GDPR Statement

Whitelodge Systems Ltd
(Whitespace Work Software Limited and AllOnMobile Limited)

Document Control

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FOREWORD

The Data Protection Act 2018 (DPA) is the UK's implementation of the General Data Protection Regulation (GDPR).

Since the implementation of GDPR on 25th May 2018 Whitespace Work Software has received numerous questions on the implication of storing personal data within Whitespace solutions and what rights are necessary to comply with UK DPA and EU General Data Protection Regulation 2016/679 (GDPR), specifically around the right of erasure (right to be forgotten).

Whitespace solutions do not require personal data to achieve their specified functionality, however, should customers wish to store personal data within the Whitespace solutions to drive communications or other activities then they should be aware of the following responsibilities under GDPR:

- As the Controller, a customer is responsible for accuracy and maintenance of personal data in the Whitespace solutions.
- As the Controller, a customer is responsible for gaining consent from an individual to use their personal data for the intended purpose, i.e. emailing waste collection updates.
- As the Processor, Whitespace Work Software follows instructions from the Controller regarding the processing of personal data and do not process personal data for any purpose other than that specified by the Controller.
- Whitespace solutions keep an audit trail of completed activities, these audit records may contain personal information. Controllers accept that there is no right of erasure for these records.

Whitespace is committed to information security and compliance with appropriate regulations, as such it will continue to monitor the situation closely and review its position as and when further GDPR clarifications are available.

Mark Garvey, CEO

Public Task

Under GDPR, (Article 6(1)(e)) gives a lawful basis for processing personal data where "processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller".

Individuals' rights to erasure do not apply when processing personal data on the basis of public task. However, individuals do have a right to object. With this in mind Whitespace has taken advice and believes that its products are GDPR compliant and that it is not necessary to provide the 'right to be forgotten' within its products as standard functionality.

Please see the ICO public task web page for more information.

Definitions

1.1 Controllers

- decide to collect or process the personal data.
- decide what the purpose or outcome of the processing was to be.
- decide what personal data should be collected.
- decide which individuals to collect personal data about.
- obtain a commercial gain or other benefit from the processing, except for any payment for services from another controller.
- process the personal data as a result of a contract between themselves and the data subject.
- make decisions about the individuals concerned as part of or as a result of the processing.
- exercise professional judgement in the processing of the personal data.
- have a direct relationship with the data subjects.
- have complete autonomy as to how the personal data is processed.
- have appointed the processors to process the personal data on our behalf.

1.2 Joint Controller

A ruling in June 2018 introduced the concept of 'Joint Controllership' into GDPR. Fundamentally it is where the Processor benefits from the personal data:

The GDPR speaks of joint controllership when two or more controllers jointly determine the purposes and means of processing. The joint decision-making process is central to determine joint controllership and requires that each controller must actually have a say in the collection and processing of data. A mere contractual agreement on one party processing personal data and other parties benefiting from such processing does not suffice for the establishment of joint controllership. For example, in the Facebook case, the fan page administrator has neither got a say, nor has he got insights on how Facebook is processing visitors' data. Otherwise any agreement on processing personal data would constitute joint controllership. In other words: The test for joint controllership is thus a practical one rather than – in the first place – one based on mere contractual analysis. A full transcript can be found here.

The ICO defines Joint Controllers responsibilities as:

- having a common objective with others regarding the processing.
- processing the personal data for the same purpose as another controller.
- using the same set of personal data (e.g. one database) for this processing as another controller.
- having designed this process with another controller.
- having common information management rules with another controller.

1.3 Processors

- follow instructions from someone else regarding the processing of personal data.
- given the personal data by a customer or similar third party or told what data to collect.
- do not decide to collect personal data from individuals.
- do not decide what personal data should be collected from individuals.
- do not decide the lawful basis for the use of that data.
- do not decide what purpose or purposes the data will be used for.
- do not decide whether to disclose the data, or to whom.
- do not decide how long to retain the data.
- may make some decisions on how data is processed but implement these decisions under a contract with someone else.
- are not interested in the end-result of the processing.

