



GDPR Due Diligence Statement
November 2020

About Competitive Edge Marketing Solutions Ltd

Company Details

Company: Competitive Edge Marketing Solutions Ltd

Registered Office:
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West Midlands
B64 5HY

Trading Location:
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Birmingham
West Midlands
B3 2DP

Telephone: 0121 227 4766
Web Address: www.competitiveedge.co.uk
Company Reg. No: 12851596
VAT Reg. No:
Founded: Sept 2020

Other Information

Competitive Edge Marketing Solutions subscribes to the TPS, CTPS and MPS.

All our data is researched in the United Kingdom with well trained staff and we do not have any data processing performed outside the EU.

No data therefore leaves the area requiring UK/EU legislation compliance at any stage during the research.

Purpose of this document

Introduction

This document has been created to enable customers and prospective customers of Competitive Edge to understand key elements of the approach to UK B2B data, particularly considering the General Data Protection Regulation (GDPR), and the requirement to demonstrate that the law has been complied with.

Further Information

If further information is required, please contact Competitive Edge:

Tel: 0121 227 4766

Email: info@acompetitiveedge.co.uk

Post: Competitive Edge Marketing Solutions
65 Church Street
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Personal Data Policy

Overview

Competitive Edge is committed to the protection of the rights and freedoms of data subjects whose personal data are contained within the supplied direct marketing products.

Competitive Edge shall always comply with the requirements of the laws concerning data protection and personal data protection.

Responsibility to Data Subjects

Competitive Edge shall be open and honest about how personal data will be used and that personal data will only be used to discuss services which are considered relevant to the data subject in a professional capacity.

Competitive Edge shall make reasonable efforts to validate the identity of client organisations to ensure personal data is not released to any party who may not intend to respect the rights and freedoms of the data subject.

Competitive Edge shall be respectful of the preferences every data subject has about how they should be communicated with.

Competitive Edge shall make reasonable efforts to ensure personal data is accurate and to identify and rectify inaccuracies as soon as possible.

Competitive Edge shall retain the personal data for as long as it is believed accurate and relevant.

Competitive Edge shall keep the personal data of data subjects confidential and secure using appropriate technological and organisational measures, including but not limited to, physical security, cyber security, firewalls, backups, data access restriction, and encryption.

Competitive Edge shall ensure the personal data of data subjects is only released to third parties in accordance with our terms & conditions.

Responsibility to Client Organisations

Competitive Edge shall not by its actions or inaction expose client or prospective client organisations to risks of failing to comply with legislation.

Competitive Edge shall inform and advise client and prospective client organisations about how they can perform direct marketing campaigns and comply with legal requirements if necessary.

Competitive Edge shall ensure personal data is protected by default.

Competitive Edge shall ensure its terms & conditions are explicit about the usage of personal data, and the obligations client organisations have when they do so.

Competitive Edge shall inform client organisations if a data breach occurs so the client organisation can take appropriate action.

Privacy Policy

Business Contact Information

Competitive Edge may hold business contact information about you if you are a decision maker in an organisation in the UK. We use this information for organisations who wish to promote their products or services using direct marketing to decision makers in UK organisations. Your information can only be used where the product or service being promoted could be relevant to you in your professional capacity.

Competitive Edge want to respect your wishes about how and if you are contacted. We record how you prefer to receive direct marketing communications, whether by post, by phone or by email. You may also tell us you do not wish to be contacted at all, and we will respect your wishes.

The personal information we hold may include your name, job title, work email address, company name, work address and work telephone number. There is no sensitive data involved.

Further Information

The legal basis for processing clients data is 'legitimate interest', because Competitive Edge benefits commercially from licensing direct marketing data. We do not use your personal data for any automated decision making or profiling.

Your rights concerning your personal data are:

- You can ask to see the personal data we hold about you and we will show you free of charge.
- We will update the personal data to correct errors when you tell us about them.
- We will supply you with a CSV version of the personal data we hold about you if you ask us to.
- We will stop processing your personal data if you tell us to.
- We will delete your personal data if you tell us to although we may find your details again later, and if we have no record of you we may contact you again. Most people who wish us not to contact them or supply their personal data find asking us to stop processing their personal data is a preferable solution.

