

Johnston Racing Ltd



JOHNSTONRACING

PRIVACY POLICY

Contents

1. Introduction
2. Legislation
3. Data
4. Processing of personal data
5. Data sharing
6. Data storage and security
7. Breaches
8. Data subject rights
9. Archiving, retention and destruction of data

1. Introduction

Johnston Racing Ltd (“we” or “us”) is committed to ensuring the secure and safe management of data held by us in relation to customers, staff and other individuals. Our staff members have a responsibility to ensure compliance with the terms of this policy, and to manage individuals’ data in accordance with the procedures outlined in this policy and documentation referred to herein.

We need to gather and use certain information about individuals. These can include customers (racehorse owners etc.), employees and other individuals that we have a contractual relationship with. We manage a significant amount of data, from a variety of sources. This data contains “personal data” and “sensitive personal data” (known as “special categories of personal data” under the GDPR).

This policy sets out our duties in processing that data, and the purpose of this policy is to set out the procedures for the management of such data.

2. Legislation

It is a legal requirement that we process data correctly; we must collect, handle and store personal information in accordance with the relevant legislation.

The relevant legislation in relation to the processing of data is:

- (a) the General Data Protection Regulation (EU) 2016/679 (the GDPR);
- (b) the Privacy and Electronic Communications (EC Directive) Regulations 2003 (as may be amended by the proposed Regulation on Privacy and Electronic Communications); and

- (c) any legislation that, in respect of the United Kingdom (UK), replaces, or enacts into UK domestic law, the General Data Protection Regulation (EU) 2016/679, the proposed Regulation on Privacy and Electronic Communications or any other law relating to data protection, the processing of personal data and privacy as a consequence of the UK leaving the European Union. This includes the Data Protection Act 2018.

3. Data

3.1 We hold a variety of data relating to individuals, including customers and employees (also referred to as “data subjects”) which is known as personal data. The personal data held and processed by us is detailed within the “fair processing notice” (FPN) at Appendix 2 hereto and the data protection addendum of the terms and conditions of employment which has been provided to all employees.

3.1.1 Personal data is that from which a living individual can be identified either by that data alone, or in conjunction with other data held by us.

3.1.2 We also hold personal data that is sensitive in nature (i.e. reveals a data subject’s racial or ethnic origin, religious beliefs, political opinions, or relates to health or sexual orientation). This is special category personal data or sensitive personal data.

4. Processing of personal data

4.1 We are permitted to process personal data on behalf of data subjects provided it is doing so on one of the following grounds:

- processing with the consent of the data subject (see clause 4.4 hereof);
- processing is necessary for the performance of a contract between us and the data subject or for entering into a contract with the data subject;
- processing is necessary for our compliance with a legal obligation;
- processing is necessary to protect the vital interests of the data subject or another person; or
- processing is necessary for the purposes of legitimate interests.

4.2 Fair processing notice

4.2.1 We have produced a fair processing notice (FPN) which we are required to provide to all customers whose personal data is held by us. That FPN must be provided to the customer from the outset of processing their personal data and they should be advised of the terms of the FPN when it is provided to them.

4.2.2 The FPN at Appendix 2 sets out the personal data processed by us and the basis for that processing. This document is freely available at all times via our website: www.johnston.racing

4.3 Employees

4.3.1 Employee personal data and, where applicable, special category personal data or sensitive personal data, is held and processed by us. Details of the data held and processing of that data is contained within the employee FPN which is provided to employees at the same time as their contract of employment.

4.3.2 A copy of any employee's personal data held by us is available upon written request by that employee from our office, by calling 01969 622237.

4.4 Consent

In the event that we require to obtain consent to process a data subject's personal data, we shall obtain that consent in writing. The consent provided by the data subject must be freely given and the data subject will be required to sign a relevant consent form if willing to consent. Any consent to be obtained by us must be for a specific and defined purpose (i.e. general consent cannot be sought).

Where consent is obtained and relied upon, the individual providing that consent has the right to withdraw that consent at any time following it being provided.

