

## **GDPR Privacy and Data Policy**

### **Who We Are**

We are Birmingham Fibre Ltd ("Company"). Our address is Faraday Wharf, Holt Street, Birmingham B7 4BB. You can contact us by post at the above address, by email at support@birminghamfibre.com or by telephone on +44(0)121 638 1000.

### **Purpose of this Privacy Policy**

The Company gathers and processes your personal information in accordance with this privacy notice and in compliance with the relevant data protection regulation and laws. This notice provides you with the necessary information regarding your rights and our obligations, and explains how, why and when we process your personal data.

This policy is relevant to your use of the Company website and your relationship with the Company. This document also documents our data protection policy and the rights of individuals that the Company engages with ("Data Subjects") in respect of personal data under the General Data Protection Regulation ("Regulation"). A 'Data Subject' may be an individual or an individual acting on behalf of a body corporate (i.e. a company director).

Please read them carefully as they affect your rights and liabilities under the law. If you do not agree to this Privacy Policy, please do not use the Company website or engage with us. If you have any questions on the Terms and Conditions, please contact us.

If you are seeking to instruct the Company for the provision of products or services, our standard terms and conditions shall apply.

### **General Data Protection Regulation (GDPR)**

The General Data Protection Regulations defines "personal data" as any information relating to an identified or identifiable natural person (a data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person.

This Policy sets out the procedures that are to be followed when dealing with personal data. The procedures and principles set out herein must be followed at all times by the Company, its employees, agents, contractors, or other parties working on behalf of the Company.

### **What Information Do We Collect and How Is That Information Used?**

The Company may collect your personal details including, but not limited to, your name and contact details including your e-mail address and any other relevant information with your express permission. This information is held, used and disclosed by us in the following ways until permission is withdrawn:

- To continue to provide our services to you.
- To maintain our business relationship throughout the lifetime of that relationship, where you are a client or user of our website, products or services.
- To enable us to answer any queries you may have.
- To market our products and services to you; to keep you updated on any relevant industry news; to update you on any events, promotions and competitions, reports and any other information we feel may be relevant or of interest to you. You retain the right to unsubscribe from such communications at any time.
- To fulfil contractual obligations with you.
- To enable the development and marketing of other products and services by the Company.
- To continually improve our customer service efforts and to make our services more valuable to you.
- The Company may also release personal information to regulatory or law enforcement agencies, if they require us to do so. We will also only disclose your information where we are permitted and requested to do so by law.
- The Company will also seek your consent to collect, hold, use and disclose your personal information for any other purpose not listed above, but will continue to do so only if your permission is given and from which you understand you can withdraw permission.
- If we are holding historic data about you or your company that no longer is of use or has any significance it will be deleted unless you have given consent, or there is some kind of legal obligation, to retain it.
- Only members of the Company staff that need to have access to your information to carry out their normal duties will be allowed access to the information.
- By law we have appointed a representative to oversee the application of our privacy policy. That representative is Chris Smith and any concerns over the retention, use or disclosure of your information should be addressed to them via our contact page.

- When you register with or use our Services, the Company may ask you for certain information and you may submit personal data to the Company (for example your name, phone number, postal address, email address, contact and bank / credit card details). The Company may also record which products and services you are interested in and which products and services you purchase as well. This information will be kept securely in accordance with our internal security policy and may be used to:
  - process any order you may place
  - provide you with an up to date, efficient, and reliable service
  - open and run your account
  - administer the Service
  - help fraud prevention
  - any other legitimate business purpose
- By placing an order or by registering for further information and submitting your data you agree to this use.
- From time to time the Company also monitor and record telephone calls for training purposes and legitimate business use.
- The Company will never collect sensitive information about you without your explicit consent.

### **Who we share your data with**

We may share your data with:

- Suppliers who we engage to deliver part of your product or service, e.g. BT Wholesale, Nominet
- Technology Providers who we engage to support our operations and/or host our data

If you agree, we shall pass on your personal information to our group of companies so that they may offer you their products and services.

