

Privacy (Data Breach) policy

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Context and overview

Introduction

In order to properly operate its business and best serve our customers AuditWare needs to gather and use certain information about its customers, suppliers, business contacts, employees, and other people the organisation has a relationship with or may need to contact (“data subjects” – a ‘natural person’ as defined in law).

This policy describes how and why any personal data is collected by AuditWare and advises as to a data subject’s rights regarding the processing of this data, in accordance with the General Data Protection Regulations (“GDPR”).

What this policy contains

Within this privacy policy you will find:

1. The contact details for the data controller
2. Purpose and legal basis for all processing of personal data
3. Categories of personal data captured and where we obtain it from
4. Details of any third-party recipients and transfers to other countries
5. Your rights concerning any personal data we hold on you
6. Retention period for personal data
7. AuditWare’s personal data breach policy

Data controller

AuditWare Systems Ltd is the data controller for any personal data held by AuditWare Systems Ltd. For any personal data enquiries you can contact us using the below details:

Email: personaldata@auditware.co.uk

*Please note that any personal data enquiries **must** be made via this email address. Enquiries made to another email address may not be answered in a timely manner.*

Purpose and legal basis for our data processing

The legal basis for which we process your personal data varies dependent upon our relationship with you or your employer.

If you or your employer are a customer of AuditWare's—i.e. we have provided you with consultancy, training, software solutions, or maintenance in the past five years—then your personal data is processed on a *contractual basis*. We need to process your personal data in order to facilitate our part of any contractual agreement we hold with you or your employer. This includes:

- Provision of support services for clients with a maintenance contract
- Provision of additional services such as email communications to keep you apprised of any relevant updates related to your agreement with us

In order to fulfil our part of any contractual agreement we have with you or your employer we require certain personal data from you (see: [Types of personal data we hold](#)). A failure to provide this personal data will impact on our ability to fulfil the terms of our agreement.

If you are not a customer of AuditWare's—i.e. we have not provided you with consultancy, training, software solutions, or maintenance in the past five years—but you have made contact with AuditWare in the past year then your personal data is processed on a *consensual basis*. If you have contacted AuditWare by downloading one of our whitepapers or making an enquiry we will hold on to your data in order to facilitate future communications, unless otherwise directed.

If you are not a customer of AuditWare's—i.e. we have not provided you with consultancy, training, software solutions, or maintenance in the past five years—but we have contacted you firstly in order to communicate our products or services then we have processed your data with *legitimate interest*. AuditWare defines "legitimate interest" as the opportunity to provide our products and services to you or your employer in a contractual manner.

Types of personal data we hold

Whether we contact you on a contractual or consensual basis we record only the following personal data: your full name, your email address, your telephone number, and your general location. AuditWare will take every reasonable step to ensure any personal data held is accurate at all times.

Any personal data obtained by AuditWare besides that listed above will be removed at the earliest opportunity or discovery. AuditWare **will not** process any sensitive personal data as defined by GDPR. No automated decision making processes are employed by AuditWare.

Any personal data obtained on a contractual basis will have been provided publically by either yourself, or by your employer. Any personal data provided to us on a consensual basis will have been provided publically by you.

Third Party recipients of your data

On occasion AuditWare may utilise third party data processors to host your personal data so that we can fulfil our contractual obligations to you. These third party data processors are all GDPR-compliant, or its equivalent, and safeguarded but may reside outside of the EEA. Details of any third party data processor we use can be obtained by completing a Data Update Request form [\(link\)](#).

Your rights concerning your personal data

You hold the following rights with regards to the processing by us of your personal data:

- **Right to Information** – Data subjects have the right to be informed about what personal data, if any, we are processing and how it was obtained.
- **Right to Access** – Data subject have the right to access (receive a copy) of their personal data and supplementary information.
- **Right to Rectification** – Data subjects have the right to have any inaccurate or incomplete personal data rectified.
- **Right to Erasure** – Data subjects have the right to request the erasure of their personal data, otherwise known as the ‘right to be forgotten’ in specific circumstances:
 - Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed;
 - when the data subject withdraws consent;
 - when the data subject objects to the processing and there is no overriding legitimate interest for continuing the processing;
 - the personal data was unlawfully processed (i.e. otherwise in breach of the GDPR); or
 - the personal data has to be erased in order to comply with a legal obligation.

AuditWare has the right to refuse to comply with a request for erasure where the personal data is processed for the one of following reasons:

- to exercise the right of freedom of expression and information;
- to comply with a legal obligation for the performance of a public interest task or exercise of official authority;
- for public health purposes in the public interest;
- archiving purposes in the public interest, scientific research historical research or statistical purposes; or
- the exercise or defence of legal claims.

Please note: Following a successful erasure request a copy of your email address will be maintained on our “Do Not Contact” list in order to ensure future compliance with your request. This list is used for reference purposes only in order to ensure our compliance with GDPR.

- **Right to Restriction** – Data subjects have the right to request a restriction of the processing of their personal data in situations where it is inaccurate, unlawful, no longer needed for the purposes for which it was originally collected, or a request for its erasure has been made. In these situations the processing of a data subject’s personal data will halt until AuditWare can assess the request and respond accordingly.

You can exercise these rights at any time by completing a Data Update Request form ([link](#)) and returning it to us at personaldata@auditware.co.uk. A copy of the Data Update Request form is available upon request, or can be downloaded directly from our website. We cannot

guarantee that any Data Update Requests not completed using this form will be actioned in a timely manner.

The requested information will be provided free of charge except in circumstances where a request is manifestly unfounded or excessive, particularly if it is repetitive.

Retention period for personal data

AuditWare will retain personal data for a limited amount of time dependent upon the nature of the lawful processing through which it is processed:

If the personal data is processed contractually then it will be deleted three years after the conclusion of a contract or upon a request for erasure, whichever comes first. In the case of a lead contact any personal data processed contractually will be deleted five years after the conclusion of a contract or upon a request for erasure, whichever comes first.

If the personal data is processed consensually or with legitimate interest then it will be deleted one year after last contact or upon a request for erasure, whichever comes first.

Right to complain

You have the right to lodge a complaint with a supervisory authority should you believe any part of this policy to be unlawful. The supervisory body in the United Kingdom is the Information Commissioner's Office [\(link\)](#) whilst the supervisory body for the Republic of Ireland is the Data Protection Commissioner [\(link\)](#).

Personal data breaches

If the data subject's personal data is unlawfully accessed as a result of a personal data breach then AuditWare will report the breach to the relevant supervisory authority within 72 hours of becoming aware of said breach, where feasible.

If the breach is likely to result in a high risk of adversely affecting the data subject's rights and freedoms then AuditWare will inform the data subjects without undue delay.

AuditWare

Vision • Innovation • Value

About AuditWare

Established in 1987, AuditWare is a national leader in supplying the most powerful data analytics software, and business process-related professional services to industries of all kinds, ranging from national and local government, through to private sector FTSE listed and sole trader organisations across the UK & Ireland.

AuditWare Systems Ltd is the Home of Data Analytics Software.