

BESA Group Data Privacy Notice

Organisation: BESA
Service: Legal & Commercial

This privacy policy tells you about the personal data we collect, why we collect it and how we use that information including, the associated processing activities relevant to delivering our services.

It applies to **information we collect** when you contact us:

- Via email;
- Through the 'Ask an Expert' portal on the website; and
- When you call us; or
- When you provide commercial documents which may contain personal data.

Our role in processing your data

By providing professional legal advice we are acting as a both data controller and data processor.

About the personal data we hold

The main categories of personal data we hold about you are as follows:

- Title, name, business address
- Email addresses
- Employer/employee details
- Direct phone numbers or mobile numbers

For example, we may use your name to confirm that the company on whose behalf you are contacting us is a member of the BESA. We will also require your email address and we may ask for a direct telephone number in order to provide the advice you have requested.

Sensitive Personal Data

We do not routinely capture any special categories of data. However if you are a contractor who regularly undertakes work in prisons or schools the contracts which you ask us to review may name specific employees or include details of CRB checks. As we are required to keep legal documents for a specified period of time by law, this information will be stored by us for that period of time. We will not process such data in any other manner.

Why we are capturing your data

We capture your data so we can undertake the following processing activity:

Your annual membership includes access to commercial and legal advice provided by the Legal & Commercial Team. The details of this service are set out in the BESA Constitution. In order for us to fulfil our obligation to you under this contract we will need to process the data above in the manner explained.

Automated decision making and profiling

We do not use automated decision making or profiling when processing your data.

Our legal basis for processing your data

We need a clear legal basis for capturing and processing your data. For this service this is:

- Contractual -
The majority of the services we provide are defined by the BESA Constitution.
- Consent -
You may request and consent to specific services or processing activity. For example, referrals to external law firms.

Other legitimate interests

There is a legitimate interest in sharing your data within the BESA Group for the purposes of:

As a legal services function we do not share your personal details with other services within the BESA Group, except for: potentially confirming your main point of contact's details with members' services.

Who we share your data with

For the purposes specified above, your data may be shared with the following types of organisation.

- Software System Suppliers
We may store some of the data you provide on a secure, confidential client management system.
- Archiving Facilities
All our email correspondence with you are backed up by the email archiving system Mimecast.
- External Legal Services (Solicitors & Lawyers)
We will only share your data with external legal advisors with your express consent on a case by case basis.

Sending your data outside the EU / EEA

We may transfer your personal information to the following which are located outside the European Economic Area (EEA) as follows:

- USA

Our case management system, which we use to keep track of your legal matter, is held on a third-party's server kept in the USA.

The USA does not have the same data protection laws as the United Kingdom and EEA. However, the European Commission has made a partial finding of adequacy about the USA.

This means that the Commission has decided that the legal framework in the USA only provides adequate protection for personal data, similar to that of the United Kingdom and EEA, where the data transfer is covered by the EU-US Privacy Shield Framework. The Privacy Shield places requirements on US companies certified by the scheme to protect personal data and provides for redress mechanisms for individuals. US Government departments such as the Department of Commerce oversee certification under the scheme.

The third-party organisation has a current certification in the US Privacy Shield scheme and therefore any transfer of your data is subject to appropriate safeguards.

To find out more about such safeguards please visit: <https://www.privacyshield.gov/welcome>

If you would like further information please contact our Data Protection Officer (see 'How to contact us' below).

We will not otherwise transfer your personal data outside of the United Kingdom or to any organisation (or subordinate bodies) governed by public international law or which is set up under any agreement between two or more countries.

Our criteria for retaining your data

The personal data will be retained for the necessary time required to deliver this service and in line with relevant legislation for data retention.

Consequences of not giving us your data

By not providing the required information, we may not be able to deliver the required service.

Your rights

At any point while we are in possession of or processing your personal data, you, the data subject, have the following rights:

- **Right of access**
You have the right to request a copy of the information that we hold about you.
- **Right of rectification**
You have a right to correct data that we hold about you that is inaccurate or incomplete.
- **Right to be forgotten**
In some circumstances you can ask for the data we hold about you to be erased from our records.
- **Right to restrict processing**
Where certain conditions apply have a right to restrict the processing.
- **Right of portability**
You have the right to have the data we hold about you transferred to another organisation.
- **Right to object**
You have the right to object to certain types of processing such as direct marketing.
- **Right to object to automated processing, including profiling**
You also have the right to object to the legal effects of automated processing or profiling.

Your consent

By consenting to this privacy notice you are giving us permission to process your personal data for the purposes identified. Where we are asking you for sensitive personal data we will always tell you why and how the information will be used. You may withdraw consent at any time.

If you have a complaint

Should you wish to complain about how your data is being handled, in the first instance please contact the Data Protection Owner specified below. If your complaint is not handled to your satisfaction, you also have the right to raise your concerns with the relevant supervisory authority.

Details of the data controller

Data Protection Owner
BESA Group
Old Mansion House
Eamont Bridge
Penrith
CA10 2BX
DPO@thebesa.com

The supervisory authority for data protection

Supervisory Authority: Information Commissioner's Officer (ICO)
Website: <http://ico.org.uk>
Telephone: 0303 1231113