaces the existing law on data protection (the Data Protection Act 1998) and gives individuals more rights and protection in how their personal data is used by organisations. Everyone must comply with its requirements, just like any other charity or organisation. We've evolved in the way we generate, store, access and use data. The types of data that are held by many organisations on individuals has also significantly changed and can include genetic and biometric data as well as image and sound. With the emergence of new technologies it has also become much easier to identify individuals from elements of personal data. It is therefore only reasonable and natural that guidance and protections need to be reviewed and revised on a regular basis to ensure that individuals can be assured that their personal data is secure, accurate and not misused. The GDPR is EU generated legislation but will be implemented in the UK and the Republic of Ireland and there is no indication that it will cease to apply as a consequence of BREXIT. The GDPR replaces the Data Protection Act and affects all organisations who process or store personal information. It's focused on looking after the privacy and rights of the individual, and based on the premise that consumers and data subjects should have knowledge of what data is held about them, how it is held, and how it is used. The law is complex, but there are a number of underlying principles, including that personal data:

- will be processed lawfully, fairly and transparently.
- is only used for a specific processing purpose that the data subject has been made aware of and no other, without further consent.
- collected on a data subject should be "adequate, relevant and limited." i.e. only the minimum amount of data should be kept for specific processing.
- must be "accurate and where necessary kept up to date"
- should not be stored for longer than is necessary, and that storage is safe and secure.

Key terms Personal data is information about a living individual which is capable of identifying that individual. Processing is anything done with/to personal data, including storing it. The Data Subject is the person whose personal data is processed. The Data Controller is the person or organisation that determines the how and what of data processing. Legitimate Basis for Processing, Consent, Rights and Accountability There must exist a legitimate basis for processing data. A long list of these has been published by the Information Commissioner's Office on their website. Necessary for the purposes of the legitimate interests pursued by the controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject.

Processing is necessary for carrying out obligations under employment, social security or social protection law, or a collective agreement. Processing is necessary for the performance of a contract and is necessary for compliance with a legal obligation. Processing is necessary to protect the vital interests of the data subject or another person. Consent should not be considered where another basis is available, as it is generally harder to obtain and can be

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withdrawn at any time. Where you are relying on consent this will need to be clear, informed, and unambiguous. Data subjects have a number of rights, including that of knowing how data is used by the data controller, of knowing what data is held about them, of correcting any errors and the right to deletion or, 'to be forgotten', as it has been called. The GDPR introduces a stronger requirement on accountability for data controllers.

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## **DATA PROTECTION POLICY**

### **NI Property Group**

#### **Introduction**

NI Property Group need to gather and use certain information about individuals.

This can include information about clients and adherents, employees, volunteers, suppliers, business contacts, and other people we have a relationship with or may need to contact.

This policy describes how this personal data must be collected, handled and stored to meet data protection standards and to comply with the law.

#### **Why this policy exists**

This data protection policy ensures that we:

- Comply with data protection law and follows good practice.
- Protect the rights of members and adherents, staff, volunteers and other people we have a relationship with or may need to contact.
- Are open about how we store and process individuals' data.
- Protect ourselves from the risks of a data breach

#### **Data protection law**

The General Data Protection Regulation (EU 2016/679) (GDPR) regulates how organisations collect, handle and store personal information.

These rules apply regardless of whether data is stored electronically, on paper or on other materials. To comply with the law, personal information must be collected and used fairly, stored and disposed of safely and not disclosed unlawfully. The GDPR is

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underpinned by six important principles to which we will adhere. These say that personal data shall be:

1. Processed lawfully, fairly and in a transparent manner in relation to individuals;
2. Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
4. Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
5. Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
6. 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.

### **Policy scope**

This policy applies to us and all staff, post-holders, volunteers, contractors, suppliers and other people processing personal data on behalf of us.

It applies to all data that we hold relating to identifiable individuals. This can include for example:

- Names of individuals, postal/email addresses, telephone numbers.

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- Sensitive personal data such as information in relation to physical or mental health conditions, religious beliefs, ethnic origin, sexual orientation.

### **Data Protection Risks**

This policy helps to protect us from some very real data security risks, including:

- Breaches of confidentiality – for instance, information being given out inappropriately about our members, volunteers or staff.
- Failing to offer choice when seeking consent as our legal basis for processing – for instance, all individuals should be free to choose how we use data relating to them.
- Reputational damage – for instance, we could suffer if hackers or thieves successfully gained access to personal data.

### **Responsibilities**

Everyone who works for or with us has some responsibility for ensuring personal data is collected, stored and handled appropriately.

All, staff, and volunteers are required to respect the confidentiality of personal data, to take all reasonable measures to ensure its security while in their position, and to return or securely destroy/delete personal data held on any said person's behalf when they leave their position.

Everyone who handles personal data must ensure that it is handled and processed in line with this policy and data protection principles. Failure to comply with the data protection policy and principles is a serious offence and in the case of staff could result in disciplinary action.

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## General Staff Guidelines

- We will provide guidance to all staff to help them understand their responsibilities when handling data.
- Staff should keep all data secure, by taking sensible precautions and following the guidelines below.
- In particular, strong passwords must be used and changed regularly; they should never be shared.
- Personal data should not be disclosed to unauthorised people, either internally or externally.
- When receiving telephone enquiries, we will only disclose personal data we hold on our systems if the following conditions are met:
  - a) We will check the caller's identity to make sure that information is only given to a person who is entitled to it.
  - b) We will suggest that the caller put their request in writing if we are not sure about the caller's identity and where their identity cannot be checked.

