



Fleet Data Protection

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Introduction

Frequently making the news headlines, it has become increasingly clear that no business can ignore the vital importance of personal data protection.

Personal data that isn't properly protected can be vulnerable to alteration, unauthorised disclosure or unwanted destruction and can result in real harm to individuals including identity theft, manipulation and discrimination.

Whatever the size of your business, you are legally obliged to protect any personal data that you collect and hold. Not only is this the law, but taking these measures makes sound business sense to safeguard the integrity of your reputation and brand.

How is data protected in the UK?

The UK has some of the toughest data security laws in the world. The EU-wide General Data Protection Regulation (GDPR) came into force on 25 May 2018 and was implemented in the UK as the Data Protection Act 2018. (DPA). This law stipulates how individuals' personal information must be stored and used by organisations.

The DPA is based on seven key principles

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity and confidentiality
- Accountability

Key to upholding these principles is the concept of gaining informed consent. Organisations must obtain proof of consent from an individual for their data to be held and processed. Once the data is captured, you must ensure that it is secure and protected against unlawful or unauthorised access, use or removal. It must also only be used in the ways for which consent has been given. Individuals have the right to insist that their data is edited or deleted.

If a business is found not to have complied with the law, then the penalties can be severe, including fines of up to £17.5 million or 4% of

worldwide revenue, whichever is higher. Data protection is a serious matter.

What fleet data is covered by the data protection law?

Any data you collect and hold as part of your fleet operation that can be traced to an individual is covered by the DPA. This can include employee or customer information such as:

- Age
- Gender
- Contact details
- Financial/banking details
- NI number
- Driving Licence details
- Medical records
- Training certificates
- Employment history

How to ensure compliance

There are several steps that must be taken to ensure compliance.

Firstly, there must be a valid reason or “lawful basis” to hold personal data and this must be made clear to the individuals concerned. The DPA sets out six different legal grounds:

- Consent
- Compliance with a legal obligation
- Performance of a contract
- Fulfilments of a task that serves the public interest
- Legitimate interest

Different data can be covered by different legal basis.

If consent is required, you need to have documented evidence that you have obtained consent. This can be done through the signing of a consent form or ticking an opt-in box or similar. Whatever method is used, the reasons you need the data and what you will do with it must be explained. You must also make it clear that consent can be

withdrawn at any time. This need for informed consent extends to licence checking through the DVLA website.

The personal data you collect must be held securely. If you have manual systems, this could mean ensuring filing cabinets are locked and not leaving documents unattended on desks. Digital data must be subject to robust security protocols including regular back-ups, the use of strong passwords, the installation of anti-virus software and secure Wi-Fi connections.

Access to personal data should only be granted to those with legitimate reasons to do so. As a rule, the fewer people who have access, the better the level of protection. However, by law, employees have the right to see and have a copy of their personal data and this “subject access request” must be met within a month. There needs to be a system in place for this to happen. Individuals can request that their data is corrected or erased if there is no longer a valid reason to hold it..

The importance of third-party compliance

Your business’s data security doesn’t exist in a vacuum of course. There will undoubtedly be two-way data sharing with third parties such as suppliers, clients or industry bodies.

You should only choose to do business with organisations which also adhere to DPA regulations and can therefore guarantee the data security of your own company. This should be a prerequisite to engaging into a relationship with them and should form part of any tendering process you use.

Very importantly, software suppliers must be ISO/IEC 27001 certified. This international standard guarantees that the company handles data securely by following ISMS (Information Security Management System) best practices.

Any personal data that is shared should be strictly limited to what is absolutely necessary for the specific purposes for which it is being used. If at all possible, the data should be anonymised so it can no longer be traced to an individual.

Telematics data

If you collect telematics data from fleet tracking devices, then you may be surprised to learn that this counts as personal data and so is also covered by GDPR.

Firstly, your drivers must be aware that a tracking device is fitted to their vehicle and that there is a lawful business reason for doing this. However, obtaining driver consent isn't required to process the telematics information if the data is covered by one of the DPA lawful basis. If drivers are allowed to use a company vehicle for private use, then they must be able to disable the tracking device if they so wish.

If your telematics data is processed by a third party, then you must ensure that they are GDPR compliant.

Summary

You cannot afford to expose your fleet to the risk of failing to be fully DPA compliant.

The simplest way to achieve this is to use fully DPA fleet management software, such as that provided by FleetCheck. FleetCheck offers the added protection of being an ISO/IEC 27001 certified company so you know that your data is covered by the highest international standards of security.