

# Privacy policy for Frazer-Nash's Supplier Personnel



## WHO WE ARE

Frazer-Nash Consultancy Ltd (company number 02562870), whose registered office is at C/O Devonport Royal Dockyard Ltd, Devonport, Plymouth, Devon PL1 4SG) ("Frazer-Nash", "we", "us", "our") collects, uses and is responsible for certain personal information about supplier personnel ("Supplier Personnel", "you"). When we do so, we are subject to the Privacy Act 1988 (Cth), Data Protection Act 1998, and the General Data Protection Regulation ((EU) 2016/679), any national implementing laws, regulations and secondary legislation, and any related or successor legislation on data protection ("Data Protection Law").

## WHAT IS THE PURPOSE OF THIS POLICY?

Frazer-Nash regularly engages the services of third party suppliers ("Suppliers") to provide goods and/or services, which are either used directly by Frazer-Nash, or provided in support of services sold on to our clients.

We define Suppliers broadly to include organisations which provide goods and/or services.

This policy is intended to apply to 'Supplier Personnel' who may include the following:

- An individual (for example a self-employed sole trader) acting as a Supplier, who provides goods and/or services
- An employee or representative working on behalf of a Supplier which provides goods and/or services

When you as a Supplier enter into a contract with us, we may require certain elements of personal information about you, and you trust us with your personal information. This Privacy Policy is meant to help you understand the data we collect, why we collect it, what we do with it, how we keep your personal data safe, and your individual rights over your personal data.

This Policy applies to Supplier Personnel of current and former Suppliers.

Please read this Policy carefully, together with any other policy or notice relating to your personal information which we may provide on specific occasions when we are collecting or processing personal information about you.

## TERMINOLOGY USED IN THIS POLICY

When we refer to "**personal information**" in this Policy, we mean any information about an individual which can be used to identify that individual.

When we refer to "**special category personal information**" in this Policy, we mean types of personal information which require a higher level of protection, for example, information revealing racial or ethnic origin, political opinions or religious beliefs.

For the purposes of Data Protection Law, we are a "**data controller**". This means that we are responsible for deciding how we hold and use personal information about you.

## HOW IS YOUR PERSONAL INFORMATION COLLECTED?

We collect personal information either: directly from the individual to which the personal information relates, through a supplier organisation (i.e. usually the legal entity for whom the individual works), or sometimes through a third party organisation (e.g. through a recommendation, or by one of our clients).

We may sometimes collect additional information from third parties including former clients or employers, credit reference agencies or other background check agencies.

If you intend to provide us with personal data about other individuals (e.g. your colleagues), please provide a copy of this Privacy Notice to the relevant individuals, directly or through your employer.

## PERSONAL INFORMATION WE COLLECT ABOUT YOU

We may collect, store, and use the following categories of **personal information** about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses
- Your role within a supplier organisation (e.g. title, position, department, name of organisation)
- Business contact details such as name, title, addresses, telephone numbers and business email addresses
- Date of birth
- Gender
- (Usually for sole traders): financial information (e.g. bank account details)
- (Usually for sole traders): Next of kin and emergency contact information
- (Usually for sole traders): National Insurance number
- (Usually for sole traders): Bank account details and tax status information
- Fees, charges and other payment information
- Details of previous engagements
- Details of engagements with Frazer-Nash
- Details of the Frazer-Nash office at which you are based (if applicable)
- Copy of driving licence (if applicable)
- Your electronic identification data, where required for the purpose of delivering products or services to our company (e.g. login, passwords, badge number and picture, IP address, online identifiers/cookies, logs, access and connection times, CCTV footage)
- Details of professional memberships, accreditations and insurances
- Complaints information (if applicable)
- CCTV footage and other information obtained through electronic means such as swipe card records
- Information about your use of our information and communications systems (if applicable)
- Photographs (if provided/applicable)

We may also collect, store and use the following “**special category**” **personal information**:

- Information about your health, including any medical condition, health and sickness records
- We may also collect, store and use personal information relating to criminal convictions and offences.

Please see below for further information about our collection and use of such information.