Data Processing Schedule – Whitespace & Whitespace Mobile

Service Name	Whitespace
Product Description	Back-office and mobile software solution (the Service) to support the management and delivery of scheduled and ad-hoc activities in relation to the environmental services provided by district and unitary councils.
Subject Matter of Processing	Whitespace's license of the Service to customers.
Duration of Processing	The Disclosed Data will be Processed: (i) for the duration of the Service; and (ii) after these Services expire or are terminated, solely to the extent required by law. Personal Data shall not be Processed for longer than is necessary for the purpose for which it was collected or is being Processed (except where a statutory exception applies).
Nature of Processing	Consent is not requested or required.
Purpose(s) of Processing	Personal Data will be processed to the extent necessary to provide the Service in accordance with both the terms of the customer contract and the Controller's instructions. The Processor processes Personal Data only on behalf of the Controller. Processing operations include but are not limited to the provision of the Service – this operation relates to all aspects of Personal Data processed. Technical support, issue diagnosis and error correction to ensure the efficient and proper running of the systems and to identify, analyse and resolve technical issues both generally in the provision of the Service and specifically in answer to a Controller query. This operation may relate to all aspects of Personal Data processed but will be limited to metadata where possible.
Types of Data Processed	Address Address type Other data uploaded to the Service by (or at the direction of) the Controller or by Users
Category of Data	Personal Data relating to individuals uploaded to the Service by (or at the direction of) the Controller or by Users, Subsidiaries and other participants whom the Controller has granted the right to access the Service in accordance with the provisions of the Customer Contract.
Special categories of data	No sensitive or special categories of data are permitted to be transferred and shall not be contained in the content of attachments created within the service.
Data Subjects	The private addresses in receipt of environment services from district council and individuals about whom data is uploaded to the Service by (or at the direction of) the Controller or by Users, Subsidiaries and other participants whom the Controller has granted the right to access the Service in accordance with the provisions of the Customer Contract.
Plan for return or destruction of the data once the processing is complete	Data will be destroyed at the end of the Customer Contract, unless customers specify differently in the contract.

Questions and Answers – Whitespace & Whitespace Mobile

	Questions	Whitespace Response
1.	What Personal Data does the Whitespace Service process?	Whitespace Services are highly configurable both by Whitespace Work Software Ltd. and by the Client, either via the API or web interface. Given the highly configurable nature of the Whitespace Service, post implementation Clients must take responsibility for tracking Personal Data sent to and received from the Whitespace Services.
2.	Does Whitespace Ltd. only act on the instruction of Clients?	For data held within or actions upon the Client's account within the Whitespace Services, Whitespace Ltd. will comply with the Client's instructions unless requested or forced to do so under legal instruction. Clients are encouraged to ensure that all instructions are: a) up-to-date b) confirmed in writing to Whitespace Work Software Ltd.
3.	Is Personal Data processed in accordance with Client's contract/written instructions?	Based on the results of question 1 (above), Whitespace Work Software Ltd. is happy to work with clients to identify personal information, with any alterations to data processing to be agreed by mutual consent.
4.	Is joint controller applicable to the Whitespace Services.	No. Under the checklist defined by the ICO the Whitespace services do not qualify as a joint controller.
5.	Will Whitespace Ltd. delete or return all personal information when the contract ends?	Returning data from the Whitespace Work Software Ltd. services can be achieved by the Client via the API. Separate arrangements may also be agreed.
6.	What about the right to be forgotten?	Personal data can be help against a property or site, this information can be updated. Note: Whitespace solutions keep an audit trail of completed activities, these audit records may contain personal information. Controllers accept that there is no right of erasure for these records. Please see the Public Tasks statement on page 5 of this document.
7.	Does Whitespace Ltd. only employ persons who are committed to confidentiality and who are under statutory obligation of confidentiality.	Data confidentiality is an integral part of all Staff employment contracts and reinforced via policies and procedures under Whitespace Work Software Ltd.'s ISO27001 certification.

