



## **DATA PROTECTION POLICY**

### **Purpose**

This Notice outlines the data protection policies and procedures ICB has adopted and to which ICB abides to ensure it is GDPR compliant. The purpose of this Notice and any other documents referred to in it, is to clearly list and identify the legal requirements, procedures and rights which must be established when ICB obtains, processes, transfers and/or stores your Personal Data. This Notice will assist you in understanding the obligations, responsibilities and rights which arise from the the Data Protection Laws.

### **Introduction**

Everyone has rights regarding the way their Personal Data is handled. In order to operate efficiently ICB needs to collate and use information about the people with whom ICB works, and whom it supervises, educates, examines, licenses and manages membership for. This includes but is not limited to: current, past and prospective employees, reviewers, professional experts, students, members, stakeholders, delegates and others with whom ICB communicates.

ICB regards the lawful and correct treatment of personal information as integral to its successful operation, and to maintaining the confidence of the people that it works and communicates with. To this end ICB fully endorses and adheres to the principles of the relevant Laws.

ICB is registered as a Data Controller on the Register kept by the Information Commissioner's Office.

## Definitions in this Policy

**Data:** Information stored electronically, on a computer, server or in certain paper-based filing systems.

### **Data**

**Controller:** ICB has determined the purposes for which, and the manner in which, Personal Data is processed. ICB has overall responsibility for compliance with the Enactments. Any questions about the operation of this policy or any concerns that the policy has not been followed should be referred in the first instance to the Data Protection Officer, ICB, 122-126 Tooley Street, London SE1 2TU:  
[Professionalstandards@bookkeepers.org.uk](mailto:Professionalstandards@bookkeepers.org.uk)

### **Data**

#### **Protection**

**Officer:** ICB's appointed officer who is responsible for awareness-raising, training staff and informing and advising the Data Controller, Data Users and Data Processors how to ensure compliance with the Enactments, and to monitor that compliance. Mrs June Carter who may be contacted by post or by using sending an email to:  
[Professionalstandards@bookkeepers.org.uk](mailto:Professionalstandards@bookkeepers.org.uk)

### **Data**

**Processor:** Any person or organisation that is not a Data User that processes Personal Data on ICB's behalf and in accordance with ICB's specific instructions. Employees of ICB are excluded from this definition but, the definition could include service providers who handle Personal Data on ICB's behalf and any further third parties that ICB deems necessary and appropriate to fulfil its obligations to its members, students and employees such as Education/Training Providers for the purposes of training and examinations certification and/or software providers such as Rogo and Sage.

### **Data**

**Subjects:** All living individuals about whom ICB holds Personal Data. All Data Subjects have legal rights concerning the processing and storage of their personal information.

**Data users:** ICB's employees whose work involves processing Personal Data. Data users are responsible for the proper use of the data they process and must protect the data they handle in accordance with this Notice.

### **The**

**Enactments:** The Data Protection Act 1998 (the Act) and The General Data Protection Regulations (GDPR) will apply, both of which regulate the way in which all Personal Data is held and processed.

### **Personal**

**Data:** Information which can be used to directly or indirectly identify a living individual.

**processing:** Any activity in which the data is used, including (but not limited to) obtaining, recording, organising, amending, retrieving, using, disclosing, erasing, destroying and/or holding the data. The term "processing" also includes transferring Personal Data to third parties.

### **Supervisory**

**Authority:** The Authorised Body which is empowered to govern and manage how the GDPR is implemented and abided by in a particular EU state. In the case of the UK the Supervisory Authority is the: Information Commissioner's Office.

## **Sensitive**

**Personal Data:** This includes information about a person's race, ethnicity, political opinions, convictions, religion, trade union membership, physical and/or mental health, and sexual preference. Sensitive Personal Data can only be processed with the express consent of the person concerned.

## **Notice Statement**

In accordance with the GDPR anyone processing Personal Data must comply with the six principles of good practice. These provide that Personal Data must:

1. be processed fairly, lawfully and transparently;
2. only be used for the purpose for which it was collected;
3. be adequate, relevant and not excessive for the purpose for which it is being processed;
4. be accurate and kept up-to-date;
5. not be kept longer than necessary to fulfil the purpose of its collection;
6. be kept secure and protected from unauthorised processing, loss, damage or destruction which includes the data not being transferred to a country or territory outside the European Economic Area unless the Personal Data is adequately protected and/or consent of the Data Subject has been provided.

