

## Customer Data Protection Policy

ModCell Limited ("**ModCell**") has issued this Data Protection Policy for its customers. The term 'customer' refers to those that receive a service from us whether it be a charged service and / or product or a free service that ModCell offers to the general public.

Part A of this Policy sets out the personal information that we collect and process about you, the purposes of the processing and the rights that you have in connection with it (your "**Privacy Notice**").

Part B of this Policy sets out the rights that all individuals have in relation to the collection and use of your personal information

Part C of this Policy sets out how ModCell are expected to handle your personal information.

We respect the privacy rights of individuals and are committed to handling personal information responsibly and in accordance with applicable law.

If you have any comments or questions about this Policy, please contact us on the details further below.

Yours Faithfully  
ModCell.

### **Content of this Policy:**

Part A – Customer Data Protection Notice

Part B – Data Subject Rights

Part C – Data Subject Rights Procedure

## **PART A – CUSTOMER DATA PROTECTION NOTICE**

### **1. Types of personal information we collect about our customers**

1.1 In the course of your dealings and interaction with ModCell Insulation, we may process personal information to allow us to complete our service and commitment to you as a customer.

1.2 The types of personal information we may process include, but are not limited to:

- Identification data e.g. name
- Contact details e.g. postal address, telephone/email, job title, company name, company type
- Project details e.g. project address, project type, size of opportunity
- Website related data (please see the Website Privacy Notice for full details)
- There may also be situations where we collect information that reveals your gender.

### **2. Sources of personal information**

2.1 Usually you will have provided the information we hold about you but there may be situations where we collect personal information from other sources. The following are the types of information we may collect about you and the source of the information:

- Your delivery address and contact details supplied by our direct customer base whom we are delivering on behalf of.

### **Purpose for processing personal information**

3.1 ModCell collects and uses this information primarily for the purposes listed below:

- To comply with our legal obligations.
- To identify you and communicate with you.
- To provide you with our products and services.
- To keep internal records.

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- To develop products and services.
- To fulfil your requests and answer your queries or complaints.
- If you are already a customer of ours, to update our information about our contact with you on our Customer relationship management system.
- To deliver our own products and services to you.
- To market our own products and services to you; through means such as newsletters and invitations to events.

### **4. Who we share your personal information with**

4.1 ModCell takes care to allow access to personal information only to those who require such access to perform their tasks and duties, and to third parties who have a legitimate purpose for accessing it. Whenever we permit a third party to access personal information, we will implement appropriate measures to ensure the information is used in a manner consistent with this Notice and that the confidentiality and integrity of the information is maintained.

4.2 If we have your explicit consent, we may provide your personal information to external organisations (i.e. to contractors, merchants, distributors and retailers, which are outside of ModCell) so that they can contact you about their promotions, services, events and other activities in relation to ModCell products and services without your explicit consent.

4.3 We may also disclose personal information to other third parties on other lawful grounds, including:

- To comply with our legal obligations, including where necessary to abide by law, regulation or contract, or to respond to a court order, administrative or judicial process, or to meet national security or law enforcement requests, including, but not limited to, a subpoena or search warrant
- With your consent
- As necessary to establish, exercise or defend against potential, threatened or actual litigation
- Where necessary to protect the vital interests of another person

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- In connection with the sale, assignment or other transfer of all or part of our business

### 5. Data retention periods

5.1 Personal information will be stored only as long as is necessary to carry out the purposes described in this Notice or as otherwise required by contractual agreements with third parties, law or other ModCell policies. A copy of the Data retention policy can be supplied upon request from [admin@modcell.com](mailto:admin@modcell.com)

### 6. Your data protection rights

6.1 You have the Data Subject Rights explained in more detail in Part B of this Policy.

6.2 If ModCell is relying on your consent to process your personal information, you have the right to withdraw your consent at any time. This will not affect the lawfulness of the processing before its withdrawal

### 7. Updates to this notice

7.1 This Notice may be updated periodically to reflect any necessary changes in our privacy practices. Where such changes will materially affect your privacy rights, we will inform you by a prominent notice by email and indicate at the top of the Notice when it was most recently updated. We encourage you to check back on this Notice periodically so that you are aware of the most recent version of it

