

## PRIVACY POLICY AND DATA PROTECTION

Mark Smith T/AS Mark Smith Maintenance is committed to ensure the safeguarding, preservation of privacy and protection of personal data. This Privacy Policy and Data Protection aim to safeguard:

- Visitors to our Website(s)
- Registered and unregistered users of our Website(s)
- Subscribers to our Website(s) or any mailing list maintained by Mark Smith T/AS Mark Smith Maintenance
- Service users, including clients of Mark Smith T/AS Mark Smith Maintenance, and
- Employees, officers, contractors, consultants and suppliers of Mark Smith T/AS Mark Smith Maintenance

who are for the purpose of this Policy deemed “Data Subjects” within the meaning of the Data Protection Act 2018 (“GDPR”).

This Privacy Policy and Data Protection explain what happens to any personal data that you provide to us, or that we collect from you whilst you:

- a. Visit our Website(s) including but not limited to, intranets, extranets and emails,
- b. Apply for, during and after any employment with Mark Smith T/AS Mark Smith Maintenance,
- c. Use any Services of Mark Smith T/AS Mark Smith Maintenance, including communicating with Mark Smith T/AS Mark Smith Maintenance.

We do update this Policy from time to time so please do review this Policy regularly.

### 1. RELEVANT LEGISLATION

- 1.1 Data Protection Act 2018 (“GDPR”) – this Act sets down the requirements for processing personal data in the United Kingdom.
- 1.2 The Privacy and Electronic Communications (EC Directive) Regulations 2003 – this regulates, primarily, marketing activities, such as direct marketing.

- 1.3 The Regulation of Investigatory Powers Act 2000 and the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 – these regulate interception of communications.

## **2. DATA CONTROLLERS AND DATA SUBJECTS UNDER THE DATA PROTECTION ACT 2018**

- 2.1 A Data Controller is a person or organisation who determines the purposes for which, and the manner in which, personal information is to be processed outside their main business activity, such as processing data for sub-contractors, invoicing / accounts and marketing.
- 2.2 A Data Subject is a living individual who is the subject of personal information, including but not limited to, our Website visitors, subscribers, clients and employees.
- 2.3 As at the date of this Policy Mark Smith T/AS Mark Smith Maintenance is not a Data Controller within the meaning of the Data Protection Act 2018 and is not required to register and pay a fee to the Information Commissioners Office (ICO)

## **3. INFORMATION AND PERSONAL DATA WE COLLECT**

- 3.1 In running and maintaining our Website(s) and Services we may collect and process the following data about you, including but not limited to:
  - 3.1.1 Personal data, including your Name, Postal Address, Email Address, Telephone Numbers (mobile and landline) credit or debit card number (including expiry date) and any social media data that may contain personal information.
  - 3.1.2 Information about your use of our Website(s) including details of your visits such as pages viewed and the resources that you access. Such information includes traffic data, location data and other communication data, including but not limited to, third-party data analysis, such as Google Analytics.
  - 3.1.3 Information provided voluntarily by you. For example, when you register for information (including email subscriptions provided by third-parties such as Mailchimp) or make a purchase via our website or by any other medium.

- 3.1.4 Information that you provide when you communicate with us by any means, including but not limited to, online form submissions, such as contact forms and quotation requests.
- 3.1.5 Information that you provide when applying for employment (including self-employed subcontract work) with Mark Smith T/AS Mark Smith Maintenance and any information you provide during the currency of your employment with the same.

#### **4. COOKIE POLICY**

- 4.1 Under the Privacy and Electronic Communications (EC Directive) Regulations 2003 (as amended) we are required to obtain your consent to install and use a cookie on your device, such as a computer, smartphone or tablet.
- 4.2 Cookies are text files that provide information regarding the computer or device used by a website visitor. For further information about cookies, visit <https://ico.org.uk/for-organisations/guide-to-pecr/cookies-and-similar-technologies/> Mark Smith T/AS Mark Smith Maintenance may use cookies where appropriate to gather information about your computer in order to assist us in improving our Website(s).
- 4.3 We may gather information about your general internet use by using the cookie. Where used, these cookies are downloaded to your computer and stored on the computer's hard drive. Such information will not identify you personally. It is statistical data. This statistical data does not identify any personal details whatsoever.
- 4.4 Upon visiting our Website(s) for the first time, or where you have deleted your internet cache files, you will be prompted to give consent for installing and using a cookie.
- 4.5 You can decline any cookies when prompted, however, you may not be able to continue browsing our Website(s) or some functionality or feature may not work without cookies. You can adjust the settings on your computer to decline any cookies if you wish. This can easily be done by activating the reject cookies setting on your computer.
- 4.6 If you choose to ignore our Website(s) request for your consent to install and use cookies and you proceed to continue using our Website(s) this will be construed as giving Mark Smith T/AS Mark Smith Maintenance express consent to install and use cookies on your device until such time you delete those cookies.

