

NOTICE OF PROCESSING OF PERSONAL DATA

MARKET IMPROVEMENT FUND PRIVACY NOTICE

1. WHO PROCESSES YOUR PERSONAL DATA?

Your personal data will be processed by the listed organisations defined as follows:

Market Arrangements Code Strategic Panel (“MAC Strategic Panel”), the non-household industry panel that oversees the Market Improvement Fund and decides on the awards.

Market Improvement Fund Selection Committee (“MIF Selection Committee”), the independent judges appointed to review the applications.

Market Operator Services Limited (“MOSL”), a company incorporated in England and Wales under company number 09276929 whose registered office is at White Building, 1-4 Cumberland Place, Southampton, England, SO15 2NP.

Third party data processors and data controllers, these being other organisations that process data on behalf of MOSL or with whom data is shared for the purposes of the Market Improvement Fund, as outlined in Section 6 of this privacy notice.

2. SCOPE OF THIS NOTICE AND DEFINITIONS

Data Protection Legislation is the UK General Data Protection Regulations (UK-GDPR), the Data Protection Act 2018, and any other relevant UK legislation.

Data Subject is a living identified or identifiable individual about whom we hold Personal Data. Data Subjects may be nationals or residents of any country and may have legal rights regarding their Personal Data.

Personal Data is any information relating to ‘an identified or identifiable living individual’.

Special Category Personal Data is data that the UK-GDPR classifies as more sensitive, and which requires a higher level of protection. This includes information revealing racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health conditions, sexual life, sexual orientation, biometric or genetic data and Personal Data relating to criminal offences and convictions.

References to ‘we’, ‘us’ or ‘our’ refer to MOSL, acting as administrator of the Market Improvement Fund, but which also includes, for the purposes of the Market Improvement Fund, and as the context requires, the MAC

Strategic Panel and MIF Selection Committee, each of which has a key role in the Market Improvement Fund process.

References to 'you' or 'your' means the lead applicant that submits an entry to the Market Improvement Fund. Trading Parties/Members are the wholesalers and retailers in the non-household market who are also members of MOSL.

SCOPE OF THIS NOTICE

This Privacy Notice is the Market Improvement Fund ("MIF") Privacy Notice which relates to our use of Personal Data obtained in relation to the MIF. In addition, MOSL, as the market operator, also maintains a general [Market Privacy Notice](#) (as prescribed in the Market Arrangements Code) which relates to all Trading Parties and MOSL in their use of Market Personal Data, and a [Trading Party Privacy Notice](#) which relates to MOSL's use of Trading Party Personal Data.

This notice applies to the treatment of any information that could be used to identify an individual, which is collected by us via the application process and direct interactions with you. The protection of Personal Data is very important to us and we understand our responsibilities to handle Personal Data with care, to keep it secure and to comply with legal requirements. This notice is not intended to override any rights individuals may have available under applicable data protection laws.

MOSL may make changes to this notice from time to time, for example to keep it up to date or to comply with legal requirements or changes in the way we operate our business. MOSL will keep relevant data subjects informed of changes by prominently posting a notice on MOSL's [MIF website](#).

We encourage you to regularly check back and review this notice so that you will always know what information we collect, how we use it, and who we share it with. We will review this notice at least annually. This version was last updated on 30 August 2023.

3. WHAT PERSONAL DATA DO WE COLLECT?

The Personal Data we process for the purposes of the MIF includes the following:

- **Contact and communication details** of applicants, sponsors and delivery partners, including full name, email address, address, telephone number and the organisation or business that a Data Subject works for, which may be included within the application or disclosed during the process;
- **Health and access requirements**, such as information about reasonable adjustments required for the application or interview process; and
- **Detail within interview notes**, which may be attributable to an individual.

The data collected may include Special Categories of Personal Data, such as health and access requirements. We will only collect this data where essential and when we have an appropriate legal basis to do so. We comply with the data minimisation principles of data protection laws and we will not collect any Personal Data that we do not need in order to provide the services.

4. WHEN DO WE COLLECT YOUR PERSONAL DATA?

We will collect information about applicants, sponsors and delivery partners throughout the application and interview process when a formal application is made for project funding under the MIF. We may collect additional information following a successful award being made.

We will also collect information from Data Subjects via direct interactions, including correspondence such as telephone calls, emails, and letters, where we are contacted for support. To the extent permitted by law, we may monitor and record telephone calls for training and quality assurance purposes.

