

Age UK East London Data Processing by External Suppliers Policy Version 2.0

1. Introduction

- 1.1 This Policy sets out the obligations of Age UK East London, a company registered in England under number 07687015, whose registered office is at 2nd Floor 82 Russia Lane, Bethnal Green, London, England, E2 9LU (“the Company”) regarding all situations and arrangements whereby external suppliers (referred to hereunder as “Contracted Data Processors”) are employed by Age UK East London to process data:
- a) as Data Processors where Age UK East London is the Data Controller
 - b) as Data Sub-processors to process the personal data of another Data Controller which Age UK is contracted to process as a Data Processor

2. Responsibilities

- 2.1 It is the responsibility of Age UK East London’s Data Protection Officer (“DPO”) to approve the use of all Contracted Data Processors employed by Age UK East London, according to the requirements of the Data Protection Laws and this procedure.
- 2.2 It is the responsibility of the Age UK East London’s internal owners or managers of relationships with Contracted Data Processors to ensure that all data processing by Contracted Data Processors is carried out according to the requirements of this procedure.
- 2.3 Regular audits of compliance by Contracted Data Processors with these procedures shall be carried out by Age UK East London, who shall be responsible for them.
- 2.4 Before entering into agreements with a Contracted Data Processors, Age UK East London, under the supervision of its DPO, will carry out Data Protection Impact Assessments or, if considered more appropriate by the DPO, alternative forms of information security risk assessments.
- 2.5 Taking into account the nature of the personal data to be processed and the specific circumstances of the data processing (e.g. where sensitive personal information is to be processed), the DPO may deem it necessary to undertake audits of Contracted Data Processor security arrangements before entering into agreements.

3. Policy

- 3.1 Age UK East London shall only engage Contracted Data Processors in accordance with written contracts (Data Processing or Data Sub-processing Contracts) or legally binding Data Processing Agreements (these three items to be collectively referred to hereunder as “Contracts”).
- 3.2 Age UK East London shall only engage with Contracted Data Processors outside of the EEA:
 - a) where the Contracted Data Processors has been identified positively in an EU Commission adequacy decision; or
 - b) when the rights and freedoms of data subject are secured by legally binding corporate rules and other safeguards, agreed between Age UK East London and the Contracted Data Processors and are equal or equivalent to those afforded by the EU; or
 - c) where a specific arrangement between Age UK East London and the Contracted Data Processor has been approved by the Information Commissioner or other relevant supervisory authority.
- 3.3 Age UK East London shall only engage with Contracted Data Processors able to provide adequate security, including technical, physical and organisational security.
- 3.4 Contracts with Contracted Data Processors will expressly set out the service(s) to be provided by the Contracted Data Processors, require Contracted Data Processors to provide suitable security for the personal data to be processed and require that all personal data will be either destroyed or returned to Age UK East London upon the termination of the Contract.
- 3.5 In the context of the preceding paragraph, Age UK East London has a preference for Contracted Data Processors with formal certifications in cyber security e.g. Cyber Essentials or Cyber Essentials Plus. Contracted Data Processors without formal certifications will be expected to demonstrate compliance with the National Cyber Security Centre’s ‘10 Steps to Cyber Security’.
- 3.6 Contracts with Contracted Data Processors must contain clauses preventing Contracted Data Processors from hiring subcontractors for the processing of personal data in the absence of express, written approval by Age UK East London.
- 3.7 Age UK East London will only approve Contracts with Sub-data processors, if they agree to provide the same level of security and protection to the rights and freedoms of the data subject as those afforded by Age UK East London. In addition, Contracts between Contracted Data Processors and their Sub-data processors must contain clauses requiring that all personal data will be either destroyed

or returned to Age UK East London upon the termination of the Contract.

4. Implementation and Review

- 4.1 This Policy shall be deemed effective as of 18th March 2020. No part of this Policy shall have retroactive effect and shall thus apply only to matters occurring on or after this date.
- 4.2 This Policy will be updated as necessary to reflect current best practice, official guidance, and in line with current legislation
- 4.3 This Policy will be reviewed at least annually.
- 4.4 The latest version of this Policy and Procedure document will be made readily available to all employees, agents, contractors, volunteers or other parties working on behalf of the Company

This Policy has been approved and authorised by:

Name: Jane Caldwell
Position: Chief Executive
Date: 18th March 2020
Due for Review by: 17th March 2021
Signature:

5. Change history

Version	Section	Issue	Change	Approval	Date
1.0	n/a	Original document	n/a	CEO	05/06/2018
2.0	n/a	Section and paragraph numbering	Added numbering of all paragraphs	DPO	04/03/2020
2.0	n/a	Order of paragraphs	Ordering changed for greater clarity		04/03/2020
2.0	n/a	Terminology	Replacement of the term 'third-party processor' by Contracted Data Processor throughout	DPO	04/03/2020
2.0	n/a	Content	Numerous changes to the wording to improve clarity, remove ambiguity and strengthen the policy	DPO	04/03/2020
2.0	4	Review etc.	Specified at least annual reviews in line with DS&P Toolkit requirements	DPO	04/03/2020