



Data Protection Policy

1. Introduction

This policy achieves two aims. First it sets out FL&M Ltd's commitment to ensuring that its PickaShift application, website and services adhere to the new standards for protecting personal data set by Regulation (EU) 2016/679 (otherwise known as the General Data Protection Regulation (**GDPR**)). Second, it shows how we implement that commitment in everything we do with PickaShift from the collection, use, and analysis of personal data through to hosting, cloud-storage, and end-uses.

2. Core Terms Used in this Policy

Data is information which is stored electronically, on a computer, in certain paper-based filing systems or any recorded information.

Data subjects for the purpose of this policy include all living individuals about whom we hold personal data such as all the care workers who register with us. All data subjects have legal rights in relation to their personal data.

Personal data means data relating to a living individual who can be identified from that data (or from that data and other information in our possession). Personal data can be factual (such as a name, address or date of birth) or it can be an opinion (such as a performance appraisal).

Data controllers are the people who or organisations which determine the purposes for which, and the manner in which, any personal data is processed. They have a responsibility to establish practices and policies in line with the law. FL&M Ltd is the data controller of all personal data it holds to the extent it is an employer of people and a responsible company. It is very important to note that FL&M Ltd is not a data controller in the context of the use made by others of PickaShift's application and services including the upload by care facilities, home-based facilities, end users of data sets, images, and other information produced and used by PickaShift's users.

Data users include employees whose work involves using the limited personal data that PickaShift holds. Data users have a duty to protect the information they handle by following our company's data protection and security policies at all times.

Data processors include any person who processes personal data on behalf of a data controller. Employees of data controllers are excluded from this definition but it could include contractors/suppliers which handle personal data (such as outsourced payroll service providers) on the company's behalf.

Processing is any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transferring personal data to third parties.

3. **Our 12 Data Commitments:**

PickaShift is committed to:

1. ensuring that we comply with the very latest data protection principles, as initially set out in the Data Protection Act 1998 and subsequently developed in the GDPR;
2. processing data-sets lawfully, fairly and in a transparent manner. Transparency for PickaShift means clearly documenting our user terms of service, privacy statement, our cookie policy, and this data protection policy. In this way we are upfront with stakeholders, customers, end-users, our strategic partners, and regulatory authorities including the Information Commissioner;
3. living the new GDPR principle of accountability. In other words, we are a corporately responsible company, acutely aware that our PickaShift application is based on the constant flow of accurate content, to it and from it. Accordingly, our own internal standards regarding the control, processing and use of data must continue to be first-rate, and this is what we strive to achieve;
4. acting with a clear and valid purpose when using personal data. We therefore handle personal data in order to meet our operational needs, to fulfil contractual agreements, to respond to system-critical issues and to adhere to a variety of legal obligations;
5. delivering data optimisation (and data-minimisation where possible) in our work. We are an efficient, agile and lean business, so we seek to minimise data duplication and remove obsolete data from our systems at regular intervals;
6. establishing and honouring appropriate retention periods for holding on to personal data. Part of this necessarily means honouring individuals' right to be forgotten where appropriate to do so;
7. ensuring that end-product is delivered accurately and without fuss whenever a data subject exercises his or her statutory right to call for and receive their personal information held within the PickaShift application or otherwise by FL&M Ltd as the owner of Pickashift;
8. providing high quality security measures to protect personal data from unwanted exposure, hacking, manipulation or other form of unlawful activity, theft or abuse;
9. ensuring that we provide a clear signal of leadership to our regulator, our customers and our peers by appointing one of our directors as Data Protection Officer.
10. embedding a culture of continuous improvement and data-awareness which flows throughout the whole organisation rather than staying only with the most senior officers. FL&M Ltd continuously improves and learns as a business;
11. ensuring that all staff are made aware of good practice and trained in evolving data protection standards with the help of key strategic partners and external legal experts (such as Keystone Law) in the fields of corporate governance, information law, and compliance;
12. ensuring that everyone at PickaShift feels encouraged to raise concerns about data protection vulnerabilities – this will prompt internal dialogue about our standards so that we remain aware of evolving standards in data protection (particularly in the care and health sectors in which we operate).

4. Information we collect

The types of personal data that PickaShift may handle includes information about current, past and prospective employees, suppliers, corporate care facilities, strategic and joint-venture partners, individual home-based facilities, and end-users of the PickaShift application, software, content and related services. The personal data, which may be held on paper or on a computer or other media, is subject to certain legal safeguards.