Our staff will refer a request to a manager for assistance in difficult situations. Individuals should not be pressurised into disclosing personal information.

- Data should be regularly reviewed and updated if it is found to be out of date. If no longer required, it should be deleted and disposed of.
- Staff, should request help from a manager if they are unsure about any aspect of data protection.

## Data Collection

In accordance with data protection legislation the main legal basis for collecting personal data will be on the basis that it is necessary for us to hold said data for the purposes of legitimate interests which are not overridden by the interests of the data subject. In respect of certain types of sensitive data this data will be held on the basis that it is processed in the course of the

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legitimate activities and will not be disclosed outside of that body without the consent of the data subject.

Other legal bases will also apply such as employment law, contract law, etc. There are particular provisions under the General Data Protection Regulation when the legal basis being relied upon is consent. In certain circumstances we may need to seek your consent to process your personal data, particularly if it is outside of our normal day to day activities or it would involve sharing your personal data with a third party. If this is necessary then your consent will be informed consent.

Informed consent is when

- An Individual clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data
- And then gives their informed and unambiguous consent.

We will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

When collecting data, we will ensure that the Individual (Data Subject):

- a) Has received sufficient information on why their data is needed and how it will be used;
- b) Is made aware what the data will be used for and what the consequences are should the Individual/Service User decide not to give consent to processing;
- c) Where necessary, grants explicit consent, either written or verbal for data to be processed;
- d) Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress; and
- e) In the absence of valid consent (that which is freely given, specific, informed and unambiguous) or where consent is deemed unnecessary i.e. another legal basis applies, has received information as to the lawful basis for processing their information.

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## Processing in line with Data Subject's Rights

We will process all personal data in line with data subjects' rights, in particular their right to:

- a) Request access to data held about them by a data controller.
- b) Prevent the processing of their data for direct-marketing purposes.
- c) Ask to have inaccurate data corrected or erased.
- d) Prevent processing that is likely to cause damage or distress to themselves or anyone else.

## Data Storage

These rules describe how and where data should be safely stored and the security measures implemented by us. Questions about storing data safely can be directed to the Data Protection Lead.

When data is stored on paper, it should be kept in a secure place where unauthorised people cannot see it. These guidelines also apply to data that is usually stored electronically but has been printed out for some reason:

- When not required, the paper or files should be put away securely.
- Staff, leaders and volunteers should make sure paper and printouts are not left where unauthorised people could see them, like on a printer.
- Data printouts should be shredded and disposed of securely when no longer required.
- Where personal data is recorded in a notebook consideration should be given to anonymization or pseudonymising of personal data so as to reduce the risk of damage to the data subject should the notebook be lost or stolen.

When data is stored electronically, it must be protected from unauthorised access, accidental deletion and malicious hacking attempts. It must be password protected and encryption should also be considered:

- Data should be protected by strong passwords that are changed regularly and never shared between staff.

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- If data is stored on removable media (like a CD, DVD, flash drive etc.), these should be secured when not being used.
- Data should only be stored on designated drives and servers and should only be uploaded to an approved cloud computing service. When using services such as these you must be satisfied that the supplier will hold the data in a manner which is compliant with data protection legislation. To do this you should review their terms and conditions or other contractual information to ensure that these matters are addressed.
- Servers containing personal data should be sited in a secure location, away from general office space.
- Data is backed up frequently.
- Data which is considered important should not solely be saved to a mobile device as this type of device is generally more prone to failure, accidental loss, or theft. Where data is held on a mobile device then appropriate security measures should be applied.
- All servers and computers containing data are protected by approved security software and a firewall.
- Personal data collected by us should not be stored exclusively on a personal computer as this may prevent legitimate access to and use of that data by us.
- Security measures must be applied to personal devices consistent with those applied to our equipment.

### **Data Retention and Secure Destruction**

Personal data will not be retained longer than necessary, in relation to the purpose for which such data is processed. We will ensure that secure storage/archiving periods are clearly defined for each type of data and ensure confidential destruction of data when no longer required.

### **Data Use**

Personal data is of no value to us unless we can make use of it. However, it is when personal data is accessed and used that it can be at the greatest risk of loss, corruption or theft and as such we adopt the following additional security measures:

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- When working with personal data, staff should ensure the screens of their computers are always locked when left unattended.
- Personal data should not be shared informally. In particular, employees should be particularly vigilant when sending data by e-mail as this form of communication is not secure.
- Financial Data, and in particular bank details of individuals, should not be transferred electronically. Bank details should usually only be transferred by letter and/or confirmed by telephone.
- Personal data should never be transferred outside of the European Economic Area without the approval of the Data Protection Lead/Clerk of Session and will only be permitted in the event that an adequate level of protection can be guaranteed. Some suppliers (e.g. cloud storage, survey software etc.) may operate outside of the EEA in terms of the processing they carry out and we will only use suppliers that can demonstrate GDPR compliance and have agreed to this in their terms and conditions.
- Staff should not save copies of personal data to their own computers. Always access and update the central copy of any data.
- Consideration will be given to the anonymization or pseudonymising of personal data to promote the safe use or sharing of data within the organisation

### **Data Accuracy**

The law requires us to take reasonable steps to ensure data is kept accurate and up to date.