4.5 Processing of special category personal data or sensitive personal data

In the event that we process special category personal data or sensitive personal data, we must do so in accordance with one of the following grounds of processing:

- the data subject has given explicit consent to the processing of this data for a specified purpose;

- processing is necessary for carrying out obligations or exercising rights related to employment or social security or social protection law;
- processing is necessary to protect the vital interest of the data subject or, if the data subject is incapable of giving consent, the vital interests of another person;
- processing is necessary for the establishment, exercise or defence of legal claims, or whenever courts are acting in their judicial capacity;
- processing relates to personal data manifestly made public by the individual;
- processing is necessary for the purposes of preventative or occupational medicine, for the assessment of working capacity of employees, medical diagnosis, the prevention of health or social care or treatment;
- processing is necessary for public interest in the area of health;
- processing is necessary for achieving purposes in the public interest, scientific or historical research purposes or statistical purposes;
- processing is carried out in the course of legitimate activities with appropriate safeguards by a foundation, association or other not-for-profit body with a political, philosophical, religious or trade union aim and on the condition that it relates to members or former members who have regular contact with the entity; and
- processing is necessary for reasons of substantial public interest under law.

5. Data sharing

5.1 We share our data with various third parties for numerous reasons in order that day to day activities are carried out in accordance with our relevant policies and procedures. We may require the third-party organisations to enter in to an agreement with us to govern the processing of data, security measures to be implemented and responsibility for breaches, in order that we can monitor compliance by these third parties with data protection laws.

5.2 Data sharing

5.2.1 Personal data is from time to time shared amongst us and third parties who require to process personal data that we process as well. Both us and the third party will be processing that data in their individual capacities as data controllers.

5.2.2 Where we share in the processing of personal data with a third-party organisation (e.g. for processing of the employees' pension), we may require the third-party organisation to enter in to a data sharing agreement with us in accordance with the terms of the model data sharing agreement set out in Appendix 3 to this policy where the circumstances of the data sharing require such an agreement to be in place.

5.3 Data processors

A data processor is a third-party entity that processes personal data on behalf of us and are frequently engaged if certain parts of our work is outsourced (e.g. payroll, maintenance and repair works).

- 5.3.1 A data processor must comply with data protection laws. Our data processors must ensure they have appropriate technical security measures in place, maintain records of processing activities and notify us if a data breach is suffered.
- 5.3.2 If a data processor wishes to sub-contact their processing, our prior written consent must be obtained. Upon a sub-contracting of processing, the data processor will be liable in full for the data protection breaches of their sub-contractors.
- 5.3.3 Where we contract with a third party to process personal data held by us, it shall require the third party to enter in to a data processing agreement with us in accordance with the terms of the model data processing agreement set out in Appendix 4 to this policy.

6. Data storage and security

All personal data held by us must be stored securely, whether electronically or in paper format.

6.1 Paper storage

If personal data is stored on paper it should be kept in a secure place where unauthorised personnel cannot access it. Employees should make sure that no personal data is left where unauthorised personnel can access it. When the personal data is no longer required it must be disposed of by the employee so as to ensure its destruction. If the personal data requires to be retained on a physical file then the employee should ensure that it is properly secured within the file (e.g. stapled, or the documents are put on a Treasury Tag within the file) which is then stored in accordance with our storage provisions.

6.2 Electronic storage

Personal data stored electronically must also be protected from unauthorised use and access. If personal data is stored on removable media (CD, DVD, USB memory stick) then that removable media must be stored securely at all times. Personal data should not be saved directly to mobile devices without password protection, and should be stored on designated drives and servers.

7. Breaches

7.1 A data breach can occur at any point when handling personal data and we have reporting duties in the event of a data breach or potential breach occurring. Breaches which pose a risk to the rights and freedoms of the data subjects who are the subject of the breach require to be reported externally in accordance with clause 7.3 hereof.

7.2 Internal reporting

We take the security of data very seriously and in the unlikely event of a breach will take the following steps:

- As soon as the breach or potential breach has occurred, and in any event no later than six (6) hours after it has occurred, senior management must be notified in writing of (i) the breach; (ii) how it occurred; and (iii) what the likely impact of that breach is on any data subject(s);
- we must seek to contain the breach by whatever means available;
- management must consider whether the breach is one which requires to be reported to the Information Commissioner's Office (ICO) and data subjects affected and do so in accordance with this clause 7;
- notify third parties in accordance with the terms of any applicable data sharing agreements

7.3 Reporting to the ICO

Management are required to report any breaches which pose a risk to the rights and freedoms of the data subjects who are the subject of the breach to the ICO within 72 hours of the breach occurring. They must also consider whether it is appropriate to notify those data subjects affected by the breach.