We will not share your information for marketing purposes with companies outside of our group.

### **Transfer of personal data to a Country or International Organisation outside of the European Union**

We do not intend to transfer your personal data to any countries or International Organisations outside of the European Union.

### **How long we hold your data**

We retain processed personal data for as long as is considered necessary for the purpose for which it was collected (including as required by applicable law or regulation). In the absence of specific legal, regulatory or contractual requirements, our baseline retention period for your personal data and other documentary evidence is 7 years.

### **Security**

The Company is committed to protecting your personal data and privacy. We implement ISO 27001. We have security measures in place designed to prevent the loss of data, preserve data integrity, and to control access to the data.

### **Data Processing for Specific Purposes Only**

The Company collects and processes the personal data set out in this Policy. This may include personal data received directly from Data Subjects (for example, contact details used when a data subject communicates with us).

The Company only processes personal data for the specific purposes set out in this Policy (or for other purposes expressly permitted by the Regulation). The purposes for which we process personal data will be informed to Data Subjects at the time that their personal data is collected, where it is collected directly from them, or as soon as possible (not more than one calendar month) after collection where it is obtained from a third party.

The Company will only collect and process personal data for and to the extent necessary for the specific purpose(s) informed to Data Subjects.

The Company shall ensure that all personal data collected and processed is kept accurate and up-to-date, so far as reasonably practicable. Where any inaccurate or out-of-date data is found, all steps will be taken without delay to amend or erase that data, so far as reasonably practicable.

The Company shall ensure that all personal data collected and processed is kept secure and protected against unauthorised or unlawful processing and against accidental loss, destruction or damage.

Data Subjects may request that the Company ceases processing the personal data it holds about them. If a data subject makes such a request, the Company shall retain only the amount of personal data pertaining to that data subject that is necessary to ensure that no further processing of their personal data takes place.

### **Your Right to Access**

The law states that you have the right at any time to ask us to share with you the information that we hold that you have supplied to us. If you make such a request we will ask you to verify your identity and possibly ask you to give us more information about such a request. We may need to charge a nominal fee for this service for administrative purposes. We will only refuse your request if we are legally permitted or required to do so. If this is the case then we will give you reasons for doing so. To make a request for information, please contact us.

Please be aware that you also have the right to ask the Company to stop using the information that you supplied us. Under the right to erasure you can also request for deletion of your file, although you should be aware that in some circumstances we may not be required or able to do so, particularly where your file also holds information about our clients or financial information that we need to keep for periods of up to six years; i.e. which relate to tax matters. If, under any circumstances, we cannot comply with your request for information we will provide a full explanation as to why this is so.

### **Deleting of Your Data**

Data Subjects may request that the Company erases the personal data it holds about them in the following circumstances:

- It is no longer necessary for the Company to hold that personal data with respect to the purpose for which it was originally collected or processed;
- The data subject wishes to withdraw their consent to the Company holding and processing their personal data;
- The data subject objects to the Company holding and processing their personal data (and there is no overriding legitimate interest to allow the Company to continue doing so).
- The personal data has been processed unlawfully;
- The personal data needs to be erased in order for the Company to comply with a particular legal obligation.

Unless the Company has reasonable grounds to refuse to erase personal data, all requests for erasure shall be complied with, and the data subject informed of the erasure, within one month of receipt of the data subject's request (this can be extended by up to two months in the case of complex requests, and in such cases the data subject shall be informed of the need for the extension).

### **Right to Suspend or Cancel Your Registration**

We may suspend or cancel your registration immediately at our reasonable discretion or if you breach any of your obligations under these Terms and Conditions.

You can cancel your registration at any time by logging onto the Company website through the "unsubscribe" link. The suspension or cancellation of your registration and your right to use the Company website shall not affect either party's statutory rights or liabilities.

Data Subjects have the right to object to the Company processing their personal data based on legitimate interests (including profiling), direct marketing (including profiling).