The more important it is that the personal data is accurate, the greater the effort we should put into ensuring its accuracy.

It is the responsibility of all staff who work with data to take reasonable steps to ensure it is kept as accurate and up to date as possible.

- Data will be held in as few places as necessary. Staff should not create any unnecessary additional data sets.
- Staff should take every opportunity to ensure data is updated.

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- We will make it easy for data subjects to update the information we hold about them. For instance, via the website or through cards placed in the sanctuary.
- Data should be updated as inaccuracies are discovered.

### **Subject Access Requests**

All individuals who are the subject of personal data held by us are entitled to:

- Ask what information we hold about them and why.
- Ask how to gain access to it and to have inaccurate data corrected or erased.
- Be informed as to how to keep it up to date.
- Be informed how we are meeting our data protection obligations.

If an individual contacts us requesting this information, this is called a subject access request.

Subject access requests from individuals should be made by e-mail or in writing and addressed to the Data Protection Lead. We can supply a standard request form, although individuals do not have to use this.

The Data Protection Lead will aim to provide the relevant data within 14 days and in any event within 1 month.

The Data Protection Lead will always verify the identity of anyone making a subject access request before handing over any information.

### **Disclosing data for other reasons**

In certain circumstances, the GDPR allows personal data to be disclosed to local authorities, law enforcement and statutory agencies without the consent of the data subject. Under these circumstances, we will disclose the necessary data. However, the Data Protection Lead will ensure the request is legitimate.

Service Users will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows us to disclose data (including

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sensitive data) without the data subject's consent. These include carrying out a legal duty and protecting vital interests of a member or other individual.

We regard the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal.

### **Providing information to Data Subjects**

We aim to ensure that individuals are aware that their data is being processed and that they understand:

- How the data is being used.
- How to exercise their rights in relation to same.

To these ends, we will issue privacy notices as appropriate to those affiliated with us, and other individuals we have a relationship with or may need to contact, setting out how data relating to an individual is used by us, how to exercise their rights in relation to same including options available and how to raise a complaint.

### **Security Breach Management**

We have an incident response procedure in place so that any breach of data protection can be acted upon immediately. The breach will be internally investigated with appropriate remedial taken and where required, notification will further be made within 72 hours to the Information Commissioner's Office/Data Protection Commissioner (as is applicable) and those affected providing details of the nature of the breach, likely consequences and mitigations being taken to address same.

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## **Glossary of Key Terms**

### **Personal Data**

Any information relating to an identifiable natural person ‘data subject’; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as: a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

### **Sensitive Personal Data**

Any data relating to: racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health conditions, sexual life or sexual orientation, genetic data and/or biometric data. We process this data in respect of our both our service users and our staff.

### **A Data Subject**

An individual who is the subject of personal data, not including deceased individuals or individuals who cannot be identified or distinguished from others – e.g. statistics.

### **Data Processing**

The operation or set of operations performed upon personal data or sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaption or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

### **Data Protection Lead**

Is the person from time to time that has agreed with us to take on responsibility for ensuring that we abide by our data protection policies, to act as a point of contact for anyone with concerns as to how their information is being handled and generally to undertake the responsibilities as detailed in this policy.

### **Data Controller**

The natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of processing the data.

### **Data Processor**

A natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

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### **Pseudonymisation**

Pseudonymisation takes the most identifying fields within a database and replaces them with artificial identifiers, or pseudonyms. For example a name is replaced with a unique number. The purpose is to render the data record less identifying and therefore reduce concerns with data sharing and data retention

### **Encryption**

Encryption is a mathematical function using a secret value — the key — which encodes data so that only users with access to that key can read the information. In many cases encryption can provide an appropriate safeguard against the unauthorised or unlawful processing of personal data, especially in cases where it is not possible to implement alternative measures.

## **DATA PRIVACY NOTICE**

### **1. Your personal data – what is it?**

Personal data relates to a living individual who can be identified from that data. Identification can be by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession. The processing of personal data is governed by the General Data Protection Regulation (the "GDPR").

### **2. Who are we?**

We, NI Property Group, are the data controller. This means that we decide how your personal data is processed and for what purposes.

### **3. How do we process your personal data?**

We comply with our obligations under the "GDPR" by keeping personal data up to date; by storing and destroying it securely; by not collecting or retaining excessive amounts of data; by protecting personal data from loss, misuse, unauthorised access and disclosure and by ensuring that appropriate technical measures are in place to protect personal data.

We use your personal data for the following purposes: -

- To administer membership records;
- To manage your property interests.
- To manage our employees and volunteers;
- To maintain our own accounts and records
- To inform you of news, events, activities and services running at or run by us; and
- To share your contact details so we can keep you informed about news and events, activities and services offered in which you may be interested.