8. Data subject rights

8.1 Certain rights are provided to data subjects under the GDPR. Data subjects are entitled to view the personal data held about them by us, whether in written or electronic form.

8.2 Data subjects have a variety of rights which include the right to request a restriction of processing their data, a right to be forgotten and a right to restrict or object to our processing of their data. These rights are notified to our customers in our FPN.

8.3 Subject access requests

Data subjects are permitted to view their data held by us upon making a request to do so (a subject access request). Upon receipt of a request by a data subject, we must respond to the subject access request within one month of the date of receipt of the request. We:

8.3.1 must provide the data subject with an electronic or hard copy of the personal data requested, unless any exemption to the provision of that data applies in law;

8.3.2 where the personal data comprises data relating to other data subjects, must take reasonable steps to obtain consent from those data subjects to the disclosure of that personal data to the data subject who has made the subject access request; or

8.3.3 where we do not hold the personal data sought by the data subject, must confirm that we do not hold any personal data sought by the data subject as soon as practicably possible, and in any event, not later than one month from the date on which the request was made.

8.4 The right to be forgotten

8.4.1 A data subject can exercise their right to be forgotten by submitting a request in writing to us seeking that we erase the data subject's personal data in its entirety.

8.4.2 Each request received by us will require to be considered on its own merits and legal advice will require to be obtained in relation to such requests from time to time.

8.5 The right to restrict or object to processing

8.5.1 A data subject may request that we restrict our processing of the data subject's personal data, or object to the processing of that data.

8.5.1.1 In the event that any direct marketing is undertaken from time to time by us, a data subject has an absolute right to object to processing of this nature by us, and if we receive a written request to cease processing for this purpose, then we must do so immediately.

8.5.2 Each request received by us will require to be considered on its own merits and legal advice will require to be obtained in relation to such requests from time to time.

9. Archiving, retention and destruction of data

We cannot store and retain personal data indefinitely. We must ensure that personal data is only retained for the period necessary. We shall ensure that all personal data is archived and destroyed timeously and at the point that we no longer need to retain that personal data in accordance with the periods specified within the table at Appendix 5 hereto.

List of appendices

1. Fair processing notice - clients
2. Fair processing notice – employees and contractors
3. Table of duration of retention of certain data
4. Substance Misuse Policy

Johnston Racing Ltd.

Fair Processing Notice – Clients & Third Parties

(How we use your information)

This notice explains what information we collect, when we collect it and how we use this. During the course of our activities we will process personal data (which may be held on paper, electronically, or otherwise) about you and we recognise the need to treat it in an appropriate and lawful manner. The purpose of this notice is to make you aware of how we will handle your information.

Who are we?

Johnston Racing Ltd., of Kingsley Park, Middleham (“**we**” or “**us**”) take the issue of security and data protection very seriously and strictly adhere to guidelines published in the Data Protection Act of 2018 and the General Data Protection Regulation (EU) 2016/679 which is applicable from the 25 May 2018, together with any domestic laws subsequently enacted.

We are registered as a data controller with the Information Commissioner's Office (ICO) under registration number **ZA787541** and we are the data controller of any personal data that you provide to us.

Any questions relating to this notice and our privacy practices should be sent to Johnston Racing Ltd, Kingsley Park, Middleham, North Yorkshire, DL8 4QZ, or emailed to info@johnston.racing.

How we collect information from you and what information we collect

We collect information about you:

- when you own a horse in training with us or begin the process of doing so, purchase a share in a partnership, purchase a horse which we have for sale or currently have in training, and a variety of other scenarios related to our general practice of training racehorses, and the related business practices carried out by Johnston Racing Ltd and its associated businesses and subsidiaries;

- from your use of our online services, such as submitting an enquiry on the website, or contacting us or our employees online, such as via email;
- from your arrangements to make payment to us (such as bank details, payment card numbers, employment details etc.).