Competitive Edge collect your personal data by telephoning your organisation. We seek to understand how you wish to receive professionally relevant direct marketing by asking you. If we are unable to speak to you personally we will take this information from a colleague who considers they have the authority to provide this information. We will update your details and preferences and will remind you of your rights.

In compliance with the legislation concerning personal information, your business information was obtained and/or checked when Competitive Edge spoke with you or a member of staff at your organisation. As part of this process your personal details have been checked and we have attempted to understand your role and your preferences about how you wish your data to be controlled. Where we have been unable to speak directly to you a colleague of yours advised us of your preferences and we have recorded that information.

Competitive Edge keep data for as long as we believe that it is accurate & up to date and that it reflects your preferences. In order to do this, we will normally re-contact you on a frequency that is less than every 12 months. This may be much sooner if we believe that your data has changed.

Competitive Edge ensures that the product or service they wish to market is professionally relevant to you. This might be because of the type, size, or location of the organisation that you work in or because you are the right person for certain sets of decisions based on factors like your role, seniority, and responsibilities.

The aim is to facilitate marketing that is relevant and helpful to you in your professional role.

Information Security Policy

Competitive Edge shall make reasonable efforts to ensure information is only disclosed to people with a valid reason to have access to it.

Competitive Edge shall operate reasonable technological and organisational protection against viruses, malware, and other undesired technological exploits.

Competitive Edge shall take regular backups of key data and systems.

Competitive Edge shall notify clients by email that data is available for collection and provide a secure link to collect the data file which will be password protected.

Personal Data Policy

Legal Basis for Processing

Taking into account the state of the art, the costs of implementation and the nature, scope, context, and purposes of Processing as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons, Competitive Edge, in relation to Personal Data implement appropriate technical and organizational measures to ensure a level of security appropriate to that risk, including, as appropriate, the measures referred to in Article 32(1) of the GDPR.

In assessing the appropriate level of security, Competitive Edge considers in particular the risks that are presented by Processing, in particular from a Personal Data Breach.

Competitive Edge processes data to client organisations for direct marketing purposes on the basis of 'Legitimate Interest'. Providing UK B2B contact lists for direct marketing is legitimate in the UK. Competitive Edge derives revenue from this source which is its interest.

The personal data processed by Competitive Edge is not likely to result in a high risk to the rights and freedoms of the data subjects, so a 'Data Protection Impact Assessment' is not required.

Because the legal basis for processing is 'Legitimate Interest', Competitive Edge must ensure that the risks to the rights and freedoms of the data subject do not outweigh the 'Legitimate Interests' of Competitive Edge. Consequently, Competitive Edge shall perform an internal necessity and balancing test to determine the relevance of the product or service to be offered to the data subjects.

The client organisations have identified a need to find new customers and failing to do so will be prejudicial to the interests of the organisation, its members and stakeholders.

Competitive Edge shall take reasonable steps to ensure the reliability of any of its employees or contractors who may have access to Personal Data, ensuring in each case that access is strictly limited to those individuals who need to know/access the relevant Personal Data, as strictly necessary for the purposes of the Principal Agreement, and to comply with Applicable Laws. Competitive Edge shall ensure that all such individuals receive training on Data Protection and are subject to confidentiality undertakings or professional or statutory obligations of confidentiality.

Risks to the Interests or Fundamental Rights and Freedoms of the Data Subject

There is a risk that the data subject will not know or may have forgotten that their data is being used and might feel the use is not transparent and fair.

The data subject may be unaware of their rights concerning its use.

There is a risk that the exercising of their rights will not be observed, specifically their rights to access, to rectification, to restriction of processing, to object to processing, to erasure and to data portability.

There is a risk that their data might be transferred to an unsafe territory, and the security of their data may be compromised.

Data subjects' reasonable expectations

During the research process Competitive Edge explains to the data subject or an empowered colleague that the intended use is to speak to them regarding 'professionally relevant' direct marketing communications.

Competitive Edge also asked for the contact preferences of the data subject meaning the methods by which the communications could be delivered, specifically post, telephone or email. This means the data subject has been made aware of the potential usage of the data.

