

# Data Protection Policy

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## Policy Statement

GnERGY needs to collect personal data to effectively and compliantly carry out its everyday business functions and activities and to provide the products and services in connection with its energy supply business. Such data are collected from job applicants, employees, customers, and other parties in connection with the business. Examples of the personal data include: name, address, email address, date of birth, bank details.

GnERGY is committed to collecting, processing, storing and destroying all personal data in accordance with the **Data Protection Act 2018**.

GnERGY has developed and implemented measures to ensure maximum and continued compliance with the Data Protection Act 2018. This includes staff training, procedures and audit measures. Ensuring and maintaining the security and safety of personal and special category data belonging to the individuals with whom GnERGY deals is paramount to its ethos.

***GnERGY operates a 'Privacy by Design' approach and aims to be proactive not reactive; assessing changes and their impact from the start and designing systems and processes to protect personal data at the core of its business.***

## Purpose

The purpose of this policy is to demonstrate that:

- GnERGY is meeting its obligations under the Data Protection Act 2018;
- all personal and special category data are processed compliantly by GnERGY and its third parties; and
- GnERGY has put comprehensive and effective governance measures into place.

## Definitions

- **Data Protection Act 2018** means the data protection regulations in the UK.
- **Personal data** means any information relating to an identified or identifiable living individual.
- **Identifiable living individual** means a living individual who can be identified, directly or indirectly, in particular by reference to— (a) an identifier such as a name, an identification number, location data or an online identifier, or (b) one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.
- **Processing** in relation to information, means an operation or set of operations which is performed on information, or on sets of information, such as— (a) collection, recording, organisation, structuring or storage, (b) adaptation or alteration, (c) retrieval, consultation or use, (d) disclosure by transmission, dissemination or otherwise making available, (e) alignment or combination, or (f) restriction, erasure or destruction, (subject to subsection (14)(c) and sections 5(7), 29(2) and 82(3), which make provision about references to processing in the different Parts of this Act).
- **Data Subject** means the identified or identifiable living individual to whom personal data relates.

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## Data Protection Background

The UK initially had the Data Protection Act 1984 in place to regulate the use of processed information that related to individuals. However, in 1995 the introduction of EU Directive 95/46/EC which set aims and requirements for member states on the protection of personal data when processing or sharing, meant an updated Act was required.

The UK subsequently developed and enacted the Data Protection Act 1998 to ensure that UK law complied with the EU Directive.

2018 marks the 20<sup>th</sup> anniversary of the Data Protection Act 2018 enactment and whilst there have been periodical additions or alterations to the Act, technology has advanced at a far faster rate, necessitating new regulations for the current digital age. The past 20 years has also seen a vast increase in the number of businesses and services operating across borders, further highlighting the international inconsistency in Member States individual data protection laws.

For this reason, in January 2012, the European Commission proposed a new regulation applying to all EU Member States and bringing a standardised and consistent approach to the processing and sharing of personal information across the EU.

The **General Data Protection Regulation (EU 2016/679)** was approved by the European Commission in April 2016 and applies to all EU Member States from 25<sup>th</sup> May 2018. The EU Directive was transposed into UK law as **the Data Protection Act 2018**.

The Data Protection Act 2018 regulates the processing of personal data, which includes organisation, altering, adapting, retrieving, consulting on, storing, using, disclosing, transmitting, disseminating or destroying any such data. As GnERGY uses personal data in one or more of the above capacities, it has put into place robust measures, policies, procedures and controls concerning all aspects of personal data handling.

## The Data Protection Act 2018 Principles

**Sections 86 to 91 of the Data Protection Act 2018 require that personal data is:**

- a) processed lawfully, fairly and in a transparent manner;
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- c) adequate, relevant and not excessive in relation to the purpose for which they are processed;
- d) undergoing processing is accurate and, where necessary, kept up to date;
- e) kept in for no longer than is necessary for the purpose for which the personal data are processed;
- f) processed in a manner that ensures appropriate security of the personal data, including protection against accidental or unauthorised access to, or destruction, loss, use, modification or disclosure of, personal data.

