



## PRIVACY POLICY

At ENTRUST we are committed to protecting and respecting your privacy. As an open and transparent regulator our privacy policy explains:

- When and why ENTRUST collect personal data;
- What personal data we collect;
- How we use individual's personal data;
- How we store personal data;
- The conditions under which we may share an individual's personal data; and
- When we may destroy an individual's personal data.

Additionally, the policy also explains an individual's data rights and protections under the General Data Protection Regulation (GDPR). It should be noted that under the GDPR, sole traders are given the same rights and freedoms as individuals and therefore this policy refers to both individuals and sole traders.

ENTRUST may review and update this policy and when this occurs, we will publish an update on the ENTRUST website and inform you of the updates via the main contact registered with ENTRUST.

ENTRUST is registered as a data controller with the Information Commissioners Office (ICO) under registration number Z8361674. Our registered Data Protection Officer is Jess O'Brien, Communications Manager. Any enquiry about how we process employee or recruitment data, or any questions regarding this Policy and our privacy practices should be sent by email to [communications@entrust.org.uk](mailto:communications@entrust.org.uk) or by writing to:

The Data Protection Officer  
ENTRUST  
60 Holly Walk  
Leamington Spa  
Warwickshire  
CV32 4JE

Alternatively, you can call our Helpline on 01926 488 300.

**This policy was published in May 2018 and updated in September 2020**

### Who is ENTRUST and why do we collect personal data?

ENTRUST is appointed by the commissioners of HM Revenue & Customs (HMRC) as the regulator of the Landfill Communities Fund (LCF). The LCF is an innovative tax credit scheme which enables Landfill Operators (LOs) to contribute money to enrolled Environmental Bodies (EBs) to carry out projects that meet environmental objects contained in the Landfill Tax Regulations 1996 (Regulations).

Under the GDPR we are required to inform you of the lawful basis under which we process personal data and to inform you of why processing your personal data is necessary. As the appointed regulator of a statutory scheme, we are required to collect certain limited personal data in order to carry out our regulatory functions. We therefore collect and process your data under the GDPR lawful basis of:

Article 6 (1.e) Public task: the processing is necessary for us to perform a task in the public interest or for our official function, and the task or function has a clear basis in law.

## What information do we collect?

Most of the information we collect is about the organisations enrolled as EBs and the projects registered with ENTRUST. This data is not personal data as it does not identify an individual. However, we also collect a limited amount of personal data, which allows us to communicate with EBs and ensure that compliance with the Regulations is maintained. Additionally, paragraph 33 (1) (g) of the Landfill Tax Regulations precludes anyone being involved in the management of the EB who has controlled or been involved in the management of a previously compulsory revoked EB. By collecting limited personal data, ENTRUST is able to determine if organisations and individuals fulfil this requirement.

If you are involved in an organisation enrolling as an EB, or you are part of, or joining an already enrolled EB, the personal data we collect may include your name, email address, personal address, personal phone number, date of birth, your job title and your employer.

If you are not an enrolled EB, but have contacted us about a potential project or for a general enquiry, we may collect your name, address, email address and personal phone number.

If you use our website and our online database, ENTRUST Online (EOL), we may collect your IP address and record cookies on your computer. These allow the website and EOL to function and we do not further process this data.

Furthermore, when obtaining quotes or invoices from third party contractors and suppliers, successful LCF project applicants and EBs may be required to collect and process personal data (for example, when dealing with sole traders). From time to time, ENTRUST may process this personal data to conduct a compliance review in order to ensure compliance with the Regulations.

## How do we collect your information?

We obtain information when you enrol with ENTRUST, if you are added as a member of an existing EB, and if you contact ENTRUST with an enquiry (by phone, email, post or through the website). We also collect your information if you register to receive our quarterly eNewsletter or if you complete our online training module or one of our Satisfaction surveys in Survey Monkey.

We may also collect a very limited amount of personal data from third party suppliers and contractors to LCF funded projects. We obtain this information when it is passed to ENTRUST from the EB responsible for the project. This personal data is limited to individuals or sole traders who provide quotes or invoices for LCF project works. The EB has a responsibility under the GDPR to inform project contractors and suppliers that this data may be passed to ENTRUST in order to ensure compliance with the LCF Regulations.