### **1. Fair, Lawful and Transparent Processing**

For Personal Data to be processed lawfully, the basis for the processing must be one of the legal grounds set out in the Enactments. These include, among other things, your written consent to the processing, that the processing is necessary for the performance of a contract, the Data Controller is exercising its official authority, or that there is a legitimate interest or legal obligation for the processing of your data.

In the event ICB collects Personal Data directly from you, this policy assists in informing you about:

- 1.1** the purpose or purposes for which ICB intends to process your Personal Data;
- 1.2** the types of third parties, if any, with which ICB will share or to which ICB will disclose your Personal Data; and
- 1.3** the means by which you, as a Data Subject, can limit ICB's processing and disclosure of your Personal Data.

If ICB receives Personal Data about you from other sources, of which you are likely to be unaware, ICB will notify you of this information as soon as possible thereafter unless such disclosure would interfere with ICB's other legal obligations and responsibilities.

When sensitive Personal Data is being processed, additional conditions and securities must be in place to ensure protection. Although ICB shall not generally require or process sensitive Personal Data, should an exception arise ICB will contact the data subject in advance to request their consent before any processing of sensitive Personal Data takes place.

If you are under 16, ICB will require your guardian or parent to provide express consent that ICB is authorised to process your data. Where ICB acts as a Data Processor and receives such Personal Data from a Data Controller, ICB shall seek confirmation from the Data Controller that express consent from your guardian or parent has been obtained.

## **2. Processing for Limited Purposes**

In the course of ICB's business, ICB shall process the Personal Data received directly from you (for example, by you completing forms, sending us papers or from you corresponding with ICB by mail, phone, email or otherwise) and your Personal Data which ICB may receive from any other source.

ICB shall only process your Personal Data to fulfil and/or enable it to satisfy the terms of ICB's obligations and responsibilities in its role as a Membership Body, Awarding Body, Anti-Money Laundering Supervisor, Regulator, Licensor, Educational Institute, Marketer and Advertiser or for any other specific purposes permitted by the Enactments.

Should ICB deem it necessary to process Personal Data for purposes outside and/or beyond the reasons for which it was originally collected, ICB will contact you first, inform you of those purposes and ICB's intent, and if necessary, ICB may apply for your consent.

## **3. Adequate, Relevant Non-Excessive Processing**

ICB will only collect and process your Personal Data as required to fulfil ICB's obligations and responsibilities in its role as a Membership Body, Awarding Body, Anti-Money Laundering Supervisor, Regulator, Licensor, Educational Institute and Marketer and Advertiser.

## **4. Accurate and up to date data**

ICB shall take all reasonable steps to ensure that all Personal Data held is accurate and up to date and will check the accuracy of any Personal Data at the point of collection and at regular intervals afterwards. If you become aware that any of your Personal Data is inaccurate, you are entitled to contact ICB and request that your Personal Data is amended. ICB will take all reasonable steps to destroy or amend inaccurate or out-of-date data.

## 5. The Timely Processing of the Data

ICB will not keep Personal Data longer than is necessary for the purpose or purposes for which it was collected. Once Personal Data is no longer required, ICB will take all reasonable steps to destroy and erase it provided that ICB's other legal obligations are not affected.

## 6. Keeping the Personal Data Secure

ICB's employees and contracted personnel are bound to ICB's policies, procedures and technologies which maintain the security of all your Personal Data from the point of collection to the point of destruction.

ICB maintains data security by protecting the confidentiality, integrity and availability of your Personal Data, and when doing so abides by the following definitions:

- 6.1 Confidentiality:** ICB ensures that only people authorised to use your Personal Data can access it. Employees are prohibited from accessing and viewing your Personal Data unless it is necessary to do so.
- 6.2 Integrity:** ICB will make certain that your Personal Data is accurate and suitable for the purpose for which it is processed.
- 6.3 Availability:** ICB has established procedures which mean authorised Data Users should be able to access your Personal Data if they need it for authorised purposes.