## The Information Commissioners Office

The Information Commissioners Office (ICO) is an independent regulatory office who report directly to Parliament and whose role it is to uphold information rights in the public interest. The legislation they have oversight for includes:

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- The Data Protection Act 1998 (*pre-25<sup>th</sup> May 2018*)
  - The Data Protection Act 2018 (*post-25<sup>th</sup> May 2018*)
  - The Privacy and Electronic Communication (EU Directive) Regulations 2003
  - Freedom of Information Act 2000
  - The Environmental Information Regulations 2004

ICO's mission statement is *“to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals”* and they can issue enforcement notices and fines for breaches in any of the regulations, acts and/or laws regulated by them.

Under the Data Protection Act 2018 the ICO is the UK's data protection authority. It is responsible for enforcement and responding to complaints with regards to the Data Protection Act 2018.

## **GnERGY as a Controller**

GnERGY is registered with the ICO and appears on the Data Protection Register as a **controller** of personal data.

**GnERGY's Data Protection Registration Number is ZA016437.**

## **Objectives**

GnERGY uses the below objectives to meet the regulatory requirements of the Data Protection Act 2018 and to develop measures, procedures and controls for maintaining and ensuring compliance.

### ***GnERGY ensures that:***

- It protects the rights of individuals with regards to the personal data known and held about them by GnERGY in the course of its business.
- It develops, implements and maintains a data protection policy, procedure, audit plan and training programme for compliance with the Data Protection Act 2018.
- Every business practice, task and process carried out by GnERGY, is monitored for compliance with the Data Protection Act 2018.
- Personal data is only obtained, processed or stored when GnERGY has met the lawfulness of processing requirements.
- It records consent at the time it is obtained and evidences such consent to the ICO where requested.
- All employees (*including new starters and agents*) are competent and knowledgeable about their Data Protection Act 2018 obligations and are provided with in-depth training in the Data Protection Act 2018 principles, regulations and how they apply to GnERGY's business and services.
- Customers feel secure when providing GnERGY with personal data and know that it will be handled in accordance with the Data Protection Act 2018.
- It maintains a continuous programme of monitoring, review and improvement with regards to compliance with the Data Protection Act 2018 and to identify gaps and non-compliance before they become an issue.
- It monitors the ICO, European Data Protection Board (EDPB) and Data Protection Act 2018 news and updates, to stay abreast of updates, notifications and additional requirements.

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- It has robust and recorded controls and procedures in place for identifying, investigating, reviewing and reporting any data breaches or complaints.
  - It has a dedicated audit and monitoring programme in place to perform regular checks and assessments on how the personal data is obtained, used, stored and shared.
  - It stores and destroys all personal information, in accordance with the Data Protection Act 2018 timeframes and requirements.

### **Office Manager**

GnERGY has appointed its Office Manager as the point of contact for Data Subjects and the ICO on issues relating to processing.

#### **Office Manager**

**NAME:** Chhatra Rai  
**POSITION:** Office Manager  
**ADDRESS:** 119 Wren Way, Farnborough, Hampshire, GU14 8TA  
**EMAIL:** [privacy@gnergyuk.com](mailto:privacy@gnergyuk.com)  
**TEL:** +44 (0) 1252 494141

## **Governance**

### **Compliance**

The technical and organisational measures that GnERGY has in place to ensure and demonstrate compliance with the Data Protection Act 2018 are detailed in this document.

GnERGY has an Information Security Management System which is compliant with ISO27001.

### **Review and Monitoring**

GnERGY has put in place periodic reviews of its processes to monitor compliance with the Data Protection Act 2018 and demonstrate best practice. The purpose of the review is to:

- Ensure that the appropriate policies and procedures are in place;
- Verify that those policies and procedures are being followed;
- Test the adequacy and effectiveness of the measures and controls in place;
- Detect breaches or potential breaches of compliance;
- Identify risks and assess the mitigating actions in place to minimise such risks; and
- Recommend solutions and action plans.

### **Training**

GnERGY employees are continually supported and trained in the Data Protection Act 2018 requirements.

