

 MIRA	POLICY	Number: HM000029
Data Privacy Policy		Issue Level 5
Application	HORIBA MIRA Companywide	PUBLIC

Purpose

The purpose of this document is to explain the types of personal data HORIBA MIRA, (hereafter known as MIRA), stores and processes, the rights of an individual and what to do if you have a complaint or query with regards to your personal data.

Definitions

Personal Data	Personal data is any information from which a living person (the Data Subject) can be identified, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.
Data Subject	The natural person to whom the Personal Data applies directly or indirectly.
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 the processing of personal data.
Data Processor	The natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.
Processing	An operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means.
Data Protection Law	EU General Data Protection Regulation and any legislation which supplements it, including the Data Protection Act 2018 or any successor thereof. Any other applicable privacy legislation or regulations, guidance or codes of practice issued in respect of such legislation.
Consent	Any freely given, specific, informed and unambiguous indication of the Data Subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of Personal Data relating to him or her.
Data Breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Data transmitted, stored or otherwise processed.

Policy

It is the policy of MIRA that it shall at all times adhere to data protection law and respect the privacy of individuals by processing personal data only for legitimate and lawful purposes and in strict adherence to current data protection legislation. Set out below is our Data Privacy Policy which makes clear how we meet our obligations to everyone whose personal data we process and to the Supervising Authorities.

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6 Data Protection Principles

1. Data will be processed fairly, lawfully and in a transparent manner.
2. Data will be collected for specified, explicit and legitimate purposes.
3. Data will be adequate, relevant and limited to what is necessary.
4. Data will be accurate and kept up to date.
5. Data will be retained only for as long as necessary.
6. Data will be processed in a manner to maintain security.

Lawful Basis for Processing

MIRA will obtain, hold, use and disclose personal information for our legitimate business purposes, for the fulfilment of legal obligations and as part of contractual arrangements. Processing of personal data will include:

- staff administration including occupational health, welfare and performance management
- management of public relations, advertising and media
- management of finance and accounts
- training and personal development
- property, asset and insurance management
- vehicle and transport management
- payroll and benefits management
- management of complaints
- vetting and security including CCTV images
- management of information and communication technology systems
- legal services
- licensing and registration where applicable
- pensions administration
- research
- sports and recreation
- procurement and contract management
- health and safety management
- performance of a business contract
- obligations under the law to statutory authorities
- business development and planning
- Customer relationship management

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The lawful basis for processing personal data is in all cases strictly in accordance with one or more of the following:

- the explicit consent of the individual; or
- the performance of a contract (or for the purposes of entering in to a contract at the request of the individual) ; or
- a legal obligation upon us e.g. tax affairs; or
- in the vital interests of an individual; or
- in the public interest; or
- for our legitimate business interests specifically to the extent that the data protection legislation allows and where these are not overridden by the rights of the individual

All personal information processed by us is done so fairly, lawfully and with appropriate justification. We ensure that any personal information used by us or on our behalf is of the highest quality in terms of accuracy, relevance, adequacy and limitation. It will be kept up-to-date, be protected appropriately and securely destroyed when no longer required.

We will comply with all individuals' rights under existing data protection legislation.

Where personal data is held purely by virtue of the consent of the individual, that consent will be explicitly given, recorded and may be withdrawn at any time without penalty.

Legitimate Interest


Legitimate interest is one of the lawful bases that allows the processing of personal data. It may also apply to the legitimate interest of a third party receiving the data. It is the most flexible of the six lawful bases. It is not focused on a particular purpose and therefore gives us more scope to potentially rely on it in different circumstances. The legitimate interest basis is likely to be most useful where there is either a minimal impact on the individual and/or a compelling justification for the processing. It does not require the consent of the data subject.

When considering whether we have a legitimate interest to process personal data consider 3 factors, known as the 3 part test:

- The **PURPOSE** for which we are processing the data
- The **NECESSITY** for processing the data and whether alternatives are available
- The **BALANCE** between our interests and the privacy rights of the individual. Our interests cannot override individual rights

Legitimate interest is most likely to apply when processing employee or client data, direct marketing (as long as is carried out in compliance with Privacy and Electronic Communications Regulations), Intra-group administrative transfers, or for the purposes of fraud prevention, network and information security and indicating possible criminal acts or threats to public security.