5. WHAT PURPOSES DO WE USE YOUR DATA FOR?

We will only use Personal Data as permitted by the law. We process the Personal Data listed in Section 3 in order to:

- Support the effective operation of the MIF including, in particular, carrying out any role and activities as requested by the MAC Strategic Panel;
- Provide administrative and secretariat support to MIF Selection Committee;
- Provide support services to applicants, sponsors and delivery partners;
- Communicate important information to applicants, sponsors, delivery partners, and Trading Parties relating to the MIF;
- Hold and distribute funding in relation to the MIF;
- Carry out any agreed post-award audit or monitoring activity;
- Comply with the requirements of the Market Arrangements Code or the Wholesale-Retail Code, to which we are a party, or a relevant legal or regulatory obligation;
- Comply with a relevant legal or regulatory obligation that we are subject to, for example to comply with Ofwat or the Information Commissioner's Office ("ICO") requirements.

We have to establish a **lawful basis** to use Personal Data, so we will make sure that we only use Personal Data for the purposes set out above, where we are satisfied that our use of Personal Data is necessary to:

- Support '**Legitimate Interests**' that we are required to undertake for the general operation of the MIF, for the purposes listed above, where that is not outweighed by the rights of the individual;
- **Perform a contract** with the individual or take steps to enter into a contract with that individual;

- **Comply with a relevant legal or regulatory obligation that we are subject to**, for example to comply with Ofwat, Defra or the Information Commissioner’s Office (“ICO”) requirements; or
- **Protect the vital interests of the individual**, when we are required to process health and access requirements, which are classed as Special Category Personal Data, such as to provide necessary reasonable adjustments.

We will not usually rely on **consent** as a lawful basis, however, where we do rely on consent for processing Personal Data, individuals may withdraw their consent to such processing at any time. If you choose to do so, we may be unable to continue to provide certain services to you. The withdrawal of consent shall not affect the lawfulness of the processing based on consent before the withdrawal and will not necessarily result in processing being stopped in that instance.

6. WHO IS YOUR PERSONAL DATA SHARED WITH?

MOSL will share Personal Data with third parties, to help deliver services, as outlined below:

- As detailed in sections 1 and 2, Personal Data will also be processed, in addition to MOSL, by the MAC Strategic Panel and MIF Selection Panel, strictly for the purposes of the MIF;
- Service providers, including but not limited to those service providers who help manage our IT and back-office systems, provide software and associated IT support services and who enable us to communicate important information regarding services;
- Our regulators, including Ofwat, as well as law enforcement agencies in the United Kingdom and the EU where applicable;
- Solicitors and other professional services firms (including our auditors);
- Other third parties, where authorised by law, such as for the prevention of fraud, or taxation authorities.

All our third-party service providers are required to take appropriate security measures to protect personal information in line with our policies. We only allow third party service providers to process Personal Data for specified purposes and in accordance with our instructions and the law.

7. WHERE IS YOUR PERSONAL DATA STORED?

All the Personal Data we process is processed by our staff and our service providers. The data will be stored on our systems, in some cases at our premises or on cloud-based services. We take all reasonable steps to ensure that Personal Data is processed securely. Where data is shared with third parties a data processing or data sharing agreement will be agreed between us and the third party. We will not share Personal Data outside the EEA unless (a) it is a transfer to a country or organisation which is recognised by Data Protection Legislation as providing an adequate level of legal protection for your information, or (b) we have put in place appropriate contractual arrangements with the organisation with whom we are sharing your information on terms

recognized under Data Protection Legislation as offering an adequate level of protection for your information. In those cases, you will have the right to ask us for more information about the safeguards we have put in place as mentioned above (for example, to request a copy where the safeguard is documented, which may be redacted to ensure confidentiality).

8. HOW LONG DO WE KEEP IT?

We will retain Personal Data in line with MOSL's data retention policy, and for no longer than is necessary for the purposes listed in this notice. In some circumstances we may retain Personal Data for longer periods of time where we are required to do so to meet legal, regulatory, tax or accounting requirements. Where your Personal Data is no longer required, we will ensure it is securely deleted in a way which means it will no longer be used by the business.

