

Privacy policy

1. Introduction

- 1.1 We are committed to safeguarding the privacy of our customers.
- 1.3 This policy applies where we are acting as a data controller with respect to the personal data of our customers; in other words, where we determine the purposes and means of the processing of that personal data.
- 1.4 In this policy, "we", "us" and "our" refer to ADS Fencing. For more information about us, see Section 9.
- 1.5 In this policy, "you" and "your" refer to you, in the context of being a customer of our services.

2. Credit

- 2.1 This document was created using a template from SEQ Legal (<https://seqlegal.com>).

3. How we use your personal data

- 3.1 In this Section 3 we have set out:
 - (a) the general categories of personal data that we may process;
 - (c) the purposes for which we may process personal data; and
 - (d) the legal bases of the processing.
- 3.2 We may process the information included in a personal profile ("**profile data**"). The data may include your name, photograph, driving license number. The profile data may be processed for the purposes of enabling your use of our services. The legal basis for this processing is our legitimate interests, namely the proper administration of our business and the performance of a contract between you and us and/or taking steps, at your request, to enter into such a contract.
- 3.3 We may process information contained in any enquiry you submit to us regarding goods and/or services ("**enquiry data**"). The enquiry data may be processed for the purposes of offering, marketing and selling relevant goods and/or services to you. The legal basis for this processing is legitimate interest.
- 3.4 We may process information relating to our customer relationships, including customer contact information ("**customer relationship data**"). The customer relationship data may include your name, your employer, your job title or role, your contact details including work 'phone number and personal 'phone number, your work e-mail address, and information contained in communications between us and you or your employer. The source of the customer relationship data is you or your employer. The customer relationship data may be processed for the purposes of managing our relationships with customers, communicating with customers, keeping records of those communications and promoting our products and services to customers. The legal basis for this processing is our legitimate interests, namely the proper management of our customer relationships.
- 3.5 We may process information relating to transactions, including purchases of goods and services, that you enter into with us ("**transaction data**"). The transaction data may include your contact details, your card or bank details and the transaction details. The transaction data may be processed for the purpose of supplying the purchased goods and services and keeping proper records of those transactions. The legal basis for this processing is the performance of a contract between you and us and/or taking steps, at your request, to enter into such a contract and our legitimate interests, namely the proper administration of our business.

- 3.6 We may process information that you provide to us for the purpose of subscribing to our email notifications and/or newsletters ("**notification data**"). The notification data may be processed for the purposes of sending you the relevant notifications and/or newsletters. The legal basis for this processing is consent.
- 3.7 We may process information contained in or relating to any communication that you send to us ("**correspondence data**"). The correspondence data may include the communication content and metadata associated with the communication. The correspondence data may be processed for the purposes of communicating with you and record-keeping. The legal basis for this processing is our legitimate interests, namely the proper administration of our business and communications with users.
- 3.8 We may process the information included in a personal employee profile ("**employee data**"), for your employees including yourself as a sole trader. The data may include name, address, telephone numbers, date of birth, employment history, National Insurance number, bank account details, personal consumer debt if there exists a County Court Judgment or an Attachment of Earnings, educational details, employment details, e-mail address, next-of-kin details (name, address, telephone number). The employee data may be processed for the purposes of your employment contracts including processing wages, tax and National Insurance contributions and workplace pension payments. The legal basis for this processing is our legitimate interests, namely the proper administration of our business and the performance of a contract between you and us and/or taking steps, at your request, to enter into such a contract.
- 3.9 We may process any of your personal data identified in this policy where necessary for the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure. The legal basis for this processing is our legitimate interests, namely the protection and assertion of our legal rights, your legal rights and the legal rights of others.
- 3.10 We may process any of your personal data identified in this policy where necessary for the purposes of obtaining or maintaining insurance coverage, managing risks, or obtaining professional advice. The legal basis for this processing is our legitimate interests, namely the proper protection of our business against risks.
- 3.11 In addition to the specific purposes for which we may process your personal data set out in this Section 3, we may also process any of your personal data where such processing is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person.

