

Cappfinity Limited Data Subject Rights Management Policy

Effective from: 25 May 2018

Reviewed: 5 November 2019

1. Introduction

Cappfinity Limited has issued this Data Subject Rights Handling Policy to describe how Cappfinity Limited handles requests for personal information of employees, contractors, clients and users.

2. Rights which all individuals including employees have regarding their personal information

Individuals in the European Economic Area ("EEA"), whose personal information are processed by Cappfinity Limited, such as the personal information of employees, contractors and clients have certain data protection rights, which they may exercise by making a request to Cappfinity Limited (a "**Data Rights Request**").

These data subject rights are the right to request:

- **Access** to their personal data;
- **Rectification** of their personal data;
- **Erasure** of their personal data (this right is also referred to as the '*right to be forgotten*');)
- **Restriction** of their personal data;
- **Portability** of their personal data;
- Processing of their personal data **ceases** (the right to **object**);
- Not to be subject to **automated decision making**; and
- Not to be sent **direct marketing**

2.1 Each of these rights is described in more detail from section 11 below.

2.2 The procedures described in this policy ("**Data Subject Rights Management Policy**") describes how Cappfinity Limited, as a data controller (i.e., the entity determining the purpose for which and manner in which the data is processed), will respond to any Data Protection Rights Requests.

2.3 Where Cappfinity Limited is the data processor, rather than the data controller, any Data Rights Request received by Cappfinity Limited will be promptly referred on to the data controller for their action, as provided for at section 3.2.

3. Responsibility to respond to a Data Rights Request

3.1 The controller of an individual's personal information is primarily responsible for responding to a Data Rights Request and for helping the individual concerned to exercise his or her rights under applicable data protection laws. For example, where an employee makes a Data Rights Request to Cappfinity Limited, Cappfinity Limited is the controller of the personal information held and processed about the employee because it determines the purposes for which the data is collected and the means by which it is processed.

3.2 Where Cappfinity Limited processes that individual's personal information as a processor on behalf of a customer who is the controller (rather than for its own purposes), Cappfinity Limited must inform the relevant customer promptly and provide it with reasonable assistance to help the individual to exercise his or her rights in accordance with the customer's duties under applicable data protection laws.

4. Personal information which Cappfinity Limited has made available to third parties

4.1 If Cappfinity Limited shares personal information with third parties, it is Cappfinity Limited's responsibility to inform those third parties of any request by an individual to rectify, erase or restrict their personal information unless it would involve disproportionate effort to do so or it is impossible. For example, Cappfinity Limited must notify any relevant Cappfinity Limited entity, sub-processors and other third parties (such as occupational health providers) to whom the personal information has been disclosed so that they can also update their records accordingly.

4.2 If requested, Cappfinity Limited must also provide details of third parties to which the individual's personal information has been disclosed.

5. Where to send your own Data Rights Requests and any questions you may have

5.1 If you wish to make a Data Rights Request regarding your personal information, this request should be made to the Cappfinity Limited Data Protection Officer, by email to dpo@cappfinity.com.

5.2 Any questions regarding Data Rights Requests should be sent to the Cappfinity Limited Data Protection Officer, by email to dpo@cappfinity.com, if relating to Staff Member data. All other Data

Rights Requests questions should be sent to the Cappfinity Limited Data Protection Officer, by email to dpo@cappfinity.com.

6. **Where to send a Data Rights Request received from a Staff Member or an individual not a Staff Member**

6.1 If you receive a Data Rights Request from another Cappfinity Limited employee, former employee, consultant, potential recruit, intern, secondee or other individuals who work(ed) for Cappfinity Limited ("**Staff Member**"), the request should immediately be sent to the Cappfinity Limited Data Protection Officer, by email to dpo@cappfinity.com (indicating the date on which it was received together with any other information which may help deal with the request).

6.2 If you receive a Data Rights Request from an individual who is not a Staff Member, the request should immediately be sent to the Cappfinity Limited Data Protection Officer, by email to dpo@cappfinity.com (indicating the date on which it was received together with any other information which may help deal with the request).