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#### **4. What is the legal basis for processing your personal data?**

Is dependent upon the data subject (individual) and the purpose of the data processing. For example: the data processing for an employee in terms of what data is collected and how it is further processed is different from that of a client. Legal bases we rely on will primarily consist of one or more of the following:

- Processing is necessary for the purposes of legitimate interests pursued by us or a third party except where such interests are overridden by the interests, rights or freedoms of the data subject. This is where we need to use your data to engage in our normal day to day activities e.g. keeping a record of your name and address on our client list;
- Explicit consent of the data subject. An example of this would be your consent to joining a mailing list so that we can keep you informed about news, events, activities and services offered.
- Processing is necessary for us to comply with the law. Examples of this could be our legal obligations to maintain certain records so that we may carry out our obligations under employment, social security or social protection law, or a collective agreement; and
- Processing is necessary for us to protect the vital interests of a data subject that cannot physically or legally give consent. An example of this may be for us to run special needs activities.

#### **5. Sharing your personal data**

Your personal data will be treated as strictly confidential. We will not normally share your personal data with any third party and will only share your data with third parties outside of ourselves with your consent.

Where we use other organisations to provide a service (such as cloud storage) they are only selected if they are GDPR compliant, they will only use your data as instructed by us.

#### **6. How long do we keep your personal data?**

This can vary, we retain clients data while it is still current and associated paperwork for a period of time that we are legally obligated to.

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## 7. Your rights and your personal data

Unless subject to an exemption under the GDPR, you have the following rights with respect to your personal data: -

- The right to request a copy of your personal data which we hold about you;
- The right to request that we correct any personal data if it is found to be inaccurate or out of date;
- The right to request your personal data is erased where it is no longer necessary for us to retain such data;
- The right to withdraw your consent to the processing at any time
- The right to request that the data controller provide the data subject with his/her personal data and where possible, to transmit that data directly to another data controller
- The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing;
- The right to object to the processing of personal data.
- The right to lodge a complaint with the Information Commissioner's Office.

## 8. Further processing

If we wish to use your personal data for a new purpose, not covered by this Data Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

## 9. Contact Details

To exercise all relevant rights, queries or complaints please in the first instance contact us immediately.

Dependant on your Supervisory Authority:

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF

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You can contact the Data Protection Commissioner (Ireland) on +353 (0761) 104 800; via email [info@dataprotection.ie](mailto:info@dataprotection.ie) or by writing to: The Data Protection Commissioner, Canal House, Station Road, Portarlinton, Co. Laois, R32 AP23

## **SUBJECT ACCESS POLICY**

NI Property Group is committed to complying with data protection legislation. Under the legislation individuals can access the personal data that an organisation holds about them. The individual is entitled to be:

- told whether any personal data is being processed;
- given a description of the personal data, the reasons it is being processed, and whether it will be given to any other organisations or people;
- given a copy of the information comprising the data; and given details of the source of the data (where this is available).

Individuals also have a number of other rights which we must comply with including the rights to:

- rectify personal data which is incomplete or inaccurate and if necessary inform third parties that this has been done.
- be informed of how personal data is processed in a transparent manner.
- have their personal data deleted unless if there is a valid reason not to do this.
- restrict processing of personal data for certain purposes.
- object to the processing of personal data in a certain way.
- have data transferred to a third party so it can be reused (data portability).
- have a say in whether automated decisions are being made using the personal data and insist on an actual person intervening.

There is no set fashion in which the individual has to make these requests and if such a request is made you should always seek advice from the Data Protection Lead.

NI Property Group will aim to provide the relevant data within 14 days and in any event within 1 month of receipt of the request. If the nature of the request is particularly complex then we may need an extension of time to comply with the request. We will inform the individual if this

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is the case and the reasons why this is necessary. Also we may need to ask for information that we reasonably need to find the personal data covered by the request.

Previously we had the right to charge a fee for these requests. Now this is no longer usually permitted. Individuals will not have to pay a fee to access their personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if their request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

**Appendix A** contains a precedent Subject Access Request form. We can suggest (but not insist) that individuals complete this form so that we can process their request more easily..

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## Appendix A

### Data Subject Access Request Form

How to apply for personal held about you by NI Property Group.

Under data protection law you can ask for copies of paper and computer records that an organisation holds, shares or uses about you. In order to deal with your request we can ask for proof of identity and enough information to enable us to locate the personal data that you request. Please complete this form and return it to us with proof of your identity to 9 Rathconvil Road, Poyntzpass, BT35 6RP. We will acknowledge safe receipt and respond within one month.

#### Part 1: Person that the request relates to (the Data Subject)

Title: Mr / Mrs / Miss / Ms / Other

Surname:

Forenames:

Any other names that you are known by that may assist in the search:

Address:

Postcode:

Telephone:

E-mail:

Date of birth:

If you are an employee or former employee of NI Property Group please provide your staff number:

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## Part 2: Proof of identity

To help us establish your identity your application must be accompanied by **two** pieces of identification that between them clearly show your name, date of birth and current address.

Please enclose a photocopy of **one** of the following as proof of identity:

- passport,
- photocard driving licence,
- birth or adoption certificate

**and** a copy of a bank statement or utility bill dated within the last three months.

This is to ensure that we are only sending information to the data subject and not to a third party. If none of these are available, please contact us for advice on other acceptable forms of identification.

## Part 3: Information requested

To help us to deal with your request quickly and efficiently please provide as much detail as possible about the information you want. Please include time frames, dates, names or types of documents, any file or incident reference and any other information that may enable us to locate your data, for example, for e-mails, the names of senders and recipients and approximate dates.