3.12 Please do not supply any other person's personal data to us, unless we prompt you to do so.

4. Providing your personal data to others

- 4.1 We may disclose your personal data to our insurers and/or professional advisers insofar as reasonably necessary for the purposes of obtaining or maintaining insurance coverage, managing risks, obtaining professional advice, or the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure.
- 4.2 Financial transactions relating to our services may be handled by our payment services providers, Sage Group Plc. We will share transaction data with our payment services providers only to the extent necessary for the purposes of processing your payments, refunding such payments and dealing with complaints and queries relating to such payments and refunds. You can find information about the payment services providers' privacy policies and practices at <https://www.sage.com/company/privacy-notice-and-cookies> and <https://uk.sageone.com/terms-conditions/> .
- 4.2a We may disclose your profile data, transaction data and your employee data to your workplace pension provider, National Employment Savings Trust (NEST) Corporation. We will share data with your workplace pension provider only to the extent necessary for the purposes of processing your

pension payments. You can read about how they handle personal data and privacy here: <https://www.nestpensions.org.uk/schemeweb/nest/nestcorporation/privacy-policy.html> .

- 4.2b We may disclose your profile data and your employee data to HM Revenue and Customs (HMRC). We will share data with HMRC only to the extent necessary for the purposes of processing your employees' tax and National Insurance payments. You can read about how they handle personal data and privacy here: <https://www.gov.uk/government/publications/data-protection-act-dpa-information-hm-revenue-and-customs-hold-about-you> .
- 4.2c We may disclose your profile data, transaction data and your employee data to Dowling Book-keeping Services. We will share data with them only to the extent necessary for the purposes of processing your business finances. You can read about how they handle personal data and privacy here in their privacy policy, available upon request.
- 4.3 In addition to the specific disclosures of personal data set out in this Section 4, we may disclose your personal data where such disclosure is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person. We may also disclose your personal data where such disclosure is necessary for the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure.

5. International transfers of your personal data

- 5.1 In this Section 5, we provide information about the circumstances in which your personal data may be transferred to countries outside the European Economic Area (EEA).
- 5.2 Google Drive (employee data) and Amazon Web Services (Sage Group Plc services) are situated in a number of countries inside and outside of the EEA. The European Commission has made an "adequacy decision" with respect to the data protection laws of each of these countries. Transfers to each of these countries will be protected by appropriate safeguards, namely those taken by Google LLC and Sage Group Plc. Copies of the safeguards can be obtained from Google LLC (<https://privacy.google.com/intl/en-GB/your-security.html>) and Sage Group Plc (<https://uk.sageone.com/security/>)
- 5.3 You acknowledge that personal data that you submit for publication through our services may be available, via the internet, around the world. We cannot prevent the use (or misuse) of such personal data by others.

6. Retaining and deleting personal data

- 6.1 This Section 6 sets out our data retention policies and procedure, which are designed to help ensure that we comply with our legal obligations in relation to the retention and deletion of personal data.
- 6.2 Personal data that we process for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- 6.3 We will retain your personal data as follows:
- (b) **profile data** will be retained for the duration of the customer relationship;
 - (d) **enquiry data** will be retained for the duration of time required to service the enquiry;
 - (e) **customer relationship data** will be retained for the duration of the customer relationship followed by a further two years if we have completed a contract with you (for the purpose of "working time records" in Appendix I);
 - (f) **transaction data** will be retained for as long as is legally required;
 - (g) **notification data** will be retained until you notify us to remove your consent;

- (h) **correspondence data** will be retained for as long as is legally required;
- (i) there are statutory requirements to keep certain **employee data** for a minimum length of time. These are specified in Appendix I;

- 6.4 In some cases it is not possible for us to specify in advance the periods for which your personal data will be retained. In such cases, we will determine the period of retention and communicate this to you.
- 6.5 Notwithstanding the other provisions of this Section 6, we may retain your personal data where such retention is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person.

