

Privacy Policy

Last Updated: 12 February 2024

This privacy policy sets out how Freeport East Ltd uses and protects any information that you provide to Freeport East Ltd and its delivery partners.

A separate privacy policy is available for director's, employees and prospective employees. Please contact Freeport East Ltd for further information.

Data Controller and Data Processor

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

Freeport East Ltd will ensure that individuals have access rights to their data as required by the General Data Protection Regulation (2016/679) and Data Protection Act 2018.

As the Data Controller, Freeport East Ltd's Data Protection Officer oversees the use of data within the freeport and has the right to enforce any legal requirements contained within the General Data Protection Regulation (2016/679) and Data Protection Act 2018.

Use and Storage of Data

In accordance with Article 5(2) of the General Data Protection Regulations, Freeport East Ltd 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.
- We use 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.
- The data we collect is as accurate as possible and, where necessary, kept 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 the GDPR, in order to safeguard the rights and freedoms of individuals.

Personal Data Collected

Freeport East Ltd has contracts with Government Departments to deliver a range of business support programmes and grant schemes, which are delivered in partnership with other organisations and Local Authorities.

As part of the operation of these programmes/schemes, Freeport East Ltd processes personal data according to the following lawful basis:

Article 6(1)(e) of the General Data Protection Regulation “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”.

The lawful basis for controlling or processing ‘special category’ data is:

Article 9(2)(g) of the General Data Protection Regulation “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”.

Depending on the nature of activities or support provided by Freeport East Ltd and its delivery partners, the following information may be collected and may be shared with delivery partners and Government Departments for the purposes of reporting and monitoring:

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. date and time of enquiry
10. business status
11. business ownership
12. business size
13. business turnover
14. no. of business units
15. volume of cargo through port
16. movement of freight in/out of the port

17. staffing numbers (including apprentices)
18. business Companies House registration number, VAT, PAYE
19. date of incorporation
20. start date of trading
21. financial information (historic, current and forecasts) required for assessment of business support
22. financial contributions / investment in workforce skills and training programmes
23. enquiry source
24. reason for contacting the partner
25. outcome of any advice given
26. details relating to the support given and/or provided
27. correspondence with businesses/individuals related to business support services and employment related to learning/training programmes
28. ethnicity
29. disability
30. physical or mental health condition or illness
31. gender
32. age and / or date of birth
33. pay details

Information Being Shared

As part of the operation of Freeport East Ltd's business support programmes and grant schemes, a CRM System has been purchased to enable business support and delivery partners across Essex and Suffolk 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 Essex and Suffolk;
- provide support to inward investment opportunities in line with the policy objectives of the freeport;
- To comply with requirements for Monitoring and Evaluation Requirements as set out in the Memorandum of Understanding between Freeport East and the Department of Levelling Up, Housing and Communities on delivery of the freeport against freeport policy objectives.

Your details will be used to support research and evaluation activities, with Freeport East Ltd 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 Freeport East and/or the Department for Levelling Up, Housing and Communities; the Department for Businesses, Energy and Industrial Strategy; other Government Departments and/or the European Commission.

Freeport East Ltd 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, Freeport East 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.

Freedom of Information Act 2000

Freeport East Ltd is a private company limited by guarantee, whose membership includes both public and private sector bodies. This private sector membership means it is not a public authority and is therefore not subject to the Freedom of Information Act 2000 (FOI) or the Environmental Information Regulations 2004 (EIR) (together, the **FOIA**). However, we recognise the importance of accountability and transparency, and these principles are reflected in the Memorandum of Understanding between DLUHC and Freeport East.

Freeport East will not treat requests for information as FOI or EIR requests, as we are not subject to the FOIA. We consider our website to be the primary means of maximising transparency and availability of relevant information.

Freeport East will therefore aim to publish as much information as it can proactively on the basis of a reasoned judgement that supports maximum transparency, whilst recognising constraints on resource capacities and commercial confidentiality.

We will not publish any papers and information on our website which include matters deemed confidential and/or commercially sensitive.

Where we are requested for information not currently available on our website (irrespective of whether the applicant mentions the FOIA or not), we will consider whether it is appropriate to release that information as a consequence of the request. For simplicity and alignment, we would aim to do this within the statutory response period of 20 working days following receipt of a valid request, which is (subject to exceptions) the timescale that applies under FOIA. If a request is unclear, Freeport East will ask for clarification as soon as possible to enable it to proceed with considering the request.

Responses to any requests will be standardised and confirm the availability, or otherwise, of information on our website, which would remain the primary means of sharing information. We would not ordinarily look to release information under a direct request that we would not equally be willing to share via our website. Where we consider it is not appropriate to release information on to our website we will explain why this is the case.

Relationship with the Data Protection Act

Freeport East is under a legal duty to protect personal data as required by the General Data Protection Regulation (2016/679) and Data Protection Act 2018 (as amended). Freeport East will carefully consider its responsibilities under this legislation before disclosing personal data about living individuals, including current and former employees and users of its services. It will also have regard to any relevant guidance issued by the Information Commissioner.

Under Article 6(1)(e) and Article 9(2)(g) of the General Data Protection Regulation, participants in Freeport East'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 we have about you
- to ask us to stop using your data
- to ask us to delete your data, 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 we 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, the Department for Education, and the Department for Businesses and Trade, stipulate that data and evidence must be kept for a specified period after support has been provided by Freeport East Ltd and its partners. In the case of the Department for Levelling Up, Housing and Communities, and the Department for Businesses and Trade, data and evidence must be kept until 31st December 2034.

In accordance with the General Data Protection Regulation (2016/679) and Data Protection Act 2018, any data no longer required for the purposes that it was held for will be destroyed. This means that Freeport East Ltd will destroy all hard copy and electronically stored information using secure methods that comply with all data protection regulations in force at the time of destruction.

Data Breaches

In the case of a data security breach, Freeport East Ltd will immediately take steps to contain the breach. Where a serious breach is encountered, Freeport East Ltd, as Data Controller, will notify the Information Commissioner's Office and launch an investigation to establish the reasons behind the breach. Freeport East Ltd 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

Freeport East Ltd does not use personal data to undertake automated decision making.

Freeport East Ltd Contact Details

If you would like further information, please contact:

Data Protection Officer
Freeport East Ltd
Harwich International Port
Parkeston Quay
Parkeston
Harwich
C012 4SR

Tel: 01255 252150

Email: enquiries@freeporteast.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