



## Updated Data Protection & Privacy Notice

Soho Road BID have made some changes to our data protection and privacy notice in light of the new data protection legislation known as General Data Protection Regulation, or GDPR as it is more commonly known. These changes come into effect on 25<sup>th</sup> May 2018.

These changes include:

- The data that we control
- How we use the data
- Why we need the data
- Who has access to the data
- Your rights regarding your data
- Clear and more transparent details of who to contact regarding any queries

This updated notice outlines your rights under the new GDPR legislation.

### Background

Soho Road Business Improvement District is a Community Interest Company (CIC), private company limited by guarantee without share capital with a registered number of 09000517. The registered office is Suite 2, 118a Soho Road, Handsworth, Birmingham, West Midlands, B21 9DP. Soho Road BID is also registered with the Information Commissioner's Office as a data controller (No. 00044914325).

Soho Road BID CIC will be known as the "data controller" of the personal data provided by you to us, or otherwise provided or collected by us. Our data protection officer (DPO) is the BID Manager Diane Mansell, who is contactable via email at [BidManager@sohoroadbid.org](mailto:BidManager@sohoroadbid.org)

Soho Road BID CIC is responsible for:

- [www.sohoroadbid.org](http://www.sohoroadbid.org)
- [www.sohobid.uk](http://www.sohobid.uk)
- Facebook.com/sohoroadbid
- twitter.com/sohoroadbid
- Instagram.com/sohoroadbid
- linkedin.com/company/3739051/

All of which are now referred to as "our websites". Please read this notice carefully. Your use of our websites signifies your agreement and consent to this notice. If not, please discontinue your use immediately.

### How the law protects you

Your privacy is protected by law. Data Protection law says that we are allowed to use personal data only if we have a proper reason to do so. The term "personal data" means information about an

identifiable individual which includes name, address, email, telephone number and other information relating specifically to an individual.

The law says we must have one or more of these reasons:

- To fulfil a **contract** we have with you, or
- When it is our **legal duty**, or
- When it is in our **legitimate interest**, or
- When you **consent** to it, or
- Protection of the **vital interests** of a data subject or another person, or
- Performance of a task in the **public interest**

Any of these lawful bases could apply to a BID but the most relevant are **consent** and **legal obligation**. Processing data relating to voter/levy payer contacts for the purposes of communicating statutory information about Soho Road BID CIC, as set out in BID regulations is covered by the **legal obligation** lawful basis. The processing of personal data for any other purpose (e.g. general public information, crime prevention messaging, general interest notifications etc) requires **consent** from the data subject. **Consent** is tightly defined under the GDPR and must be explicit for the data collected and the purpose for which the data is intended to be used. As the data controller, Soho Road BID CIC must obtain and prove **consent** (an opt-in process) and at any time a data subject may withdraw their **consent and request their personal data is erased\*** (\*please note this right does not apply to data held for the legal obligation lawful basis). Soho Road BID CIC is currently undertaking a review of its non-statutory distribution lists and will be contacting participants in order to obtain specific **consent** regarding the receipt of any further information from us.

### **Information we collect about you**

Soho Road BID CIC shall comply with the Principles of Data Protection listed within the GDPR. We will make every possible effort to comply with these principles. The Principles are:

**Lawfulness, fairness and transparency** - Data collection must be fair, for a legal purpose and we must be open and transparent as to how the data will be used.

**Purpose limitation** - Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.

**Data minimisation** - Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

**Accuracy** - Personal data shall be accurate and, where necessary, kept up to date.

**Storage limitation** - Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.

**Integrity and confidentiality** - Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

**Accountability** - The controller shall be responsible for, and be able to demonstrate compliance with the GDPR.

### **How we process your data**

Soho Road BID CIC processes the following data about you:

- **Information you give us** – Information you provide us in compliance of the lawful basis of legal obligation to enable us to communicate with you on matter relating to ballot and BID proposals required by BID regulations. We also process information you electively provide us with your consent. This includes data you provide us by filling in forms, inputting data on our websites or by corresponding with us by phone, email or otherwise. It includes information you provide when you subscribe to receive our latest news and details of our events, search our site, enter a competition, promotion or survey and when you report a problem with our site. The information you give us may include your name, address and/or postcode, job title, employer details, email address and phone number, photos and other images.
- **Information we collect about you** – Soho Road BID CIC receives personal data from third parties, such as the Local Authority, regarding information required as part of our legal obligation to communicate with you regarding statutory BID business. With regard to the information you provide us consensually, we will automatically collect the following information each time you visit our websites:
  - Technical information - including the Internet protocol (“IP”) address used to connect your computer to the Internet, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform.
  - Information about your visit - including the full Uniform Resource Locators (“URL”), clickstream to, through and from our site (including date and time), page response times, download errors, length of visits to certain pages and page interaction information (such as scrolling, clicks, and mouse-overs).