## How do we use your data?

We may use personal information to:

- Contact or inform you about your regulatory obligations;
- Contact you about an enquiry or application you have made;
- Contact you about a compliance inspection we need to undertake;
- Contact you about enforcement action that needs to be taken against your EB;
- Contact you to obtain your feedback about our regulatory services;
- Contact you to check that the Governing Members and Documents of your EB are up to date;

- Send you communications which you have requested, or to which you are required to receive as an enrolled EB;
- To check project quotes and invoices and ensure compliance with the Regulations; and
- In the case of a forcibly revoked EB, to identify you as an individual excluded from the LCF under the Regulations, if you were a governing member of that EB.

As a not for profit regulator we do not conduct any marketing activity.

### **Who do we share your data with?**

We do not sell or rent your information to third parties. We do not share your information with third parties for marketing purposes.

We will only share your personal information with those who have a statutory right of access to information held by ENTRUST pursuant to the LCF. In particular, as the appointed regulator, commissioned by HMRC, we hold joint data controller status with HMRC. Furthermore, where an EB is referred for consideration of forcible revocation by HMRC, this is undertaken by HMRC and we will therefore share the relevant personal data to allow revocation from the scheme to take place.

### **How do we protect and store your data?**

All EB data, including the personal information of governing members and contacts is held within EOL, our secure online database. Your personal data may also be stored in documents such as compliance inspection reports, emails and other EB records stored within our secure network. We also use a third party system, CampaignMaster, to send our email communications and your name and email address is recorded within that database. All of these databases and networks are hosted securely through servers based in the UK.

If you choose to use the 'Contact Us' form within the ENTRUST website, this information is held securely on a UK based server. To further protect your personal data, the ENTRUST website is securely encrypted, meaning your message should not be accessed by unauthorised users.

Whilst you are on a secure page of the ENTRUST website, or EOL your data is protected and ENTRUST's systems are certificated by Cyber Essentials as secure. However, we cannot guarantee the security of any information you transmit to us by email or post. Once we receive your information it will be protected by our data protection policies and processes. Where we have given (or where you have chosen) a password which enables you to access EOL, you are responsible for keeping this password confidential and we ask you not to share your password with anyone.

Finally, we use SurveyMonkey to collect the data for our satisfaction surveys. SurveyMonkey is hosted outside of the EU, and is covered by a Standard Contractual Clauses (SCC) data processing agreement between SurveyMonkey and ENTRUST, in line with the ICO and EU guidance. However, any personal data collected in our surveys is optional, and not required for completion of the survey.

### **Use of 'cookies'**

Like many websites, the ENTRUST website and EOL use cookies. 'Cookies' are small pieces of information sent by an organisation to your computer and stored on your hard drive to allow that website to recognise you when you visit, and when logged in to a system such as EOL, to allow you to move from page to page without having to login on every page. Cookies can also collect statistical data about your browsing actions and patterns and do not identify you as an individual. This helps us to review and improve the information on our website.

It is possible to switch off cookies by setting your browser preferences, however this will mean you are unable to use EOL. For more information on how to switch off cookies on your computer, visit our full cookies policy.

### When do we remove your data?

Whilst you are part of an enrolled EB we have the right to collect, store and process your personal data in relation to that EB to ensure that we can effectively regulate the LCF scheme. The following sets out how long you can expect us to keep your personal data:

Personal data (belonging to):	Retention period
Enrolled EBs active contacts and governing members	Indefinitely, until the person falls into one of the categories below
Enrolled EBs inactive contacts (where we have been informed that they have left the organisation) (this does not include governing members)	Upon request
Enrolled EBs inactive governing members (where we have been informed that they have left the organisation)	Where we are informed that a Governing Member has left an EB we will make their personal information 'inactive'. However due to the need to regulate the LCF and ensure compliance with the Regulations, we will retain the personal data of former Governing Members for a period of four years, in case retrospective non-compliance comes to light in the future.
Voluntarily revoked EBs contacts and governing members	One month following formal notification of voluntary revocation
Dissolved EBs contacts and governing members	One month following formal recognition of dissolved status
Forcibly revoked EBs contacts (but not governing members or those involved in the management of the EB)	One month following formal notification of forcible revocation
Forcibly revoked EBs governing members and those involved in the management of the EB	In perpetuity, to maintain a register of anyone who has controlled or been involved in the management of a previously compulsory revoked EB pursuant to paragraph 33 (1) (g) of the Landfill Tax Regulations which excludes these individuals from being involved in the management of an EB in the future.
Suppliers to LCF projects (in relation to individuals and sole traders) who have provided quotes or invoices – data only collected, if required as part of a Compliance Review	Six years from the date of the Compliance Review report

## What are your data rights?

Under GDPR you have a number of rights regarding your personal data:

