

**National Highways Limited**

**Scope**

**Defined Terms**

**Annex 01**

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| **Defined Term** | **Definition** |
| Accredited Scheme(s) or Standard(s) for Managing “Work-Related Road Risk” (WRRR) | means any of the WRRR Standards and Accreditations currently available as set out on the list below (Jan 21) or any revision to this list. Each standard or accreditation is described separately below:  **ISO39001** - <https://www.bsigroup.com/en-GB/iso-39001-road-traffic-safety/Introduction-to-BS-ISO-39001-/>  **BS ISO 39001** sets out the requirements for road traffic safety management best practice, overcoming complacency and improving consistency within and across organizations.  It provides guidance to help organisations design their own road traffic safety framework – allowing them to bring all relevant controls and processes into one management system.  BS ISO 39001 can also be adapted to organisations of all sizes to help them identify threats to road traffic safety and minimize operational risks. The standard is designed to help implement a best practice framework in the organisations – helping them to meet legal, industry and stakeholder requirements and at the same time reducing its impact on communities and the environment.  **FORS** - <https://www.fors-online.org.uk/cms/>  The Fleet Operator Recognition Scheme (FORS) is a voluntary accreditation scheme for fleet operators which aims to raise the level of quality within fleet operations, and to demonstrate which operators are achieving exemplary levels of best practice in safety, efficiency, and environmental  **CLOCS** - <https://www.clocs.org.uk/page/clocs-standard>  The CLOCS Standard is the direct result of collaboration between the construction and fleet sectors to address shared issues. It draws together evolving and applied best practice from a number of standards, policies and codes of practice to provide one industry standard that can be implemented by regulators, clients, principal contractors and fleet operators.  **Van Excellence** - <http://www.vanexcellence.co.uk/about/what-is-van-excellence.html>  Van Excellence is a scheme designed by some of the best van operators in the UK- facilitated and managed by FTA to recognise excellence and improve operational standards. At its heart is the Van Excellence Code which is a Code of Practice outlining 'what good looks like' in van operations.  With “The Code” established, the scheme has been developed to allow operators to ensure their standards of operation meet the requirements as laid out in the Code, thus enabling them to be recognised as van operators that adhere to a best practice framework. The *Client* has now developed the support available not only to those seeking or who have gained certification, but to all van operators to ensure they are operating to nationally recognised best practice standards.  **Earned Recognition** - <https://www.gov.uk/government/collections/dvsa-earned-recognition-guidance-and-forms>  Driver and Vehicle Standards Agency (DVSA) earned recognition for vehicle operators is a new way to prove an organisation meets driver and vehicle standards.  Organisations regularly share performance information with DVSA. In return, their vehicles are less likely to be stopped for inspections.  It’s a voluntary scheme that’s designed to work for operators of all sizes. |
| Business Information Gateway (the Gateway) | as defined in **Annex 06** Section 1.4. |
| Category Purchase Agreement | is a contract (including framework agreements and dynamic purchase system) which is established or may be established by the *Client* for common requirements across its asset management and wider expenditure plan under which the *Contractor* and Others may enter into contracts with Category Suppliers. |
| Category Supplier | is a supplier who is appointed via a Category Purchase Agreement. |
| Commitments Register | is the statement of that name set out in Annex A to the Form of Agreement detailing the commitments made by the *Contractor* as part of its tender in respect of how it is to Provide the Service. |
| Construction Compliance Certificate | is as per the meaning in BD2/12 Technical Approval of Highways Structure (Volume 1, Section 1 of the Design Manual for Roads and Bridges). |
| Consultant Background IPR | IPR owned by the *Consultant* or a third party before the Contract Date or created by the *Consultant* or a third partyindependently of the contract, which in each case is or will be used   * before the *defects date* to Provide the Service and * for the maintenance, operation and modification of the *service.* |
| Continual Improvement | is an ongoing effort to improve products, services or processes, both incrementally or all at once. |
| Contracts Finder | is the government website for information about contracts worth over £25,000 with the government and its agencies. |
