

GDPR Compliance Policy

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1. DEFINITIONS

1.1 In these conditions the following words have the following meanings:

"Data Controller"	Means the holding company responsible for the data being processed. This being Axair Fans UK Limited or Axair Refrigeration Ltd.
"Data Processor"	means any individual processing personal data for the use of legitimate activities;
"Data Subject"	means the individual that the data controller holds personal information about;
"Processing"	means the lawful collection, storing, using, disclosing or destroying of personal data;
"Legitimate Interests"	Means common interests and activities common to the data subject and the data controller to ensure a fair and transparent business relationship. This requires no consent on the data subject's part;
"Marketing Communications"	means any marketing related activity such as email, direct mail, social media and web related activities;
"Third Party Software"	means any additional software programmes used to enhance the data controllers activities whether for processing or marketing communications;
"Legislation"	means any statute, subordinate legislation, European directive, international convention, or rule or regulation made pursuant to such legislation;
"Explicit Consent"	means the written, verbal or electronically submitted consent to the lawful processing of data from the data subject;
"Privacy Policy"	Means the policy kept on the data controller's website(s) which explicitly states how data collected from the data subject is used for lawful processing following explicit consent.
"Personal Data"	Means any identifiable piece of information such as name, email address, date of birth, address and phone numbers.
"Sensitive Personal Data"	Means any information that is personal to the data subject but may be considered sensitive in nature, for example sex, religion, ethnic origin.

2. BASIS OF DATA PROCESSING

2.1 These conditions shall govern the GDPR Compliance of the Data Controller and shall supersede and replace all previous terms and conditions previously notified.

2.2 The data controller shall process lawfully and in a transparent manner in relation to the data subject.

2.3 Personal Data shall be collected for specified, explicit and legitimate purposes and not processed in a manner that is incompatible with those purposes.

2.4 Personal Data requested and processed, shall be adequate, relevant and limited to what is necessary in relation to the purpose it is collected.

2.5 Sensitive Data shall in no circumstances be required by the Data Controller for the purposes of data processing or marketing communications.

2.6 The Data Controller shall ensure appropriate security of the personal data, including protection against unauthorised or unlawful processing, and against accidental loss, destruction or damage. All data processors within the Data Controllers control shall sign an explicit confidentiality agreement, clearly stating their responsibility over the protection of personal data.

2.7 The Data Controller shall be responsible for, and be able to demonstrate compliance with all in point 2.

3. LAWFUL CONSENT

3.1 The lawful processing of data for business related activities such as sales and enquiries shall fall within legitimate interests

given that processing is necessary for the performance of a business contract to exist.

3.2 Where processing is based on consent, such as marketing communication, the Data Controller shall request explicit consent at the point of first interaction, as started by the data subject.

3.3 Explicit Consent for marketing communications, shall be presented in various contact points, for example website request forms, face to face meetings and following verbal phone contact.

3.4 Explicit Consent shall be given by the data subject freely, with no condition on whether service is offered.

3.5 The Data Controller shall ensure that explicit consent for marketing communications purposes is marked within the customer record to avoid unnecessary consent requests in the future.

3.6 Where Explicit Consent forms are completed by the Data Controller or Data Processor, these shall be stored as evidence to present to the supervisory authority if required. This consent shall be recorded as in 3.5.

4. RIGHTS OF THE DATA SUBJECT

4.1 The Data Subject shall have the right to obtain from the Data Controller confirmation as to whether or not personal data concerning him or her are being processed, and have access to the following information; purposes of processing, categories of personal data held, the recipients of the personal data and the envisaged period the data will be held for.

4.2 The Data Controller, shall upon request, provide a copy of the personal data held by them. This Subject Access Request (SAR) shall come with no fee and shall be granted within 1 month from the date of the request.

4.3 The Data Subject shall have the right to obtain from the Data Controller, the rectification of inaccurate personal data concerning him or her.

4.4 The Data Subject shall have the right to request that the Data Controller deletes personal data concerning him or her without undue delay.

4.5 The Data Controller, should, following a request for the withdrawal of marketing communications consent or unsubscribes, remove the data subject's personal data from any marketing activity including when stored within third party software programs.

4.6 The Data Controller shall delete any personal data in compliance with a legal obligation in Union or Member state law to which they are subject.