### **Privacy by Design**

GnERGY operates a '*Privacy by Design*' approach and ethos, with the aim of mitigating the risks associated with processing personal data through prevention via our processes, systems and activities. GnERGY therefore has additional measures in place to adhere to this ethos, including:

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## Data Minimisation

Section 88 of the Data Protection Act 2018 sets that that personal data must be adequate, relevant and not excessive in relation to the purpose for it is processed, which forms the basis of GnERGY's minimal approach. GnERGY only ever obtains, retains, processes and shares the personal data that is essential to carry out its services and legal obligations.

GnERGY's systems, employees, processes and activities are designed to limit the collection of personal data to that which is directly relevant and necessary to accomplish the specified processing purpose.

### **Measures to ensure that only the necessary data is collected includes:**

- Electronic collection (*i.e. brokers, website, etc.*) only have the fields that are relevant to the purpose of collection and subsequent processing. GnERGY does not include 'optional' fields, as optional denotes that it is not necessary to obtain.
- Physical collection (*i.e. face-to-face, telephone etc.*) is supported using scripts and internal forms where the required data collection is ascertained using predefined fields. Again, only that which is relevant and necessary is collected.
- GnERGY has SLA's and bespoke agreements in place with third-parties who send personal data (*either in capacity as a controller or processor*). These state that only relevant and necessary personal data is to be provided in so far as it relates to the processing activity GnERGY is carrying out.

## Pseudonymisation

GnERGY intends to utilise pseudonymisation where possible to record and store personal data in a way that ensures data can no longer be attributed to a specific Data Subject without the use of separate additional information (*personal identifiers*). Encryption and partitioning is also used to protect the personal identifiers, which are always kept separate from the pseudonymised data sets.

When using pseudonymisation, GnERGY ensures that the attribute(s) being removed and replaced, are unique and prevent the Data Subject from being identified through the remaining markers and attributes. Pseudonymisation means that the Data Subject is still likely to be identified indirectly and as such, GnERGY uses this technique in conjunction with other technical and operational measures of risk reduction and data protection.

## Encryption

GnERGY utilises encryption as a secondary risk prevention measure for securing the personal data that it transfers to third parties. Encryption with a secret key is used to make data indecipherable unless decryption of the dataset is carried out using the assigned key.

GnERGY utilises site to site VPN and encryption via secret key (AES-256) for transferring personal data to any external party and provide the secret key in a separate format.

## Access Restriction

GnERGY's *Privacy by Design* approach means that GnERGY uses company-wide restriction methods for all personal data activities. Restricting access is built into the foundation of GnERGY's processes, systems and structure and ensures that only those with authorisation and/or a relevant purpose, have access to personal data.

[Archive file with access restrictions]

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### **Hard Copy Data**

Due to the nature of the business, GnERGY obtains, processes and shares personal data in a paper format without pseudonymisation options. Where that is the case, GnERGY endeavours to minimise the personal data held and/or the length of time GnERGY holds it for.

Steps include:

- When the personal data is being passed to a third party for processing and not directly to the Data Subject, GnERGY will redact parts to ensure that only the relevant information remains;
- GnERGY will ensure that recipients (*i.e. the Data Subject, third-parties*) are reverified and their identity and contact details checked;
- GnERGY will store the personal data in a physically locked cupboard. Access to the keys is restricted and managed by the Office Manager.

### **Personal data flow assessment**

GnERGY has carried out a company-wide personal data flow assessment to better enable it to record, categorise and protect the personal data held and processed.

The assessment has identified, categorised and recorded all personal data obtained, processed and shared by GnERGY in its capacity as a controller. GnERGY has compiled a personal data flow register which includes:

- What personal data GnERGY holds
- Where it came from
- Who GnERGY shares it with
- Legal basis for processing it
- What format(s) it is in
- Who is responsible for it
- Disclosures and transfers

### **Records of Processing Activities**

GnERGY maintains records of all processing activities, which is documented on the GnERGY personal data flow register.

### **Retention and Disposal**

GnERGY has defined retention periods for personal data so that GnERGY only holds and processes personal data for as long as is necessary. All personal data is disposed of in a way that protects the rights and privacy of Data Subjects (*e.g. shredding, disposal as confidential waste, secure electronic deletion*) at the end of their retention periods.