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Please continue on a separate sheet of paper, if necessary.

I, \_\_\_\_\_, confirm that the information provided on this form is correct and that I am the data subject whose name appears on this form. I understand that NI Property Group must confirm proof of identity and that it may be necessary to contact me again for further information to locate the personal data I want. I also understand that my request will not be valid until all of the information requested is received by NI Property Group.

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

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## DATA BREACH POLICY

NI Property Group is committed to complying with data protection legislation and will take appropriate technical and organisational measures against unauthorised or unlawful processing and against accidental loss or destruction of or damage to personal data:

If, despite the technical and organisational measures that we have put in place to protect personal data, a data security breach occurs, it is important to manage and respond to it effectively. A data security breach covers more than the simple misappropriation of data and may occur through incidents, such as:

- Loss or theft of data or equipment.
- People gaining inappropriate access.
- A deliberate attack on systems.
- Equipment failure.
- Human error.
- Catastrophic events, (for example, fire or flood).
- Malicious acts such as hacking, viruses or deception.

If such an incident occurs it is imperative that we act immediately. The following steps will be taken:

- A. Data Protection Lead will be informed immediately;
- B. An investigation will be undertaken to determine:
  - i. The nature and cause of the breach; and
  - ii. The extent and nature of harm that has or could arise from the breach.

If there is no risk of harm then no further action is required (for example if papers are temporarily lost due to being incorrectly filed but are then promptly found and no disclosure has occurred or harm likely to occur then no further action is required).

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If there is considered to be a risk of harm then the following steps must be undertaken:

1. Information Commissioner's Office, (if based in the UK), or the Data Protection Commissioner's Office, (if based in the RoI), must be informed within 72 hours. If we do not have all of the information by then a report should be made within the 72 hours on the basis of what is known while investigations continue.
2. If the breach is likely to result in a high risk of adversely affecting individuals' rights and freedoms, we must also inform those individuals without undue delay. Examples of this could include where there is a high risk of reputational damage, embarrassment or putting the individual's property at risk.
3. If necessary a number of third parties will be informed.
4. Following notification we will continue to liaise and cooperate with ICO/DPC.
5. All reasonable steps to mitigate the damage arising from the breach will be taken.

A record of all data protection breaches will be maintained regardless of whether or not notification is required. Detailed records of the investigation will be maintained as well.

Following a breach if necessary it must be considered whether any of the below is required:

- Disciplinary action;
- Legal action;
- Internal review of security procedures.

### **Consent – guidance**

Data processing on the legal basis of consent is necessary in certain circumstances but is not the main basis on which we process data. There are difficulties in applying consent as the legal basis for processing, not least of which is obtaining that consent on the first instance, and these difficulties should not be underestimated.

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At the point where a person's data is acquired, you must offer a clear statement that indicates why you want their data and how you will use their data. Where possible, give people options so that they can select what they are consenting to, for example; I'm happy for you to contact me by email (tick), but not by phone. Getting your privacy policy right is a big part of GDPR readiness and acquiring consent legally, again guidance and templates have been provided.

If consent is required to be obtained, organisations will need to be able to prove that they received informed, specific, unambiguous and freely given consent from data subjects, meaning the responsibility is placed firmly with the data processors and controllers to demonstrate compliance.

## Children

Under GDPR anyone under the age of 13 is considered a child for the purpose of obtaining consent for personal data processing (in the Republic of Ireland this is under the age of 16). NI Property Group believes that it is helpful for parents or guardians to discuss with their children the importance of understanding the significance of personal data and the intention of this type of legislation, and would encourage this dialogue.

In legal terms where a child is under 13 years of age in the UK or under 16 in the Republic of Ireland then where consent is required this must be obtained from a person holding 'parental responsibility.' For children in the UK aged 13 and above (in the Republic of Ireland aged 16 and above) consent may be given by the individual themselves.

Bearing these facts in mind and taking into consideration the desirability of having consistency we will so design our consent forms so that where children are involved:

- For children under the age of 16 there is the opportunity for sign-off by both parent/guardian and the child
- For children aged 16 and over sign-off is by the individual themselves

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## Consent Policy

Where consent is required we will ensure that we obtain consent in such a way that it is:

- freely given,
- specific,
- informed and
- unambiguous.

We will obtain consent by a positive opt-in and will not infer it from silence, pre-ticked boxes or inactivity. Example templates of GDPR compliant consent forms are provided in this policy and can be added to in future so that a consistent approach is used.

We will put in place and communicate simple ways for people to withdraw consent should they wish to do so.

Where we are solely responsible for designing a form of consent we will do so in a manner which is consistent with the Data Protection guidelines.

## Information we collect and how we use it

We comply with our obligations under the “GDPR” by keeping personal data up to date; by storing and destroying it securely; by not collecting or retaining excessive amounts of data; by protecting personal data from loss, misuse, unauthorised access and disclosure and by ensuring that appropriate technical measures are in place to protect personal data.

We use your personal data for the following purposes: -

- To administer membership records;
- To manage your property interests.
- To manage our employees and volunteers;
- To maintain our own accounts and records
- To inform you of news, events, activities and services running at or run by us; and
- To share your contact details so we can keep you informed about news and events, activities and services offered in which you may be interested.