4.7 The Data Controller shall communicate any rectification (in line with 4.3) or erasure (in line with 4.4) of personal data to any other Third Party processor, until this proves impossible or involves disproportionate effort. The Data Controller shall inform the Data Subject about those third party recipients if the Data Subject requests it.

4.8 The Data Subject shall have the right to receive the personal data held about them in a structured and commonly used machine readable format, and have the right to transmit this data to another controller without hindrance.

5. RESPONSIBILITY OF THE CONTROLLER & PROCESSOR

5.1 The Data Controller shall implement appropriate technical and organisational measures to ensure and to be able to demonstrate that processing is performed in accordance with the regulation.

5.2 Where processing is to be carried out on behalf of the Data Controller, the Controller shall use only Data Processors providing sufficient guarantees to implement appropriate technical and organisational measures in such a manner that processing will meet the requirements of the GDPR regulation and ensure the protection of the rights of the Data Subject. This will be guaranteed by a signed confidentiality and data protection disclaimer.

5.3 The Data Processor and any person acting under the authority of the Data Controller, who has access to personal data, shall not process this data except on instructions from the Data Controller, unless required to do so by Union or Member State.

6. RECORDS OF PROCESSING ACTIVITIES

6.1 The Data Controller shall keep a record of all of the Data Processors within their organisation and process activities as below;

6.1.1 The purpose of processing - processing is necessary for the performance of a business contract to exist.

6.1.2 A description of the categories of Data Subjects – customers and potential customers to the Data Controller. Pre-existing relationships and interactions started by the Data Subject following primary contact with the Data Controller or Data Processors.

6.2 Categories of Personal Data – Full name, business address, business postcode, business email address, business telephone and fax numbers. No personal email addresses unless explicitly communicated by the Data Subject for legitimate business interests shall be stored.

6.3 Categories of recipients that the personal data is disclosed – Enquiries outside of the UK, may be sent to the Data Controllers supplier partners to satisfy the request from the Data Subject.

6.4 Envisaged time limits for erasure of personal data – the Data Controller shall store the personal data for the Data Subject until a request for deletion is submitted. This shall ensure that future enquiries shall be serviced quickly and efficiently with the historical information available.

6.5 The Data Controller shall make this GDPR Compliance available to the supervisory authority on request.

7. NOTIFICATION OF A PERSONAL DATA BREACH

7.1 In the case of a personal data breach, the Data Controller shall without undue delay, and not later than 72 hours, notify the supervisory authority. This is unless the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons.

7.2 Data Processors shall notify the Data Controller without undue delay shall they become aware of a personal data breach.

7.3 This notification shall include the nature of the data breach including the approximate number of subjects concerned, the name of the Data Controller, describe the likely consequences of the breach and describe the measures taken or proposed to be taken by the controller to address the personal breach, along with, where possible, appropriate measures to mitigate its possible adverse effects.

7.4 Where the information cannot be provided at the time of the breach notification, the Data Controller shall provide this information in phases but without undue delay.

7.4.1 The Data Controller shall record any data breaches. This documentation shall enable the supervisory authority to verify GDPR compliance.

7.4.2 The Data Controller shall communicate a breach of personal data, should the risk to rights and freedom be high. This should be in clear and plain language when issued to the Data Subject.

7.4.3 The communication to the Data Subject shall not be compulsory if the Data Controller has mitigated the high risk to the rights and freedom of the subject so that it is no longer likely to materialise.

8. MARKETING COMMUNICATIONS

8.1 Marketing communications following explicit consent shall be relevant to the interests of the Data Subject or those considered of importance with regards to the efficiency and functionality of the business relationship to continue.

8.2 The Data Controller shall erase any Data Subjects personal information following a request to withdraw from marketing communications in line with 4.5.

9. DATA CONTROLLER CONTACT DETAILS

9.1 A copy of the Data Controller privacy policy can be viewed on each website as in point 9.2.

9.2 The Data Controller can be found at the below address;

Axair Fans UK Limited or Axair Refrigeration Ltd
Lowfield Drive, Wolstanton, Newcastle-Under-Lyme,
Staffordshire, ST5 0UU.

Tel: 01782 349 430.
Fax: 01782 349 436

Email: sales@axair-fans.co.uk | sales@axair-refrigeration.co.uk
Website: www.axair-fans.co.uk | www.axair-refrigeration.co.uk
Ecommerce Website: www.axaironline.co.uk

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