### **Data Protection Impact Assessment**

Where GnERGY is considering carrying out processing that utilises new technologies, where there is a likelihood that such processing could result in a high risk to the rights and freedoms of Data Subjects, GnERGY will carry out a Data Protection Impact Assessments (DPIA) (*sometimes referred to as a Privacy Impact Assessment*).

**GnERGY considers processing that is likely to result in a high risk includes:**

- Systematic and extensive evaluation of personal aspects relating to natural persons which is based on automated processing, including profiling, and on which decisions

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are based that produce legal effects concerning the natural person or similarly significantly affect the natural person(s);

- Processing on a large scale of special categories of data;
- Processing on a large scale of personal data relating to criminal convictions and offences;
- Systematic monitoring of a publicly accessible area on a large scale (i.e. CCTV);
- Where a processing operation is likely to result in a high risk to the rights and freedoms of an individual;
- Those involving the use of new technologies;
- New processing activities not previously used;
- Processing considerable amounts of personal data at regional, national or supranational level, which could affect many Data Subjects; and
- Processing activities making it difficult for the Data Subject(s) to exercise their rights.

Carrying out DPIAs enables GnENERGY to assess the impact on the rights and freedoms of individuals and develop a set of controls to mitigate the risk.

Where GnENERGY prepares a DPIA, it will consult with the ICO to determine whether the proposed measures adequately mitigate the risk to the rights and freedoms of individuals.

### **Data Protection Impact Assessment Process**

The following questions are used to determine whether a DPIA should be carried out. Where one or more questions result in a **'yes'** answer, the assessment is carried out.

#### **Screening questions include:**

- Does the processing require systematic and/or extensive evaluation (*via automated means*) of personal aspects of an individual(s)?
- Will decisions be based on such evaluations that are likely to produce legal effects concerning the individual(s)?
- Is the processing on a large scale and involves special categories of data?
- Is the processing on a large scale and involves data relating to criminal convictions and offences?
- Does the processing involve systematic monitoring of a publicly accessible area on a large scale? (*i.e. CCTV*)
- Will the project involve the collection of new personal data?
- Will the project compel individuals to provide personal data?
- Are you using personal data for a purpose it is not currently used for, or in a way it is not currently used?
- Is the personal data likely to raise high risk privacy concerns or expectations?
- Will personal data be disclosed to organisations or people who have not previously had routine access to the personal data or a third-party without adequate safeguards in place?
- Does the processing involve the use of new technology or systems which might be perceived as being privacy intrusive?
- Could the processing result in decisions being made or action being taken against individual(s), in ways that could have a significant impact on them?

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- Will the project require you to contact individuals in ways which they may find intrusive?

The DPIA is carried out using our predefined document and each stage is recorded to demonstrate compliance and to show that all high-risk processing activities have been assessed prior to being operational. DPIAs are retained for 6 years from the date they were first carried out and are readily available for the ICO upon request or as part of the consultation process.

**The DPIA includes:**

1. The aims and objectives of the DPIA
2. The scope of the DPIA (*if covering more than one processing activity*)
3. Clarify the legal basis for processing
4. Which activity/high risk reason is the DPIA required for (*i.e. which of the initial screening questions above have been identified*)
5. A description of the processing operations
6. The purpose(s) of the processing and where applicable, the legitimate interests pursued by the controller
7. An assessment of the necessity and proportionality of the processing in relation to the purpose
8. An assessment of the risks to individuals (*including possible intrusions on privacy where appropriate*)
9. Assess the corporate risks (*including regulatory action, non-compliance, reputational damage, loss of public trust etc*)
10. Conduct a compliance check against the Data Protection Act 2018, relevant legislation and any Codes of Conduct
11. Maintain a record of the identified risks
12. Where appropriate, GnERGY seeks the views of Data Subject(s) or their representatives on the intended processing
13. The measures in place to address, reduce or remove the risk (*i.e. security, proposed solutions, mitigating actions etc*)
14. Data flow – what the personal data is, where it is coming from, who it is going to
15. Authorisation from the DPO and sign off by Senior Management
16. Record all DPIA outcomes & add risk rating & next action

## Lawfulness of Processing

At the core of all personal data processing activities undertaken by GnERGY, is the assurance and verification that GnERGY is complying with Section 86 of the Data Protection Act 2018 and its lawfulness of processing obligations. Prior to carrying out any processing activity on personal data, GnERGY always identifies and establishes the legal basis for doing so.

