



HIMALAYAN LANDSCAPING LTD DATA PRIVACY NOTICE FOR CLIENTS, DESIGNERS,CONSULTANTS, CONTACTS, JOB APPLICANTS, AND SUPPLIERS

Introduction

Himalayan Landscaping Ltd is committed to protecting and respecting your privacy. We are committed not only to the letter of the law, but also to the spirit of the law and place high importance on the correct, lawful, and fair handling of personal data. We aim to respect the legal rights, privacy, and trust of all individuals with whom we deal, and ensure that the data we store is adequate, relevant and limited to what is necessary.

The rules on processing of personal data are set out in the General Data Protection Regulation (hereafter referenced as "GDPR"). GDPR expands on the current regime established by the Data Protection Act 1998, setting out a number of important principles governing how personal data is collected, held, and processed by organisations. Our Data Protection Policy sets out the rights of data subjects, our obligations as a data controller, and outlines the organisational and procedural measures we have put in place to help ensure our compliance.

This Policy below (together with standard terms and conditions and any other documents referred to on it) sets out the basis on which any personal data we collect from you, or that you provide to us, will be processed by us.

1) Himalayan Landscaping Ltd uses personal data, in summary:

We use your personal data for the following purposes:

- To maintain contact and communication with you as a client, other relevant design or construction consultant, specialist or supplier during the course of a potential or new project.
- To maintain our own records and accounts.
- To purchase goods, materials and services from organisations for our own use or on behalf of clients.
- To inform you of news, events or activities.
- To liaise with job applicants/potential employees
- Internally, for employment purposes (a separate policy applies)

2) Definitions

- Data controller – A controller determines the purposes and means of processing personal data. Himalayan Landscaping Ltd is the data controller. This means we decide how your personal data is processed and for what purposes. Our contact details are: Himalayan Landscaping Ltd, 27 Mitchelmore Road, Yeovil, BA21 4BA: telephone 07854773162; email mail@himalayanlandscaping.co.uk
- Data Officer – Our Data Officer is Dhundi Bhusal, Director,
- Data processor – A processor is responsible for processing personal data on behalf of a controller. For all data matters and for the purposes of this document the data processor is Dhundi Bhusal, who can be contacted on email: mail@himalayanlandscaping.co.uk
- Data subject – Natural person. GDPR defines "personal data" as any information relating to an identified or identifiable natural person (a data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person.
- Processing – means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
- Third party – means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

3) The categories of personal data concerned

Personal data may include your name, address, email address, phone number, financial data for payments such as VAT registration and bank details. We have obtained your personal data from you, your employees or from publicly available data from websites.

4) Our legal basis for processing your personal data

GDPR states that processing of personal data shall be lawful if certain criteria apply. Below is a chart of these criteria, and how they are relevant for data processing at Himalayan Landscaping Ltd for the legitimate purposes of running the business and relevant communications relating to landscape design projects we are making with or for you.

Criteria	Relevance to Himalayan Landscaping ltd clients, suppliers, contacts, job applicants and employees
The data subject has given consent to the processing of his or her personal data for one or more specific purposes;	For the legitimate purposes of running the business and relevant communications relating to Landscaping projects we are making with or for you.
Processing is necessary for the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract;	For the legitimate purposes of running the business and relevant communications relating to Garden Landscaping and design projects.
Processing is necessary for compliance with a legal obligation to which the controller is subject;	Employees CDM/Health and Safety
Processing is necessary to protect the vital interests of the data subject or of another natural person;	Employees Clients
Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;	Employees only CDM/Health and Safety
Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.	Contact details of clients and design team members for project contacts Contact details of clients and design team members for marketing purposes. Contact details of relevant press and media contacts for marketing purposes Data used for the purposes of purchasing supplies, materials and services for the legitimate running of the business.

5) Sharing your personal data

Your personal data will be treated as strictly confidential and will be shared only with directors, administrative and finance staff where necessary, and contact details with members of the design team for project contacts. They will never be passed on to third parties without your explicit, opted in and unambiguous approval.

6) How long do we keep your personal data?