If you communicate with us through any link on our websites, we may ask you for your personal data so we can respond to your questions and comments.

Generally speaking, the information you give us and/or the information we collect about you will be relative to the functions of Soho Road BID CIC and will be kept for no longer than is necessary for that purpose. In any event the maximum retention time scale will be the current 5 year BID tenure period plus an additional year, to ensure all administrative duties can be fully discharged.

### **Cookies**

Our websites uses cookies to distinguish you from other users of our websites. This helps us to provide you with a good experience when you browse our website and also allows us to improve our sites. Cookies are bits of text that are placed on your computer’s hard drive when you visit certain websites. We use cookies to tell us, for example, whether you have visited our websites before or if you are a new visitor and to help us identify site features in which you may have the greatest interest. Cookies may enhance your online experience, for example, by remembering your passwords and viewing preferences, while you are visiting a particular site.

The majority of internet browsers are initially set up to accept cookies. The toolbar on most browsers will have a feature to tell you how to stop accepting new cookies, how to receive notifications of new cookies, and how to disable any existing cookies. Please note, however, if you do disable, reject or stop cookies, you may not be able to take full advantage of all our websites’ features and services that we would like to offer you.

### **How do we use the information about you?**

- To provide you with the information and services that you request from us. For example, through newsletters or other communications. It is important to understand you can opt out at any time from receiving such communication from us by unsubscribing from our services.
- To provide you with information about other services we offer that are similar to those that you have enquired about. For example, we may provide you with information regarding future events or workshops you previously attended or showed interest in.
- To notify you about changes to our service.
- To ensure that content from our site is presented in the most effective manner for you and for your computer.
- To help us administer our site and for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes.
- To improve our websites to ensure that content is presented in the most effective manner for you and for your computer.
- To allow you to participate in interactive features of our service, when you choose to do so.
- To assist us to ensure our websites are as safe and secure as possible.
- To gauge and understand the effectiveness and appropriateness of the marketing we provide to you and other people.
- To inform us about suggestions and recommendations we can make to you and our other website users about offers and services that may be of interest.
- Information we receive from other sources.

### **Use of images**

Soho Road BID CIC routinely uses photos and videos to promote our work via our websites, newsletters and other publicity communications. Where possible we will reasonably try to obtain your consent in advance of publication on our websites. However, if we are using an image of you, and you would like us to stop, please contact us as soon as possible. Please note, we do not pay or provide credit for use of your image in our photographs or videos.

At times, we may share your image for use by our partners in order to promote or advertise our events, projects, services and initiatives. Where possible, we will reasonably try to gain your consent in advance. However, if we are using an image of you, and you would like us to stop, please contact us as soon as possible.

### **How We Share your personal data**

Soho Road BID CIC will never sell or otherwise disclose your personal data, subject to some specific exceptions:

- If we collect or update your personal data following an event or initiative that we deliver in partnership with another organisation, we would only share the data with that partner with your explicit consent.
- We may share your personal data with service providers, employees or contractors that we have commissioned to perform services or work on our behalf. They are provided only with the personal data they need to perform their functions and can only use and disclose such personal data as is necessary to perform services on our behalf or to comply with legal requirements.
- If we have agreed to conduct activity that promotes our businesses, or other services that you provide, or that highlights work or activity that you are undertaking, we may share your

name, your job title, the name of your employer and your image. We may also share your professional contact details in circumstances where people will need to contact you, in order for our activity to be meaningful.

- Soho Road BID CIC collects data that may assist law enforcement agencies to prevent and detect crime, and to assist in the apprehension and prosecution of offenders. This data usually consists of (but is not limited to) names, photos and video footage. Soho Road BID CIC may disclose this data to law enforcement agents without prior consent from you, in line with S.29(3) of the Data Protection Act 1998.
- In addition, we may disclose your personal data (i) if we are required to do so by law or legal process, (ii) to law enforcement authorities or other government officials, or (iii) when we believe disclosure is necessary or appropriate to prevent physical harm or financial loss or in connection with an investigation of suspected or actual illegal activity.

