

PRIVACY NOTICE

1. Introduction

At Ainsley Gommon Architects we are committed to protecting and respecting your privacy. The purpose of this Privacy Notice is to explain how we use any personal data we collect about you, the rights you have over any personal data we hold about you, and to tell you about the policies and procedures we have in place to respect your privacy and keep your personal data secure. This Privacy Notice applies if you use our services over the phone, online, through our website or via email. Please read the following carefully and contact us if you have any questions or concerns about our privacy procedures.

The rules on processing of personal data are set out in the **General Data Protection Regulation** (GDPR). You can access the full text of the GDPR online at <https://gdpr-info.eu/>

2. Definitions (see in Article 4 of the GDPR for these and other 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 – A natural person.

Personal data – The GDPR applies to ‘personal data’ meaning “any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;”

Special categories personal data – The GDPR refers to sensitive personal data as ‘special categories of personal data’, which includes “personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”; (as defined in Article 9 of the GDPR). Processing of these special categories of personal data is prohibited by the GDPR, unless one of the strict conditions detailed in paragraph 1 of Article 9 applies.

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;”

3. About us

Ainsley Gommon Architects Limited is the Data Controller.

If you have any comments or questions regarding this Privacy Notice or our data processing procedures, please contact our registered office the following address:

Ainsley Gommon Architects Ltd., 1 Price Street, Hamilton Square, Birkenhead, Merseyside, CH41 6JN

Telephone: 0151 647 5511

Email: birkenhead@agarchitects.co.uk

4. Our purpose(s) for processing personal data

We process personal data for one or more of the following purposes:

- To communicate in response to an enquiry about our services.
- To enter into a contract to provide our services.
- To maintain contact and communication during the course of a project.
- To provide our services for a project in response to specific client or user requirements.
- To comply with legal and regulatory requirements related to our services.
- To maintain our own records and accounts.
- To obtain feedback on the quality of our services.
- To promote our services and provide news of events or activities.
- To purchase goods, materials and services.

5. Categories of personal data we collect

Personal data we collect includes:

- Contact details (name, job title, postal address, email address, telephone number).
- For business customers, we will collect personal contact details for key individuals in the business, so we can operate and administer the services that we provide to the business.

Special categories personal data:

We do not generally collect any special categories of personal data. However, for specific projects to be designed to accommodate the particular needs of an individual or individuals, we are sometimes provided with special categories of personal data, e.g. concerning the physical health or mental health, special educational needs or disabilities of an individual.

Sometimes in these circumstances, we are provided with data that has undergone ‘pseudonymisation’, i.e. replacing any identifying characteristics of data with a ‘pseudonym’, or, a ‘value’ which does not allow the data subject to be directly identified. However, pseudonymisation only provides a limited protection for the identity of data subjects, as it is often possible to identify the data subject by analysing the underlying or related data. Therefore, pseudonymised data is still treated as ‘personal data’ under the GDPR.

Only data which has been irreversibly 'anonymised', i.e. it is not possible that any individual could be identified from the data by any further processing of that data, or by processing it together with other information, ceases to be 'personal data'.

6. Our Lawful Basis for processing personal data (Article 6 of the GDPR)

Article 6 of the GDPR states that processing of personal data shall only be lawful if at least one of the following six applies:

1. the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
2. processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
3. processing is necessary for compliance with a legal obligation to which the controller is subject;
4. processing is necessary in order to protect the vital interests of the data subject or of another natural person;
5. processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
6. processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

Our Lawful Basis for processing general personal data:

- For general personal data processed in connection with our services and projects, our lawful basis falls under item 6 above, where the processing is necessary for the purposes of the legitimate interests of providing our services.
- Processing personal data pursuant to a contract (appointment agreement) to which the data subject is a party will have a lawful basis under item 2 above, as the processing is necessary for the performance of that contract.
- We also process personal data under lawful basis 3 above, where processing is necessary for compliance with a legal obligation, for example, compliance with Planning, Building Regulations (where the data subject is the named as the 'Applicant') and the Construction (Design & Management) Regulations (where the data subject is a named 'Duty Holder', e.g. 'Client').
- Our lawful basis for processing personal data for the purposes of promoting our services, or providing news of events or activities will be on the basis of consent (item 1 above).

7. Our Lawful Basis for processing special categories of personal data (Article 9 of the GDPR)

We will only process special categories of personal data if at least one lawful basis of the 6 above applies, and one of the strict conditions detailed in paragraph 1 of Article 9 of the GDPR also applies.

Our lawful basis for processing special categories of personal data will generally be one of the following:

- The data subject has given consent, under lawful basis 1.

- The processing is necessary for the performance of a contract to which the data subject is party, under lawful basis 2.
- The processing is necessary for the purposes of the legitimate interests of providing our services in connection with a project, under lawful basis 6 (subject to stated exceptions).

Of the strict conditions detailed in paragraph 1 of Article 9 of the GDPR, the applicable condition will generally be one of the following:

- a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject.
- or
- c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent.