We keep your personal data for no longer than reasonably necessary, but may be for a period of 7 years beyond the end of the contract with you. Examples include: in case of any legal claims/complaints, accounting etc. For example for accounting purposes we must keep records for 6 years from the end of the last company financial year they relate to.

7) Providing us with your personal data

You are under no statutory or contractual requirement or obligation to provide us with your personal data, but failure to do so may reduce or prevent communication with you during the execution of a contract; delay or prevent payment for goods and services.

8) Your rights and your personal data

Unless subject to an exemption under the GDPR, you have the following rights with respect to your personal data:

- 1.The right of access;
- 2.The right to rectification;
- 3.The right to erasure (also known as the ‘right to be forgotten’);
- 4.The right to restrict processing;
- 5.The right to data portability;
- 6.The right to object;
- 7.Rights with respect to automated decision-making and profiling.

9) Accessing the data we hold on you

- 1.A data subject may make a subject access request (“SAR”) at any time to find out more about the personal data which Himalayan Landscaping ltd holds about them.
- 2.We are normally required to respond to SARs within one month of receipt (this can be extended by up to two months in the case of complex and/or numerous requests, and in such cases the data subject shall be informed of the need for the extension).
- 3.All subject access requests received must be forwarded for the attention of the Data Officer at mail@himalayanlandscaping.co.uk Please use “Subject access request” in the subject heading of your email
- 4.Himalayan Landscaping ltd does not charge a fee for the handling of normal SARs but we reserve the right to charge reasonable fees for additional copies of information that has already been supplied to a data subject, and for requests that are manifestly unfounded or excessive, particularly where such requests are repetitive.
- 5.We reserve the right to ask you to verify your identity when a request is made

10) Rectifying Personal Data

- 1.If a data subject informs the Himalayan Landscaping Ltd that personal data held by us is inaccurate or incomplete, requesting that it be rectified, the personal data in question shall be rectified, and the data subject informed of that rectification, within one month of receipt the data subject's notice (this can be extended by up to two months in the case of complex requests, and in such cases the data subject shall be informed of the need for the extension).
- 2.In the event that any affected personal data has been disclosed to third parties, those parties shall be informed of any rectification of that personal data.

11) Erasure of Personal Data

- 1.Data subjects may request that Himalayan Landscaping Ltd erases the personal data it holds about them in the following circumstances:
 - It is no longer necessary for us to hold that personal data with respect to the purpose for which it was originally collected or processed;
 - The data subject wishes to withdraw their consent for us holding and processing their personal data;
 - The data subject objects to us holding and processing their personal data (and there is no overriding legitimate interest to allow us to continue doing so) (see Part 18 of this Policy for further details concerning data subjects' rights to object);
 - The personal data has been processed unlawfully;
 - The personal data needs to be erased in order for us to comply with a particular legal obligation
- 2.Unless Himalayan Landscaping Ltd has reasonable grounds to refuse to erase personal data, all requests for erasure shall be complied with, and the data subject informed of the erasure, within one month of receipt of the data subject's request (this can be extended by up to two months in the case of complex requests, and in such cases the data subject shall be informed of the need for the extension).
- 3.In the event that any personal data that is to be erased in response to a data subject request has been disclosed to third parties, those parties shall be informed of the erasure (unless it is impossible or would require disproportionate effort to do so).

12) Restriction of Personal Data Processing

- 1.Data subjects may request that Himalayan Landscaping Ltd ceases processing the personal data it holds about them. If a data subject makes such a request, Himalayan Landscaping Ltd shall retain only the amount of personal data pertaining to that data subject that is necessary to ensure that no further processing of their personal data takes place.
- 2.In the event that any affected personal data has been disclosed to third parties, those parties shall be informed of the applicable restrictions on processing it (unless it is impossible or would require disproportionate effort to do so).