- 4.7 Mark Smith T/AS Mark Smith Maintenance may use, from time to time, third party suppliers to provide one or more Services through or away from its Website(s), including but not limited to, Google Analytics, card payment processors, social media or advertisements or links to third party websites which may also use cookies, over which Mark Smith T/AS Mark Smith Maintenance have no control.
- 4.8 If you are unsure about the installation and use of cookies from our websites(s) or any of our third-party suppliers, you should discontinue using our Website(s) immediately.

## **5. USE OF YOUR PERSONAL DATA**

- 5.1 We use the information that we collect from you to provide our Services to you. In addition to this we may use the information for one or more of the following purposes:
- 5.1.1 To provide information to you that you request from us relating to our products or Services.
  - 5.1.2 To provide information to you relating to other products that may be of interest to you. Such additional information will only be provided where you have consented to receive such information.
  - 5.1.3 To inform you of any changes to our Website(s), Services or goods and products.
- 5.2 If you have previously purchased goods or Services from us, we may provide to you details of similar goods or Services, or other goods and Services, that you may be interested in.
- 5.3 Mark Smith T/AS Mark Smith Maintenance will not sell, rent or pass your personal data to any third party unless required by law, or where we have obtained your expressed consent.

## **6. STORING YOUR PERSONAL DATA**

- 6.1 Mark Smith T/AS Mark Smith Maintenance stores all electronic personal data securely at various high security Data Centres in the United Kingdom. However, in operating our Website(s) or Services it may become necessary to transfer data that we collect from you to locations outside of the European Economic Area (EEA) for processing and

storing. By providing your personal data to us, you agree to this transfer, storing or processing. We do our utmost to ensure that all reasonable steps are taken to make sure that your data is treated and stored securely.

- 6.2 Unfortunately, the sending of information via the internet is not totally secure and on occasion such information can be intercepted. Mark Smith T/AS Mark Smith Maintenance cannot guarantee the security of data that you choose to send us electronically, whether through our Website(s) or otherwise. You acknowledge that sending such information is entirely at your own risk.
- 6.3 Mark Smith T/AS Mark Smith Maintenance do not store any credit or debit card or bank account details, electronically or otherwise. If you send to us any such details for undertaking a payment transaction, we will dispose of such details immediately and securely upon successful completion of that payment transaction.
- 6.4 Client files are largely stored electronically on our secure servers, however, where Mark Smith T/AS Mark Smith Maintenance are instructed to assist with or conduct a contentious matter; we will also maintain hard copies of all client files. All client files are destroyed securely after six years.
- 6.5 All personal data obtained from or submitted by prospective employees or workers, including applications and Curriculum Vitae (CV), whether submitted by formal application or voluntarily, will be kept securely on our servers for a period of up to six-months from date of submission, after which, all personal data will be securely destroyed, except where any personal data is related to a current or previous employee, clause 6.6 and 6.7 shall apply.
- 6.6 All personal data, including personnel files, of current and previous employees or workers (for avoidance of doubt, this shall mean to include self-employed subcontractors), will be stored securely on our secure servers for the currency of employment or contract term and will be destroyed securely after six-months following the termination of employment or contract term.
- 6.7 Any personal data related to or connected with legal proceedings, whether the proceedings are live or otherwise, all personal data will be retained for a period of six years following the conclusion of any legal proceedings. For the avoidance of doubt, this applies to all data subjects, including employees, workers and contractors and legal proceedings shall include a grievance made against Mark Smith T/AS Mark Smith Maintenance, regardless of whether submitted to Arbitration, a Tribunal or Court.

