

**HARSCO CORPORATION AND ITS SUBSIDIARY COMPANIES ALL TOGETHER BEING
THE HARSCO COMPANIES AND HEREINAFTER REFERRED TO AS HARSCO**

SUBJECT ACCESS POLICY AND PROCEDURE

1. INTRODUCTION

- 1.1. This Subject Access Policy and Procedure forms part of the Harsco global Data Privacy Policy, a copy of which can be viewed at [Data Privacy Policy](#).
- 1.2. The EU's General Data Protection Regulation (GDPR) gives individuals (data subjects) a number of rights including the right to access personal data that any one of the Harsco Companies (each Harsco company being a Controller) holds about them on computer and in some paper records. This right of access extends to all information held on an individual and includes personnel files, data bases and emails referring to the individual. If an individual makes a request to view their information, it is known as a "Subject Access Request". If an individual wants to exercise this subject access right, there is a procedure to follow which is set out below. Individuals also have the right to have incorrect information held about them changed.
- 1.3. All EU Citizens have the following rights, as defined in the GDPR regardless of where their data is stored or processed:
- The right to be informed: The Data Privacy Policy and other privacy notices (e.g. website privacy notices) will be used to inform individuals of what we do with their data and why;
 - The right of access: Individuals have the right of access to their personal data and supplementary information;
 - The right to rectification: The GDPR gives individuals the right to have personal data rectified;
 - The right to erasure: The right to erasure is also known as 'the right to be forgotten';
 - The right to restrict processing: Individuals have a right to block or suppress processing of personal data;
 - The right to data portability: Allows individuals to obtain and reuse their personal data for their own purposes across different services;
 - The right to object: Individuals have the right to object to:
 - processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling);
 - direct marketing (including profiling); and
 - processing for purposes of scientific/historical research and statistics.
- 1.4. Harsco shall comply with the GDPR and shall comply with their respective legal obligations for subject access requests under the GDPR.
- 1.5. The key aim of this policy and procedure are:
- that all employees of Harsco know what rights individuals have under the GDPR;
 - how to respond to and process a subject access request;
 - that an individual understands how to access personal information held about them and make corrections if necessary.

2. DEFINITION OF PERSONAL DATA

- 2.1. Personal data is any information that relates to a living individual who can be identified:
- from that information; or

- from that information and other information which is in the possession of, or likely to come into any Harsco company's possession.
- 2.2. It includes any expression of opinion about the individual and any indication of Harsco's intentions in respect of the individual.

3. EXEMPTIONS

- 3.1. Harsco is not obliged to comply with a request if doing so would reveal the identity of another individual, unless:
- the other individual has given their consent;
 - it is reasonable to comply without gaining consent.
- 3.2. When deciding whether to release third party details without consent, consideration will be given to:
- whether there is a duty of confidence to the other individual;
 - whether appropriate steps have been taken to gain consent;
 - whether the other individual is capable of giving consent;
 - whether the other individual has expressly refused to give consent.
- 3.3. Harsco will not disclose personal data where it is already in the possession of the requestor, is subject to legal privilege or might otherwise compromise an ongoing negotiation or compromise with the requestor.
- 3.4. Harsco reserve the right to refuse a subject access request in other circumstances where applicable law applies.

4. ROLES AND RESPONSIBILITIES

- 4.1. Specific responsibility for Data Protection within Harsco is as follows:
- the Data Manager – the senior HR leader for the Harsco company or region concerned; and
 - Data Processors – any employee, or agent handling personal information on behalf of any Harsco company.
- 4.2. No employee of any Harsco company other than the Data Manager is authorised to release personal data.

5. SUBJECT ACCESS REQUEST PROCEDURE

- 5.1. A subject access request must be made in writing to the Data Manager of the Harsco company to which the subject access request is associated. Employees are required to submit their request using the Subject Access Request Form on page 4 of this document.
- 5.2. In the event that the subject access request is submitted to another person, it must be passed to the Data Manager immediately.
- 5.3. Upon receipt of any subject access request, the Data Manager will date stamp the request and ensure, if not already done so, that a subject access request form is completed. A subject access request form can be obtained from the Data Manager.
- 5.4. The Data Manager may request that the data subject provide two forms of identification, if necessary to establish their actual identity. Examples of suitable identification are a photocopy of a passport or driving licence and a recent utility bill or council tax letter.

- 5.5. A reply acknowledging the request will be sent to the individual within 72 hours. The Data Manager will act promptly in requesting any other further information necessary to fulfil the request. Where the subject access request is lawful, then a response to the request will be delivered to the individual within 30 days of receipt.
- 5.6. Where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, Harsco may either:
- charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or
 - refuse to act on the request.

Harsco shall bear the burden of demonstrating the manifestly unfounded or excessive character of the request.

- 5.7. If Harsco does not hold any personal information regarding the data subject, or if an exemption applies, the Data Manager will respond in writing to the individual explaining this.
- 5.8. If the individual considers any information held by Harsco to be inaccurate they must write to the Data Manager and clearly state what information is incorrect and what they believe the correct information should be.

6. THIRD PARTY REQUESTS

- 6.1. Applications for access to information about another individual can be made following the procedure above, but only in certain circumstances. A third party (including solicitors) must provide a letter signed by the data subject authorising the release of the information.
- 6.2. The police may also request information. The usual procedure for a written request should be followed and the request verified before information is released. The police do not have a right of access to information. Information may only be provided for one of the following reasons:
- for the prevention or detection of crime;
 - for the apprehension or prosecution of offenders.
- 6.3. It is also possible to receive a request for personal information about a third party without the data subject's prior consent by claiming an "exemption". This is basically a valid reason, as detailed in the GDPR Article 23 - Restrictions, to allow for the disclosure under certain circumstances. All the exemptions are listed in the GDPR, however, the most common ones are:
- crime and taxation;
 - required by law or made in connection with legal proceedings.

7. MONITORING

- 7.1. Subject access requests will be monitored by each Data Manager for their respective business or geography to ensure that the legal obligations of the GDPR are adhered to.

8. POLICY REVIEW

- 8.1. This policy will be reviewed from time to time in accordance with any amendments to the GDPR or other relevant legislation. Suggestions for improvements to this policy should be made to any one of the Data Managers.

Employee Subject Access Request Form

Name:	Employee No:
Daytime telephone number:	
Email:	
Address:	
By completing this form, you are making a request under the General Data Protection Regulation (GDPR) for information held about you by Harsco that you are eligible to receive.	
Required information (and any relevant dates): [Example: Emails between "A" and "B" from 1 May 2017 to 6 September 2017.]	
By signing below, you indicate that you are the individual named above. Harsco cannot accept requests regarding your personal data from anyone else, including family members. We may need to contact you for further identifying information before responding to your request. You warrant that you are the individual named and will fully indemnify us for all losses, cost and expenses if you are not. Please return this form to the Data Manager.	
Data subject's signature:	
Date:	

For Company Use:

Details of Information Provided:	
Completed by: (print)	Signature
Date:	