9. WHAT ARE YOUR RIGHTS?

Individuals have a number of rights in relation to their Personal Data. These are defined in more detail as follows:

INDIVIDUALS RIGHTS

WHAT THIS MEANS FOR MOSL

Access

You can ask us to:

- Confirm whether we are processing your Personal Data;
- Give you a copy of that data;
- Provide you with other information about your Personal Data such as what data we hold, the purposes for which we use it, who we disclose it to, whether we transfer it abroad and how we protect it, how long we keep it for, what rights you have, how you can make a complaint, where we got your data from and whether we have carried out automated decision making or profiling, to the extent that information has not already been provided to you in this notice.

Rectification

You can ask us to rectify inaccurate Personal Data. We may seek to verify the accuracy of the data before rectifying it.

**Erasure / Right to be
Forgotten**

You can ask us to erase your Personal Data, but only where:

- it is no longer needed for the purposes for which it was collected; or you have withdrawn your consent (where the data processing was based on consent); or
- it follows a successful right to object; or
- it has been processed unlawfully; or
- it is not necessary to comply with a legal obligation which MOSL is subject to.
- We are not required to comply with your request to erase your Personal Data if the processing of your Personal Data is necessary: for compliance with a legal obligation; or for the establishment, exercise, or defence of legal claims.

Restriction

You can ask us to restrict (i.e. keep but not use) your Personal Data, but only where:

- its accuracy is contested, to allow us to verify its accuracy; or
 - the processing is unlawful, but you do not want it erased; or
 - it is no longer needed for the purposes for which it was collected, but we still need it to establish, exercise or defend legal claims; or
 - You have exercised the right to object, and verification of overriding grounds is pending.

We can continue to use your Personal Data following a request for restriction, where:

- We have your consent; or
- To establish, exercise or defend legal claims; or
- To protect the rights of another natural or legal person.

Portability

You can ask us to provide your Personal Data to you in a structured, commonly used, machine-readable format, or you can ask to have it 'ported' directly to another Data Controller, but in each case only where: the processing is based on your consent or the performance of a contract with you; and the processing is carried out by automated means.

Objection

You can object to any processing of your Personal Data which has our 'legitimate interests' as its legal basis if you believe your fundamental rights and freedoms outweigh our legitimate interests. Once you have objected, we have an opportunity to demonstrate that we have compelling grounds to process it which override your rights, however, this does not apply as far as the objections refers to the use of Personal Data for direct marketing purposes.

Individuals also have various rights in relation to any automated decision making and profiling, however we do not carry out these activities.

In relation to Personal Data described in this Privacy Notice, these rights can be exercised by contacting us as set out below. Please note the following if you do wish to exercise these rights:

- **Identity:** we take the confidentiality of all records containing Personal Data seriously and reserve the right to ask you for proof of your identity if you make a request;
- **Fees:** we will not ask for a fee to exercise any of your rights in relation to your Personal Data, unless your request for access to information is unfounded, repetitive, or excessive, in which case we will charge a reasonable amount in the circumstances;
- **Timescale:** we aim to respond to any valid requests as soon as possible after receipt and within one calendar month. If we need longer to respond to your request, we will notify you of this within a month of your request, explaining the reasons for the delay. We will not extend the timeframe for our response for any more than an additional two months. We might ask you if you can help by telling us what exactly you want to receive or are concerned about. This will help us to action your request quicker;
- **Exemptions:** local laws, including in the United Kingdom, provide for additional exemptions, in particular to the right of access, whereby Personal Data can be withheld from you in certain circumstances, for example, where it is subject to legal privilege.

10. CONTACT AND COMPLAINTS

The primary point of contact for all queries arising from this notice, including exercising data subject rights, is MOSL's Data Protection Officer. The Data Protection Officer can be contacted in the following ways:

Email:

dataprotection@mosl.co.uk

Letter:

FAO Data Protection Officer
Market Operator Services Limited
4th Floor
White Building
1 – 4 Cumberland Place

Southampton
SO15 2NP

If you have a complaint or concern about how we use your Personal Data, please contact MOSL's Data Protection Officer in the first instance and we will attempt to resolve the issue as soon as possible. You also have a right to lodge a complaint with your national data protection supervisory authority at any time. In the UK, the supervisory authority for data protection is the Information Commissioner's Office ("ICO") (<http://ico.org.uk/>). We do ask that you please attempt to resolve any issues with us first, although you have a right to contact your supervisory authority at any time.