6.3 Due to the time frame by which European data protection legislation demands that requests are dealt with it is crucial that requests received from either Staff Members or non-Staff Members, are sent to the Cappfinity Limited Data Protection Officer, by email to dpo@cappfinity.com.

7. **Verification process**

7.1 The Cappfinity Limited Data Protection Officer (email: dpo@cappfinity.com) (or their assistants), will make an initial assessment of the request to assess whether it has been received by Cappfinity Limited as a controller or as a processor. They may also need to verify that the request has been validly made (which means they may need to request identification of the requestor).

7.2 If it is determined that a customer or other third party is the controller in relation to the relevant personal information and Cappfinity Limited is their processor, the customer or other third party will be notified as soon as possible and Cappfinity Limited will assist the controller with complying with the Data Rights Request (in accordance with any contract terms which may be in place with the controller).

7.3 If determined that Cappfinity Limited is the controller of the personal information that is the subject of the request, the individual will be contacted in writing to confirm receipt of the Data Rights Request and seek confirmation of identity (if not already validated).

7.4 If Cappfinity Limited is not exempt under applicable data protection laws from fulfilling the Data Rights Request, then Cappfinity Limited will request any further information needed to action the individual's request. Once Cappfinity Limited has all the information it needs to action the Data Rights Request, Cappfinity Limited will respond to the request in accordance with section 11 onwards below.

8. Exemption from requirement to respond to a Data Rights Request

8.1 Cappfinity Limited is only permitted to decline to act on a request if the request is excessive and/or manifestly unfounded (for example because repetitive requests having been made). In which case, Cappfinity Limited must be able to demonstrate the request is excessive and/or manifestly unfounded.

8.2 In some cases, specific additional exemptions may apply. Where specific exemptions relating to particular Data Subject Rights exist, these are explained below.

8.3 If Cappfinity Limited is exempt from the requirement of fulfilling the Data Rights Request, then Cappfinity Limited will notify the individual if it intends to decline the Data Rights Request and explain that an exemption applies.

9. Timeframe for acting on Data Rights Requests

9.1 Data Subject Requests must be responded to without undue delay and in no case later than one month of receipt of the request unless this is not possible because the request is particularly complex. With such complex cases, Cappfinity Limited will be entitled to extend the response period by up to two further months. Cappfinity Limited must give the individual notice within one month of receipt of the request of its intention to respond within this extended time period. The notice provided must explain the reasons for the delay.

10. Charging for Data Rights Requests

10.1 Cappfinity Limited is not permitted to charge for acting on a Data Rights Request unless Cappfinity Limited is exempt from the obligation to act on the request (see above) but is prepared to act on the request anyway. In which case a reasonable fee may be charged taking into account the administrative costs of providing the information or communication or taking the action requested.

11. Requests for access to personal information

The right of access: This is a right for an individual to obtain confirmation whether a controller processes personal information about them and, if so, to be provided with details of that personal information and access to it.

Confirmation also needs to be provided about the purposes of the processing, the categories of data concerned; recipients or categories of recipients to whom the data is disclosed especially those outside of the EEA; period for which the personal data is stored; possibility to request rectification or erasure of the data or restriction or objection to the processing; right to lodge a complaint with a data protection authority; where the data has not come directly from the data subject details of their sources; and details about any automated decision making processing including profiling which is occurring with their data.

