



Bognor Regis Improvement District BID Ltd (BR BID Ltd)

Our Approach to the Data Protection Act (2018)

Last reviewed October 2023

SECTION ONE: OVERVIEW

BR BID Ltd is a not-for-profit organisation that uses data to inform local businesses and organisations about issues and services that will support them or enhance their knowledge. We are not 'selling' a product or service, but providing information that we deem is in their interest as a business within the BID Area.

We are committed to protecting and respecting personal data and privacy, and complying with all applicable laws including the General Data Protection Regulation (GDPR) which came into force on 25th May 2018.

We will only use data where we have a proper reason to do so; this includes sharing it outside BR BID Ltd if appropriate with third-party providers. We will never sell our data to companies for marketing purposes. All data held by BR BID Ltd is treated as confidential.

We regularly review what data we are storing and processing, and the basis for which it is being used. Each time we communicate, we will check that there is a lawful basis to do so and, where we perceive consent is required, will obtain this where it has not been granted.

We store data on a password protected Microsoft Office 365 account and password protected Microsoft Cloud network, which can only be accessed by the BID Team and its Directors. Specific files are shared with selected partners for specific purposes where an Information Sharing Agreement is in place.

We also store data on the BIDBase database system. BIDBase acts as a processor for this information, and have their own data protection policy which can be accessed [here](#).

Business Crime Reduction Services: BR BID funds access for levy paying businesses to share and review data about offenders through the Littoralis DISC app. LITTORALLIS acts as a processor for this information, and have their own data protection policy which can be accessed here: <https://discagainstcrime.com/disc-privacy-notice/>

The information submitted by businesses via the DISC app is processed and managed by National Business Crime Solutions, who have their own data protection policy. Each organisation signing up for the Business Crime Reduction Services enters into an agreement with NBCS that is completely independent of BR BID Ltd.

Any information BR BID Ltd share with third parties is password protected, and we seek assurances that third parties have good data protection policies in place.

Any paper records containing personal data (e.g. registration details for market traders) are stored in a secure cabinet in the BID Office located at The Track, Station Road, Bognor Regis PO21 1QF.

We embrace the use of social media and may wish to process any comments made public; we will always ask **consent** for using a poster's name if we need to use it when quoting any comments made.

BR BID Ltd is registered with the Information Commissioner (ICO) reference ZA 382369 The nominated Data Protection Officer for BR BID Ltd is: Process Matters2

SECTION TWO: THE DATA WE HOLD

BR BID Ltd is both the data controller and processor for the following data:

a) Voter Information

Voters are the nominated decision makers within each levy paying organisation who are eligible to vote on key BID matters. It is essential that we hold this data and keep it up to date in order to communicate with decision makers.

Our database contains voter contacts including the name, address, email address and phone number for the decision makers in each organisation within the BID Area.

We will regularly update these lists for the purpose of communicating with voters regarding the renewal of our BID and to invite them to pertinent BID business-related events, such as the AGM (**legitimate interest**).

Occasionally, we will communicate with voters on issues which are not deemed to be in either legal or legitimate interest but require consent; in these instances, we will contact voters describing how we wish to use their data and asking for **consent** (see section 4)

b) Levy Payers Information

Levy payers are the individuals liable for paying the BID Levy on behalf of the business within the BID Area. Details of levy payers are sourced from the Arun District Council (ADC) NNDR register, under a formal data sharing agreement, and updated annually or as advised by ADC following a change of responsibility. It is essential that we hold and update this data in order to communicate with levy payers who have contributed funds towards the BID.

As at 10th October 2023, our database contains approximately 290 business entries for organisations with a rateable value in excess of £6,000, including the name, address, email address, phone numbers and rateable value of business premises and their owners or senior managers.

We regularly update these lists for the purpose of communicating with levy payers regarding the renewal of our BID and updating our levy payers on how we are investing their money in line with the business plan upon which the BID was voted in (**legitimate interest**).

We may share elements of this data with third parties such as our Marketing Partner or an appointed agency contracted to contact levy payers to support them with procuring services at a reduced rate e.g. energy, telecoms, insurance etc (**legitimate interest**).

Occasionally, we will communicate with levy payers on issues which are not deemed to be in either legal or legitimate interest but require consent; in these instances, we will contact levy payers describing how we wish to use their data and asking for **consent** (see section 4).

c) Non Levy Payers

As at 10th October 2023, our database contains approximately 200 business entries of organisations with a rateable value **below** £6,000, including hereditament reference, address and rateable value of each commercial property.

It is essential that we hold this data and keep it up to date in order to monitor changes of occupancy within the businesses. We will regularly update these lists for the purpose of accurate statistics for the BID Area. We have a **legitimate interest** for storing this data.

Non-levy payers do not contribute financially to the BID Levy, and any names, addresses, email addresses, and phone numbers of staff, owners or senior managers are held by **consent**.