13) Data Portability

- 1.Where data subjects have given their consent to Himalayan Landscaping Ltd to process their personal data in such a manner or the processing is otherwise required for the performance of a contract between Himalayan Landscaping Ltd and the data subject, data subjects have the legal right under GDPR to receive a copy of their personal data and to use it for other purposes (namely transmitting it to other data controllers, e.g. other organisations).
- 2.To facilitate the right of data portability, Himalayan Landscaping Ltd shall make available all applicable personal data to data subjects in PDF format.
- 3.Where technically feasible, if requested by a data subject, personal data shall be sent directly to another data controller.
- 4.All requests for copies of personal data shall be complied with within one month of the data subject's request (this can be extended by up to two months in the case of complex requests in the case of complex or numerous requests, and in such cases the data subject shall be informed of the need for the extension).

14) Objections to Personal Data Processing

- 1.Data subjects have the right to object to Himalayan Landscaping Ltd processing their personal data based on legitimate interests (including profiling), direct marketing (including profiling), and processing for scientific and/or historical research and statistics purposes.
- 2.Where a data subject objects to Himalayan Landscaping Ltd processing their personal data based on its legitimate interests, we shall cease such processing forthwith, unless it can be demonstrated that our legitimate grounds for such processing override the data subject's interests, rights and freedoms; or the processing is necessary for the conduct of legal claims.
- 3.Where a data subject objects to Himalayan Landscaping Ltd processing their personal data for direct marketing purposes, we shall cease such processing forthwith.
- 4.Where a data subject objects to Himalayan Landscaping Ltd processing their personal data for scientific and/or historical research and statistics purposes, the data subject must, under GDPR, 'demonstrate grounds relating to his or her particular situation'. We are not required to comply if the research is necessary for the performance of a task carried out for reasons of public interest.

15) Transfer of Data Abroad

We do not generally transfer personal data outside the EEA, unless on a project by project basis the client or main supplier is a company based outside the EEA, in which case project team contact details may be shared with them for communication purposes only.

16) Automated Decision Making

We do not use any form of automated decision-making.

17) Data Protection Measures

Himalayan Landscaping Ltd will ensure that all its employees, agents, contractors, or other parties working on its behalf comply with the following when working with personal data:

- All emails containing personal data are secure and confidential;
- Where any personal data is to be erased or otherwise disposed of for any reason (including where copies have been made and are no longer needed), it is securely deleted and disposed of. Hard copies should be shredded, and electronic copies should be deleted securely using secure methods;
- Personal data may be transmitted over secure networks only; transmission over unsecured networks is not permitted in any circumstances;

- Personal data may not be transmitted over a wireless network if there is a wired alternative that is reasonably practicable;
- Personal data contained in the body of an email, whether sent or received, should be copied from the body of that email and stored securely. The email itself should be deleted. All temporary files associated therewith should also be deleted;
- Where Personal data is to be transferred in hardcopy form it should be passed directly to the recipient or sent using direct person to person methods;
- No personal data may be transferred to any employees, agents, contractors, or other parties, whether such parties are working on behalf of Himalayan Landscaping Ltd or not, without the authorisation of the Data Officer;
- No personal data may be shared informally without the subject's explicit and unambiguous permission and if an employee, agent, sub-contractor, or other party working on behalf of Himalayan Landscaping Ltd is unsure about gaining access to any personal data that they do not already have access to, guidance should be requested from the Data Protection Officer;
- All hardcopies of personal data, along with any electronic copies stored on physical, removable media should be stored securely in a locked box, drawer, cabinet or similar;
- Personal data must be handled with care at all times and should not be left unattended or on view to unauthorised employees, agents, sub-contractors or other parties at any time;
- If personal data is being viewed on a computer screen and the computer in question is to be left unattended for any period of time, the user must lock the computer and screen before leaving it;
- No personal data should be stored on any mobile device (including, but not limited to, laptops, tablets and smartphones) – whether such device belongs to Himalayan Landscaping Ltd or otherwise – password protection and the formal written approval of the Data Officer and, in the event of such approval, strictly in accordance with all instructions and limitations described at the time the approval is given, and for no longer than is absolutely necessary;
- No personal data should be transferred to any device personally belonging to an employee and personal data may only be transferred to devices belonging to agents, contractors, or other parties working on behalf of Himalayan Landscaping Ltd where the party in question has agreed to comply fully with the letter and spirit of this Policy and of GDPR (which may include demonstrating to Himalayan Landscaping Ltd that all suitable technical and organisational measures have been taken);
- All personal data stored electronically should be backed up weekly as a minimum with backups by secure cloud;
- All electronic copies of personal data should be stored securely using passwords and security;
- All passwords used to protect personal data should be changed regularly and should not use words or phrases that can be easily guessed or otherwise compromised. All laptop and desktop computer passwords must contain a combination of uppercase and lowercase letters, numbers, and symbols;
- Under no circumstances should any passwords be written down or shared between any employees, agents, contractors, or other parties working on behalf of Himalayan Landscaping Ltd, irrespective of seniority or department. If a password is forgotten, it must be reset using the applicable method.