| Controller | as defined in Z1 of the Contract Data |
| Corrective Action | Corrective Action has the meaning given in ISO 9000. |
| Data | is all Personal Data collected, generated or otherwise processed by the *Consultant* in the course of Providing the Service. |
| Data Controller | is a legal person that determines the purposes and means of the processing of Personal Data. |
| Data Protection Impact Assessment | is an assessment by the Data Controller of the impact of the envisaged processing of Personal Data on the rights of a Data Subject(s). |
| Data Protection Legislation | is   * the UK General Data Protection Regulation (the retained EU law version of the General Data Protection Regulation (EU2016/679)), * the LED (Law Enforcement Directive (Directive (EU) 2016/680), * the Data Protection Act 2018, * the Privacy and Electronic CommunicationPas (EC Directive) Regulations 2003, and   any other data protection laws and regulations applicable in England and Wales. |
| Data Subject | is an individual who is the subject of Personal Data. |
| Data Subject Access Request | is a request made by, or on behalf of, a Data Subject, for access to the personal data an organisation holds about them including provision of copies of that data.  The Data Subject has the following rights:   * access to, and information relating to, Data, * rectification of inaccurate Data, * permanent erasure of Data, * restriction of processing of Data pursuant to the Data Protection Legislation, and * transfer of Data to a third party (data portability) * automated individual decision making including profiling. |
| Develop, Design, Deliver (3D) | Develop, Design, Deliver ha the meaning given to it in the 3D User Guide for Scheme Management. |
| Disclosure Request | Disclosure Request is a request for information relating to the contract pursuant to the Freedom of Information Act 2000 and Environmental Information Regulations 2004 or later revisions. |
| Discrimination Acts | are the Equality Act 2010 and any predecessor statutes. |
| EEA | is the European Economic Area. |
| Environmental Managemental Plan | a document (or set of documents) that sets out the mitigation needed to manage the environmental effects associated with a development during the construction and operational phases. |
| Information Systems | can be a combination of hardware, software, infrastructure and trained personnel organised to facilitate planning, control, coordination and decision making in an organisation. |
| Information Technology Infrastructure Library | a governance model for IT service management and best practices that defines an end-to-end life cycle and integrated set of practices and guidance in the areas of service strategy, service design, service transition, service operation, and continual service improvement. |
| Health and Safety File | is as per the meaning given to it in the Construction (Design and Management) Regulations 2015. |
| Intellectual Property Rights or IPRs | are copyright and related rights, database rights, design rights, patents, inventions, trade marks (and goodwill attaching to those trade marks), domain names, applications for and the right to apply for any of the foregoing, moral rights, confidential information and any other intellectual or industrial property rights, whether or not registered or capable of registration, whether subsisting now or in future in any part of the world. |
| Joint Data Controllers | means where two or more Data Controllers jointly determine the purposes and means of processing. |
| Lean | a set of management practices to deliver a product(s) to a high quality, whilst improving efficiency and effectiveness by eliminating waste. |
| Lean Continuous Improvement (Lean CI) | are activities utilising Lean techniques and methodologies to continually refine a process and/or product. |
| List X | are companies operating in the UK who are working on UK government contracts which require them to hold classified information. This information is at ‘Secret’ level or above or international partners information classified ‘Confidential’ or above, and is held in their own premises at a specific site. Classified information levels can be reviewed in the Gov website (https://www.gov.uk/government/publications/security-requirements-for-list-x-contractors). |
| Major Incident | A Major Incident is defined as an incident that has, or is likely to have, a major impact on the ability of the business to maintain services during agreed operational hours. An outage or complete loss of functionality of a critical or key application or service.  The incident could result in:   * An emergency situation * Security risks or threat * Highways England reputation (HSSE) could be adversely affected * Multiple locations/businesses or significant user impacted |
| Mobilisation Period | Is the period from the *starting date* to the *access date (or go live date).* |
