



## EMBRACE A LOW CARBON FUTURE

### PRIVACY POLICY

#### Introduction

**Last updated: 7<sup>th</sup> June 2019**

Welcome to Bryt Energy's privacy notice. Bryt Energy respects your privacy and is committed to protecting your personal data. This privacy notice will inform you about how we use and look after your personal data when you visit our website and when we provide our services to you (regardless of where you visit from) and tell you about your privacy rights and how the law protects you.

This privacy notice is provided in a layered format so you can click through to the specific areas set out below. Alternatively you can download a pdf version of the policy [here](#). Please also use the Glossary to understand the meaning of some of the terms used in this privacy notice.

- 1. IMPORTANT INFORMATION AND WHO WE ARE**
- 2. THE DATA WE COLLECT ABOUT YOU**
- 3. HOW IS YOUR PERSONAL DATA COLLECTED**
- 4. HOW WE USE YOUR PERSONAL DATA**
- 5. DISCLOSURES OF YOUR PERSONAL DATA**
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#### **1. Important information and who we are**

##### **Purpose of this privacy notice**

This privacy notice aims to give you information on how Bryt Energy collects and processes your personal data, including any data you may provide through this website, or other channels, when you interact with us in relation to products or services from the Bryt Energy Group. It also describes how in the course of

providing our services we collect and use your personal data in order to deliver personalised advertisements for products and services you might be interested in.

It is important that you read this privacy notice together with any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy notice supplements the other notices and is not intended to override them.

## Controller

Bryt Energy Limited is the controller and responsible for your personal data (collectively referred to as "Bryt Energy", "we", "us" or "our" in this privacy notice).

The Bryt Energy Group is made up of different legal entities, details of which can be found [here](#). This privacy notice is issued on behalf of the Bryt Energy Group so when we mention "Bryt Energy", "we", "us" or "our" in this privacy notice, we are referring to the relevant company in the Bryt Energy Group responsible for processing your data. We will let you know which entity will be the controller for your data when you purchase a product or service with us. Bryt Energy Limited is the controller and responsible for this website.

We have appointed a data protection manager (DPM) who is responsible for overseeing questions in relation to this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights (including an opt-out mentioned in this privacy notice), please contact the DPM using the details set out below.

## Contact details

Our contact details are:

Full name of legal entity: Bryt Energy Limited

Email address: [dpm@brytenergy.co.uk](mailto:dpm@brytenergy.co.uk)

Postal address: Bryt Energy Ltd, 1 Victoria Square, Birmingham, B1 1BD

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk) or phone **0303 123 1113** or by post to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, SK9 5AF). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

## Changes to the privacy notice and your duty to inform us of changes

Previous versions are archived and can be obtained by [contacting us](#).

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

## Third-party links

This website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy notice of every website you visit.

## 2. The data we collect about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows:

- **Identity Data** includes first name, last name, date of birth, address, Unique identifier (GUID), username or similar identifier.
- **Contact Data** includes billing address, delivery address, email address, telephone numbers, details of all meters located at a property together with electricity usage at each and every property being supplied with electricity, any criminal offences or allegations of energy theft, and records of any conversations and correspondence (including recordings of telephone conversations) between you and us.
- **Financial Data** includes bank account details.
- **Transaction Data** includes details about payments to and from you and other details of products and services you have purchased from us.
- **Technical Data** includes your login and session data, browser type and version, time zone setting and location on the devices you use to access this website.
- **Profile Data** includes your username and password (when an account has been created), feedback and survey responses.
- **Usage Data** includes information about how you use our website, products and services.

- **Marketing and Communications Data** includes your preferences in receiving marketing from us and third parties and your communication preferences.
- **Social Media** includes information either in the public domain or you share with us.

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does **not** directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy notice.

We do not collect any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data).

### **If you fail to provide personal data**

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to set up or continue to supply you with electricity). In this case, we may have to cancel a product or service you have with us, but we will notify you if this is the case at the time.

## **3. How is your personal data collected?**

We use different methods to collect data from and about you, including through:

- **Direct interactions.** You may give us your Identity, Contact and Financial Data by filling in forms or by corresponding with us by post, phone, email, social media or otherwise. This includes personal data you provide when you:
  - apply for our products or services;
  - create an account on our website;
  - subscribe to our service or publications;
  - request marketing to be sent to you; or
  - give us some feedback.
- **Automated technologies or interactions.** As you interact with our website, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by

using cookies, server logs and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies. Please see our [cookie policy](#) for further details.