A legitimate interest most likely exists where there is a 'relevant and appropriate relationship' between us and the individual e.g. if the individual is our client, business partner or employee. It is more likely to apply because we are more likely to have a clear legitimate purpose for using this data and the nature of our relationship means the processing is less likely to be unexpected or unwanted.

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Your Data Protection Rights

As the person to whom personal data relates, you have certain rights regarding how your data is held, used, processed or shared by us. These are explained below:


- The right to be informed – You have the right to insist on transparency over how we use your personal data and to be provided with ‘fair processing’ information.
- The right of access – You have the right to access your personal data and any other supplementary information within one month. You can request this free of charge.
- The right to rectification – You are entitled to have data rectified if it is inaccurate or incomplete.
- The right to erasure – You may request the deletion or removal of personal data if you believe that there is no longer any lawful basis for which it is processed.
- The right to restrict processing – You have the right to request restriction of the processing of your data if you contest its accuracy or object to its processing for any reason. In such cases MIRA is entitled to store your data but not further process it until an investigation is complete and your complaint is verified.
- The right to data portability – You have the right to request your personal data be given to you in a machine readable format to be used for your own purposes and to transfer it easily from one IT environment to another. This only applies to information that you have given us and where the processing is carried out by automated means. We may not be able to provide you with this information if it prejudices the rights of another person.
- The right to object – You have the right to object to the processing of your data where the processing is based on the legitimate interests of MIRA with regard to direct marketing or where it is being used for statistical purposes.

See: Procedure [HM000031 ‘Data Subject Rights’](#)

Types of Personal Data Processed

In the legitimate course of our business we may obtain, hold, use and disclose personal information relating to or consisting of any of the following:

- personal details such as name, address and biographical details
- family and social circumstances
- education and training details
- employment details
- professional qualifications and experiences
- financial details
- goods or services provided
- racial or ethnic origin
- trade union membership
- physical or mental health
- criminal offences, outcomes and sentences
- sound and visual images

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- licenses or permits held
- information relating to health and safety
- complaints and correspondence
- incident and accident details
- performance management information
- copies of correspondence to or from us
- data derived from IT systems such as IP addresses or location information
- information that may be required for the performance of a contract

The Source and Origins of Personal Data that we Hold, Use or Disclose

We may obtain personal information from a wide variety of sources, including the following:

- HM Revenue and Customs
- law enforcement agencies and regulatory or licensing authorities
- legal representatives
- business partners who share a legitimate business contract with us
- prospective business partners
- external auditors
- central or local government, government agencies and departments
- emergency services
- individuals themselves
- relatives, guardians or other persons associated with the individual
- current, past or prospective employers of the individual
- healthcare, social and welfare practitioners
- education, training establishments and examining bodies
- business associates and professional advisors
- employees and agents of MIRA
- suppliers and providers of goods or services
- persons making an enquiry or complaint
- financial organisations and advisors
- credit reference agencies
- survey and research organisations
- trade, employer associations and professional bodies
- data Processors working on behalf of MIRA
- our parent organisation and its subsidiaries
- CCTV systems
- recruitment agencies

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Whose Personal Data do we Process?

We may obtain, use and disclose personal information relating to a wide variety of individuals including the following:

- staff including volunteers, contractors, agency staff including temporary and casual workers
- suppliers
- business partners
- complainants, correspondents and enquirers
- relatives and associates of the individual concerned
- advisers, consultants and other professional experts
- former and potential members of staff
- pensioners and beneficiaries
- Tenants
- Visitors
- Persons attending MIRA social events

We will only obtain, hold, use or disclose appropriate personal information necessary to fulfil a particular purpose. Personal information could be held in computer format or in a paper record. It can also include other types of electronically held information such as CCTV images or audio recordings.