	Questions	Whitespace Response
8.	How does Whitespace Ltd. ensure they take appropriate technical and organisational security measures?	Whitespace became ISO27001 (Information Security Management) Certified in September 2017. Please see https://www.iso.org/isoiec-27001-information-security.html
9.	Does Whitespace Work Software Ltd. use sub-processor and do they need a Client's permission first?	Whitespace reserve the right to use suitable sub-processors at their discretion. Whitespace will ensure that any sub-processor meets the same security and GDPR compliance standards as the Whitespace Services. Where available a contract will be agreed, or Whitespace will ensure the supplier Terms and Conditions meet those necessary for Whitespace to remain GDPR compliant and in line with its ISO27001 certification.
10.	Can Whitespace Work Software Ltd. assist Client's in meeting their obligations under GDPR?	Whitespace is committed to working with its Clients to ensure GDPR compliance. Please note that Whitespace reserves the right to charge for some services.
11.	Can Whitespace Work Software Ltd. demonstrate its compliance?	Whitespace is happy to reassure Clients of its compliance with GDPR. Clients can contact gdpr@whitespacews.com to make an appointment to discuss compliance.
12.	Does Whitespace Work Software Ltd. maintain records of all processing being carried out on the Clients behalf?	Whitespace keeps logs of processing within the Whitespace Services, however if Clients have specific requirements they feel are appropriate to meet GDPR commitments they should contact gdpr@whitespacews.com.
13.	If there is a Personal Data breach when will affected Clients be told?	Whitespace commits to notify Clients within 48 hours of any breach involving Personal Data.
14.	Does Whitespace Work Software Ltd. have a Data Processing Officer.	Whitespace's Head of Compliance, Dave Patrick is responsible for Data (including Personal) security. Dave is also the owner of Whitespace Ltd.'s Information Security Management System and Chair of the ISMS Committee.
15.	Does Whitespace Work Software Ltd. limit data transfers outside of the UK?	Whitespace use only UK based organisations. No data is sent outside of the UK.

Data Processing Schedule – All On Mobile

Service Name	All On Mobile
Product Description	Back-office and mobile software solution (the Service) to support the management and delivery of scheduled and ad-hoc jobs and activities.
Subject Matter of Processing	AllOnMobile's license of the Service to customers.
Duration of Processing	The Disclosed Data will be Processed: (i) for the duration of the Service; and (ii) after these Services expire or are terminated, solely to the extent required by law. Personal Data shall not be Processed for longer than is necessary for the purpose for which it was collected or is being Processed (except where a statutory exception applies).
Nature of Processing	Consent is not requested or required.
Purpose(s) of Processing	Personal Data will be processed to the extent necessary to provide the Service in accordance with both the terms of the customer contract and the Controller's instructions. The Processor processes Personal Data only on behalf of the Controller. Processing operations include but are not limited to the provision of the Service – this operation relates to all aspects of Personal Data processed. Technical support, issue diagnosis and error correction to ensure the efficient and proper running of the systems and to identify, analyse and resolve technical issues both generally in the provision of the Service and specifically in answer to a Controller query. This operation may relate to all aspects of Personal Data processed but will be limited to metadata where possible.
Types of Data Processed	Address Address type Other data uploaded to the Service by (or at the direction of) the Controller or by Users
Category of Data	Personal Data relating to individuals uploaded to the Service by (or at the direction of) the Controller or by Users, Subsidiaries and other participants whom the Controller has granted the right to access the Service in accordance with the provisions of the Customer Contract.
Special categories of data	No sensitive or special categories of data are permitted to be transferred and shall not be contained in the content of attachments created within the service.
Data Subjects	Data relating to individuals about whom data is uploaded to the Service by (or at the direction of) the Controller or by Users, Subsidiaries and other participants whom the Controller has granted the right to access the Service in accordance with the provisions of the Customer Contract.
Plan for return or destruction of the data once the processing is complete	Data will be destroyed at the end of the Customer Contract, unless customers specify differently in the contract.