Our aim is to communicate with non levy payers to keep them up to date on BID events, initiatives and opportunities that may be beneficial to their businesses. For this category of data, we will contact non levy payers describing how we wish to use their data and asking for **consent** (see section 4).

d) BID Area “Front Line Staff Members”

As at 10th October 2023, our database contains approximately 490 entries for organisations within the BID Area. Key contacts within these businesses may be managers or staff

employed within the organisation who are neither levy payers nor voters, with whom we cannot confidently claim legitimate interest as the basis for communications .

Our preferred outcome is to communicate with these front line staff members to keep them up to date on BID events, initiatives and opportunities (such as crime prevention tools) that may be beneficial to their day to day operations, or of emergencies and disruptions that may be hazardous to their day to day operations.

To achieve this, we contact front line staff members describing how we wish to use their data and asking for **consent** (see section 4). As a result, our database includes the names, email addresses and phone numbers for front line staff members that have given their consent. Where consent has not been specifically given, interactions with front line staff are recorded as interactions with “Staff at *Business name*”

e) BID Board Member data

We store and process data on the members of our BID Board Directors (name, mobile no, email address and home address also listed on Companies House) and other Board Members and Invitees (name, mobile no and email address) to enable us to communicate and hold meetings (**legitimate interest**)

f) BR BID Ltd Employee data

We store and process data relating to BID employees, including employment contracts, appraisal documents and contact details (**legal obligation**). Information is also held on people who have applied for vacancies such as CV's and interview notes – this information is held electronically in an archived folder (**legitimate interest**).

g) Suppliers' data

We store and process data relating to those companies who have tendered for work and the associated assessment notes – this information is held electronically in an archived folder (**legitimate interest**).

h) Market Trader data

We store and process data on the market traders we have licenced to trade at Bognor Regis Market (name, mobile no, email address and home address) to enable us to communicate and if requested by Trading Standards (**performance of a contract**)

SECTION THREE: OUR COLLECTION METHODS:

We collect data from a number of sources:

- a) **From other agencies:** Information about businesses within the BID area originates from the ratings list held by Arun District Council, and is made available to the BR BID Ltd under a formal Data Sharing Agreement.
- b) **Through our website** www.brbid.org When using our website, BR BID LTD gathers data from users using cookies and other internet tracking software, such as Google Analytics. The purpose of this is to understand how digital visitors are using our services, and to provide them with better and enhanced services via the BR BID LTD.
- c) **Through our website's Contact Us page**, which includes a sign-up option for future communications by consent.
- d) **Through inbound communications**, including contact made to the BID by email, telephone, post or social media.
- e) **Through networking and one to one visits:** When a new business opens or there is a change in ownership of an existing business in Bognor Regis, we make contact with the new occupier to tell them about the BID and the services we provide.
- f) **From third parties** who engage with BR BID LTD and / or via publicly available resources (for example from Companies House)

SECTION FOUR: HOW WE HAVE DETERMINED THE USE OF DATA AND HOW IT WILL BE USED

There are six conditions or 'lawful basis' for processing data:

- 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.

We have determined that the *majority* of our BID communications with **BID levy payers** and **voters** are either our '**legal obligation**' or in the recipient's '**legitimate interest**' where there is a business or commercial reason to use the information.

We recognise that informing these subjects about events, opportunities and offers open to them requires **consent**.

We have determined that the majority of our communications with non levy payers and "front line" staff members is lawful, provided we have their **consent**.

We have determined that the processing of personal information for Market Traders is necessary for the **performance of a contract**.

Rationale for Lawful Basis:

Legal Obligation

As a BID we have a legal obligation in the run up to a BID renewal (held every five years) to provide relevant BID information i.e. ballot papers, business plans, summary reports. It is our legal duty to communicate with all the businesses in the BID area, providing them with the opportunity to shape future business plans via consultation, then receiving the final business plan, a notice of ballot and the ballot paper.

Communications, such as the annual financial statement that accompanies levy bills generated by Arun District Council also fall under **legal obligation**, as per BID regulations.

Given that there is a **legal obligation** to process their data, there is no opportunity for levy payers to unsubscribe from these communications or to activate their right for erasure.

Performance of a Contract

We sometimes provide services under a contract, as set out in a formal document. This includes contracts of employment for BID staff, radio hire agreements with businesses, the issue of market trading licences to traders or contracts with third party suppliers. With contracts, there is a lawful reason to hold the data and to be in communication.

Legitimate Interests

We process data under what we have determined is a 'legitimate interest'. We will communicate with levy payers regarding the delivery of projects and services to demonstrate how we are investing their funds and to give levy payers the opportunity to shape our projects and service delivery.

More specifically, we will communicate with levy payers via emails/newsletters for the following purposes:

- Informing levy payers about projects and their delivery; as they have paid the levy, they have an interest in finding out how the BID is investing their money.
- Giving levy payers the opportunity to shape projects - asking for feedback/completing a BID survey or inviting them to be involved in a working group

- Giving levy payers updates on issues that are in their interests to know about e.g. road being resurfaced outside their premises
- Asking levy payers if they wish to attend an event – providing that this is not an event with a cost attached
- Providing them with information or services that they request from us or which we feel may interest them and have deemed is in their legitimate interest
- Notifying levy payers about changes to our BID company

Levy payers will have an opportunity to **unsubscribe** from these communications if they wish.