Retention of Personal Data

We keep personal data for as long as, but no longer than is necessary for the particular purposes for which it is held or for any period that might be required by law. Where there is no further requirement to use, hold or store personal data and the law does not require us to do so, we shall remove it from our records and systems. Our retention of personal data is strictly on the basis of the clear and justifiable existence of a lawful basis for processing.


Personal data will be retained as specified in the Record Retention Procedure. This will vary considerably depending on the type of data and the lawful basis for its processing. The overriding rule is that the 'storage limitation' Data Protection Principle will apply in all cases:

"Data shall be 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"

See: Reference Document [HM000018 'Data Retention Policy'](#)

Where Personal Data is Held

Personal data relating to any individual may be held, used and processed on a number of systems and in a variety of formats. Personal data will be held in machine readable format on computers, servers (whether ours or hosted by a business partner), on mobile devices or in paper files.

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These will include:

- HR systems
- Finance Systems
- Customer Databases
- Recruitment Systems
- Occupational Health Records
- Managers' individual filing systems – electronic and hard copy
- Project Management Systems
- emails and correspondence
- bespoke Management Information Systems


Who We Share Information With

We may disclose personal information to a wide variety of recipients, including those from who personal information is obtained. Disclosure of personal information will be made strictly on the grounds of the following and with suitable controls in place:

- the explicit consent of the individual; or
- the performance of a contract; or
- a legal obligation upon us; or
- in the vital interests of an individual; or
- the public interest; or
- for our legitimate business interests specifically to the extent that data protection legislation allows and where these are not overridden by the rights of the individual

Where processing is to be carried out on behalf of MIRA by a third party organisation (known as the Data Processor), MIRA shall use only processors providing by means of contractual clauses sufficient guarantees regarding appropriate technical and organisational measures that processing will meet the requirements of the law and ensure the protection of the rights of the data subject. The processor shall not engage another processor without the prior specific written authorisation of MIRA. We may also share data with 3rd Party Data Controllers who are Controllers in their own right and therefore separately have also to be compliant to data protection law. In such cases safeguards are provided through a Data Processing Addendum to any Principal Agreement with them. We do not act as Joint Controllers with any other organisation. We are not a Data Processor for any other organisation. We may share personal information with any of the following:

- law enforcement agencies and regulatory or licensing authorities
- legal representatives
- business partners who share a legitimate business contract with us
- prospective business partners
- external auditors
- central or local government, government agencies and departments
- emergency services

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- current, past or prospective employers of the individual
- healthcare, social and welfare practitioners
- education, training establishments and examining bodies
- business associates and professional advisors
- managers within the Horiba Group of companies
- suppliers and providers of goods or services
- financial organisations and advisors
- credit reference agencies
- survey and research organisations
- trade, employer associations and professional bodies
- recruitment agencies

Customer Contact

MIRA uses an external 3rd party data processor for automated customer contact. We use MailJet and you can read their Privacy Policy at <https://www.mailjet.com/security-privacy/>. Contact with Customers is only made on the basis that the Customer has affirmatively opted in to receive such contact.

Overseas Transfers of Personal Data

MIRA as part of its business operation will under certain conditions share personal data within the Horiba Group overseas and also to other overseas organisations. Some organisations that MIRA disclose personal information to are outside of the European Economic Area. We ensure that all personal data shared with any overseas organisation is adequately protected.

All transfers of data overseas are governed strictly as follows:

- within the HORIBA Group – As allowed by a Framework Agreement approved by the European Commission
- outside of the HORIBA Group and outside of the EEA - By EC Model Data Protection Clause agreements approved by the European Commission
- within the EEA and to countries approved by the EC as having adequate data protection standards – Using standard contract with data privacy clauses

There are circumstances where the adequacy mechanisms above do not apply. These are where the transfer of data is:

- made with the individual's informed consent;
- necessary for the performance of a contract between the individual and the organisation or for pre-contractual steps taken at the individual's request;
- necessary for the performance of a contract made in the interests of the individual between the controller and another person;
- necessary for important reasons of public interest;