In order to maintain regular contact throughout your relationship with us we will collect your:

- name;
- address;
- telephone number;
- email address;

We also have a legitimate interest in obtaining, processing and storing the following information about you:

- National Insurance number
- next of kin
- Date of birth
- Bank Account details

We receive the following information from third parties and have a legitimate business interest in processing that information:

- payments made by you to us

Why we need this information about you and how it will be used

We need your information and will use your information:

- to undertake and perform our obligations and duties to you in accordance with the terms of our contract with you;
- to enable us to supply you with the services and information which you have requested;
- to enable us to respond to your requests, instructions and complaints made;

- to analyse the information we collect so that we can administer, support and improve and develop our business and the services we offer;
- to contact you in order to send you details of any changes to our services or supplies which may affect you;
- for all other purposes consistent with the proper performance of our operations and business; and
- to contact you for your views on our products and services.

Sharing of your information

The information you provide to us will be treated by us as confidential [and will be processed only by our employees within the UK/European Economic Area (EEA)]. We may disclose your information to other third parties who act for us where it is in our or the third party's legitimate interests so long as those interests are not contrary to your rights and freedoms under data protection laws. This includes the following:

- if we enter into a joint venture with or merge with another business entity, your information may be disclosed to our new business partners or owners;
- if we instruct work by third parties (such as equine surgeries, race entries etc), your information may be disclosed to any third party;
- if we are investigating a complaint, information may be disclosed to others involved in any complaint, whether investigating the complaint or otherwise;
- if we are updating ownership details, your information may be disclosed to third parties (such as horse racing regulatory bodies as appropriate at the time);
- if we are investigating payments made or otherwise, your information may be disclosed to payment processors or related entities (such as Wetherbys);
- if we are conducting a survey of our products and/or service, your information may be disclosed to third parties assisting in the compilation and analysis of the survey results;
- if we take payment from you or make payments to you we may be required to disclose your information to our bank account provider;

Unless required to do so by law, we will not otherwise share, sell or distribute any of the information you provide to us without your consent.

Transfers outside the UK and Europe

We may transfer your information outside the UK and/or EEA, for instance when entering a horse to run in international horse races, or when managing the sale of a horse outwith the UK and/or EEA or to a person or party outwith the UK and/or EEA.

Where information is transferred outside the UK or EEA we will endeavour to ensure that there are adequate safeguards in place to protect your information in accordance with this notice.

Security

When you give us information we take steps to make sure that your personal information is kept secure and safe. This includes storing your information behind password-protected walls. Please refer to our Privacy Policy for other security measures and practices.

How long we will keep your information

We review our data retention periods regularly and will only hold your personal data for as long as is necessary for the relevant activity, or as required by law (we may be legally required to hold some types of information), or as set out in any relevant contract we have with you.

Our full retention schedule is available in our Table of duration of retention of certain data.

Your rights

You have the right at any time to:

- ask for a copy of the information about you held by us in our records;
 - require us to correct any inaccuracies in your information;
 - make a request to us to delete what personal data we hold about you;
 - ask me to restrict or object to processing;
 - data portability (in certain circumstances);
 - be informed of and challenge any decisions based solely on automated processing;
- and

- object to receiving any marketing communications from us.

If you would like to exercise any of your rights above please contact us at info@johnston.racing.

Should you wish to complain about the use of your information, you should contact us to resolve this matter in the first instance. You also have the right to complain to the ICO in relation to our use of your information. The ICO's contact details are noted below:

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

T. 0303 123 1113

F. 01625 524510

www.ico.org.uk

The accuracy of your information is important to us - please help us keep our records updated by informing us of any changes to your email address and other contact details.

Johnston Racing Ltd.

Fair Processing Notice – Employees & Contractors

(How we use employee information)

This notice explains what information we collect, when we collect it and how we use this. During the course of our activities we will process personal data (which may be held on paper, electronically, or otherwise) about you and we recognise the need to treat it in an appropriate and lawful manner. The purpose of this notice is to make you aware of how we will handle your information.

Who are we?

Johnston Racing Ltd., of Kingsley Park, Middleham (“**we**” or “**us**”) take the issue of security and data protection very seriously and strictly adhere to guidelines published in the Data Protection Act of 2018 and the General Data Protection Regulation (EU) 2016/679 which is applicable from the 25 May 2018, together with any domestic laws subsequently enacted.

We are registered as a data controller with the Information Commissioner's Office (ICO) under registration number **ZA787541** and we are the data controller of any personal data that you provide to us.