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The law does not specify minimum or maximum periods for retaining personal data but rather gives the general principle:

*‘Personal data processed for any purpose or purposes shall not be kept for longer than necessary for that purpose or purposes.’*

In practice this means that we:

- review the length of time we keep personal data
- consider the purposes for which we hold the information, as a guide to determining whether, and for how long, we retain it
- securely delete or destroy information that is no longer needed for those purposes; and
- update, archive or securely delete or destroy information if it goes out of date

## PURPOSE

This Policy is to be read in conjunction with the Data Protection Policy and is designed to outline the time period for which we will hold certain types of data. As noted in the Data Protection Policy it is a legal requirement that personal data is not be kept for longer than is necessary.

We are required by law to keep certain records, usually for a specific amount of time. The accidental or intentional destruction of these records during their specified retention periods could result in the following consequences including:

- Fines and penalties.
- Civil action.
- Criminal action.
- Reputational damage.

Therefore we prohibit the inappropriate destruction of any records, files, documents, samples, and other forms of information.

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## TYPES OF DOCUMENTS

This Policy explains the differences among records, disposable information, and confidential information belonging to others.

### Records.

A record is any type of information created, received, or transmitted in the transaction of our activities, regardless of physical format. Examples of where the various types of information are located include:

- Appointment books and calendars.
- Audio and video recordings.
- Computer programs.
- Contracts.
- Electronic files.
- Emails.
- Handwritten notes.
- Invoices.
- Letters and other correspondence.
- Memory in mobile phones, tablets, laptops and any other portable electronic device.
- Online postings.
- Performance reviews.
- Test samples.
- Voicemails.

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### **Disposable Information.**

Disposable information consists of data that may be discarded or deleted at the discretion of the user once it has served its temporary useful purpose and/or data that may be safely destroyed because it is not a record as defined by this Policy. Examples may include:

- Duplicates of originals that have not been annotated.
- Preliminary drafts of letters, memoranda, reports, worksheets, and informal notes that do not represent significant steps or decisions in the preparation of an official record.
- Books, periodicals, manuals, training binders, and other printed materials obtained from sources outside of the Organisation and retained primarily for reference purposes.
- Spam and junk mail.

### **Confidential Information Belonging to Others.**

Any confidential information that an employee may have obtained from a source outside of the business, such as a previous employer, must not, so long as such information remains confidential, be disclosed to or used by us. Unsolicited confidential information submitted to us should be refused, returned to the sender where possible, and deleted, if received via the internet.

## **MANDATORY COMPLIANCE**

### **Responsibility of All Employees and Volunteers.**

We strive to comply with the laws, rules, and regulations that govern compliance and with recognised compliance practices. All employees and volunteers must comply with this Policy and the Records Retention Schedule. Failure to do so may be serious to civil and/or criminal liability. An employee's failure to comply with this Policy may result in disciplinary sanctions, including suspension or termination.

### **Reporting Policy Violations.**

We are committed to enforcing this Policy as it applies to all forms of records. The effectiveness of our efforts, however, depends largely on employees and volunteers. If you feel that you or someone else may have violated this Policy, you should report the incident

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immediately to the Data Protection Lead.

## HOW TO STORE AND DESTROY RECORDS

### Storage.

Our records must be stored in a safe, secure, and accessible manner. Any documents and financial files that are essential to our purpose and activities during an emergency must be duplicated and/or backed up at regular intervals.

### Destruction.

The Data Protection Lead is responsible for the continuing process of identifying the records that have met their required retention period and supervising their destruction. The destruction of confidential, financial, and personnel-related records must be conducted by shredding if possible. Non-confidential records may be destroyed by recycling. The destruction of electronic records must be undertaken with appropriate expert advice and oversight.

The destruction of records must stop immediately upon notification that litigation to which the said documents would be relevant is likely to occur.

## INTERNAL REVIEW

The Data Protection Lead will periodically review this Policy and its procedures to ensure that we are in full compliance with relevant new or amended regulations.

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## **Guidance on the use of Data Processors**

### **Introduction**

A third party data processor is defined under GDPR as, “a natural or legal person or organisation which processes personal data on behalf of a controller.” This essentially means any third party who processes personal data on your behalf. This could include cloud services, mailing houses, hosting companies and any other organisation whereby you share personal data as part of your business operations or as part of any projects you may be running.

Data controllers are responsible for actions taken by data processors. Therefore, you must identify all processors you use, have a clear understanding of the data you store and process with them, and understand how well each processor secures that data.

By completing an assessment of all third party processors you use, you’ll be able to gauge their awareness of GDPR. You should also be able to assess whether they have appropriate measures in place to comply with the regulations.

You should review their privacy policies and terms of use and look for GDPR statements your data processors may have prepared. This will give you clear guidance on their readiness.

A useful exercise is to map your data pathways. To understand how data is captured, what data is captured and what data is transferred between you and your data processor. This will give you a clearer understanding of your data management and where you may need to make improvements to your procedures to ensure compliance.

### **Guidance from the Information Commissioner**

- Whenever a controller uses a processor it needs to have a written contract in place.
- The contract is important so that both parties understand their responsibilities and liabilities.
- The GDPR sets out what needs to be included in the contract.
- In the future, standard contract clauses may be provided by the European Commission or the ICO, and may form part of certification schemes. However at the moment no standard clauses have been drafted.

