

Privacy Policy

Last Updated: 31st July 2023

(Note: This Privacy Policy has been updated since its last revision dated 31st January 2023 to reflect recent and planned future changes to our business support operations.)

This privacy policy sets out how **The Greater Birmingham and Solihull Local Enterprise Partnership Limited ("GBSLEP")** uses and protects any information that you provide to GBSLEP and its delivery partners.

GBSLEP undertakes and has previously undertaken a variety of activities including the provision of a Growth Hub, the development of Local Industrial Strategy and the management of funds to support Local Growth and Development. These include and have included both EU funded and non-EU funded programmes. Although GBSLEP may operate separate web sites to allow the delivery of appropriate support to our Stakeholders, all activities follow and adhere to the same Privacy Policy.

A separate privacy policy is available for directors, employees and prospective employees. Please contact the HR team for further information.

Data Controller and Data Processor

As Data Controller and Data Processor, GBSLEP is responsible for ensuring that all data, including any Personal Data, that it holds is accurate and, where necessary, kept up to date.

GBSLEP will ensure that individuals have access rights to their data as required by UK Data Protection (as defined below).

"**UK Data Protection**" means together the retained EU law version of the General Data Protection Regulation ((EU) 2016/679) ("**UK GDPR**"), along with the Data Protection Act 2018 ("**DPA 2018**") and the Privacy and Electronic Communications (EC Directive) Regulations 2003 (SI 2003/2426), as may be amended or updated from time to time.

As the Data Controller, GBSLEP's Data Protection Officer oversees the use of data within the LEP and has the right to enforce any legal requirements contained within UK Data Protection.

Use and Storage of Data

In accordance with Article 5(2) of the UK GDPR, GBSLEP adheres to the following principles when storing and processing data:

- Data is collected for specified, explicit and legitimate purposes and will not be processed in a manner that is incompatible with the original purpose(s) for which the data was collected.
- Data is stored and processed lawfully, fairly, and in a transparent manner, in relation to individuals and GBSLEP has legitimate grounds under UK Data Protection for the processing of personal data.
- GBSLEP uses appropriate technical or organisational measures to ensure that there is appropriate security in place for any personal data; this includes

protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.

- GBSLEP seeks to keep collected data as accurate as possible and, where necessary, up to date.
- Data is kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed.
- All reasonable steps are taken to ensure that inaccurate personal data is erased or rectified without delay.
- Data may be used for further processing and archiving purposes in the public interest, or for scientific, historical research or statistical purposes.
- Personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research and/or statistical purposes, subject to implementation of the appropriate technical and organisational measures, required by UK Data Protection, in order to safeguard the rights and freedoms of individuals.

Personal Data Collected

GBSLEP has or has had contracts with Government Departments and EU funding institutions to deliver a range of business support programmes and grant schemes, several of which are delivered in partnership with other organisations and Local Authorities, including West Midlands Combined Authority (**WMCA**), Birmingham City Council (**BCC**) and Solihull Metropolitan Borough Council (**SMBC**).

As part of the operation of these programmes/schemes, GBSLEP processes personal data according to the lawful bases set out below. GBSLEP relies on these legal bases because we cannot deliver any services to you if we do not have your data and we need to be able to share it with those who help us provide such services.

Lawful Bases For Sharing Personal Data

Article 6(1)(b) UK GDPR Processing is necessary for the performance of a contract to which the data subject is party.

Article 6(1)(e) UK GDPR Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority, namely to enable GBSLEP to discharge its obligations under section 151 of the Local Government Act 1972 to oversee the proper administration of the financial affairs of GBSLEP, and to exercise the general power of competence under Section 1 of the Localism Act 2011.

Lawful Bases For Sharing Special Categories of Personal Data

Article 9(2)(b) UK GDPR Processing is necessary for obligations relating to employment, social security and social protection; section 10(2) of the DPA 2018, Condition 1 in Part 1 of Schedule 1 'Employment'.