Any questions relating to this notice and our privacy practices should be sent to Johnston Racing Ltd, Kingsley Park, Middleham, North Yorkshire, DL8 4QZ, or emailed to info@johnston.racing.

How we collect information from you and what information we collect

We collect the following information from you through a variety of resources (i) directly from you; or (ii) third parties (including employment agencies, pensions service etc.):

- (a) Name
- (b) Date of birth
- (c) Address
- (d) Telephone number
- (e) Email address
- (f) NI number

- (g) Personal characteristics such as gender and ethnic group
- (h) Qualifications
- (i) Next of kin details
- (j) Qualifications
- (k) Bank details
- (l) Absence information
- (m) Employment references

Why we need this information about you and how it will be used

We require this information to consider your application for employment and fulfil our duties under any subsequent employment contract.

We collect and use the above information and personal data for:

- a. Administration of contracts of employment
- b. Payment of salaries
- c. Recruitment and selection
- d. Pensions and associated benefits, appraisal, training and development
- e. Membership of professional bodies
- f. Contacting next of kin in case of emergency

Sharing of your information

We may disclose to and share information about you with third parties for the purposes set out in this notice, or for purposes approved by you (such as in your contract of employment), where it is in our or the third party's legitimate interests so long as those interests are not contrary to your rights and freedoms under data protection laws. This includes the following:

- to process your salary payments;
- to allow your pension provider to process pensions information and handle your pension;
- to allow your electronic or physical payslips to be produced and issued to you;
- if we enter into a joint venture with or are sold to or merge with another business entity, your information may be disclosed to our new business partners or owners.

- to allow governing bodies such as The British Horse Racing Authority to contact you when required.

Transfers outside the UK and Europe

We may transfer your information outside the UK and/or EEA, for instance when arranging for you to accompany a horse to run in international horse races.

Where information is transferred outside the UK or EEA we will endeavour to ensure that there are adequate safeguards in place to protect your information in accordance with this notice.

Security

When you give us information we take steps to make sure that your personal information is kept secure and safe. This includes storing your information behind password-protected walls. Please refer to our Privacy Policy for other security measures and practices.

How long we will keep your information

We review our data retention periods regularly and will only hold your personal data for as long as is necessary for the relevant activity, or as required by law (we may be legally required to hold some types of information), or as set out in any relevant contract we have with you.

Our full retention schedule is available in our Table of duration of retention of certain data.

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You have the right at any time to:

- ask for a copy of the information about you held by us in our records;
- require us to correct any inaccuracies in your information;
- make a request to us to delete what personal data we hold about you;
- ask me to restrict or object to processing;

- data portability (in certain circumstances);
- be informed of and challenge any decisions based solely on automated processing;
and
- object to receiving any marketing communications from us.

If you would like to exercise any of your rights above please contact us at info@johnston.racing.

Should you wish to complain about the use of your information, you should contact us to resolve this matter in the first instance. You also have the right to complain to the ICO in relation to our use of your information. The ICO's contact details are noted below:

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

T. 0303 123 1113

F. 01625 524510

www.ico.org.uk

The accuracy of your information is important to us - please help us keep our records updated by informing us of any changes to your email address and other contact details.

Johnston Racing Ltd.

Data Retention Periods Table

Data retention periods

The table below sets out retention periods for personal data held and processed by me, as a letting agent. It is intended to be used as a guide only. I recognise that not all personal data can be processed and retained for the same duration, and retention will depend on the individual circumstances relative to the data subject whose personal data is stored.

Type of record – Clients & Third Parties	Suggested retention time
Records relating to ownership, purchases and sales etc.	Seven years from the date they were made
Financial information, including bank details etc. and all payment history including invoices (settled and outstanding) etc.	Seven years from the date they were made
CCTV Footage recorded and stored by the Company	One year from the date of recording
Name and Address for the purposes of sending the Kingsley Klarion Magazine.	Permanently

Type of record – Employees & Contractors	Suggested retention time
Records relating to working time	Seven years from the date they were made
Accident books and records and reports of accidents	Seven years after the date of the last entry
Health and safety assessments and records of consultations with safety representatives and committee	Permanently
Applicants for employment	Five years from the date of application
Records relating to salary, salary payments, bonuses etc.	Seven years from the date they were made
Occupation agreements, rent payment information etc.	Seven years from the expiry of the agreement
CCTV Footage recorded and stored by the Company	One year from the date of recording
All information related to disciplinary proceedings, breaches of contract or related issues, including CCTV footage and personal data if applicable	Seven years after the date of the last entry

Johnston Racing Ltd.