The legal basis is documented on the GnERGY personal data flow register and where applicable, can be provided to the Data Subject and ICO as part of the disclosure obligations.

**Personal data is only obtained, processed or stored GnERGY has met the lawfulness of processing requirements, where:**

- The Data Subject has given consent to the processing of their personal data for one or more specific purposes;
- Processing is necessary for the performance of a contract to which the Data Subject is

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party or in order to take steps at the request of the Data Subject prior to entering into a contract;

- Processing is necessary for compliance with a legal obligation to which GnERGY is subject; and
- Processing is necessary for the purposes of the legitimate interests pursued by GnERGY.

## Third-Party Processors

GnERGY utilises external processors for most processing activities. GnERGY has used the personal data flow assessment to identify, categorise and record all personal data that is processed outside of GnERGY, so that the personal data, processing activity, processor and legal basis are all recorded, reviewed and easily accessible.

Such third party processors include (but is not limited to):

- Brokers
- IT systems and services providers
- Legal and accountancy services
- Debt collection agencies
- Payment collectors/services
- Mail delivery services
- Industry participants

GnERGY has strict due diligence, and Know Your Provider procedures and measures, in place. GnERGY reviews, assesses and background checks all processors prior to forming a business relationship. Except where GnERGY relies on industry-wide governance arrangements, GnERGY obtains company documents, certifications, references and ensure that the processor is adequate, appropriate and effective for the task employed.

GnERGY has contracts with each processor which, among other details, outline the processors obligation and GnERGY's expectations, rights and obligations.

The contract stipulates that processors:

- Are not permitted to sub-contract any of their processing obligations without GnERGY's prior specific authorisation Any intended changes concerning the addition or replacement of existing sub-processors must be done in writing, in advance of any such changes being implemented.
- Process the personal data only on GnERGY's documented instructions.
- Seek GnERGY's authorisation to transfer personal data to a third country or an international organisation (unless required to do so by a law to which the processor is subject).
- Inform GnERGY of any such legal requirement to transfer the personal data before processing.
- Ensure that persons authorised to process the personal data have committed themselves to confidentiality or are under an appropriate statutory obligation of confidentiality.
- Take all measures to secure the personal data at all times.
- Respect, support and comply with obligation to respond to requests for exercising the Data Subject's rights;

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- Assist GnERGY in ensuring compliance with obligations for data security, mitigating risks, breach notification and privacy impact assessments.
  - When requested, delete or return all personal data to GnERGY after the end of the provision of services relating to processing, and delete existing copies where possible.
  - Make available to GnERGY, all information necessary to demonstrate compliance with the Data Protection Act 2018.
  - Allow and support audits, monitoring, inspections and reporting as set out in the contract.
  - Inform GnERGY immediately of any breaches, non-compliance or inability to carry out their duties as detailed in the contract.

## Data Subject Rights

### The Right to Be Informed

Where personal data is obtained directly from the individual, GnERGY provides the below information, in a form of a Privacy Notice, in all instances:

- The identity and the contact details of the controller and, where applicable, of the controller's representative.
- The contact details of our Office Manager.
- The purpose(s) of the processing for which the personal data is intended.
- The legal basis for the processing.
- Where the processing is based on a legitimate interest basis "*processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party*", details of the legitimate interests.
- The recipients or categories of recipients of the personal data (*if applicable*).
- If applicable, the fact that GnERGY intends to transfer the personal data to a third country or international organisation and the existence/absence of an adequacy decision by the ICO.
  - Where GnERGY intends to transfer the personal data to a third country or international organisation without an adequate decision by the ICO, reference to the appropriate or suitable safeguards GnERGY has put into place and the means by which to obtain a copy of them or where they have been made available.
- The period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period;
- The existence of the right to request access to and rectification or erasure of, personal data or restriction of processing concerning the Data Subject or to object to processing as well as the right to data portability.
- Where the processing is based on consent, the existence of the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal.
- The right to lodge a complaint with the ICO;
- Whether providing personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether the Data Subject is obliged to provide the personal data and of the possible consequences of failure to provide such data.