## **7. DISCLOSING YOUR PERSONAL DATA**

7.1 We will not disclose your personal data to any other party other than in accordance with this Privacy Policy and Data Protection and in the circumstances detailed below:

7.1.1 In the event that Mark Smith T/AS Mark Smith Maintenance merge, amalgamate or be acquired by through a sale of business any or all of Mark Smith T/AS Mark Smith Maintenance, including any Services or websites(s) to the buyer.

7.1.2 Where Mark Smith T/AS Mark Smith Maintenance are legally required by law to disclose your personal data.

7.1.3 To assist in the prevention and detection of crime, including but not limited to, maximize fraud protection and reduce the risk of fraud or any criminal activity.

## 8. THIRD PARTY WEBSITE LINKS

8.1 On occasion we include links to third parties on our Website(s). Where we provide a link it does not mean that we endorse or approve that website's policy towards visitor privacy or data protection. You should review their privacy policy and data protection before sending them any personal data.

## 9. ACCESS TO AND THE CORRECTION OF PERSONAL DATA

9.1 In accordance with the Data Protection Act 2018 you have the right to access any personal data that we hold relating to you, except where any of the statutory exemptions under the Act apply.

9.2 To access any personal data we hold about you; you should make a 'Section 45 Data Subject Access' request by email to [mark@marksmithmaintenance.co.uk](mailto:mark@marksmithmaintenance.co.uk) or in writing to Data Officer, Mark Smith Maintenance, 69F Slough Road, Iver Heath, SL0 0DW.

9.3 Upon receipt of a valid Data Subject Access request, Mark Smith T/AS Mark Smith Maintenance as a Data Controller has a reasonable time to furnish the Data Subject with personal data we hold.

9.4 Following a Data Subject Access, if any personal data of the Data Subject is incorrect, you should write to Mark Smith T/AS Mark Smith Maintenance at our Head Office to formally request a correction. Where appropriate, you should also submit any documentary evidence to substantiate any factual information we hold. Mark Smith T/AS Mark Smith Maintenance will acknowledge in writing any corrections.

## **10. INTERCEPTION OF EMAIL COMMUNICATIONS**

10.1 For the purpose of the Regulation of Investigatory Powers Act 2000 and the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 you give express and unconditional consent to the lawful interception of communications, where you:

10.1.1 Access any part of our websites(s) at any time,

10.1.2 Register on any part of our Website(s),

10.1.3 Submit, reply or expressly accept or acknowledge (by conduct or otherwise) communications electronically, including by email and facsimile.

10.2 Interception of communications will only be undertaken in accordance with the regulations and statutory law in force, including but not limited to, the investigation, monitoring or keeping a record of communications, for:

10.2.1 The purpose of preventing or detecting crime;

10.2.2 The purpose of monitoring the quality of any Services (and communications);

10.2.3 The purpose of investigating or detecting unauthorised or inappropriate use;

10.2.4 The purpose of monitoring compliance with regulatory or self-regulatory practices and procedures.

## **11. COMPLAINTS UNDER THIS POLICY**

11.1 In the first instance, if any personal data is incorrect, you should first make a Data Subject Access Request as per clause 9 above.

11.2 Our Complaints Procedure under this policy should only be used where, you, as a Data Subject:

11.2.1 believe that Mark Smith T/AS Mark Smith Maintenance have breached their duty under the Data Protection Act 2018,

11.2.2 believe your personal data has been compromised in any way, or

11.2.3 have received a written refusal or an objection to access any personal data from Mark Smith T/AS Mark Smith Maintenance, or

11.2.4 have a complaint under the Data Protection Act 2018.

11.3 All complaints should be made in writing to the Head Office of Mark Smith T/AS Mark Smith Maintenance at 69F Slough Road, Iver Heath, SL0 0DW.

11.4 All complaints received in writing, will be acknowledged and investigated by the Data Controller, who will endeavour to provide their findings in writing within 14 days.

11.5 Should any Data Subject be unsatisfied with the handling of their written complaint or the outcome provided by Mark Smith T/AS Mark Smith Maintenance, you have a final recourse to the Information Commissioners Office.

## 12. FURTHER INFORMATION

Further information on privacy and data protection can be obtained from:

Information Commissioners Office (ICO)  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Telephone: 0303 123 1113  
Website: [www.ico.org.uk](http://www.ico.org.uk)