Where a data subject objects to the Company processing their personal data based on its legitimate interests, the Company shall cease such processing forthwith, unless it can be demonstrated that the Company's legitimate grounds for such processing override the data subject's interests, rights and freedoms; or the processing is necessary for the conduct of legal claims.

Where a data subject objects to the Company processing their personal data for direct marketing purposes, the Company shall cease such processing forthwith.

Where a data subject objects to the Company processing their personal data for scientific and/or historical research and statistics purposes, the data subject must, under the Regulation, 'demonstrate grounds relating to his or her particular situation'. The Company is not required to comply if the research is necessary for the performance of a task carried out for reasons of public interest.

### **Notification of a Data Breach**

All personal data breaches must be reported immediately to the Company's data protection officer.

If a personal data breach occurs and that breach is likely to result in a risk to the rights and freedoms of Data Subjects (e.g. financial loss, breach of confidentiality, discrimination, reputational damage, or other significant social or economic damage), the data protection officer must ensure that the Information Commissioner's Office is informed of the breach without delay, and in any event, within 72 hours after having become aware of it.

In the event that a personal data breach is likely to result in a high risk to the rights and freedoms of Data Subjects, the data protection officer must ensure that all affected Data Subjects are informed of the breach directly and without undue delay.

Data breach notifications shall include the following information:

- The categories and approximate number of Data Subjects concerned;
- The categories and approximate number of personal data records concerned;
- The name and contact details of the Company's data protection officer (or other contact point where more information can be obtained);
- The likely consequences of the breach;
- Details of the measures taken, or proposed to be taken, by the Company to address the breach including, where appropriate, measures to mitigate its possible adverse effects.

### **Data Protection Principles**

This Policy aims to ensure compliance with the Regulation. The Regulation sets out the following principles with which any party handling personal data must comply. All personal data must be:

- Processed lawfully, fairly, and in a transparent manner in relation to the data subject;
- Collected for specified, explicit, and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- Adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed;
- Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which they are processed, is erased or rectified without delay;
- Kept in a form which permits identification of Data Subjects for no longer than is necessary for the purposes for which the personal data is processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the Regulation in order to safeguard the rights and freedoms of the data subject;
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

### **Lawful, Fair and Transparent Data Processing**

The Regulation seeks to ensure that personal data is processed lawfully, fairly, and transparently, without adversely affecting the rights of the data subject. The Regulation states that processing of personal data shall be lawful if at least one of the following applies:

- The data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- Processing is necessary for the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract;
- Processing is necessary for compliance with a legal obligation to which the controller is subject;

- Processing is necessary to protect the vital interests of the data subject or of another natural person;
- Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

### **Our Obligations**

The Company shall ensure that the following measures are taken with respect to the collection, holding, and processing of personal data:

- All employees, agents, contractors, or other parties working on behalf of the Company shall be made fully aware of both their individual responsibilities and the Company's responsibilities under the Regulation and under this Policy, and shall be provided with a copy of this Policy;
- Only employees, agents, sub-contractors, or other parties working on behalf of the Company that need access to, and use of, personal data in order to carry out their assigned duties correctly shall have access to personal data held by the Company;
- All employees, agents, contractors, or other parties working on behalf of the Company handling personal data will be appropriately trained to do so;
- All employees, agents, contractors, or other parties working on behalf of the Company handling personal data will be appropriately supervised;
- The performance of those employees, agents, contractors, or other parties working on behalf of the Company handling personal data shall be regularly evaluated and reviewed;
- All employees, agents, contractors, or other parties working on behalf of the Company handling personal data will be bound to do so in accordance with the principles of the Regulation and this Policy by contract;

### **Amendments**

We may update our GDPR Privacy Policy from time to time for legal or regulatory reasons or to allow the proper operation of the Company website. We will make reasonable efforts to notify you of any changes. The changes will apply to the use of the Company website after we have given notice. If you do not wish to accept the new Terms and Conditions you should not continue to use the Company website. If you continue to use the Company website after the date on which the change comes into effect, your use of the Company website indicates your agreement to be bound by the new Terms and Conditions.