### 8. Questions and comments

8.1 You have a right to lodge any complaints with the Information Commissioner's Office

Please address any questions or requests relation to the Notice to [admin@modcell.com](mailto:admin@modcell.com)

## PART B – ModCell DATA SUBJECT RIGHTS

### 1. You have the following data protection rights:

If you wish to **access, correct, update or request deletion** of your personal information, you can do so at any time by contacting [admin@modcell.com](mailto:admin@modcell.com)

- In addition, if you are a resident of the European Union, you can **object to processing** of your personal information, ask us to **restrict processing** of your personal information or **request portability** of your personal information. Again, you can exercise these rights by contacting [admin@modcell.com](mailto:admin@modcell.com)
- You have the right to **opt-out of marketing communications** we send you at any time. You can exercise this right by clicking on the “unsubscribe” or “opt-out” link in the marketing e-mails we send you. To opt-out of other forms of marketing (such as postal marketing or telemarketing), then please contact [admin@modcell.com](mailto:admin@modcell.com)
- Similarly, if we have collected and process your personal information with your consent, then you can **withdraw your consent** at any time. Withdrawing your consent will not affect the lawfulness of any processing we conducted prior to your withdrawal, nor will it affect processing of your personal information conducted in reliance on lawful processing grounds other than consent.
- You have the **right to complain to a data protection authority** about our collection and use of your personal information. For more information, please contact your local data protection authority. (Contact details for data protection authorities in the UK are available [here](#). [Click here](#)

## **PART C – ModCell DATA SUBJECT RIGHTS PROCEDURE**

### **1. Rights which all individuals have regarding their personal information**

1.1 Individuals whose personal information are processed by ModCell (including personal information of customers, contacts, employees and others) have certain data protection rights, which they may exercise by making a request to ModCell (a “**Data Rights Request**”). These data subject rights are the right to request (each is described in more detail from section 9 of this procedure):

- **Access** to your personal data
- Erasure of your personal data (this right is also referred to as the 'right to be forgotten')
- Processing of your personal data **ceases**
- **Rectification** of your personal data
- **Restriction** of your personal data
- **Portability** of your personal data
- Not to be subject to **automated decision making**
- Not to be sent **direct marketing**

1.2 The procedures described in this Part C of the ModCell data protection describes how ModCell, as a data controller (i.e. the entity determining the purpose for which and manner in which the data is processed), will respond to any Data Protection Rights Requests.

### **2. Responsibility to respond to a Data Rights Request**

2.1 The controller of an individual’s personal information is primarily responsible for responding to a Data Rights Request and for helping you, the individual concerned to exercise your rights under applicable data protection laws. For example, where a customer makes a Data Rights Request to ModCell, ModCell is the controller for the personal information held and processed about the customer because ModCell determines the purpose for which the data is collected and means by which it is processed.

2.2 Where ModCell processes that individual’s personal information as a processor on behalf of a customer who is the controller (rather than for its own purposes), ModCell must inform the

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relevant customer promptly and provide it with reasonable assistance to help the individual to exercise his or her rights in accordance with the customer's duties under applicable data protection laws.

### **3. Personal information which ModCell has made available to third parties**

3.1 If ModCell shares personal information with third parties, it is ModCell's responsibility to inform those third parties of any request by an individual to rectify, erase or restrict their personal information unless it would involve disproportionate effort to do so or it is impossible. For example, ModCell must notify sub-processors and other third parties to whom the personal information has been disclosed so that they can also update their records accordingly.

3.2 If requested, ModCell must also provide details of third parties to which the individual's personal information has been disclosed.

### **4. Where to send Data Rights Requests and questions**

4.1 If you wish to make a Data Rights Request regarding your personal information, this request should be made to the Data Protection Team on [admin@modcell.com](mailto:admin@modcell.com)

### **5. Verification process**

5.1 The Data Protection Team will make an initial assessment of the request to assess whether it has been received by ModCell as the controller or as a processor and also to verify the request has been validly made (which means we may need to request identification).

5.2 If it is determined that a customer or other third party is the controller in relation to the relevant personal information and ModCell is their processor, the customer or other third party will be notified as soon as possible and ModCell will assist the controller with complying with the Data Rights Request (in accordance with any contract terms which may be in place with the controller).