Article 9(2)(g) UK GDPR processing is necessary for reasons of substantial public interest; section 10(3) of the DPA 2018, Condition 6 in Part 2 of Schedule 1 "Statutory etc and government purposes", namely processing is necessary for

reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

Personal Data Types

GBSLEP collects the following types of data under the following broad categories of data: contact data, identity data, business data, intervention and communications data, diversity data, and communications preferences.

Depending on the nature of activities or support provided by GBSLEP and its delivery partners, the following information may be collected and may be shared with delivery partners and Government Departments and EU funding institutions:

1. name of contact
2. job role
3. company name (legal and trading)
4. business sector/activity/SIC code
5. location/address/relevant local authority
6. email address
7. public IP address
8. phone number (including mobile)
9. fax number
10. date and time of enquiry
11. business status
12. business ownership
13. business size
14. business turnover
15. staffing numbers (including apprentices)
16. business Companies House registration number, VAT registration number, PAYE registration number
17. date of incorporation
18. start date of trading
19. financial information (historic, current and forecasts) required for assessment of business support
20. enquiry source
21. reason for contacting the partner
22. outcome of any advice given
23. details relating to the support given and/or provided
24. correspondence with businesses/individuals related to business support services
25. ethnicity
26. disability
27. gender
28. age
29. labour market status
30. pay details

Information Being Shared

As part of the operation of GBSLEP's business support programmes and grant schemes, CRM Systems and solutions are used by the GBSLEP to enable business support and delivery partners across those geographical areas where we have been requested to provide services to:

- facilitate the delivery, coordination and management of business support services to customers (Individuals, Small and Medium-sized Enterprises (SMEs) as well as Large Companies) across the counties of those Geographical Areas;
- provide support to inward investment opportunities in line with applicable economic strategy objectives;
- contact customers about business support services that can be accessed through the Growth Hub (delivered by a range of organisations signposted by GBSLEP).

Your details will be used to support research and evaluation activities, with GBSLEP sharing all, or some of, your personal data with organisations to undertake independent external audits and evaluations of activities, to assess the effectiveness of the support provided, as well as ensuring that U.K. and E.U. law, rules and regulations have been fully complied with. Such organisations may be appointed by GBSLEP and/or the Department for Levelling Up, Housing and Communities; the Department for Business and Trade; other Government Departments and/or the EU funding institutions.

GBSLEP will not give any personal data to any other organisation(s) unless required for the purpose of audit and/or evaluation. In such circumstances, where possible, GBSLEP will remove the details that might identify individuals personally and will instruct the organisations undertaking the audit and/or evaluation not to use the data to contact individuals for any reasons unconnected with the audit and/or evaluation process.

Data Sharing with WMCA, BCC and SMC

GBSLEP has established a contractual framework for sharing or transferring personal data with WMCA, BCC and SMBC in specific instances.

GBSLEP considers this data sharing and transfer necessary in order for GBSLEP to facilitate more fully the organisation and operation of these organisations' and GBSLEP's respective continuing functions in delivering regional economic growth. GBSLEP also considers this data sharing is justifiable on the grounds that WMCA, BCC and SMBC may not be able to continue the provision of business support or only able to do so on an inefficient and non-client supportive basis without the transfer of relevant personal data from GBSLEP. In allowing WMCA, BCC and SMBC so to operate, societal benefits, particularly to the Birmingham and Solihull areas, will far outweigh any risks to data subjects.

GBSLEP may share or transfer personal data only for the purposes of:

- transferring the contracts of any employees transferring from GBSLEP to any third party transferee;
- fulfilling its respective functions as set out in any agreed memorandum of understanding or other agreement with WMCA, BCC and SMBC;
- BCC fulfilling its functions to GBSLEP as its accountable body;

- dealing with any complaints arising out of or in connection with GBSLEP's activities prior to any transfer of its activities to a third party; and
- in the case of the transfer of the activities of the Growth Hub to any third party transferee, for the specific purposes described below.