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- Controllers are liable for their compliance with the GDPR and must only appoint processors who can provide ‘sufficient guarantees’ that the requirements of the GDPR will be met and the rights of data subjects protected. In the future, using a processor which adheres to an approved code of conduct or certification scheme may help controllers to satisfy this requirement – though again, no such schemes are currently available.
- Processors must only act on the documented instructions of a controller. They will however have some direct responsibilities under the GDPR and may be subject to fines or other sanctions if they don’t comply.

What needs to be included in the contract?

Contracts must set out:

- the subject matter and duration of the processing;
- the nature and purpose of the processing;
- the type of personal data and categories of data subject; and
- the obligations and rights of the controller.

Contracts must also include as a minimum the following terms, requiring the processor to:

- only act on the written instructions of the controller;
- ensure that people processing the data are subject to a duty of confidence;
- take appropriate measures to ensure the security of processing;
- only engage sub-processors with the prior consent of the controller and under a written contract;
- assist the controller in providing subject access and allowing data subjects to exercise their rights under the GDPR;
- assist the controller in meeting its GDPR obligations in relation to the security of processing, the notification of personal data breaches and data protection impact assessments;

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- delete or return all personal data to the controller as requested at the end of the contract; and
- submit to audits and inspections, provide the controller with whatever information it needs to ensure that they are both meeting their Article 28 obligations, and tell the controller immediately if it is asked to do something infringing the GDPR or other data protection law of the EU or a member state.

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## Controller and processor contracts checklist

Our contracts include the following compulsory details:

- the subject matter and duration of the processing;
- the nature and purpose of the processing;
- the type of personal data and categories of data subject;
- the obligations and rights of the controller.

Our contracts include the following compulsory terms:

- the processor must only act on the written instructions of the controller (unless required by law to act without such instructions);
- the processor must ensure that people processing the data are subject to a duty of confidence;
- the processor must take appropriate measures to ensure the security of processing;
- the processor must only engage a sub-processor with the prior consent of the data controller and a written contract;
- the processor must assist the data controller in providing subject access and allowing data subjects to exercise their rights under the GDPR;
- the processor must assist the data controller in meeting its GDPR obligations in relation to the security of processing, the notification of personal data breaches and data protection impact assessments;
- the processor must delete or return all personal data to the controller as requested at the end of the contract;
- the processor must submit to audits and inspections, provide the controller with whatever information it needs to ensure that they are both meeting their Article 28 obligations, and tell the controller immediately if it is asked to do something infringing the GDPR or other data protection law of the EU or a member state.

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As a matter of good practice, our contracts:

- state that nothing within the contract relieves the processor of its own direct responsibilities and liabilities under the GDPR.

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## Appendix 1

### 1.1 Data Protection

The Contractor acknowledges that in performing the Services under **[Insert Contract Identifier]** (the **Contractor**) shall process personal data within the meaning of [Data Protection Law] on behalf of NI Property Group. The Contractor agrees that:

- (a) the Contractor processes such personal data and for such purposes as are set out in Annex 1 (*Data Protection*) or otherwise agreed in writing between the parties, on behalf of NI Property Group in the context of providing the Services under this contract, for the duration of the term of this contract. The obligations and rights of NI Property Group shall be as set out in this [amendment to the contract];
- (b) the Contractor shall only process such personal data in accordance with the documented instructions of NI Property Group, including with regard to transfers of such personal data to a third country and solely as strictly necessary for the performance of its obligations under this contract;
- (c) the Contractor shall ensure that the persons authorised by the Contractor to process such personal data are bound by appropriate confidentiality obligations;
- (d) the Contractor shall implement such technical and organisational security measures as are required to comply with the data security obligations under Data Protection Law;
- (e) the Contractor shall not engage any sub-processor without the prior general written authorisation of NI Property Group and where NI Property Group has provided a general authorisation to the appointment of sub-processors, the Contractor shall inform NI Property Group if it intends to replace a sub-processor or engage other sub-processors, and provide NI Property Group with an opportunity to object to such changes ;
- (f) where any Sub-Contractor of the Contractor will be processing such personal data on behalf of NI Property Group, the Contractor shall ensure that a written contract exists between the Contractor and the Sub-Contractor containing clauses equivalent to those imposed on the Contractor in this clause 0 (*Data Protection*). In the event that any sub-processor fails to meet its data protection obligations the Contractor shall remain fully liable to NI Property Group for the performance of the sub-processor's obligations;

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- (g) the Contractor shall assist NI Property Group by implementing appropriate technical and organisational measures to enable NI Property Group to comply with requests from data subjects to exercise their rights in respect of such personal data under Data Protection Law;
- (h) the Contractor shall assist NI Property Group in ensuring compliance with its obligations in respect of the security of such personal data, data protection impact assessments and prior consultation requirements under Data Protection Law;
- (i) when the Contractor ceases to provide services relating to data processing the Contractor shall:
  - (i) at the choice of NI Property Group, delete or return all such personal data to NI Property Group; and
  - (ii) delete all existing copies of such personal data unless EU law, UK law or the laws of an EU Member State require storage of the personal data;
- (j) the Contractor shall:
  - (i) make available to NI Property Group all information necessary to demonstrate compliance with the obligations laid down in this clause 1.1 (*Data Protection*); and
  - (ii) allow for and assist with audits, including inspections, conducted by NI Property Group or another auditor mandated by NI Property Group, in order to ensure compliance with the obligations laid down in this clause 0 (*Data Protection*), provided that NI Property Group shall be entitled at its discretion, to accept adherence by the Contractor to an approved code of conduct or an approved certification mechanism to aid demonstration by the Contractor that it is compliant with the provisions of this clause 1.1 (*Data Protection*);
- (k) the Contractor shall inform NI Property Group immediately if, in its opinion, it receives an instruction from NI Property Group which infringes Data Protection Law;
- (l) the Contractor shall notify NI Property Group immediately after becoming aware of any personal data breach in relation to such personal data and provide NI Property Group with such reasonable co-operation and assistance as may be