## HOW WE USE INFORMATION ABOUT YOU

Under Data Protection Law, we can only use your personal information if we have a proper reason for doing so. Most commonly, we will only use your personal information in the following circumstances:

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- (i) in order to receive goods and/or services under the contract we have entered into with you (usually the Services Agreement under which you provide services, or a Purchase Order which refers to Frazer-Nash Standard Terms of purchase); or
- (ii) where we need such personal information in order to comply with a legal obligation; or
- (iii) where it is necessary for our legitimate interests (or those of a third party), and your interests and fundamental rights do not override those interests: for example, where you provide goods and/or services which are passed on to our clients, or where you will be required to work on our clients' or third party sites as part of your services.

## ***Situations in which we will use your personal information***

The situations in which we may process your personal information are listed below:

- Making a decision about your engagement for the provision of goods and/or services
- Determining the terms on which you work for us
- Checking you are legally entitled to work in the UK
- Checking that you have the necessary security clearance to work with particular Frazer-Nash clients
- Paying you
- Making decisions about fees, charges and invoices
- Meeting our obligations to HMRC
- Administering the contract we have entered into with you
- Offering your services to our clients, where you will act as our subcontractor
- Business management and planning
- Managing performance (at a company level)
- Ascertaining your suitability to provide goods or services
- Assessing qualifications and expertise for a particular project or task for us, or for our clients
- Gathering evidence in connection with any client complaints
- Making decisions about your continued engagement
- Making arrangements for the termination of our working relationship
- Dealing with legal disputes involving you, including accidents at work
- Complying with health and safety obligations
- Preventing fraud
- Monitoring your use of our information and communication systems to ensure compliance with our IT policies (if applicable)

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

## If you fail to provide personal information

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you), or we may be prevented from complying with our legal obligations (such as providing reports to HMRC).

## Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## HOW WE USE “SPECIAL CATEGORY” PERSONAL INFORMATION

Where it is necessary for us to collect “special category” personal information (as defined above), we will ensure that such information is suitably protected. We may process special categories of personal information in the following circumstances:

- (i) in limited circumstances, with your explicit written consent; or
- (ii) where we need to carry out our legal obligations or exercise rights in connection with your engagement; or (iii) for the assessment of the working capacity of the employee; or
- (iv) where it is needed in the public interest, such as for equal opportunities monitoring; or
- (v) less commonly, we may process this type of information where it is needed in relation to legal claims.

### *Situations in which we may use your “special category” personal information*

The situations in which we may process your “special category” personal information are listed below:

- We may use information about your physical or mental health, or disability status, to assess your suitability to provide services to us, or to record any special requirements and/or risks if you are working on our sites, or our client’s sites or assets, noting that due to the nature of our services certain sites could be hazardous or remote in location.

## INFORMATION ABOUT CRIMINAL CONVICTIONS

Owing to Frazer-Nash’s involvement in work pertaining to national security, we are required by the Cabinet Office’s “Baseline Personnel Security Standard” to carry out criminal record checks using the Disclosure and Barring Service (“DBS”) (or “Disclosure Scotland” in Scotland).

This is a legal requirement for us under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended).

Whilst it is true that not all our employees, workers and Suppliers will be involved in work relating to national security, the fact that Frazer-Nash operates an open office environment means that some Suppliers could find themselves working alongside individuals that are doing so, and on this basis, we have taken the view that we have a legitimate business interest in carrying out criminal record checks for relevant Supplier Personnel in some cases, usually where our clients request us to do so.

We only hold such information for such time as is necessary in order to complete the required checks, thereafter, it is deleted.

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## WHO WE SHARE YOUR PERSONAL INFORMATION WITH

We will not sell, share, or otherwise transfer your personal data to third parties other than those indicated in this Privacy Policy. We will only disclose your personal information to third parties when the law allows us to do so.

By “third parties”, we mean other entities within our corporate group, regulatory bodies, or service providers who perform tasks for us, such as security clearance checks, insurance services, banking services and IT services (e.g. printing, website hosting, or cloud data hosting).

We will only disclose your personal information to such third parties in the following circumstances:

- (i) where we are required by law to do so (for example, making returns to HMRC); or
- (ii) where it is necessary to administer the working relationship with you; or
- (iii) we have another legitimate interest in disclosing the information to such third parties.