Individual right	How ENTRUST applies this right
The right to be informed	<p>This privacy policy sets out how we collect and use personal data. The policy is available on the ENTRUST website and is provided in EOL at the point of enrolment. Furthermore, the policy is provided to the EB main contact in the EB enrolment pack.</p> <p>The main contact of each EB is responsible for ensuring that all contacts and governing members of the EB are informed of, and provided with a copy of ENTRUST's privacy policy.</p>
The right of access (also known as subject access requests)	<p>Under GDPR, you have the right to obtain:</p> <ul style="list-style-type: none"> <li>• Confirmation that your data is being processed;</li> <li>• Access to your personal data; and</li> <li>• Other supplementary information – that largely corresponds to the information provided in this privacy notice.</li> </ul> <p>We will provide this information to you free of charge unless the request is 'manifestly unfounded or excessive', when we may choose to charge an administration fee or refuse to respond.</p> <p>We will endeavour to provide the information as soon as possible, and never more than one month after receipt of your request.</p> <p>To ensure data security we will request evidence of identification before we supply any personal data.</p>
The right to rectification	<p>Where you tell us that the information we hold on our records about you is incorrect, we will update the data as quickly as possible, and no longer than one month after you have let us know.</p> <p>If you are recorded as a current or past governing member of an EB and you tell us that this is not correct, we will attempt to seek confirmation of this before taking any action to correct our records.</p>
The right to erasure (also known as the right to be forgotten)	<p>The GDPR introduces the right to have your personal data erased. However, this right is not absolute and only applies in certain circumstances.</p> <p>ENTRUST's lawful basis for processing personal data is 'for the performance of a task carried out in the public interest or in the exercise of official authority'. The right to erasure does not apply for this lawful basis.</p>
The right to restrict processing	<p>You have the right to request that we restrict the processing of your personal data in certain circumstances. For example:</p> <ul style="list-style-type: none"> <li>• you contest the accuracy of the data we hold. In this instance we will restrict your data until we have verified the accuracy of the data;</li> <li>• the data has been unlawfully processed, but you oppose erasure and request restriction instead. This is unlikely, however if this is the case we will retain your data in this instance;</li> <li>• we no longer need the data, and it will be removed under our data retention policy, but you require us to retain the information in order to establish, exercise or defend a legal claim. This is unlikely, however if this is the case</li> </ul>

	<p>we will retain your data in this instance;</p> <ul style="list-style-type: none"> <li>• you have objected to us processing your personal data under the 'right to object' and we are considering whether our legitimate grounds override those of the individual. In this instance we will restrict the processing of your data until we have discussed the situation with HMRC.</li> </ul>
The right to data portability	<p>You have the right to request organisations provide you with a copy of your personal data to allow you to move, copy or transfer it from one IT environment to another.</p> <p>This right only applies when the lawful basis for processing personal data is consent <b>or</b> for the performance of a contract. As ENTRUST's lawful basis is the performance of a public task, this right does not apply.</p>
The right to object	<p>You have the right to object to processing your personal data in the performance of a task in the public interest or exercise of official authority. In this instance you must have an objection on 'grounds relating to your particular situation'.</p> <p>In this instance we will demonstrate that our position as regulator of the LCF on behalf of HMRC overrides the interests, rights and freedoms of you, as an individual. Enrolment in the LCF, which is a statutory scheme, is voluntary and we are therefore processing your personal data in accordance with the Landfill Tax Regulations as set down in 1996.</p>
The right to automated decision making including profiling	<p>ENTRUST does not undertake any automated decision making or profiling activities in relation to personal data.</p>

## What is the GDPR and what is 'personal data'?

GDPR came into force on 25 May 2018 and is given authority in UK legislation through the Data Protection Act 2018 (DPA 2018). The intention behind the updated regulation is to give individuals more say over how companies use and process their personal data.

In the UK the ICO is an independent authority which upholds the UK legislation relating to Data Protection and other public information rights.

Under GDPR personal data is defined as any information relating to an identified or identifiable natural person (also known as a data subject), an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier. Personal data identifiers can include basic identity information e.g. name, address, email addresses, date of birth, ID numbers, web data such as location, IP address, Cookie tags.

## The right to lodge a complaint with a supervisory authority

You can register a complaint about our handling of your personal data with the ICO, who are the UK's supervisory authority for GDPR. [www.ico.org.uk/concerns/](http://www.ico.org.uk/concerns/)

## More information

For more information on the GDPR and how it governs your personal data you can access all of the detail, definitions and guidance from the ICO at the following link:

[www.ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/](http://www.ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/)