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- If applicable, the existence of any automated decision-making, including profiling, as referred to and explanatory information about the logic involved, as well as the significance and the envisaged consequences of such processing for the Data Subject.

The Privacy Notices are available:

- Via our website <https://www.gnergy.co.uk/privacy-and-cookies/>
- Linked to or written in full in the footer of emails
- Worded in full in agreements, contracts, forms and other materials where data is collected in writing or face-to-face
- In employee contracts and recruitment materials
- Printed media, adverts and financial promotions

GnERGY has assessed and reviewed its Privacy Notices to ensure usability, effectiveness and understanding.

1. All feedback responses are saved with a copy of the used Privacy Notice and improvements are made and recorded where applicable.
2. The final Privacy Notices are then authorised by Director(s) before being rolled out.

Where GnERGY intends to further process any personal data for a purpose **other** than that for which it was originally obtained, GnERGY will communicate this intention to the Data Subject prior to doing so and where applicable.

### ***Personal Data Not Obtained from the Data Subject***

Where GnERGY obtains and/or processes personal data that has not been obtained directly from the Data Subject, GnERGY ensures that the information is provided to the Data Subject within 30 days of our obtaining the personal data (except for advising if the personal data is a statutory or contractual requirement).

**In addition to the information provided to the Data Subject, GnERGY also provides information about:**

- The categories of personal data; and
- The source the personal data originated from and whether it came from publicly accessible sources.

### ***The Right of Access***

***Where a Data Subject makes a Subject Access Request (SAR), GnERGY will provide the following to the Data Subject:***

- The purposes of the processing
- The categories of personal data concerned
- The recipients or categories of recipient to whom the personal data have been or will be disclosed
- If the data has or will be disclosed to third countries or international organisations and the appropriate safeguards pursuant to the transfer
- Where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period
- The existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the Data Subject or to object to

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such processing

- The right to lodge a complaint with the ICO
- Where personal data has not been collected by GnENERGY from the Data Subject, any available information as to the source and provider
- The existence of automated decision-making, including profiling and meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the Data Subject

**SARs** are passed to the Office Manager as soon as received and a record of the request is noted. The type of personal data held about the individual is checked against the GnENERGY personal data flow register to see what format it is held in, who else has it been shared with and any specific timeframes for access.

SARs are always completed within 30-days and are provided free of charge. However, where GnENERGY determines that multiple requests are received from the same individual in a short period of time or that vexatious requests are being made by an individual, GnENERGY reserves the right to charge the requestor an amount to cover the administrative costs incurred in meeting those requests. Where the individual makes the request by electronic means, GnENERGY will provide the information in a commonly used electronic format, unless an alternative format is requested.

## ***Rectification & Erasure***

### ***Correcting Inaccurate or Incomplete Data***

All personal data held and processed by GnENERGY is reviewed and verified as being accurate wherever possible and is always kept up to date. Where inconsistencies are identified and/or where the Data Subject informs us that the data GnENERGY holds is inaccurate, GnENERGY takes every reasonable step to ensure that such inaccuracies are corrected with immediate effect.

Where notified of inaccurate data by the Data Subject, GnENERGY will rectify the error within 30 days and inform any third party of the rectification if GnENERGY has disclosed the personal data in question to them. The Office Manager informs the Data Subject in writing of the correction and where applicable, is provided with the details of any third-party to whom the data has been disclosed.

If for any reason, GnENERGY is unable to act in response to a request for rectification and/or completion, GnENERGY always provides a written explanation to the individual and informs them of their right to complain to the ICO and to a judicial remedy.