8. Sharing personal data

We will treat all personal data confidentially and it will be shared only with those in our company where it is necessary, fair and reasonable to do so for the purposes outlined in section 4 of this notice. This will include our directors and management team, our internal design team and our accounts staff.

We will not share personal information with Third Parties except in the following circumstances:

- In order to comply with legal and regulatory requirements related to our services.
- When we are required to provide the name and contact details of an individual who is able to provide a reference or testimonial regarding the quality of our services. In this case, we will seek consent from the individual before sharing their details.
- Where it is necessary in order to obtain professional or insurance advice.
- To comply with a legal obligation or a request from a regulatory body or a law enforcement agency.

9. Transfer of personal data abroad

We do not generally transfer personal data outside the European Economic Area (EEA), unless the client or main supplier for a project is based outside the EEA and it is necessary for project communication.

Our contact database, including names, email addresses, telephone numbers and postal addresses, is stored on our Outlook 365 account. Outlook 365 is part of the Microsoft Office 365 suite, a secure 'cloud-based' subscription service and reference to the Microsoft Trust Centre confirms that data for UK subscribers is currently held in the UK.

10. Storage of personal data

In addition to cloud-based storage, our Outlook 365 contact data is synchronised with our computer servers at our offices in North Wales and Merseyside, where it is stored together with all other personal data we hold.

We have data security technologies and procedures in place to protect personal data from accidental loss and prevent unauthorised access, processing, destruction or disclosure. These include business grade anti-virus software to protect against malware and cyber-attacks. All

data is backed up daily to removable hard drives to protect against accidental loss and ensure business continuity and disaster recovery.
We have a secure password policy to ensure that authorised staff can access only the personal data necessary to their role in delivering our services.

11. Retention periods for personal data

We will never retain your personal information for any longer than is reasonably necessary for the purposes for which it was collected.

In accordance with RIBA recommendations, all drawings, models, information, data and correspondence related to a project will be retained through to the end of the limitation period (6 years for contracts under hand/12 years for contracts under seal, after Practical Completion). In some cases the retention period may be extended for legal or other reasons. However, personal data may be erased earlier, if there ceases to be a 'legitimate interest' to retain the data.

12. Your rights in relation to personal data

We respect your rights as a data subject under the GDPR to access and control your personal data as follows:

- i) The right to be informed about our collection and use of your personal data.
This Privacy Notice should tell you everything you need to know, but you are free to contact us to find out more or ask any questions using the contact details in section 3.
- ii) The right to access the personal data we hold about you.
You can ask for details and a copy of your personal data by making a 'subject data request', which should be made in writing by email or post using the contact details in section 3.
- iii) The right to have your personal data rectified if any of your personal data held by us is inaccurate or incomplete.
- iv) The right to be forgotten, i.e. the right to ask us to delete any personal data we hold about you.
- v) The right to restrict processing of your personal data under the following circumstances:
 - You contest the accuracy of your personal data and we are verifying the accuracy of the data;
 - The data has been unlawfully processed (i.e. in breach of the lawfulness requirement of the first principle of the GDPR) and you oppose erasure and request restriction instead;
 - We no longer need your personal data, but you need us to keep it in order to establish, exercise or defend a legal claim;
 - You have objected to us processing our data under Article 21(1) of the GDPR, and we are considering whether our legitimate grounds override your individual rights.
- vi) The right to data portability.
If you have provided us with your personal data, you have the right to re-use it across different services. You may request that we transfer your data directly to another

controller, but we will only do so where this can be done securely.

vii) The right to object.

You have the absolute right to object to the processing of your personal data for direct marketing purposes.

You may also object if the lawful basis on which we are processing your personal data is our legitimate interests, but in this case the right to object is not absolute.

viii) Rights in relation to automated decision making, including profiling.

We do not use any form of automated processing of personal data.

If you wish to make a subject data request, please do so in writing by email or post using the contact details in section 3.

In some circumstances data subject rights may be limited, e.g. if fulfilling the data subject request may expose personal data about another person, or if we are asked to delete data which we are required to keep by law, but we will explain this when responding.

There is not normally a charge for a subject data request. However, if a request is manifestly unfounded or excessive (e.g. frequent repetitive requests), a fee may be charged to cover our administrative costs in responding.

We will respond to a subject data request within 1 month from the day after we receive the request. In some cases, if a request is particularly complex, we may need to extend this time, up to a maximum of 3 months from the date we receive the request. In these circumstances the data subject will be advised within one month of their request, explaining why the extension is necessary.

13. How to make a complaint

If you are not satisfied regarding our processing of your personal data, please contact us in the first instance and we will do our best to resolve the matter. However, you have the right to complain to the Information Commissioner's Office (ICO) and details of how to do this can be found on the ICO website by following this link: <https://ico.org.uk/concerns/>

14. Changes to our Privacy Information

We regularly review, and where necessary, update our privacy information. We will bring any changes to the way we process or use your personal data to your attention before we continue with the processing.