ICB also maintains security procedures which include, but are not limited to:

- 6.4** Secure lockable desks and cupboards. Desks and cupboards shall be kept locked if they hold your Personal Data. ICB's offices are alarmed and a key code and key card are required for entry.
- 6.5** Methods of disposal. Paper documents containing Personal Data are shredded and digital storage devices shall be physically destroyed when they are no longer required.
- 6.6** Data Users shall be appropriately trained and supervised in accordance with the requirements of ICB's Data Protection Policy which include requirements that computer monitors do not show confidential information to passers-by and that Data Users log off from their PC when it is left unattended.
- 6.7** ICB computers have appropriate password security, boundary firewalls and effective anti-malware defences. ICB routinely backs-up electronic information to assist in restoring information in the event of disaster and ICB software is kept up-to-date with the latest security patches. ICB utilises information security management systems which are ISO 27001 certified and implements up-to-date anti-viral and anti-malware software. All of ICB's computers are individually password protected and limited access is granted to folders containing Personal Data.

- 6.8** ICB uses secure external servers hosted by Microsoft Azure to store some of its electronic records, which may include your Personal Data. Microsoft Azure is EU-US Privacy Shield certified which is rated by the European Commission as GDPR compliant.
- 6.9** ICB's Data Protection Officer will ensure that ICB's Data Protection Policy is kept updated in response to any amendments to the Law.
- 6.10** ICB shall take appropriate security measures against unlawful and/or unauthorised processing of Personal Data, and against the accidental loss of, or damage to, your Personal Data.

ICB shall only transfer your Personal Data to a Data Processor (a Data User outside of ICB) if the Processor agrees to comply with ICB's procedures and policies, or if the Processor puts in place security measures to protect Personal Data, which ICB considers adequate and are in accordance with the Enactments.

### **Transferring the Personal Data out of the EEA**

ICB shall only transfer any Personal Data it holds to a country outside the European Economic Area ("EEA"), if one of the following conditions applies:

- The country to which the Personal Data shall be transferred ensures an adequate level of protection and can ensure your legal rights and freedoms.
- You have given your consent that your Personal Data is transferred.
- The transfer is necessary for one of the reasons set out in the Enactments, including the performance/completion of a contract between you and ICB, or to protect your vital interests.
- The transfer is legally required on important public interest grounds or for the establishment, exercise or defence of legal claims.
- The transfer is authorised by the ICO where ICB has received evidence of adequate safeguards being in place regarding the protection of your privacy, your fundamental rights and freedoms, and which allow your rights to be exercised.

The Personal Data ICB holds may also be processed by staff operating outside the EEA who work for ICB or for one of ICB's suppliers. Those Data Users may be engaged in, among other things, the fulfilment of contracts with you, such as the provision of support services.

## How ICB Uses Your Personal Data

ICB will only collect and process your Personal Data to the extent that it is needed to fulfil ICB's operational and contractual needs or to comply with any legal requirements.

ICB shall access and use your Personal Data in accordance with your instructions and as is reasonably necessary:

1. As an **Anti-Money Laundering Supervisor**; to provide, maintain and improve ICB's services to you and its members and to fulfill its role and obligations.
2. As a **Licensors**; to provide, maintain and improve ICB's services to you and its members and to fulfill its role and obligations.
3. **Regulator**; to provide, maintain and improve ICB's services to you and its members and to fulfill its role and obligations.
4. As an **Educational Institute**; to provide, maintain and improve ICB's services.
5. As a **Membership Body**; to provide, maintain and improve ICB's services to you and its members and to fulfill its role and obligations.
6. For the purposes of **Advertising and Marketing** the services of ICB affiliates and other bodies associated with the bookkeeping/accountancy sector. Advertising and Marketing does **not** include ICB informing its current and expired members about changes to legislation, news, events, new features to ICB's services and security, fraud or other related notices, which ICB classifies as **Notifications\***.

**You are entitled to opt out of receiving "Advertising and Marketing" and some "Notifications" received from ICB at any time by notifying ICB in writing or updating your privacy settings**

7. To respond to your requests, queries and problems.
8. To administer licensees accounts, invoicing and to keep track of billing and payments.

For the above items 1, 2, 3 and 7 ICB shall process Personal Data on the basis that it is exercising its official authority derived from the Money Laundering Regulations 2007 and the The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (MLR 2017) and/or the fact that the processing is necessary for ICB to comply with its legal obligations.

For the above items 3, 4, 5, 7 and 8 ICB shall process Personal Data on the basis that the processing is necessary for the performance of a contract for which the data subject is party or the fact that the processing is necessary for the purposes of a legitimate interest.