| Nonconformity | Nonconformity has the meaning given in ISO 9000 (and includes Defects). |
| The Official Secrets Act | is the Official Secrets Act 1989 and any predecessor statutes. |
| Offshoring | Any arrangement where the performance of any part of the services or a solution under a contract may occur outside the UK for domestic (UK) consumption. |
| Performance Level | is the performance level of the Collaborative Performance Framework stated in the Scope section S544. |
| Personal Data | is any data relating to an identified or identifiable natural individual that is within the scope of protection as “personal data” under the Data Protection Legislation. |
| Processor | is a legal person which processes Personal Data on behalf of a Data Controller. |
| Prohibited Substance | is any intoxicating substance, or alcohol, or drugs. |
| Project Control Framework (PCF) | The Project Control Framework has the meaning given to it in the Project Control Framework Handbook. |
| Protective Measures | are appropriate, technical and organisational measures implemented, consistent with good industry practice, to ensure a level of security appropriate to the risk posed by Personal Data, taking into account the state of the art, the costs of implementing, the harm that might result from a Security Incident, and which may include:   * pseudonymising and encrypting Personal Data, * ensuring confidentiality, * integrity, * availability and resilience of systems and services, * ensuring that availability of and access to Personal Data can be restored in a timely manner after an incident, and * regularly assessing and evaluating the effectiveness of such measures adopted by it including those outlined in “Procurement Policy Note 02/18 Changes to Data Protection Legislation and General Data Protection Regulation” (see link in **Annex 02**). |
| The Public Interest Test | The Public Interest Test requires a public authority, or oversight body, to weigh the harm that disclosure would cause to the protected interest saved by disclosure of the information. |
| Quality Plan | Quality Plan is the quality plan produced in accordance with   * ISO 9001, * ISO 10005, * GG102, * clause 40 of the *conditions of contract,* and * the Scope. |
| Quality Statement | is the document submitted by the *Contractor* at time of tender. |
| Quality Submission | Quality Submission is the *quality submission*unless later changed in accordance with the *conditions of contract,* detailing the commitments made by the *Consultant* as part of its tender in respect of how it is to perform its obligations under the contract. |
| Road Period | is in relation to a particular Road Investment Strategy, the period to which that strategy relates, as outlined in the contract. |
| Security Incident | is a breach of security that results, or may result in, leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Data. |
| Service Provider System | are the *Consultant’s* (service provider/supplier) IT systems/applications which they use to provide services to National Highways. |
| SME | means an enterprise within the category of Small, Medium or Micro Enterprises defined by the European Commission Recommendation of 6 May 2003 concerning the definition of Small, Medium or Micro Enterprises. A SME is a Subcontractor or a subcontractor to a Subcontractor and is autonomous and is a European Union enterprise not owned or controlled by a non-European Union parent company. |
| Staff | Staff are persons employed or engaged by the *Consultant* or an Associated Company or any subcontractor at any stage of remoteness from the *Client* to Provide the Service at any time. |
| Structured Innovation | is an approach to systematically generate ideas faster, leading to multiple best solutions, interlocking with structured problem solving. |
| Sub-Processor | is a third party (including an Associated Company) engaged by the *Consultant* to process Data. |
| Supervisory Authority | is any regulatory, supervisory, governmental or other competent authority with jurisdiction or oversight over the Data Protection Legislation. |
| Tender Commitments | Tender Commitments are the measurable commitments contained within the Quality Submission. |
| Work Related Road Risk (WRRR) | Work Related Road Risk, also known as occupational road risk, is the term used to describe the dangers associated with driving or riding as part of a job.  Driving/riding for work is any journey that is not to the usual place of work. The law applies to both company and grey fleet vehicles (those owned by workers). The law applies to employees and anyone engaged to work for a company including dependent contractors and the self-employed.  The management of work-related road risk is covered under the Health & Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999. The Health & Safety Executive guidance can be found at <https://www.hse.gov.uk/roadsafety/employer/index.htm> |