

# Privacy Notice

## Vehicle Speed Warning System (VSWS)

Road Fleet



Route Services



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## Introduction

We take your right to privacy seriously and want you to feel comfortable when using the Vehicle Speed Warning System (VSWS) / Vehicle Telematics. You can be assured that information by which you can be personally identified will only be used in accordance with this privacy notice and only for the reasons you are aware of.

## About this privacy notice

The VSWS privacy notice describes in detail how Network Rail Infrastructure Limited (NR) and its subsidiaries use your personal information. Personal information is information that is about you and which identifies you. This notice explains who is responsible for the personal information that we collect about you, what personal information we collect, how we will use such personal information, who we may disclose it to and your rights and choices in relation to your personal information.

For further information on how we comply with the principles of data protection legislation including definitions, please refer to Network Rail's Data Protection policy. This privacy notice supplements other Network Rail privacy/data protection notices and is not intended to override them.

## Who is responsible for the personal information that we collect?

Network Rail are the data controller for the purpose of data protection law, in respect of your personal information collected or obtained as outlined with this privacy notice. This is because we dictate the purpose for which your personal information is used and how we use your personal information.

If you have any questions regarding this privacy notice or the way we use your personal information, you can [contact our Data Protection Officer](#).

### The Data Controller will be:

Network Rail Infrastructure Limited ('Network Rail') –  
One Eversholt Street  
London  
NW1 1AD  
Contact: Network Rail's Data Protection Officer  
Email: [data.protection@networkrail.co.uk](mailto:data.protection@networkrail.co.uk)

### The Data Processors will be:

EDC Systems Limited t/a Traffilog UK ('Traffilog'),  
Tasman House,  
The Waterfront,  
Elstree Way,  
Elstree,  
Herts,  
WD6 3BS  
Data Protection Officer: Jass Haji – IT Manager Traffilog UK  
Tel: 0208 236 0545 / Email: [dataofficer@traffiloguk.com](mailto:dataofficer@traffiloguk.com)



## What personal information do we collect and hold about you?

Personal information is being stored and processed to improve the safety of our staff and other road users. The key purposes of processing of VSWS data is to provide live data to the vehicle driver and enable the driver to receive real time feedback to support them to drive both safely and in compliance with the law thus improving safety and reducing road risk. Another key purpose is to enable Network Rail to fulfil its Tax Reporting obligations.

We will collect and process the following categories of personal information about you:

- Unique driver ID used to access the VSWS system. This ID will be utilised to identify the individual driver through the Oracle System by Human Resources Shared Services (HRSS) staff. Details of how Network Rail will utilise your driver ID can be found in the 'How we use your personal data' below. In the event you share your driver ID with anyone other than HRSS you will be required to reset it to ensure your personal information continues to be protected.
- Total number of times you have logged into and out of the VSWS.
- Details of the vehicles you have/are driving including Registration numbers, Make, Model, Year of manufacture, Chassis number, Network Rail groups and Cost Centres these belong to.
- Information entered into the VSWS such as the authority to drive each logged journey.
- Confirmation of and the details of vehicle inspection/checks.
- Live and Historical journey types selected and undertaken including Business, Commuting, On-call and Private Journeys.
- Live and Historical location of vehicle you are/have logged into (including latitude and longitude)
- Live and Historical speed data for vehicles you are/have logged into.
- Live and historical lengths (time and distance) of journeys for vehicles you are/have logged into.
- Live and historical driving data which reports and measures driver's actions. Events this includes are speed, braking, acceleration, turning events. This will include event time, location and severity compared against legal limits and telematics system parameters/grades/scores.
- Total mileage figures and number of journeys you have undertaken whilst logged in.
- Live and historical vehicle events which have occurred whilst you have been logged into the system, these include General events (Related to technical VSWS system functions and data), Geo-Fence events (Identifying when and where you have entered and exited geo-fenced areas of interest), Mechanical events (Identifying, measuring and reporting vehicle mechanical actions and diagnostics), Other events (Identifying, measuring and reporting VSWS technical areas) and Safety events (Identifying, measuring and reporting areas including Acceleration, Braking, Turning, Speeding and suspected Collisions).
- Live real-Time data for your driving actions including Speed, RPM, breaking, accelerating and pressing the clutch.
- Live real-time vehicle data whilst you are driving – Fuel Level, Battery level, Coolant Pressure, Oil Pressure, Oil Temperature, Coolant Temperature.