For the above item 6, ICB shall process the Personal Data of its members and non-members for Advertising and Marketing only with their express consent. Advertising and Marketing

may include the selling of your personal data to unrelated third parties/companies which provide accounting/bookkeeping services and products and/or ICB using your personal data to implement targeted marketing of third party services and products.

\*\*Advertising and Marketing” is different to “Notifications”. ICB shall process the Personal Data of its members and non-members for “Notifications” on the basis that there is a legitimate interest or it is required in order for ICB to fulfil its other legal obligations.

Notifications are how ICB keeps its members and non-members up-to date with the developments and changes to legislation which affect bookkeeping and which can prevent you from acting unlawfully or being in complicit in an unlawful act. These Notifications also enable ICB to assist bookkeepers in providing an effective and secure service to their employers and/or clients.

One of the ways ICB notifies its members and non-members of these developments is by sending ICB members and non-members Newsletters and/or details of ICB Events. You are entitled to opt out of receiving these particular notifications.

ICB strongly recommends that you do not opt out of receiving Notifications as if you do ICB will no longer be able to ensure that you are kept abreast of the current legal requirements and issues surrounding bookkeeping.

**You are entitled to opt out of receiving “Advertising and Marketing” and/or the ICB Newsletter, and/or ICB events from ICB at any time by notifying ICB in writing or updating your privacy settings by using the following link:**

<http://www.bookkeepers.org.uk/MyICB/Account-Settings/>

## **Cookies**

ICB’s website uses Cookies which may be stored on your computer whilst you visit. Cookies are small text files and help ensure ICB’s website works effectively. The Cookies provide ICB with aggregated information concerning the number of people who have visited the website and the items which have generated interest. This information helps ICB respond to its members’ and non-members’ concerns and plan guidance and initiatives. ICB does not use cookies in any other way and the cookies do not identify you personally. Most of ICB’s cookies will be deleted from your computer when you exit the website.

ICB also utilises a Facebook and Twitter platform and often shares content from its events, conferences and seminars. If you visit these platforms Twitter and/or Facebook may store cookies on your computer. ICB has no control over how these third parties may use your cookies. If you have concerns about these platforms, ICB recommends you familiarise yourself with the privacy policies of both Twitter and Facebook.

## **When ICB May Share Personal Data**

There are times when ICB may need to share your Personal Data. This section discusses how and where ICB may share your information



In the course of ICB fulfilling its role of Anti-Money Laundering Supervisor, Licensor, Regulator, Membership Body, Awarding Body and Educational Institute it may be necessary for ICB to disclose your Personal Data in certain situations:

- In ICB's Licensing, Regulatory and Anti-Money Laundering Supervising role, ICB may need to share your Personal Data with other supervisors, regulators, legal, governmental and other relevant bodies including HMRC, HMT, OPBAS, FCA and the NCA.
- In ICB's Regulatory role, ICB may also need to share your personal details with a former client/employer should that client/employer raise a complaint against you.
- In ICB's role as an Educational Institute, ICB may need to share your Personal Data with education/training providers, examiners, and examining boards and other educational institutes.
- If ICB is under a duty to disclose or share your Personal Data in order to comply with any legal obligation, lawful requests, court orders and legal process.
- To enforce or apply any contract or other agreement with you.
- Upon receiving your express consent that ICB may disclose the data to a third party.
- To protect ICB's rights, property, or safety and that of its employees, members, or others, in the course of investigating and preventing Bribery and Corruption, the facilitation of tax-evasion, money laundering and fraud.

### **Your Rights and Requests Concerning Your Personal Data**

ICB will process and manage all Personal Data in line with your rights, in particular your rights to:

- request access to any data ICB holds about you;
- prevent the processing of your Personal Data for direct-marketing purposes, if so instructed;
- ask to have inaccurate Personal Data amended;
- be forgotten, and have all relevant Personal Data erased (subject to ICB's overriding legal obligations);
- prevent processing that is likely to cause damage or distress to you or anyone else;
- request certain restrictions on the processing of your Personal Data;

- receive a copy of your Personal Data and/or request a transfer of your Personal Data to another Data Controller;
- not be subject to automated decision making, excluding the marking of examinations;
- be notified of a data security breach which affects your rights and freedoms, without undue delay;
- if your Personal Data is being processed on the basis that you have provided your express consent, you are entitled to withdraw that consent. Such a withdrawal will not affect any processing of the data completed before consent was withdrawn; and
- to make certain requests to ICB concerning how your Personal Data is managed.