Questions and Answers – All On Mobile

	Questions	AllOnMobile Response
1.	What Personal Data does the All On Mobile Service process?	The All On Mobile Service is configured by the Client directly, either via the API or web interface (Bridge). Given the highly configurable nature of the All On Mobile Service Clients must take responsibility for tracking personal data sent to and received from the All On Mobile Service. Please note there are no default fields dedicated to Personal Data within the All On Mobile Service so it is not possible for the Processor to determine what is or is not personal data from within the All On Mobile Service.
2.	Does AllOnMobile Ltd. only act on the instruction of Clients?	For data held within or actions upon the Client's account within the All On Mobile Service, AllOnMobile Ltd. will comply with the Client's instructions unless requested or forced to do so under legal instruction. Clients are encouraged to ensure that all instructions are: a) up-to-date b) confirmed in writing to AllOnMobile Ltd.
3.	Is Personal Data processed in accordance with Client's contract/written instructions?	Based on the results of question 1 (above), AllOnMobile Ltd. is happy to work with clients to identify personal information, with any alterations to data processing to be agreed by mutual consent.
4.	Is joint controller applicable to the All On Mobile Service.	No. Under the checklist defined by the ICO the AllOnMobile does not qualify as a joint controller.
5.	Will AllOnMobile Ltd. delete or return all personal information when the contract ends?	Returning data from the All On Mobile Service can be achieved by the Client via the API and via the Bridge web site. Data can be deleted from the All On Mobile service via the API or the Bridge web site.
6.	What about the right to be forgotten?	Job data can be permanently deleted within the All On Mobile Service.
7.	Does AllOnMobile Ltd. only employ persons who are committed to confidentiality and who are under statutory obligation of confidentiality.	Data confidentiality is an integral part of all Staff employment contracts and reinforced via policies and procedures under AllOnMobile Ltd.'s ISO27001 certification.
8.	How does AllOnMobile Ltd. ensure they take appropriate technical and organisational security measures?	AllOnMobile became ISO27001 (Information Security Management) Certified in September 2017. Please see https://www.iso.org/isoiec-27001-information-security.html

	Questions	AllOnMobile Response
9.	Does AllOnMobile Ltd. use sub-processor and do they need a Client's permission first?	AllOnMobile Ltd. reserve the right to use suitable sub-processors at their discretion. AllOnMobile Ltd. will ensure that any sub-processor meets the same security and GDPR compliance standards as the All On Mobile Service. Where available a contract will be agreed, or AllOnMobile Ltd. will ensure the supplier Terms and Conditions meet those necessary for AllOnMobile to remain GDPR compliant and in line with its ISO27001 certification.
10.	Can AllOnMobile Ltd. assist Client's in meeting their obligations under GDPR?	AllOnMobile Ltd. is committed to working with its Clients to ensure GDPR compliance. Please note that AllOnMobile reserves the right to charge for some services.
11.	Can AllOnMobile Ltd. demonstrate its compliance?	AllOnMobile Ltd. is happy to reassure Clients of its compliance with GDPR. Clients can contact gdpr@allonmobile.com to make an appointment to discuss compliance.
12.	Does AllOnMobile Ltd. maintain records of all processing being carried out on the Clients behalf?	AllOnMobile Ltd. keeps logs of processing within the All On Mobile Service, however if Clients have specific requirements they feel are appropriate to meet GDPR commitments they should contact gdpr@allonmobile.com.
13.	If there is a Personal Data breach when will affected Clients be told?	AllOnMobile Ltd. commits to notify Clients within 48 hours of any breach involving Personal Data.
14.	Does AllOnMobile Ltd. have a Data Processing Officer.	AllOnMobile Ltd.'s Head of Compliance, Dave Patrick, is responsible for Data (including Personal) security. Dave is also the owner of AllOnMobile's Information Security Management System and Chair of the ISMS Committee.
15.	Does All On Mobile store data within the EEA?	The All On Mobile service only stores data within the UK. Should this situation ever change AllOnMobile Ltd. will consult with Clients prior to any changes being made.