In the course of our activities and for the same purposes as those listed in this Privacy Policy, your personal data can be accessed by, or transferred to, the following categories of recipients on a need-to-know basis to achieve such purposes:

- Our personnel (including personnel, departments or associates within our organisation)
- Our independent agents or brokers (if any)
- Our clients, in the event you are engaged to provide supporting services to our clients
- Our other suppliers that provide goods and/or services to us
- Our IT systems providers, cloud service providers, database providers and consultants
- Any third party to whom we assign or novate any of our rights or obligations and
- Our advisors and external lawyers in the context of the sale or transfer of any part of our business or its assets.

The above third parties are contractually obliged to protect the confidentiality and security of your personal data, in compliance with applicable law.

Less commonly, we may also need to share some personal information with other parties, such as potential buyers of some or all of our business, or during a re-structure. Usually, in such circumstances, the information will be anonymised but this may not always be possible. In any case, we will ensure that any such recipients are bound by confidentiality obligations.

## KEEPING YOUR PERSONAL INFORMATION SECURE

We have appropriate security measures in place to prevent your personal information from being accidentally lost, or used or accessed unlawfully. We limit access to your personal information to those who have a genuine business need to know it. Those processing your personal information will only do so in an authorised manner and are subject to a duty of confidentiality.

In the event that we become aware of an actual or suspected data security breach, we will promptly take all necessary steps to address such a breach.

## HOW LONG YOUR PERSONAL INFORMATION WILL BE KEPT

We will only retain your personal information for as long as is necessary to fulfil the purposes for which we collected it, including for the purposes of satisfying any legal, accounting, or reporting requirements, and the requirements within our client contracts. To determine the appropriate retention period for personal information, we consider the amount, nature, and sensitivity of the personal information, the potential risk of harm from unauthorised use or disclosure of your

personal information, the purposes for which we process your personal information and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you.

## TRANSFERRING DATA OUTSIDE OF THE EUROPEAN ECONOMIC AREA (“EEA”)

As well as our network of offices in the UK, we also have several offices in Australia. As a result, it is possible that, from time to time, we may transfer your personal information to Australia. This would be most likely to occur in the event that you are working with or at one of our Australian offices.

Aside from transfers to Australia, it may also be necessary, from time to time, for us to transfer your personal information to other countries outside the EEA. For example, where you will be working on a project or for a client outside the EEA. In any event we will contact you to inform you of this proposed transfer before it is completed.

### *Protecting your personal information*

We are aware that transfers of personal information outside of the EEA are subject to special rules under Data Protection Law and will ensure that your personal information is suitably protected.

With regard to transfers of personal information to Australia, we will ensure your personal information is protected by requiring our Australian offices to comply with the EU’s model clauses on transfers of personal information outside the EEA.

For transfers to non-EEA countries other than Australia, we will safeguard your personal information by: (i) ensuring that the transferee country is one which has been granted an EU “adequacy decision”; or (ii) putting in place sufficient safeguards, in accordance with the applicable Data Protection Law, to protect your personal information.

If you would like further information, please do not hesitate to contact us.

## YOUR RIGHTS AND RESPONSIBILITIES

### Your duty to inform us of changes

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

### Your rights in connection with personal information

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.

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- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal information, or request that we transfer a copy of your personal information to another party, please contact us using the following email address [datamanagement@fnc.co.uk](mailto:datamanagement@fnc.co.uk).

For more information about your rights, we would recommend that you look at the Information Commissioner's Office website [www.ico.org.uk](http://www.ico.org.uk).

## No fee usually required

You will not normally have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such 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 the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

## RIGHT TO WITHDRAW CONSENT

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact us. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

## HOW TO CONTACT US

If you have any questions about this Policy or how we handle your personal information, please contact the Head of Human Resources using the following email address: [datamanagement@fnc.co.uk](mailto:datamanagement@fnc.co.uk).

In the event you have a complaint relating to our handling of your personal information, you also have the right to lodge a complaint with the UK Information Commissioner.

## CHANGES TO THIS POLICY

We reserve the right to update this Policy at any time, and we will republish it when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.