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required to mitigate against the effects of, and comply with any notification obligations which may apply in respect of, any such personal data breach; and

- (m) no such personal data shall be transferred outside of the European Economic Area by the Contractor or its Sub-Contractors or any agents without the prior approval of NI Property Group which approval may be subject to terms and conditions (including that the data importer enters into a contract incorporating standard contractual clauses in the form approved by the European Commission and, where relevant, complies with the provisions regarding sub-processors contained in such standard contractual clauses in respect of any sub-processors). The Contractor shall comply with the requirements of Data Protection Law in respect of transfers of such personal data outside of the European Economic Area, to the extent that NI Property Group consents to any such transfer.

[Signature] \_\_\_\_\_

[Print Name] \_\_\_\_\_

[On behalf of] \_\_\_\_\_

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## Data Protection Lead

Data Protection Officers (**DPO**) under the General Data Protection Regulations are required in certain circumstances, such as for public authorities and bodies (irrespective of what data they process), and for organisations that, as a core activity, monitor individuals systematically and on a large scale, or that process special categories of personal data on a large scale.

A DPO has responsibility for coordinating data protection compliance and other issues who will:

- act as the point of contact for data access requests, data breach reporting, requests under the ‘right to be forgotten’
- ensure that data protection as a subject is kept under consideration and review.
- provide support and guidance for others.

This individual will be the Data Protection Lead (**DPL**) and will need to have the knowledge, support and authority to perform that role effectively. They must provide time and other resource (including access to training) so that knowledge is built and maintained

- acknowledge the role in the appropriate committee minutes
- communicate the role to those who need to know.
- set up contact mechanisms including a data protection email (this means that the email address can be maintained even where the individual performing the role changes)
- ensure that the Data Protection Lead (**DPL**) has access to and is invited to committees when data protection is an agenda item

This does not need to be a new member of your volunteer or staff team, but rather added to the duties of an existing member. If a data protection issue comes up and you are unsure how to respond, contact the Data Protection Lead.

### Main duties:

- Monitoring compliance with data protection legislation through periodic review of the Personal Data Inventory and Data Protection Action Plan
- Becoming broadly familiar with the data protection legislation and, where possible, participate in data protection training.
- Acting as a point of contact for data protection queries and issues within the

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organisation

- Reporting on any data access requests, breaches, requests ‘to be forgotten’  
Ensuring that requirements of data protection legislation are communicated on a regular basis to officers and post-holders within NI Property Group and to all newly appointed officers and post-holders on their appointment.

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## GDPR Top Ten Tips

1. GDPR doesn't only apply to data held electronically it also applies to data held in hardcopy form.
2. Only collect the information that you need. If you cannot demonstrate a legitimate reason why you need an individual's personal data then don't obtain it. You cannot be held responsible for data that you don't possess.
3. Undertake a comprehensive data audit of all the data in your possession. Until you know what data you have and where it is, GDPR compliance is impossible.
4. Keep your privacy policies under review. Make sure you tell people what their information is needed for, what it will be used for and what rights they have.
5. Consider the impact of a breach. If you have personal data that could, if lost or misappropriated, cause harm or loss to the individuals concerned then pay particular attention to that data as to its security from collection through to disposal.
6. In the event of a breach follow the procedures set out in your Breach Policy Document.
7. Communication and training are essential. Although there are many instances of data being stolen by hackers or through data theft the majority of data breaches are still due to human error – data left unattended, given out inappropriately, disposed of in an unsecure manner etc.
8. Keep your personal data secure and keep it only for as long as you need it. Lock it away, restrict access to it, don't leave it unattended. If held electronically, use password protection and ensure antivirus protection is kept up to date.
9. When publishing information, where possible and appropriate, make individuals anonymous or use pseudonyms to protect and minimise the risks associated with processing personal data (see further information on this overleaf).
10. Apply a common sense approach. Don't use the data in a way that would surprise the person e.g. by passing it on without authority or using it for another purpose. Anonymisation  
Anonymous information - information which does not relate to an identified or identifiable natural person or to personal data rendered anonymous in such a manner that the data subject is not or no longer identifiable. The GDPR does not apply to anonymised information. Anonymisation is the process of removing personal identifiers, both direct and indirect, that may lead to an individual being identified. Pseudonymisation Pseudonymisation, which is not the same as anonymisation, is defined within the GDPR as “the processing of personal data in such a way that the data can no longer be attributed to a specific data subject without the use of additional information, as long as such additional information is kept separately and subject to technical and organizational measures to ensure non-attribution to an identified or identifiable individual”.

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