### ***The Right to Erasure***

***Where GnENERGY receives a request to erase and/or remove personal data, the below process is followed:***

1. The request is reviewed to ensure it complies with one or more of the grounds for erasure:
  - a. the personal data is no longer necessary in relation to the purposes for which it was collected or otherwise processed;
  - b. the Data Subject has withdrawn consent on which the processing is based and where there is no other legal ground for the processing;
  - c. the Data Subject objects to the processing and there are no overriding legitimate grounds for the processing;
  - d. the personal data has been unlawfully processed;

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- e. the personal data must be erased for compliance with a legal obligation; or
  - f. the personal data has been collected in relation to the offer of information society services to a child.
2. If the erasure request complies with one of the above grounds, it is erased within 30 days of the request being received.
  3. The Office Manager writes to the Data Subject and notifies them in writing that the right to erasure has been granted and provides details of the information erased and the date of erasure.

If for any reason, GnERGY is unable to act in response to a request for erasure, GnERGY always provides a written explanation to the individual and informs them of their right to complain to the ICO and to a judicial remedy.

### **The Right to Restrict Processing**

Data Subjects who have requested restriction of data are informed within 30 days of the restriction application and are also advised of any third-party to whom the data has been disclosed. GnERGY also provides in writing to the Data Subject, any decision to lift a restriction on processing. If for any reason, GnERGY is unable to act in response to a request for restriction, GnERGY always provides a written explanation to the individual and informs them of their right to complain to the ICO and to a judicial remedy.

### **The Right to Object to Automated Decision Making**

GnERGY has carried out a system audit to identify automated decision-making processes that do not involve human intervention and determined that GnERGY does not use them currently.

Where GnERGY uses, automated decision-making processes, GnERGY always informs the individual and advises them of their rights. GnERGY also ensures that individuals can obtain human intervention, express their point of view and obtain an explanation of the decision and challenge it.

### **Consent**

The collection of personal and sometimes special category data is a fundamental part of the products/services offered by GnERGY. GnERGY has specific measures and controls in place to ensure that it complies with the conditions for consent under the Data Protection Act 2018.

The Data Protection Act 2018 defines consent as; *‘in relation to the processing of personal data relating to an individual, means a freely given, specific, informed and unambiguous indication of the individual’s wishes by which the individual, by a statement or by a clear affirmative action, signifies agreement to the processing of the personal data.*

**Where processing is based on consent, GnERGY has reviewed and revised all consent mechanisms to ensure that:**

- Consent requests are transparent, using plain language and is void of any illegible terms, jargon or extensive legal terms.
- It is freely given, specific and informed, as well as being an unambiguous indication of the individual’s wishes.
- Consent is always given by a statement or a clear affirmative action (*positive opt-in*) which signifies agreement to the processing of personal data.
- Consent mechanisms are upfront, clear, granular (*in fine detail*) and easy to use and understand.

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- Pre-ticked, opt-in boxes are **never** used.
  - Where consent is given as part of other matters, that the consent is separate from the other matters and is **not** a precondition of any service (*unless necessary for that service*).
  - Consent is always verifiable, and GnENERGY has controls in place to ensure that GnENERGY can demonstrate consent in every case.
  - GnENERGY keeps detailed records of consent and can evidence at a minimum:
    - that the individual has consented to the use and processing of their personal data
    - that the individual has been advised of the company name and any third party using the data
    - what the individual was told at the time of consent
    - how and when consent was obtained
  - Withdrawing consent is as easy, clear and straightforward as giving it and is available through multiple options, including:
    - Opt-out links in mailings or electronic communications
    - Ability to opt-out verbally, in writing or by email
  - Consent withdrawal requests are processed immediately and without detriment.

## **Transfers & Data Sharing**

GnENERGY takes proportionate and effective measures to protect personal data held and processed.

Where data is being transferred for a legal and necessary purpose, GnENERGY utilises a process that ensures such data is encrypted.

GnENERGY does not transfer of personal data to third countries or international organisations. GnENERGY would not transfer any personal information to a third country or international organisation without an adequacy decision by the ICO.

GnENERGY does not transfer special category of data to third parties.