Additional safeguards of Data

The data being processed is not of a sensitive nature, and the harm likely to befall the data subject in the case of a data breach is likely to be minor, given that the data concerns them in their work capacity and only relates to their workplace contact details.

Competitive Edge understand they are required to comply with all relevant legislation.

This means Competitive Edge are amongst other things obliged to:

- Provide information to the data subject on first use, as per Article 14 of the GDPR.
- Only use the data for B2B marketing of products and/or services.
- Stop marketing to a data subject if requested to do so.
- Take appropriate measures to keep the data securely.
- Not pass the data into territories without adequate data protection.
- Not pass the data to other entities either within or outside any group of entities you are a member of.
- Keep records of all data processing.
- Apply updates from Competitive Edge to the data to ensure accuracy.
- Apply updates from Competitive Edge to the communication preferences.
- Respect the changing communication preferences of the data subject.
- Make data available to the data subject when access is requested.
- Delete personal data upon request.

Details of the Necessity and Balancing Test for Supplying Personal Data to Client Organisations for Direct Marketing

Competitive Edge's client organisations are seeking new customers so they must use new data.

The client organisations have determined that to achieve a profitable return on investment, direct marketing communications should be personalised. It is therefore necessary to use personal data.

This direct marketing is to be conducted in addition to the other promotional activities of client organisations, thus there is no alternative that meets the objective.

Competitive Edge cannot offer client organisations any alternative solution to finding new customers, so the supply of personal data to client organisations for direct marketing is necessary.

Consideration of necessity and balancing test

Given the non-sensitive nature of the data, and the reasonable expectations of the data subject, it seems unlikely the impacts on the data subject of a data breach would be significant.

Furthermore, the subject has been made aware of the purposes and methods of data processing and is therefore unlikely to feel it is intrusive.

On balance therefore, since neither the likelihood nor the likely impact of a data breach is significant, the risks to the interests or fundamental rights and freedoms of the data subject is not very significant and seem outweighed by the legitimate interest of the prospective customer. Consequently, the legitimate interests of Competitive Edge on balance also outweigh any risks.

It is necessary for the client organisations to use personal data which is new to them.

Safeguards

Competitive Edge makes reasonable efforts to know the target organisations by validating information from a variety of sources. This is intended to reduce the risk of personal data falling into the wrong hands.

Competitive Edge require client organisations to disclose the products and/or services they intend to promote to ensure the professional relevance of the offering to the data subjects.

Competitive Edge requires the personal data to be removed when it is no longer required.

Competitive Edge supplies updates to the personal data and requires client organisations to apply the updates and respect the communication preferences of data subjects.

Having taken account of the balancing and necessity test, and considering the safeguards applied, it is decided that Competitive Edge may use personal data for marketing purposes.

Collecting Personal Data

Competitive Edge always offer our company details, and details of where to find our privacy policy. Competitive Edge is a UK company providing businesses with direct marketing services to help them promote their products and services. Most professionals rely on being kept up to date about new products or services to help them achieve their business objectives. We believe direct marketing is an important tool but respect the wishes of the recipient.

Competitive Edge shall notify Clients without undue delay upon becoming aware of a Personal Data Breach affecting Clients with sufficient information to allow Clients and/or its Affiliate (as applicable) to meet any obligations to report or inform Data Subjects of the Personal Data Breach under the Data Protection Laws. Competitive Edge shall cooperate with Clients and any of its applicable Affiliates and take such reasonable commercial steps to assist in the investigation, mitigation, and remediation of each such Personal Data Breach.

Competitive Edge shall promptly and in any event within 60 days of the date of discontinuation of any Services involving the Processing of Clients Personal Data, delete and procure the deletion of all copies of that Personal Data.

Competitive Edge may retain Personal Data to the extent required by Applicable Laws and only to the extent and for such period as required by Applicable Laws. Competitive Edge shall ensure the confidentiality of all such Personal Data and shall ensure that Clients Personal Data is only processed as necessary for the purposes specified in the Applicable Laws requiring its storage and for no other purpose.