Substance Misuse Policy

1. Aim/Purpose

In horseracing, as in all other professional sports, the use of drugs is very strictly regulated. Our horses are tested regularly on course and occasionally in training. Jockeys are also tested on track.

Any positive test has a very serious impact on our business, financially and in terms of reputation. The loss of a major race, as a result of a positive test, means the loss of prize-money, significant loss of value of the horse involved, a serious threat to the reputation of our business, and a very significant risk to Mark Johnston's license to train horses.

We go to great lengths to minimize the risk of a positive drug test on our horses but a risk, especially of accidental or cross contamination, remains. The risk of contamination from humans is a very real and significant one and this policy seeks to minimize this risk.

Johnston Racing Ltd is also committed to providing a safe working environment including, as far as reasonably practicable, promoting the good health and well-being of all employees. In addition, there is a responsibility on the Company to comply with the Health & Safety at Work Act 1974 (Section 2). Johnston Racing Ltd aims to provide a safe, efficient and effective service to all its customers and will take any action deemed to be appropriate to ensure that employees who may attempt to work whilst impaired by the use of substances do not compromise this.

The purpose of this Policy Statement is to ensure that the use of substances by any employee (or any other person associated with the Company), does not put our business at risk through cross contamination to the horses or impair the safe and efficient running of the business or put at risk the health, safety or welfare of its employees, customers, suppliers or members of the general public. The ultimate goal of the policy is to balance respect for the individuals' privacy with the need to maintain a safe, secure and productive working environment free of substance misuse.

The Company is aware that in some instances, drug dependency is defined as an illness. We, therefore, actively encourage those employees who are experiencing difficulties with drugs or any other substance to seek help. Where appropriate, we will offer assistance in seeking relevant and evidence-based treatment. In these cases, normal sickness absence procedures will apply. Confidentiality is assured in these cases.

2. Definitions

Company:

- Johnston Racing Ltd and all subsidiary and associated businesses.
- Includes all premises that the Company is responsible for and includes all Company vehicles.
- Also on all occasions when an employee is on Company business or representing the Company on sites public or otherwise.

Employees

- The policy applies to all Company employees, contractors and regardless of their job function.

Substances

Drugs

- **Controlled Substances:** Any substance, which is listed under the Misuse of Drugs Act 1971. Also includes solvents or any substance capable of altering an individual's thinking or behaviour as defined in the Psychoactive Substances Act 2016.
- **Prescribed Drugs:** Those drugs that are lawfully obtained on prescription from a doctor.
- **Purchased Medication:** Those drugs which can be purchased over the counter in any pharmacy or retail outlet.

Misuse

- This applies to using drugs or substances in an unsanctioned way. For example, any illegal drug use, or using drugs for non-medical purposes without proper direction to do so from an appropriately qualified person such as a medical doctor or pharmacist. It also applies to using drugs or substances in a way that are harmful / hazardous to the individual or to others and which are likely to distort perception and response.

Dependency

- Where the user has adapted physically and/or psychologically to the presence of a substance and would suffer if it were withdrawn abruptly.

Fitness for Work/Impairment

- Determining whether an individual is impaired due to drugs or substances (See Annex A).
- To establish the individual's capability to carry out their particular job safely.
- To determine fitness for work, and drug testing may be carried out.
- In terms of this policy, any person found to have consumed illegal drugs or used drugs in an unsanctioned or unreported way (to be confirmed by an appropriate test) is deemed to be impaired due to drugs and/or putting our business at risk of cross contamination and therefore in breach of this policy.

3. Manager Responsibilities

Company Directors and Managers shall:

- Ensure this policy is implemented within their areas of responsibility.
- Notify contractors and any associated Company employees of the Company's Substance Misuse Policy and Procedures.
- Monitor the policy on an on-going basis.

Line Managers, Supervisors and Team Leaders shall:

- Recognise symptoms of misuse and handle the matter with confidentiality and sensitivity.
- To take the appropriate action against those individuals whose job capability is impaired through substances and/or are exposing the business to risk.
- If an individual admits to having a drug or substance dependency, the Manager will inform the HR Manager/Director of the Company. This information remains confidential.