### **Access and portability requests**

You are entitled to request access to your Personal Data unless providing a copy would adversely affect the rights and freedoms of others.

You can also request information about the different categories and purposes of data processing; recipients or categories of recipients who receive your Personal Data, details on how long the Personal Data is stored for, information on your Personal Data's source and whether the Data Controller implements automated decision-making.

You also have “Data Portability” rights which include the right to request a copy of your Personal Data be sent to you or transmitted to another Data Controller.

### **Correction requests**

You can request ICB correct or complete any inaccurate or incomplete Personal Data without undue delay. ICB will update the information and erase or correct any inaccuracies as required.

### **Erasure requests**

You can exercise your “right to be forgotten” and can request ICB erases your Personal Data. Once receiving a request ICB must erase the Personal Data without delay, unless an exception applies that permits ICB to continue processing your data. Details of such exceptions are contained in the Enactments and include situations where ICB might need to retain the information to carry out its official duties and/or comply with legal obligations and/or for the establishment of exercising or defending legal claims, or it is in the public interest to retain your Personal Data.

## **Restriction requests**

You may request restrictions be applied to the processing of your Personal Data for some specific reasons such as you contest the accuracy of the data, the processing is unlawful or if ICB no longer needs to process your Personal Data. You can also request restrictions be applied if the processing is being done for public interest or third party reasons.

If such a request is received ICB can continue to store your Personal Data, but may only process it under certain circumstances, such as: you give consent for ICB to continue processing your data or ICB needs to establish, exercise, or defend legal claims or ICB needs to protect the rights of another individual or legal entity or for important public interest reasons.

## **Objection requests**

You may also object to your Personal Data being processed under certain circumstances, including for direct marketing purposes and profiling related to direct marketing.

If ICB receives such an objection ICB will stop processing your Personal Data unless ICB can show a compelling legitimate ground for processing of your Personal Data that overrides your interests and the basis of your request.

## **Your Telephone Queries and Requests**

When receiving telephone enquiries in which Personal Data is requested, ICB will only verbally disclose Personal Data held on its systems if ICB can confirm the caller's identity so as to ensure that the data is only given to a person who is entitled to receive it.

ICB may suggest that a caller put their request in writing to assist in establishing the caller's identity, and to enable it to clearly record the nature of the request and to assist in further identity checks.

If ICB has reasonable doubts about the identity of the person making the request, ICB may request additional information to confirm the caller's identity.

In difficult situations ICB Data Users may refer a request to their line manager for assistance.

## **Your Written Queries and Requests**

When responding to written requests, Personal Data will only be disclosed if ICB can confirm the identity of the sender and/or sufficient supporting evidence is provided by the sender establishing their identity.

## **Responding to Your Requests**

Upon receiving a request from you concerning your Personal Data, ICB will respond within one month of receiving the request by email (unless the Data Subject requests a response in an alternative format).

If ICB is unable to comply with your request, ICB will inform you within one month of receiving the request stating whether it needs to extend the response time (for up to a maximum of two months), along with an explanation for the delay.

If ICB does not take any action within one month after receiving your request, you are entitled to request an explanation from ICB as to why no action was taken and you may make a complaint to the ICO: *Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF (Tel: 0303 123 1113) (email. casework@ico.org.uk)*

When responding to Personal Data requests ICB will provide the information, unless the requests are manifestly unfounded or excessive, particularly if it is repetitive in which case ICB may refuse to act on the request, or apply fees to cover the associated administrative costs.

## **Your Complaints**

If you feel that your questions or concerns regarding your Personal Data have not been dealt with adequately or that your request has not been fulfilled by ICB, you can use ICB's complaints procedure, by emailing ICB at [professionalstandards@bookkeepers.org.uk](mailto:professionalstandards@bookkeepers.org.uk)

If, at the conclusion of ICB's complaints procedure you do not feel that ICB has adequately dealt with your complaint you may make a complaint directly to ICO: *Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF (Tel: 0303 123 1113) (email. casework@ico.org.uk).*

## **Changes to the Policy**

ICB keeps its privacy policy under regular review and reserves the right to amend and update this policy as required. Where appropriate, ICB will notify the Data Subjects of those changes by mail, email and/or by placing an updated version of the policy on website.