7. Amendments

- 7.1 We may update this policy from time to time.
- 7.2 We may notify you of significant changes to this policy by email.

8. Your rights

- 8.1 In this Section 8, we have summarised the rights that you have under data protection law. Some of the rights are complex, and not all of the details have been included in our summaries. Accordingly, you should read the relevant laws and guidance from the regulatory authorities for a full explanation of these rights.
- 8.2 Your principal rights under data protection law are:
- (a) the right to access;
 - (b) the right to rectification;
 - (c) the right to erasure;
 - (d) the right to restrict processing;
 - (e) the right to object to processing;
 - (f) the right to data portability;
 - (g) the right to complain to a supervisory authority; and
 - (h) the right to withdraw consent.
- 8.3 You have the right to confirmation as to whether or not we process your personal data and, where we do, access to the personal data, together with certain additional information. That additional information includes details of the purposes of the processing, the categories of personal data concerned and the recipients of the personal data. Providing the rights and freedoms of others are not affected, we will supply to you a copy of your personal data. The first copy will be provided free of charge, but additional copies may be subject to a reasonable fee.
- 8.4 You have the right to have any inaccurate personal data about you rectified and, taking into account the purposes of the processing, to have any incomplete personal data about you completed.
- 8.5 In some circumstances you have the right to the erasure of your personal data without undue delay. Those circumstances include: the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed; you withdraw consent to consent-based processing; you object to the processing under certain rules of applicable data protection law; the processing is for direct marketing purposes; and the personal data have been unlawfully processed. However, there are exclusions of the right to erasure. The general exclusions include where

processing is necessary: for exercising the right of freedom of expression and information; for compliance with a legal obligation; or for the establishment, exercise or defence of legal claims.

- 8.6 In some circumstances you have the right to restrict the processing of your personal data. Those circumstances are: you contest the accuracy of the personal data; processing is unlawful but you oppose erasure; we no longer need the personal data for the purposes of our processing, but you require personal data for the establishment, exercise or defence of legal claims; and you have objected to processing, pending the verification of that objection. Where processing has been restricted on this basis, we may continue to store your personal data. However, we will only otherwise process it: with your consent; for the establishment, exercise or defence of legal claims; for the protection of the rights of another natural or legal person; or for reasons of important public interest.
- 8.7 You have the right to object to our processing of your personal data on grounds relating to your particular situation, but only to the extent that the legal basis for the processing is that the processing is necessary for: the performance of a task carried out in the public interest or in the exercise of any official authority vested in us; or the purposes of the legitimate interests pursued by us or by a third party. If you make such an objection, we will cease to process the personal information unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing is for the establishment, exercise or defence of legal claims.
- 8.8 You have the right to object to our processing of your personal data for direct marketing purposes (including profiling for direct marketing purposes). If you make such an objection, we will cease to process your personal data for this purpose.
- 8.9 You have the right to object to our processing of your personal data for scientific or historical research purposes or statistical purposes on grounds relating to your particular situation, unless the processing is necessary for the performance of a task carried out for reasons of public interest.
- 8.10 To the extent that the legal basis for our processing of your personal data is:
- (a) consent; or
 - (b) that the processing is necessary for the performance of a contract to which you are party or in order to take steps at your request prior to entering into a contract,
- and such processing is carried out by automated means, you have the right to receive your personal data from us in a structured, commonly used and machine-readable format. However, this right does not apply where it would adversely affect the rights and freedoms of others.
- 8.11 If you consider that our processing of your personal information infringes data protection laws, you have a legal right to lodge a complaint with a supervisory authority responsible for data protection. You may do so in the EU member state of your habitual residence, your place of work or the place of the alleged infringement.
- 8.12 To the extent that the legal basis for our processing of your personal information is consent, you have the right to withdraw that consent at any time. Withdrawal will not affect the lawfulness of processing before the withdrawal.
- 8.13 You may exercise any of your rights in relation to your personal data by written notice to us.