5.3 If determined that ModCell is the controller of the personal information that is the subject of the request, you will be contacted in writing to confirm receipt of the Data Rights Request and seek confirmation of identity (if not already validated).

5.4 If ModCell is not exempt under applicable data protection laws from fulfilling the Data Rights Request, then ModCell will request any further information needed to action the individual's request. Once ModCell has all the information it needs to action the Data Rights Request,

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ModCell will respond to the request in accordance with sections 9 onwards of this Data Rights Procedure.

### **6. Exemption from requirement to respond to a Data Rights Request**

6.1 ModCell is only permitted to decline to act on a request if the request is excessive and/or manifestly unfounded (for example because of repetitive requests having been made). In which case, ModCell must be able to demonstrate the request is excessive and/or manifestly unfounded.

6.2 In some cases, specific additional exemptions may apply. Where specific exemptions relating to particular Data Subject Rights exist, these are explained below.

6.3 If ModCell is exempt from the requirement of fulfilling the Data Rights Request, then ModCell will notify the individual if it intends to decline the Data Rights Request and explain that an exemption applies.

### **7. Timeframe for acting on Data Rights Requests**

7.1 Data Subject Requests must be responded to without undue delay and in no case later than one month of receipt of the request unless this is not possible because the request is particularly complex. In which case, ModCell will be entitled to extend the response period by up to two further months. ModCell must give you notice within one month of receipt of the request of its intention to respond within this extended time period. The notice must explain the reasons for the delay.

### **8. Charging for Data Rights Requests**

8.1 ModCell is not permitted to charge for acting on a Data Rights Request unless ModCell is exempt from the obligation to act on the request (see above) but is prepared to act on the request anyway. In which case a reasonable fee may be charged taking into account the administrative costs of proofing the information or communication or taking the action requested.

### **9. Requests for access to personal information**

**The right of access:** This is a right for an individual to obtain confirmation whether controller processes personal information about them and, if so, to be provided with details of that personal information and access to it along with confirmation of certain other information



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### **Information to be provided in response to a request**

9.1 You are entitled to request a copy of your personal information from ModCell. Where you make such a request, ModCell must confirm whether it holds and is processing personal information about you and if so provide that personal information to you in intelligible form.

9.2 The individual making the request should also be provided with the following information:

- A description of the personal information and categories of personal information concerned
- The envisaged period for which the personal information will be stored
- The purposes for which they are being held and processed
- The recipients or classes of recipients to whom the information is, or may be, disclosed by the controller
- Confirmation of the individual's right to request rectification or erasure of his or her personal information or to restrict or object to its processing Confirmation of the individual's right to lodge a complaint with a competent data protection authority
- Details about the source of the personal information if it was not collected from the individual
- Details about whether the personal information is subject to automated decision- making (including profiling)
- Where personal information is transferred from the European Economic Area to a country outside of the European Economic Area, the appropriate safeguards that ModCell has put in place relating to such transfers in accordance with European data protection laws.

### **Format of requests**

9.3 An access request does not have to be official or mention data protection law to qualify as a valid request.

9.4 An access request does not need to be made in writing and can be made orally but it is helpful if it is made in writing (for record keeping purposes). If made in writing it is also helpful if you provide the email address and confirm whether the information can be sent to you by email (or other means by which you prefer to receive the information). Requests made

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electronically (e.g. by email) must be responded to electronically (in a commonly used format) unless you stipulate otherwise. You may ask for information to be provided orally instead.

### Exemptions

9.5 ModCell is not permitted to refuse to comply with an access request unless it can demonstrate that it is not in the position to identify the individual who is making the request or ModCell is exempt from its obligations to comply (see above at section 6.2 regarding exemptions).

## 10. Requests to rectify personal information

**The right to rectification:** This is the right for an individual to obtain rectification without undue delay of inaccurate personal data a controller may process about him or her.

### Rectification by ModCell

10.1 If ModCell holds inaccurate or incomplete information about you as an individual, you are entitled to request that the information is rectified.

### Rectification by third parties

10.2 If ModCell rectifies your information further to such a request, ModCell must also notify third parties. See section 3.1 above.

### Supplementary statements to complete information

10.3 If a request to rectify information involves ensuring it is complete, you may provide a supplementary statement for ModCell to hold to complete the personal information held about you.