### **Soho Road BID's crime reduction activity**

Soho Road BID currently engages in 2 specific crime reduction strategies:

- Soho Road BID Ambassadors:  
Soho Road BID CIC provides an Ambassador patrol service for the benefit of those who live, work, visit or pass through the Soho Road BID area. Occasionally our Ambassador service may capture photographic or video images of people engaging in criminal and/or anti-social behaviour. Where appropriate this will be shared with the relevant law enforcement agencies for investigation and possible prosecution. If requested, we will consider sharing this data, without consent, in accordance with S.29(3) of the Data Protection Act 1998.
- Facewatch:  
Soho Road BID CIC currently uses Facewatch, an online crime reporting and information sharing secure digital portal. This platform is available for use by any businesses within the Soho Road BID area. Facewatch is defined as a "data processor" for the purpose of the Data Protection Act 1998. Personal data is shared directly with West Midlands Police via this platform for the express purposes of assisting them to prevent and detect crime, and to assist them in the capture and prosecution of offenders. Personal data is also shared with Soho Road BID businesses who are registered users of the Facewatch platform, for the purpose of preventing or detecting crime. For example, CCTV footage of a person stealing from a shop may be shared among the relevant registered users for the purpose of proactively alerting other businesses to the threat, and identifying the offender so they may be apprehended and prosecuted. Soho Road BID has its own Facewatch user group which is administered by staff employed by Soho Road BID CIC. However, any registered user belonging to the Soho Road BID user group has the ability to circulate personal data among the group and West Midlands Police in accordance with the purposes outlined above.

Soho Road BID also collects personal data of users of Facewatch. This data includes (but is not limited to) names, employer details and contact email addresses. This data is processed in line with the Data Protection Act 1998, and in line with this policy, and is used for the purpose of providing access to the Facewatch system. If you would like us to stop using your personal data for this purpose, please contact us, however, please note, this may result in the termination of your access to the Facewatch system. Facewatch is certified as Secured by Design and is ISO9001 compliant.

### **Where You're Personal Data May Be Transferred Or Stored**

Soho Road BID CIC will treat your personal data as private and confidential, but may share it outside of our organisation if:

- Allowed by any agreement entered into by you
- You consent
- Needed by our agents, advisers or others involved in running accounts and services for you or collecting what you owe to other companies
- Needed by third parties to help manage your records
- HM Revenue and Customs or other statutory authorities who require it
- The Law, Regulatory Bodies, or the public interest permits and requires it
- Required by us or others to investigate or prevent crime
- Required as part of our duty to protect your accounts

### **How We Protect Your Personal Data**

Soho Road BID CIC maintains administrative, technical and physical safeguards to protect against loss, misuse or unauthorised access, disclosure, alteration or destruction of the personal data you provide to us.

### **Updates To Our Privacy Notice**

We may change this policy from time to time by updating this page. We will also communicate changes to you via email, website, or letter. You should check this page from time to time to ensure that you are happy with any changes.

### **What are your rights?**

You have the right to ask us to provide you with access to and rectification or erasure of your personal data. Providing you with this information is free of charge, but charges may apply for excessive requests. You have the right to ask us to provide you or a third party with the personal data you have provided to us in an electronic format.

You have the right to object to certain purposes for processing, in particular direct marketing.

You have the right to update your contact details and preferences. Any changes need to be communicated to the DPO via an email to [BidManager@sohoroadbic.org](mailto:BidManager@sohoroadbic.org) or by writing to Diane Mansell, Soho Road BID, Suite 2, 118a Soho Road, Handsworth, Birmingham, B21 9DP.

If you wish to raise a complaint on how we have handled your personal data, you can contact our DPO via an email to [BidManager@sohoroadbic.org](mailto:BidManager@sohoroadbic.org) or by writing to Diane Mansell, Soho Road BID, Suite 2, 118a Soho Road, Handsworth, Birmingham, B21 9DP.

Should you be unhappy with our processing of your personal data, you have a right to complain to the Information Commissioner's Office, which is the regulator for data protection.

### **Breaches**

In the event that we suspect there has been a serious breach to our systems or data we will inform the Information Commissioner's Office within 72 hours, and will inform the affected individuals as soon as practicable afterwards.