9. Our details

- 9.1 Our office is Low Farm, St Peter, South Elmham, Bungay, Suffolk NR35 1NQ.

9.2 You can contact us:

- (a) by post, to the postal address given above;
- (c) by telephone (landline: 01986 782291, mobile: 07879 416900); or
- (d) by email, adrian@evergreenharvesting.co.uk

10. Data protection officer

10.1 Our data protection officer contact details are the same as the office details above.

Appendix I: statutory requirements of employee data retention

The main UK legislation regulating statutory retention periods is summarised below.

Record types

Accident books, accident records/reports

Statutory retention period: 3 years from the date of the last entry (or, if the accident involves a child/ young adult, then until that person reaches the age of 21). (See below for accidents involving chemicals or asbestos).

Statutory authority: The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI 1995/3163) as amended, and Limitation Act 1980. Special rules apply concerning incidents involving hazardous substances (see below).

Accounting records

Statutory retention period: 3 years for private companies, 6 years for public limited companies.

Statutory authority: Section 221 of the Companies Act 1985 as modified by the Companies Acts 1989 and 2006.

Income tax and NI returns, income tax records and correspondence with HMRC

Statutory retention period: not less than 3 years after the end of the financial year to which they relate.

Statutory authority: The Income Tax (Employments) Regulations 1993 (SI 1993/744) as amended, for example by The Income Tax (Employments) (Amendment No. 6) Regulations 1996 (SI 1996/2631).

Medical records and details of biological tests under the Control of Lead at Work Regulations

Statutory retention period: 40 years from the date of the last entry.

Statutory authority: The Control of Lead at Work Regulations 1998 (SI 1998/543) as amended by the Control of Lead at Work Regulations 2002 (SI 2002/2676).

Medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)

Statutory retention period: 40 years from the date of the last entry.

Statutory authority: The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (SIs 1999/437 and 2002/2677).

Medical records under the Control of Asbestos at Work Regulations: medical records containing details of employees exposed to asbestos and medical examination certificates

Statutory retention period: (medical records) 40 years from the date of the last entry; (medical examination certificates) 4 years from the date of issue.

Statutory authority: The Control of Asbestos at Work Regulations 2002 (SI 2002/ 2675). Also see the Control of Asbestos Regulations 2006 (SI 2006/2739) and the Control of Asbestos Regulations 2012 (SI 2012/632)

Medical records under the Ionising Radiations Regulations 1999

Statutory retention period: until the person reaches 75 years of age, but in any event for at least 50 years.

Statutory authority: The Ionising Radiations Regulations 1999 (SI 1999/3232).

National minimum wage records

Statutory retention period: 3 years after the end of the pay reference period following the one that the records cover.

Statutory authority: National Minimum Wage Act 1998.

Records of tests and examinations of control systems and protective equipment under the Control of Substances Hazardous to Health Regulations (COSHH)

Statutory retention period: 5 years from the date on which the tests were carried out.

Statutory authority: The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (SIs 1999/437 and 2002/2677).

Records relating to children and young adults

Statutory retention period: until the child/young adult reaches the age of 21.

Statutory authority: Limitation Act 1980.

Retirement Benefits Schemes – records of notifiable events, for example, relating to incapacity

Statutory retention period: 6 years from the end of the scheme year in which the event took place.

Statutory authority: The Retirement Benefits Schemes (Information Powers) Regulations 1995 (SI 1995/3103)

Statutory Maternity Pay records, calculations, certificates (Mat B1s) or other medical evidence

Statutory retention period: 3 years after the end of the tax year in which the maternity period ends.

Statutory authority: The Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960) as amended.

Wage/salary records (also overtime, bonuses, expenses)

Statutory retention period: 6 years.

Statutory authority: Taxes Management Act 1970.

Working time records

Statutory retention period: 2 years from date on which they were made.

Statutory authority: The Working Time Regulations 1998 (SI 1998/1833).