- The type, time, duration, severity/level and location of live and historical vehicle events.
- Live and historical instances of pressing the In Case of Emergency Button.

Please note for Private journeys the only data that is collected is your unique ID number (used to access the system), vehicle registration, vehicle group/route/function/Cost Centre, journey start time and date, journey finish time and date, total mileage, drive time, fuel usage and idle time. This data is required to allow Network Rail to comply with current Tax legislation and HMRCs requirements. **Live and historical start and end location, live location, live and historical route taken and speed data is not collected for Private journeys.**

## Lawful basis for using your personal information

Under privacy and data protection legislation, NR is only allowed to use personal information if we have a proper reason or 'lawful basis' to do so. This can include consent; however, we are not relying on consent and are relying on the following:

- **To comply with our legal obligations** - Where we need to comply with a legal or regulatory obligation. For example, reporting Tax to HMRC or providing authorised data to law enforcement in the event of Notice of Intended Prosecutions or investigations.
- **For the performance of a contract with you** - Where we need to perform the contract we are about to enter into or have entered into with you. For example, for the performance of our employment contracts which include the lifesaving rules, fair culture processes and our disciplinary policy.
- **For the performance of public functions** - Where we or another person need to do so as part of carrying out a task in the public interest or carrying out our public functions which are laid down in law. For example, exercising statutory rights and carrying out our legal duties under our network and station licences to operate and maintain the national railway infrastructure.
- **For our legitimate business interests or for a third party's legitimate interests** - Where it is necessary for our legitimate interests (or those of a third party), and your interests and fundamental rights do not override those. For example, our legitimate interest of managing occupational road risks, ensuring safety of our employees and the general public. In addition to ensure the security and safety of our assets.
- **To protect the vital interests of the data subject or of another person** – Where it is necessary to protect the life of employees and the general public. For example, where an employee has been reported missing and all efforts to establish contact have failed.

Your personal information may be used by us, our employees, service providers and disclosed to authorised third parties for a number of different purposes.

**Please note:** We may process your personal information on more than one legal basis depending on the specific purposes for which we are using your personal information. Please contact our Data Protection Officer if you require details about the specific legal basis we are relying on to process your personal information.



Network Rail will process the personal data described above to ensure the safety of its employees and other road users, in accordance with its policy of “Everyone Home Safe Every Day”. For the purposes of the Data Protection Legislation, Network Rail will process the personal data to comply with its obligations as an employer under the following legislation:

- (a) The Management of Health and Safety at Work Regulations 1999; and
- (b) The Health and Safety at Work Act 1974; and
- (c) The Corporate Manslaughter Act and Corporate Homicide Act 2007.
- (d) Current tax legislation and HMRC's requirements

## How we will use personal information we collect and hold about you

### **Network Rail will use your personal information in the following ways:**

- To identify and report the tax implications relevant to each and every journey.
- To identify the location of a vehicle in the event of an employee welfare concern, accident, emergency, loss or theft.
- To identify a driver and take appropriate disciplinary action following the application of the fair culture process if and when speeding violations or traffic offences occurs.
- To provide data to support the Fair Culture process if required in an investigation. The Fair Culture principles allow investigators to identify the route and underlying causes of incidents including behavioural and cultural. An investigation could be triggered as a result of an identified speeding or traffic offence. The Fair Culture process can be found on the Network Rail website (<https://safety.networkrail.co.uk/wp-content/uploads/2015/06/FC-Principles-signed-121214.pdf>).
- Improve driver safety and performance through the analysis of driving data.
- To aid investigations regarding the allegation related to Network Rail vehicles and driver actions. This data may help disprove/prove the allegation as part of an ongoing investigation.

**Please note Network Rail's use of data will fall within current agreements with Trade Unions and other key stakeholders.**

## How we store and protect your personal information

The information that is collected via the VSWS system is stored on secure servers and accessed via a secure portal. These are held within the United Kingdom, are backed up regularly and will not be backed up, or accessed from, outside the European Economic Area.