Information to be provided in response to a request

- 11.1 An individual is entitled to request a copy of his or her personal information from Cappfinity Limited. Where an individual makes such a request, Cappfinity Limited must confirm whether it holds and is processing personal information about that individual and if so provide that personal information to the individual in intelligible form.
- 11.2 The individual making the request should also be provided with the following information:
 - 11.2.1 A description of the personal information and categories of personal information concerned;
 - 11.2.2 The envisaged period for which the personal information will be stored;
 - 11.2.3 The purposes for which they are being held and processed;
 - 11.2.4 The recipients or classes of recipients to whom the information is, or may be, disclosed by the controller;
 - 11.2.5 Confirmation of the individual's right to request rectification or erasure of his or her personal information or to restrict or object to its processing;
 - 11.2.6 Confirmation of the individual's right to lodge a complaint with a competent data protection authority;
 - 11.2.7 Details about the source of the personal information if it was not collected from the individual;
 - 11.2.8 Details about whether the personal information is subject to automated decision-making (including profiling); and
 - 11.2.9 Where personal information is transferred from the European Economic Area to a country outside of the European Economic Area, the appropriate safeguards that Cappfinity Limited has put in place relating to such transfers in accordance with European data protection laws.

Format of requests

- 11.3 An access request does not have to be official or mention data protection law to qualify as a valid request.
- 11.4 An access request does not need to be made in writing and can be made orally but it is helpful if it is made in writing (for record keeping purposes). If made in writing it is also helpful if the individual provides their email address and confirms whether the information can be sent to them by email (or other means by which they prefer to receive the information). Requests made electronically (e.g., by email) **must** be responded to electronically (in a commonly used format) unless the individual stipulates otherwise. Individuals may ask for information to be provided orally instead.

Exemptions

- 11.5 Cappfinity Limited is not permitted to refuse to comply with an access request unless it can demonstrate that it is not in the position to identify the individual who is making the request or Cappfinity Limited is exempt from its obligations to comply (see above at section 8 regarding exemptions).

12. Requests to rectify personal information

The right to rectification: This is a right for an individual to obtain rectification without undue delay of inaccurate personal data a controller may process about him or her.

Rectification by Cappfinity Limited

- 12.1 If Cappfinity Limited holds inaccurate or incomplete information about an individual, the individual is entitled to request that the information is rectified.

Rectification by third parties

- 12.2 If Cappfinity Limited rectifies an individual's information further to such a request, Cappfinity Limited must also notify third parties. See section 4 above.

Supplementary statements to complete information

- 12.3 If a request to rectify information involves ensuring it is complete, the individual may provide a supplementary statement for Cappfinity Limited to hold to complete the personal information held about them.

13. Requests to erase personal information ("right to be forgotten")

The right to erasure: This is a right for an individual to require a controller to erase personal information about them on certain grounds – for example, where the personal information is no longer necessary to fulfil the purposes for which it was collected.

Circumstances in which right to erasure applies

- 13.1 An individual may request that Cappfinity Limited erases their personal information in the following circumstances:
- 13.1.1 The personal information is no longer necessary for the purpose for which it was collected or otherwise processed;
 - 13.1.2 The personal information was unlawfully processed by Cappfinity Limited;
 - 13.1.3 If the processing was on the basis of consent from the individual and they withdraw their consent (and no other legitimate grounds for processing the information exists);
 - 13.1.4 The individual objects to the processing (see below) and no overriding legitimate grounds exist for processing the information; and
 - 13.1.5 The personal information needs to be erased to comply with Cappfinity Limited's legal obligations.

Erasure of personal information by third parties

- 13.2 If Cappfinity Limited erases an individual's information further to such a request, Cappfinity Limited must also notify third parties. See section 4 above.
- 13.3 If Cappfinity Limited has made the personal information public, and is obliged to erase the personal information pursuant to a Data Rights Request, it must take reasonable steps, including technical measures (taking account of available technology and the cost of implementation), to inform controllers which are processing the personal information that the individual has requested the erasure by such controllers of any links to, or copy or replication of, the personal information.

Exemptions

- 13.4 In addition to the general exemption referred to at section 8, Cappfinity Limited is exempt from the obligation to erase personal information where the processing of the information is necessary for:
- 13.4.1 Compliance with Cappfinity Limited's legal obligations;

- 13.4.2 Establishing, exercising or defending legal claims;
- 13.4.3 Scientific, historical or statistical purposes and erasure of the personal information would make this processing impossible or seriously impair it;
- 13.4.4 Public interest reasons as follows:- performance of a task carried out in the public interest, exercise of official authority vested in Cappfinity Limited, for public health reasons or archiving in the public interest (these exemptions are unlikely to apply to Cappfinity Limited); and
- 13.4.5 Exercising the right of freedom of expression and information (again, this is unlikely to apply to Cappfinity Limited).