4. Employees' Responsibilities

Under the Health and Safety at Work Act 1974 (section 7a) all employees have a duty to care not only for their own health and safety, but the health and safety of others who may be affected by their acts or omissions. Under (section 7b) there is a duty on all employees to co-operate with their employer "so far as is necessary to enable that duty or requirement to be performed or complied with". These responsibilities apply to all employees, contractors and visitors who should:

- Familiarise themselves with the policy and potential disciplinary implications resulting from a breach of the policy.
- If taking prescribed drugs or purchased medication that they immediately (or as soon as is reasonably practicable) inform their manager if such drugs **may impair their job function**, and thereby endanger themselves or others and/or could be considered to be a prohibited substance under the rules of racing.
- All medicines brought into the workplace must be retained in their original container and label where possible. Any information divulged concerning prescription or purchased medication will be kept confidential and the Company will discipline any breach of privacy or confidentiality. Ignorance of the effects of medication taken, or as to whether it might carry a risk of cross contamination to horses, will not normally be regarded as an acceptable reason for impaired work performance or taking such a risk. If in any doubt as to the effects of medication, advice should be sought from the Human Resources Manager or Director of the Company.
- Advise their Doctor or Pharmacist of the nature of their work.
- Not use, sell, handle or possess illegal drugs as defined under The Misuse of Drugs Act 1971 on Company premises or whilst in company time elsewhere.
- Take care not to present themselves on Company premises or in company time elsewhere whilst impaired due to illegal, prescribed or purchased medicine, or when posing a risk of cross contamination to a horse.
- Raise their concerns, in total confidence, with the Line Manager, Human Resources Manager or a Director of the Company, providing any available supporting evidence,

if they have concerns about the conduct or behaviour of a fellow employee and there is suspicion that this is due to substance misuse or dependency.

Any employee who is found in breach of the rules as laid under “Employee’s Responsibilities” will in the first instance be subject to the Company’s disciplinary procedures. This could amount to gross misconduct and result in termination of employment.

Drug Driving Legislation

- Following the introduction of Drug Driving legislation on 2nd March 2015, this policy also applies to occasions for example, where prescribed medication is consumed in excess of the limits introduced by law. The eight types of medication and threshold limits in blood are:

Clonazepam	50µg/L
Diazepam	550µg/L
Flunitrazepam	300µg/L
Lorazepam	100µg/L
Methadone	500µg/L
Morphine	80µg/L
Oxazepam	300µg/L
Temazepam	1,000µg/L

The limits that have been set by law for these drugs exceed normal prescribed doses, meaning that the vast majority of people can drive as they would normally, provided (a) the medicine is taken in accordance with the advice of a health care professional and (b) driving is not impaired. If in doubt you must seek the advice from your GP or health care professional and you must immediately notify your line manager if you are taking any of the above medicines so that any risks can be properly identified and assessed.

5. Counselling and Rehabilitation

Johnston Racing Ltd actively encourages any individual to seek help if they have a drug or substance dependency problem. The Company recognises it has a responsibility to support an employee who has, or may develop, such a problem. Such support can only be effectively given by the Company if the employee is open and honest in dealing with their problem, and complies with any support initiatives implemented by the Company or its agents in dealing with such a problem. The Company will deal with the problem with compassion and offer counselling and support to the individual.

- Employees who recognise that they have a drug or substance dependency problem should inform the Human Resources Manager. The information remains confidential within the constraints of criminal law. The employee may, if they wish, approach any manager of the Company if they feel they cannot discuss the problem with their own manager. In all circumstances the Human Resources Manager will be informed.

- The Company may seek professional advice from an external organisation who will then make recommendations on a course of action and possible treatment.
 - Where appropriate the Company will allow the employee the opportunity to comply with any recommended course of action and possible treatment, including paid leave of absence to attend pre- arranged appointments for counselling or specialist treatment.
 - If it is considered appropriate to allow an employee the opportunity to follow a course of action including treatment, it is the responsibility of the employee to comply with any recommended course of action or treatment arising from this process.
 - If an employee refuses to accept counselling or discontinues an approved treatment course without good cause, they may be deemed to have committed gross misconduct and could be dismissed.
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- Any employee with a dependency to drugs or other substances who only declares they have a dependency when a serious misconduct issue has arisen or where they are proven to be in breach of this policy will be subject to the same disciplinary procedures as any other employee who breaches this policy.