## 11. Requests to erase personal information ("right to be forgotten") and right to object to processing of personal information

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**The right to erasure:** This is a right for an individual to require a controller to erase personal information about them on certain grounds - for example, where the personal information is no longer necessary to fulfil the purposes for which it was collected

### **Circumstances in which right to erasure applies**

11.1 You may request that ModCell erases your personal information in the following circumstances:

- The personal information is no longer necessary for the purpose for which it was collected or otherwise processed
- The personal information was unlawfully processed by ModCell
- If the processing was on the basis of consent from you and you withdraw your consent (and no other legitimate grounds for processing the information exists)
- You object to the processing (see below) and no overriding legitimate grounds exist for processing the information
- The personal information needs to be erased to comply with ModCell's legal obligations
- The personal information was collected in relation to the offer of information society services (i.e. in connection with services offered on the ModCell website)

### **Erasure of personal information by third parties**

11.2 If ModCell erases your information further to such a request, ModCell must also notify third parties. See section 3.1 above.

11.3 If ModCell has made the personal information public, and is obliged to erase the personal information pursuant to a Data Rights Request, it must take reasonable steps, including technical measures (taking account of available technology and the cost of implementation), to inform controllers which are processing the personal information that you the individual have requested the erasure by such controllers of any links to, or copy or replication of, the personal information.

### Exemptions

11.4 In addition to the general exemption referred to in section 6.2, ModCell is exempt from the obligation to erase personal information where the processing of the information is necessary for:

- Compliance with ModCell's legal obligations
- Establishing, exercising or defending legal claims
- Scientific, historical or statistical purposes and erasure of the personal information would make this processing impossible or seriously impair it
- Public interest reasons as follows:- performance of a task carried out in the public interest, exercise of official authority vested in ModCell, for public health reasons or archiving in the public interest (these exemptions are unlikely to apply to ModCell)
- Exercising the right of freedom of expression and information (this is unlikely to apply to ModCell)

## **12. Right to object to processing**

**The right to object:** This is a right for an individual to object, on grounds relating to his or her particular situation, to a controller's processing of personal data about him or her, if the processing is on the grounds that it is for the legitimate interests of the controller.

### Circumstances in which you can object to processing

12.1 If ModCell is relying on the grounds that the processing is in ModCell's legitimate interests to process personal information, you may object to that processing.

12.2 You can also object to the processing if the processing is to perform a task in the public interest or to exercise an official authority vested in the controller. This is, however, unlikely to apply to ModCell.

### Exemptions

12.3 In addition to the general exemption referred to in section 6.2, ModCell is exempt from the obligation to cease processing the personal information further to an objection if:

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- ModCell can demonstrate it has compelling legitimate grounds for processing the information which override the interests, rights and freedoms of the individual
- The processing is to establish, exercise or defend a legal claim
- The processing is for scientific, historical or statistical purposes carried out in the public interest (this exemption is unlikely to apply to ModCell)

### 13. Right to object to direct marketing

**The right to object to direct marketing:** Individuals have the right to object to direct marketing, including profiling relating to direct marketing.

13.1 ModCell must stop using personal information for direct marketing if it receives such a request. Contact ModCell on [admin@modcell.com](mailto:admin@modcell.com) for more information on our obligations relating to direct marketing.

### 14. Right to restriction

**The right to restriction:** This is a right for an individual to require a controller to restrict processing of personal information about them on certain grounds. An example of this would be a customer or client that no longer wants to be contacted with Marketing information but is happy for their data to remain in the CRM system.

14.1 ModCell must restrict its processing methods if it receives a viable request. Contact ModCell on [admin@modcell.com](mailto:admin@modcell.com)

### 15. Right to data portability

**The right to data portability:** This is a right for an individual to receive personal information concerning him or her from a controller in a structured, commonly used and machine-readable format and to transmit that information to another controller, if the processing is based on consent of the individual and if the processing is carried out by automated means.

### 16. Right not to be subject to automated decision making (including profiling)

**The right not to be subject to automated decision making:** This is a right to object to an

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automated decision made about an individual (i.e. without a human involved) which has a legal or other similar effect on the individual. Individuals can ask for human intervention in the process.