4. Consent

We will seek consent for communications from all non levy payers, front line staff and others where there is no other lawful basis.

We will seek consent from levy payers or voters where we feel our communications do not fall under either legal, contractual or legitimate interest rationales detailed above. This could include, but is not restricted to the following marketing examples:

- If launching a campaign to sign up members of the public to receive offers from Bognor Regis businesses e.g. a loyalty card
- If seeking additional contributions from levy payers or ‘selling’ them something, such as a chargeable training course or security radios
- If initiating any B2B schemes whereby businesses generate offers for other levy payers and their employees in the area

Levy payers will have an opportunity to **unsubscribe** from these communications if they wish.

4.1 How will we gain consent?

Individuals must check a box to show they give consent for communications from the BR BID when signing up via the BR BID website.

When visiting businesses in person, consent can be given by an individual signing a printed consent form.

When talking on the telephone, verbal consent can be given by individuals to receive communications. Individuals can unsubscribe at any time.

Any new contacts added to the BIDBase system from September 2018 are automatically offered a range of opt-in options via social media, in response to email contact FROM the data subject and through physical completion of data collection forms in the printed newsletter and personal visits.

SECTION FIVE: HOW WE SHARE DATA

Data is shared within Bognor Regis BID Ltd (including our BR BID LTD Board of Directors) for the purposes of administration, ensuring the delivery of the business plan, maintaining communications with levy payers as to how their contribution is being invested, and providing them with the information legally required during the renewal of the BID.

We use third party service providers such as agents or mail services to help us support our levy payers and provide services to them and where we have a legitimate interest to do so. Data for others may be shared with these service providers, subject to consent. These services include, but are not restricted to:

- Microsoft Forms / Survey Hero for consultation exercises, Mailchimp for outgoing information updates
- Email and secure document share filing systems including Sharepoint, Dropbox and Google Drive, utilising passwords to protect data.

Data may be shared with **Marketing and PR** companies appointed by BR BID Ltd to deliver services to businesses in Bognor Regis.

Personal Data for BR BID Ltd employees will be shared with Arun District Council, who provide **payroll services**.

BID Board Members' data may be shared with the external **accountancy** firm appointed to produce end of year accounts and financial audits.

We will ensure that all our third-party service providers demonstrate that they are **compliant** with data protection practices and are taking reasonable and appropriate security measures to protect our data. We only permit our third-party service providers to process our data for specified purposes and in accordance with our instructions. We have a data sharing agreement with all our third-party service providers and an assurance that confidentiality is maintained.

We will never transfer or sell our data to a third party for marketing purposes.

SECTION SIX: DATA RETENTION

We will only retain business data for as long as is necessary to fulfil the purposes for which it is collected, taking account of our legal obligations with respect to holding data relating to BID renewal.

- **Voter data:** Will be retained for the term of the BID, or until the BID is notified in writing that they are no longer the decision maker for a particular hereditament; whichever is soonest.
- **Levy Payer data:** Will be retained for the term of the BID, or for twelve months after they cease to be responsible for payment of the levy; whichever is soonest.
- **All personal data processed under lawful basis of consent:** Will be retained for the term of the BID, or until consent is withdrawn; whichever is soonest.
- **Board Members data:** Will be retained in accordance with the statutory retention period prescribed by law.
- **BR BID Ltd Employees:** Will be retained in accordance with the statutory retention period prescribed by law.
- **Suppliers:** Will be retained for the term of the BID, or until consent is withdrawn; whichever is soonest.
- **Market Traders:** Will be retained for a maximum of three months after their last trading date.

SECTION SEVEN: DATA DELETION

Under GDPR, specific circumstance allow for the “right to erasure “. Any such requests for data to be deleted must be submitted to BR BID Ltd in writing to the address provided in this policy, and will be decided on a case by case basis.

It will not be possible to delete information relating to levy payers and voters with whom BR BID Ltd has a legal duty to communicate in the run up to a BID ballot. This takes place every five years

SECTION EIGHT: DATA CORRECTION

If we are notified in writing, we will correct any inaccurate data as soon as we can

SECTION NINE: SUBJECT ACCESS REQUEST

BR BID Ltd aims to be open and transparent, giving people access to the personal data we hold. Requests should be made in writing, and proof of identity will need to be produced.

SECTION TEN: CHANGES TO THIS POLICY

BR BID Ltd will review this policy annually, at the first Directors meeting of each calendar year, and may make changes throughout the year. In these circumstance, amendments will be published on our website: www.brbid.org

SECTION ELEVEN: COMPLAINTS

There is the right to complain about the processing of personal data. In the first instance, please contact us using the details provided below. Alternatively, there is the right to complain to the Information Commissioners Office: www.ico.org.uk/make-a-complaint

SECTION TWELVE: FURTHER INFORMATION

For further information, please contact the BR BID by emailing info@brbid.org, or telephoning 01243 256995