6. Screening and Testing

Screening and testing applies to all employees, contractors and visitors. The purpose of screening and testing is to:

- To detect the presence of substances which, through cross contamination, might put our horses at risk of failing a drug test.
- Exercise “due diligence” under the Health and Safety at Work Act 1974.
- To deter and detect individuals working on Company premises whilst being impaired due to drugs.

Screening and testing will be carried out in the following instances:

- Random Testing - The Company reserves the right to randomly select and test employees (inclusive of contract workers where applicable) at any of the Company premises throughout the course of a year in conjunction with an approved independent testing and collection team.
- For Cause Testing - If it is suspected that an individual is impaired due to drugs or substances, **and** is operating in a dangerous environment with potential for H&S risk, or there is a risk of cross contamination with one of the horses on company premises or if an individual’s work performance is being affected due to drug or substance dependency they will be referred for testing.
- Post-Accident/Incident Testing - Where an accident or incident has occurred and the individual is suspected of impairment by virtue of drug misuse, he/she will be referred for testing.

For all testing, should an employee refuse to provide a sample, they will be suspended immediately on full pay, pending the outcome of a disciplinary investigation. Should a contractor refuse to provide a sample as above or they have a positive test result they will be safely removed from site immediately. Their employer (if they are not self-employed) will be informed of the decision.

7. Screening and Testing Procedures and Protocols

For-Cause Testing, Post Accident/Incident for Drugs

- An approved independent testing and collection team will carry out the drug test. The drug test will be undertaken using oral fluid or urine testing. A witness will preferably be present during the test to corroborate events. In the alternative and in the absence of the donor being able to supply a sample of saliva, samples of urine will be used instead.
- The method used will be the collection of an oral fluid sample which will be tested onsite and if there is a positive reaction the approved independent testing and collection team will send the sample to a UKAS accredited laboratory for screening and analytical testing. A Medical Review may be carried out for any positive results in the form of an expert witness report.
- If the onsite result is negative the employee will be informed accordingly and if appropriate return to work. Where impairment is still a concern, the employee will be safely removed from Company premises and suspended on full pay pending an assessment with the Company's Occupational Health Service.
- If the result of the laboratory analysis is positive, the employee will remain suspended on full pay pending the outcome of a disciplinary investigation and hearing.

Random Testing for Drugs

- An approved independent testing and collection team will carry out the drug test. The drug test will be undertaken using oral fluid testing. In the alternative and in the absence of the donor being able to supply oral fluid, samples of urine will be used instead. A witness will preferably be present during the test. There are different methods used dependent on location and collection team.
- Method one – The method used will be the collection of an oral fluid sample which will be tested onsite if there is a positive reaction the sample will be sent to an approved UKAS accredited laboratory for screening and analytical testing. A Medical Review may be carried out for any positive results in the form of an expert witness report. The employee will be suspended on full pay pending receipt of laboratory results. If the laboratory analysis is positive, the employee will remain suspended on full pay pending the outcome of a disciplinary investigation and hearing.
- On some sites the method used will be the collection of two oral fluid samples provided by the employee and following strict chain-of-custody procedures, the samples will be sent to an approved laboratory for screening and analytical testing. A Medical Review may be carried out for any positive results. The employee will return to work pending the outcome of the laboratory analysis. If the result of the laboratory results is positive the employee will be suspended immediately on full pay pending the outcome of a disciplinary investigation and hearing.
- If the result of the laboratory analysis is negative, the employee will be informed accordingly.
- If the result of the laboratory analysis is positive, the employee will be suspended immediately on full pay pending the outcome of a disciplinary investigation and hearing.

8. Discipline

In the event of any breach of this policy, the normal disciplinary procedures will apply.

Any employee who is found in breach of the rules as laid under “Employee’s Responsibilities” will in the first instance be subject to the Company’s Disciplinary Procedures. This could result in termination of employment.

Unless exceptional and justifiable circumstances apply, refusal to provide a sample will constitute a positive result and will be dealt with as such under the Company disciplinary procedure.

Requests for further details or queries regarding this policy should be directed to the Human Resources Manager. All queries or requests for further information will be dealt with in the strictest confidence.