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- necessary for the establishment, exercise or defence of legal claims;
- necessary to protect the vital interests of the data subject or other persons where the data subject is physically or legally incapable of giving consent

See: Procedure [HM000044 'International Transfers of Personal Data'](#)

Data Security

MIRA takes information security very seriously. Our IT systems are accredited by HM Government using the Cyber Essentials Plus scheme. All staff receive training in data protection, IT security and acceptable computer use. MIRA has robust policies with regard to IT Security, Information Security Management Systems, confidentiality of information, acceptable Internet use, handling of personal data, software and data control, Data Privacy Impact Assessments, and Data Breach Incident Management. Penetration testing by external consultants takes place periodically. Data is classified so we know how to handle it and all data stored on MIRA systems is encrypted at rest and backed up. All devices that store data are encrypted.

Sensitive Personal Data

Previously 'Sensitive Personal Data' has now been designated as Special Category Data. Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data or biometric data for the purpose of uniquely identifying a person, data concerning health or a person's sex life or sexual orientation can only be processed under specific conditions. MIRA will in the course of business hold and process data relating to:


- employee health records
- employee race and ethnicity
- employee Trade Union membership (where union subscriptions are deducted from payroll)
- Criminal record checks are carried out where the individual will come in to contact with HM Government classified information as part of their job role.

See: Procedure [HM000060 'Criminal Records Check Procedure'](#)

All Special Category Data is held strictly on the basis of the consent of the data subject and is afforded the highest degree of protection.

Data Protection Impact Assessments

In order to comply with Data Protection law there is a requirement on MIRA to carry out Data Protection Impact Assessments (DPIA) where data processing activities pose potentially a high risk of compromise to the rights or freedoms of individuals. DPIAs will be carried out either by the project manager directly responsible for the processing activity and/or by the MIRA Data Protection Officer. An effective DPIA will be initiated and maintained throughout the development and implementation of a project or system. DPIAs will be applied at a time when it is still possible to have an impact on the project. The DPIA process is integrated with existing project management processes.

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See: Policy [HM000032 'Data Protection Impact Assessments'](#)

Complaints or Queries

You have the right to make a complaint about the manner in which your personal data is stored, used, processed or shared by us; or if you feel that any of your Data Protection Rights have been violated.

You can direct all personal data queries or complaints to us by contacting our Data Protection Officer at dataprotection@horiba-mira.com

Or you can complain directly to the Information Commissioner's Office (ICO) using contact details below. The ICO is the UK's independent body set up to uphold information rights.

Key Data Protection Contact Details

The Data Controller

The Data Controller for all personal data stored and processed by HORIBA MIRA Ltd is:

HORIBA MIRA Ltd
 Watling Street
 Nuneaton
 Warwickshire
 CV10 0TU
www.horiba-mira.com

+44 (0)24 7635 5000

The Data Protection Officer

The Data Protection Officer for HORIBA MIRA Ltd can be contacted at:

dataprotection@horiba-mira.com

+44 (0) 24 7635 5175

Supervising Authority

The Supervising Authority for data privacy matters in the UK is the Information Commissioner's Office (ICO):

Information Commissioner's Office
 Wycliffe House
 Water Lane
 Wilmslow
 Cheshire
 SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate) or email <https://ico.org.uk/concerns/>

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N.B.: All Document amendments should be clearly marked with an orange line down the left-hand margin

Issue No.	Amended By	Section(s) Affected	Date
1	Chris Hoad	New document	22/01/2018
2	Chris Hoad	New sections added for Legitimate interest, Customer contact, DPIA. Data security section updated and minor paragraph changes to the rest of the document. Classification changed from Internal to Public and document retitled.	27/07/2018
3	Chris Hoad	Change of document title to 'Data Privacy Policy'	30/11/2020
4	S Archer	References to MailChimp, replaced with MailJet	01/09/2021
5	Chris Hoad	General regulatory updates	16/06/2022

Latest Issued Document Details

Owned by	Chief Operating Officer		
Reviewed by	Operations Review Team	Next review scheduled	15/06/2025
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