



## **GDPR: DATA PRIVACY NOTICE FOR BERRY CONSULTING**

Berry Consulting ("We", "Our" "Us") are committed to protecting and respecting your privacy.

This policy (together with our **Privacy Notice for our website, Terms of Website Use, Website Acceptable Use policy, Cookie policy** and any other documents referred to on it) sets out the basis on which any personal data we collect from you, or that you provide to us, will be processed by us. Please read the following carefully to understand our views and practices regarding your personal data and how we will treat it.

The rules on processing of personal data are set out in the General Data Protection Regulation (the "GDPR").

### **1. Definitions**

**Data controller** - A controller determines the purposes and means of processing personal data.

**Data processor** - A processor is responsible for processing personal data on behalf of a controller.

**Data subject** – Natural person.

### **Categories of data: Personal data and special categories of personal data**

**Personal data** - The GDPR applies to 'personal data' meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier (as explained in Article 6 of GDPR). For example, name, passport number, home address or private email address. Online identifiers include IP addresses and cookies.

**Special categories personal data** - The GDPR refers to sensitive personal data as 'special categories of personal data' (as explained in Article 9 of GDPR). The special categories specifically include genetic data, and biometric data where processed to uniquely identify an individual. Other examples include racial and ethnic origin, sexual orientation, health data, trade union membership, political opinions, religious or philosophical beliefs.

**Processing** - means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

**Third party** - means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

### **2. Who are we?**

Paula Gilfillan of Berry Consulting is the **Data Controller**. This means we decide how your personal data is processed and for what purposes. Our contact details are: [paula@berryconsult.co.uk](mailto:paula@berryconsult.co.uk) and 07557 414581. For all data matters contact Paula Gilfillan at [paula@berryconsult.co.uk](mailto:paula@berryconsult.co.uk).

### **3. The purpose(s) of processing your personal data**

Personal data is held and used for the purposes of providing a service to you under a contract we have with you (including the provision of quotes prior to the start of the contract), to maintain our own accounts and records in compliance with UK financial law, and for mail marketing to the clients of Berry Consulting only.

You may give us information about you by filling in our Contact Us form on our website [www.berryconsult.co.uk](http://www.berryconsult.co.uk) (**our site**) or by corresponding with us by phone, email or otherwise. This includes information you provide when you subscribe to our service, participate in discussion boards in social media functions, enter a competition or promotion and when you report a problem with our site.

#### 4. The categories of personal data concerned

With reference to the categories of personal data described in the definitions section, we process the following categories of your data:

- Personal data: names, address, email address and phone number.
- Special categories of data: where consent is given by you and within a contract we have with you.

#### 5. What is our legal basis for processing your personal data?

##### a) Personal data (article 6 of GDPR)

**Our lawful basis for processing your general personal data:**

x Consent of the data subject;	Mail marketing of Berry Consulting clients only (we will provide a GDPR consent form for you). Administration of accounts. Provision of a service by us within a contract we have with you.
x Processing necessary for the performance of a contract with the data subject or to take steps to enter into a contract	Administration of accounts. Provision of a service by us within a contract we have with you, including when processing special categories of data.
x Processing necessary for compliance with a legal obligation	Administration of accounts. Provision of a service by us within a contract we have with you.

##### b) Special categories of personal data (article 9 of GDPR)

**Our lawful basis for processing your special categories of data in addition to an article 6 requirement:**

x Explicit consent of the data subject	Provision of a service by us within a contract we have with you (we will provide a GDPR consent form for you).
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More information on lawful processing can be found on the [ICO website](#).

#### 6. Sharing your personal data

We may disclose your personal information to third parties:

- If we are under a duty to disclose or share your personal data in order to comply with any legal obligation, or in order to enforce or apply our terms of use (website) or terms and conditions of supply and other agreements; or to protect the rights, property, or safety of Berry Consulting, our clients, or others. This includes exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law.

## **7. How long do we keep your personal data?**

Your personal data is not kept for longer than is necessary and routinely weeded. Different categories of data will be retained for different periods of time, depending on legal, operational and financial requirements. We reserve the right to destroy data at a shorter period of time if it is felt necessary to do so. In some circumstances you can ask us to delete your data: see Your Rights below for further information.

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

## **8. Providing us with your personal data**

We require your personal data as it is a necessary requirement so that we can enter into a contract with you for the provision of a service to you. If you fail to adhere to this requirement, we will not be able to provide a service to you.

## **9. Your rights and your personal data**

Unless subject to an exemption under the GDPR, you have the following rights with respect to your personal data:

- The right to request a copy of the personal data which we hold about you;
- The right to request that we correct any personal data if it is found to be inaccurate or out of date;
- The right to request your personal data is erased where it is no longer necessary to retain such data;
- The right to withdraw your consent to the processing at any time, where consent was your lawful basis for processing the data;
- The right to request that we provide you with your personal data and where possible, to transmit that data directly to another data controller, (known as the right to data portability), where applicable i.e. where the processing is based on consent or is necessary for the performance of a contract with the data subject and where the data controller processes the data by automated means;
- The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing;
- The right to object to the processing of personal data, where applicable i.e. where processing is based on legitimate interests or the performance of a task in the public interest/exercise of official authority and direct marketing and processing for the purposes of scientific/historical research and statistics.

If you wish to exercise any of the rights set out above, please contact us at [paula@berryconsult.co.uk](mailto:paula@berryconsult.co.uk).

## **No fee required – with some exceptions**

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable admin fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

## **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

## **Time limit to respond**

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

## **10. Transfer of Data Abroad**

We do not transfer personal data outside the EEA. The exception to this is where you consent to the transfer as it is necessary to complete a contract of service we have with you; an example of this are where you reside outside of the EEA

## **Automated Decision Making**

We do not use any form of automated decision making in our business.

## **11. Further processing**

If we wish to use your personal data for a new purpose, not covered by this Data Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions.

## **12. Changes to our privacy policy and your duty to inform us of changes**

Any changes we may make to our privacy policy in the future will be posted on this page and, where appropriate, notified to you by e-mail. Please check back frequently to see any updates or changes to our privacy policy.

Please keep us informed if your personal data changes during your relationship with us. It is important that the personal data we hold about you is accurate and current.

## **13. How to make a complaint**

To exercise all relevant rights, queries or complaints please in the first instance contact **Berry Consulting** at [paula@berryconsult.co.uk](mailto:paula@berryconsult.co.uk).

If this does not resolve your complaint to your satisfaction, you have the right to lodge a complaint with the [Information Commissioners Office](https://ico.org.uk/global/contact-us/email/) on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, England.

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