PickaShift collects this data from information:

- provided directly to us (when people join our organisation, contract with us, supply to us, become a registered care worker or a registered facility, or ultimately become licensee or end user of our services)
- created when the PickaShift platform is used and/or an individual provides their consent for us to intervene in a process or systems issue (this may be a remote intervention, and will always be in line with our privacy and cookie consent policies)
- and on rare occasions from other sources such as third parties and strategic partners (such as regulatory authorities, recruitment agencies, HMRC)

Examples of information we may collect includes “identifiers” such as:

- job title
- registration / certification number and other details
- contact information including address, email address and telephone
- IP address
- web browser type
- operating system
- industry information
- customer preferences
- credit card/payment data

5. Why and how we use personal information

FL&M Ltd collects and uses information to enable it first and foremost to function as an employer and company, responsible for its people, protecting shareholder-value, and delivering its corporate objectives. We also collect and use information for the effective delivery of the PickaShift application, the website, the software, including the performance of our legal obligations to others. Examples of how we use the information we collect:

- to communicate with staff, care facilities, care workers, end-users, partners and others
- to enhance the safety and security of our staff, customers, and end-users
- for customer support /maintenance
- for research and development
- personalising and tailoring experiences of our application, sites, and services
- to meet contractual obligations
- to comply with applicable legal or regulatory requirements, which may include personal information, for example, where we are complying with a legal process or responding to requests from the Information Commissioner or a governmental authority. We do not require any further consent in order to share data in such circumstances and will comply as required with any legally binding request that is made of us.

PickaShift does not sell or share personal information to third parties for third party direct marketing purposes.

6. Access& control of personal data

PickaShift will ensure that any personal data we process is accurate, adequate, relevant and not excessive, given the purpose for which it was obtained. We will not process personal data obtained for one purpose (recruitment and employment with us) for any unconnected purpose (marketing/sales exercises) unless the person concerned has agreed to this or would otherwise reasonably expect this kind of broader use of their data.

7. Data portability

Upon receipt of a subject access request, the individual making the request is entitled to receive a copy of the personal data in a structured, commonly used and machine-readable format (this will most likely be sent by email, but could be or provided via USB or other similar medium). We will endeavour to process without undue delay and in any case within one month, provided the request is not particularly complex and it does not compromise the privacy of other individuals. In line with the GDPR, we will not charge for this service except in the most extreme and complex of cases as referenced.

8. Retention of data and the new right of erasure

PickaShift retains information collected on its staff, customers, end-users and others in order to continue to be a successful company and employer. In some cases, the company may retain certain personal information as required by law or if necessary for its legitimate business interests, such as fraud prevention, trend-analysis, contract performance reviews, and enhancing the end-user experience of the PickaShift application, website, and services.

Individuals may also request that any information we hold is deleted or removed (personal data will be deleted when it is no longer necessary in relation to the purpose for which it was originally collected/processed). There are certain circumstances in which we may have to refuse an erasure request, for example, in order to comply with a legal obligation under contract or subscription, or to preserve the integrity of the online platform and its supporting functions, or for the performance of a separate exercise of official authority.

Please discuss with us if there are certain personal data sets or personal identifiers that are to be erased as per your preference – we will investigate if this is possible. You can also make choices about PickaShift's collection and use of personal data by engaging with us directly.

9. Security

As with any online platform or application, FL&M Ltd understands that data integrity and cyber security are of great importance to PickaShift. To protect personal data we have put in place suitable measures to safeguard our network, application, software, encrypt information, and secure data collected through our communication systems, our website, our contracts, our licences and through the general conduct of our business.

Notwithstanding the security measures that we take, it is important to remember that the transmission of data over any IP connection or for example through a less secure email account will not be completely secure. Anyone doing business with or contacting FL&M Ltd or using PickaShift is advised to take suitable precautions when transmitting information to us.

10. Cookies and similar technologies

Cookies are small text files that are stored on your browser or device by websites, apps, online media, and advertisements. PickaShift has a separate privacy policy and cookie consent statement it will keep up to date with evolutions in privacy law.

11. Links to our partner organisations

Our application and website may in due course contain links, testimonials, or references to case studies and customers, which may encourage individuals to visit other websites of interest easily. You should note that we do not have any control over those other websites, and retain no liability nor responsibility for them. Therefore, we cannot be responsible for the protection and privacy of any information which you provide whilst visiting such sites and such sites are not governed by this policy. You should exercise caution and review the privacy policy applicable to the website in question.

12. Updates to this policy

The world of online services, applications, and web based services is rapidly changing. FL&M Ltd and PickaShift are pleased to be at the forefront of that change, and therefore will periodically update this policy to reflect changes in the world around us (such as any new data protection law implemented by the UK government in the coming years).