14. Right to object to processing

The right to object: This is a right for an individual to object, on grounds relating to his or her particular situation, to a controller's processing of personal data about him or her, if the processing is on the grounds that it is for the legitimate interests of the controller.

Circumstances in which individuals can object to processing

- 14.1 If Cappfinity Limited is relying on the grounds that the processing is in Cappfinity Limited's legitimate interests to process personal information, an individual may object to that processing.
- 14.2 Individuals can also object to the processing if the processing is to perform a task in the public interest or to exercise an official authority vested in the controller. This is, however, unlikely to apply to Cappfinity Limited.

Exemptions

- 14.3 In addition to the general exemption referred to at section 8, Cappfinity Limited is exempt from the obligation to cease processing the personal information further to an objection if:
 - 14.3.1 Cappfinity Limited can demonstrate it has compelling legitimate grounds for processing the information which override the interests, rights and freedoms of the individual;
 - 14.3.2 The processing is to establish, exercise or defend a legal claim; and
 - 14.3.3 The processing is for scientific, historical or statistical purposes carried out in the public interest (this exemption is unlikely to apply to Cappfinity Limited).

15. Right to restriction

The right to restriction: This is a right for an individual to require a controller to restrict processing of personal information about them on certain grounds.

- 15.1 Where certain grounds are met (e.g., where a data subject has contested the accuracy of data and a period of time is required for Cappfinity Limited to verify the accuracy of the Personal Information, the processing of the individual's personal data will need to be discussed.
- 15.2 If Cappfinity Limited is processing an individual's personal data and the individual wishes to restrict that processing on the grounds of the accuracy of the data, Cappfinity Limited will limit the processing of that individual's personal data until such time as the accuracy of the personal information has been appropriately verified.

16. Right to data portability

The right to data portability: This is a right for an individual to receive personal information concerning him or her from a controller in a structured, commonly used and machine-readable format and to transmit that information to another controller, if the processing is based on consent of the individual and if the processing is carried out by automated means.

- 16.1 If Cappfinity Limited is processing an individual's personal data and the individual wishes to request a copy of the personal data that they have submitted to Cappfinity Limited, then Cappfinity Limited will provide this copy of the data to the individual in a structured, commonly used and machine-readable format.

17. Right not to be subject to automated decision making (including profiling)

The right not to be subject to automated decision making: This is a right to object to an automated decision made about an individual (i.e. without a human involved) which has a legal or other similar effect on the individual. Individuals can ask for human intervention in the process.

- 17.1 Cappfinity Limited uses automated decision making in relation to the scoring of online assessments and the progression of candidates through a recruitment process, based on the candidate's achievement of certain assessment thresholds or otherwise. This automated decision making, based on automated scoring of online assessments, ensures an entirely objective, consistent and fair process for all candidates.
- 17.2 Automated decision making for progression in a recruitment process is never used by Cappfinity Limited based on demographic criteria including any of the protected characteristics provided for in the Equality Act (2010).

17.3 An individual can choose to object to the use of automated decision making in relation to the scoring of an online assessment, and their progression through a recruitment process based on automated decision making. In the case of an individual making this objection, Cappfinity Limited will advise what alternatives are available to the individual, if indeed it is possible to provide these alternatives (in the case of some online assessment scoring, this may not be possible).

18. Right to object to direct marketing

The right to object to direct marketing: Individuals have the right to object to direct marketing, including profiling relating to direct marketing.

18.1 Cappfinity Limited must stop using personal information for direct marketing if it receives such a request. See Cappfinity Limited's Website Privacy Notice for more information on our obligations relating to direct marketing.