Traffilog's high level requirements for the management of Information security across the company are an integral part of the policy and procedures that have been adopted. Traffilog store and process data in line with legislative requirements and as such hold Cyber Essentials accreditation for the system being provided (**ISO27001** and **ISO9001**). Traffilog's IT systems are also Pen Tested regularly.

Traffilog undertake a complete and technical review of the security procedures annually as well as their associated company policies.



Raw data will be transferred to Network Rail via secure email if a vehicle is recorded as breaching the speed limits indicated by Network Rail. All information provided to Network Rail will be stored on secure servers within the UK.

Data will be retained and managed securely in line with the requirements of Network Rail's standards:

- Information Security Policy
- Privacy & Data Protection Policy
- Corporate Records Retention Schedule
- Records Management
- Disposal of Records

Access to systems that hold personal information is restricted to authorised personnel within Network Rail (including HRSS) through the use of unique identifiers and passwords. Personal information is stored on systems that are protected by secure network architectures and are backed-up on a regular basis for disaster recovery, business continuity purposes and to avoid the risk of inadvertent erasure or destruction.

## How long we will keep your personal information for

Data is allocated to the driver's unique driver ID and all VSWS data will be retained for a defined period of time.

**Currently the maximum retention period for your personal information is seven years:**

- Seven years as this is length of time Network Rail is required to retain this data in order to manage tax affairs.
- Three years as this is the length of time a person can bring a personal injury claim. Holding this data will provide the ability to investigate any such claims relating to road traffic incidents. Unless a claim has been made in which case it will be retained until the claim has been resolved.

Once the seven year period has expired Traffilog will delete all VSWS data. Oracle data including unique driver ID's will be retained and disposed of in line with Network Rail's Disposal of Records Policy.

**Unique ID's will be issued to each driver subject to eligibility to drive being confirmed by HRSS. If a person no longer requires a Unique ID the number will become redundant and no longer used.  
Unique ID's will not be recycled**

If a person is no longer employed by Network Rail all VSWS data held by Traffilog will be stored and deleted in accordance with the above. However, data and documents relating to driving related disciplinary matters will be held by HR Direct for a period of six years of the anniversary date of leaving employment, in line with NR retention schedule and Data Protection Legislation.



## Your rights in relation to personal information

<https://www.networkrail.co.uk/privacy-notice/#Rights>

### No fee usually required

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances. To access your personal VSWS information please follow the Personal Data Request process found on Safety Central, proof of ID is required for each request to be processed. Currently the development of an online Driver Portal is ongoing.

### Time limit to respond

We try to respond to all legitimate requests within thirty days. Occasionally it may take us longer than thirty days if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated of our timescales

### Deleting my data

You can request for your personal information to be deleted however Network Rail may refuse on the basis that they are lawfully obliged to keep hold of your data in order to manage tax affairs and establishing, exercising or defending legal claims. Details on retention periods can be found in the 'How long we will keep your personal information for' section above. For further information please visit [ICO - Your right to get your data deleted](#)

## Changes to this privacy notice

Any changes to the VSWS privacy notice will be uploaded to the internal intranet site/Safety Central. The updated privacy notice will take effect as soon as it has been published or otherwise communicated to you. This privacy notice was last updated in June 2018.

## How to complain / further information

If you have any concerns or complaints regarding the way your personal information is collected, processed, stored or maintained or require any further information please contact the following –

- Data Protection ([data.protection@networkrail.co.uk](mailto:data.protection@networkrail.co.uk))
- HRSS ([HRAAdministrationHRSS@networkrail.co.uk](mailto:HRAAdministrationHRSS@networkrail.co.uk))
- VSWS / Road Fleet ([VSWS@networkrail.co.uk](mailto:VSWS@networkrail.co.uk))

We will try to resolve any concerns or questions you may have. If you are not satisfied with the way your complaint / request has been dealt with or its outcome, you can raise the issue further with the Information Commissioner's Office:



**Information Commissioner's Office**

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Phone- 03031 231113

ICO Website: <https://ico.org.uk/>