(18) Organisational Measures

Himalayan Landscaping Ltd shall ensure that the following measures are taken with respect to the collection, holding, and processing of personal data:

- All employees, agents, contractors, or other parties working on behalf of Himalayan Landscaping Ltd shall be made fully aware of both their individual responsibilities and the company's responsibilities under GDPR and under this Policy, and shall be provided with a copy of this Policy to abide by;
- Only employees, agents, sub-contractors, or other parties working on behalf of Himalayan Landscaping Ltd that need access to, and use of, personal data in order to carry out their assigned duties correctly shall have access to personal data held by Himalayan Landscaping Ltd;
- Methods of collecting, holding and processing personal data shall be regularly evaluated and reviewed;
- The performance of those employees, agents, contractors, or other parties working on behalf of the Himalayan Landscaping Ltd handling personal data shall be regularly evaluated and reviewed;
- All employees and any other parties working under contract on behalf of Himalayan Landscaping Ltd handling personal data will be bound to do so in accordance with the principles of GDPR and this Policy by contract;
- All agents, contractors, or other parties working on behalf of Himalayan Landscaping Ltd handling personal data must ensure that any and all of their employees who are involved in the processing of personal data are held to the same conditions as those relevant employees of Himalayan Landscaping Ltd arising out of this Policy and GDPR regulations;
- Where any agent, contractor or other party working on behalf of Himalayan Landscaping Ltd handling personal data fails in their obligations under this Policy that party shall indemnify and hold harmless Himalayan Landscaping Ltd against any costs, liability, damages, loss, claims or proceedings which may arise out of that failure.

19) Data Breach Notification

- All personal data breaches must be reported immediately to the Data Protection Officer.
- If a personal data breach occurs and that breach is likely to result in a risk to the rights and freedoms of data subjects (e.g. financial loss, breach of confidentiality, discrimination, reputational damage, or other significant social or economic damage), the Data Protection Officer must ensure that the Information Commissioner's Office is informed of the breach without delay, and in any event, within 72 hours after having become aware of it.
- In the event that a personal data breach is likely to result in a high risk to the rights and freedoms of data subjects, the Data Protection Officer must ensure that all affected data subjects are informed of the breach directly and without undue delay.
- Data breach notifications shall include the following information:
 - The categories and approximate number of data subjects concerned;
 - The categories and approximate number of personal data records concerned;
 - The name and contact details of the Data Protection Officer (or other contact point where more information can be obtained);
 - The likely consequences of the breach;
 - Details of the measures taken, or proposed to be taken, by Himalayan Landscaping Ltd to address the breach including, where appropriate, measures to mitigate its possible adverse effects.

20) Further processing

If we wish to use your personal data for a new purpose, not covered by this Data Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing

conditions.

21) Changes to our privacy policy

Any changes we may make to our privacy policy in the future will be posted on this page and, where appropriate, notified to you by email.

22) How to make a complaint

To exercise all relevant rights, queries or complaints please in the first instance contact the data processor on email mail@himalayanlandscaping.co.uk

If this does not resolve your complaint to your satisfaction, you have the right to lodge a complaint with the [Information Commissioners Office](#) on [03031231113](tel:03031231113) or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, England.

22) Implementation of Policy

This Policy shall be deemed effective as of 1st May 2018. No part of this Policy shall have retroactive effect and shall thus apply only to matters occurring on or after this date.

This Policy has been approved and authorised by:

Name: Dhundi Bhusal

Position: Director