Specific Purposes for Data Sharing with WMCA, BCC and SMC

GBSLEP may also share or transfer personal data only for the following specific purposes of:

- **Existing Customers:** data in respect of which GBSLEP has received from the data subject written consent (which includes consent in electronic form) covering the following:
 - consent that GBSLEP is continuing to provide business support until the point of transition and will continue to hold and use the data subject's data in accordance with all applicable UK Data Protection; and
 - consent for GBSLEP to transfer the data subject's details/data to WMCA, BCC and SMCB who will be responsible for delivering business support;
- **New Customers:** data in respect of which GBSLEP has received from the data subject written consent (which includes consent in electronic form) covering the following purposes:
 - consent from any new business support applicant to WMCA, BCC or SMBC for GBSLEP to transfer the data subject's details/data to WMCA, BCC or SMCB, as the case may be, in connection with any UKSFP or other programme funded business support activity, including any UKSFP or other programme grant funding applications made and any UKSPF or other programme grants given or rejected; and
 - consent from any new business support applicant to WMCA, BCC or SMBC to permit WMCA, BCC or SMBC to access, in relation to any type of business support, any of the data subject's historical details/data which were held by GBSLEP in its systems and will be transferred as part of the Growth Hub; and
- **All Customers:** data, which does not fall under any of the above purposes, which GBSLEP has held or is required to hold for the following purposes:
 - monitoring and reporting of, and compliance with, the various business support and skills support activities of GBSLEP as funded by its EU funded projects, its non-EU funded projects or any other programme fund not specially defined; and
 - any other lawful purposes for which data can lawfully be transferred.

Freedom of Information Act 2000

As a Company Limited by Guarantee, GBSLEP is not one of the parties defined as being subject to the Freedom of Information Act 2000. However, GBSLEP recognises the importance of accountability and transparency and voluntarily adheres to this legislation, responding to Freedom of Information requests in the same way as organisations which are formally bound by the legislation and always seek to make information available wherever possible.

Withdrawal of Individual's rights

Under Article 6(1)(e) and Article 9(2)(g) of the UK GDPR, participants in GBSLEP's business support programmes and grant schemes are unable to claim the following rights in terms of personal data:

- the right to erasure ("right to be forgotten")
- the right to portability of their data.

However, the data collected is your personal data, and you have the right, subject to lawful data requirements:

- to see what data GBSLEP have about you
- to ask for your data to stop being used
- to ask for your data to be deleted, or to correct your data if there is no longer a justification to process it
- to lodge a complaint with the independent Information Commissioner (ICO) if you think that GBSLEP are not handling your data fairly or in accordance with the law.

Data Retention

Contracts with several Government Departments, including contracts with the Department for Levelling Up, Housing and Communities, and the Department for Business and Trade, which act as managing Authorities on behalf of EU funding institutions, stipulate that data and evidence must be kept for a specified period after support has been provided by GBSLEP and its partners. As an example of one of the EU funded contracts, data and evidence must be kept until the end of the year 2036.

Destruction of Information

In accordance with the UK GDPR, any data no longer required for the purposes that it was held for will be destroyed. This means that GBSLEP will destroy all hard copy and electronically stored information using secure methods that comply with all UK Data Protection laws and regulations in force at the time of destruction.

Data Breaches

In the case of a data security breach, GBSLEP will immediately take steps to contain the breach. Where a serious breach is encountered, GBSLEP, as Data Controller, will notify the Information Commissioner's Office and launch an investigation to establish the reasons behind the breach. GBSLEP is permitted to take all reasonable corrective steps as resulting from a security breach, including suspending use of any systems and/or withholding joint working with delivery partners.

Automated decision making

GBSLEP does not currently use personal data to undertake automated decision making.

GBSLEP Contact Details

If you would like further information, please contact:

Data Protection Officer
The Greater Birmingham and Solihull Local Enterprise Partnership Limited
15 Colmore Row
Birmingham
B3 2BH

Tel: 0121 758 5690
Email: dpo@gbstep.co.uk

Information Commissioner's Office Contact Details

The Information Commissioner's Office is the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113
Website: www.ico.org.uk