- **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources as set out below:
- Contact, Financial and Transaction Data from providers of credit reference agencies such as Equifax Ltd based in the United Kingdom;
- Identity and Contact Data from electricity meter operators (including meter data collectors or aggregators) such as Siemens plc, Lowri Beck Services Ltd, SSE Metering Ltd, IMServ Europe Ltd and Stark Software International Ltd, all of whom are based in the United Kingdom;
- Identity and Contact Data from Third Party Intermediaries (TPIs) and brokers that you have appointed as your agent (where relevant) in respect of your electricity supply arrangements, all of whom are based in the United Kingdom or elsewhere inside the EU;
- Identity and Contact Data from publicly available sources, such as Companies House and the Land Registry based in the United Kingdom.

#### 4. How we use your personal data

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract, we are about to enter into or have entered into.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.

Click [here](#) to find out more about the types of lawful basis that we will rely on to process your personal data.

Apart from as stated above, generally we do not rely on consent as the legal basis for processing your personal data other than in relation to sending third party direct marketing communications to you via email or text message. You have the right to opt out of marketing communications at any time by [contacting us](#).

#### Purposes for which we will use your personal data

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please **contact us** if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To register you as a new customer, including carrying out any credit checks that we deem necessary to determine your ability to pay any charges that may be due to us	(a) Identity (b) Contact	Performance of a contract with you
To supply you with electricity and measure the electricity usage at each and every property being supplied	(a) Identity (b) Contact	Performance of a contract with you
To help prevent and detect theft of energy, loss of energy and fraud	(a) Identity (b) Contact	Necessary to comply with a legal obligation
To process and deliver your order including: (a) Calculating bills, managing payments, fees and charges (b) Collecting and recovering money owed to us	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to recover debts due to us)
To manage our relationship with you which will include: (a) Identifying you when you phone us to confirm who we are talking to (b) Notifying you about changes to our terms or privacy policy (c) Asking you to leave a review or take a survey	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services)

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To enable you to take part in customer or market insight gathering or complete a survey	<ul style="list-style-type: none"> <li>(a) Identity</li> <li>(b) Contact</li> <li>(c) Profile</li> <li>(d) Usage</li> <li>(e) Marketing and Communications</li> </ul>	<ul style="list-style-type: none"> <li>(a) Performance of a contract with you</li> <li>(b) Necessary for our legitimate interests (to study how customers use our products/services, to develop them and grow our business)</li> </ul>
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To administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	<ul style="list-style-type: none"> <li>(a) Identity</li> <li>(b) Contact</li> <li>(c) Technical</li> </ul>	<ul style="list-style-type: none"> <li>(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise)</li> <li>(b) Necessary to comply with a legal obligation</li> </ul>
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To deliver relevant website content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you	<ul style="list-style-type: none"> <li>(a) Identity</li> <li>(b) Contact</li> <li>(c) Profile</li> <li>(d) Usage</li> <li>(e) Marketing and Communications</li> <li>(f) Technical</li> </ul>	<p>Necessary for our legitimate interests (to study how customers use our products/services, to develop them, to grow our business and to inform our marketing strategy)</p>
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To use data analytics to train staff and improve our website, products/services, marketing, customer relationships and experiences	<ul style="list-style-type: none"> <li>(a) Technical</li> <li>(b) Usage</li> </ul>	<p>Necessary for our legitimate interests (to define types of customers for our products and services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)</p>
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To make suggestions and recommendations to you about relevant goods or services that may be of interest to you based on our assessment	<ul style="list-style-type: none"> <li>(a) Identity</li> <li>(b) Contact</li> <li>(c) Technical</li> <li>(d) Usage</li> <li>(e) Profile</li> </ul>	<p>Necessary for our legitimate interests (to develop our products/services and grow our business)</p>
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## Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising. We have established the following personal data control mechanisms:

## Promotional offers from us

We may use your Identity, Contact, Technical, Usage and Profile Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services and offers may be relevant for you (we call this marketing).

You will receive marketing communications from us if you have requested information from us or purchased goods or services from us and, in each case, you have not opted out of receiving that marketing.

## Third-party marketing

We will get your express opt-in consent before we share your personal data with any company outside the Bryt Energy group of companies for their marketing purposes.

## Opting out

You can ask us to stop sending you marketing messages at any time by **contacting us**. Where you opt out of receiving these marketing messages, this will not apply to communications required for our legitimate interest as a result of a product or service purchased by you.

## Cookies

Please see our **cookie policy**.

## Change of purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please **contact us**.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## 5. Disclosures of your personal data

We may have to share your personal data with the parties set out below for the purposes set out in the table in paragraph 4 above.

- Internal Third Parties as set out in the *Glossary*.
- External Third Parties as set out in the *Glossary*.
- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy notice.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

## 6. International transfers

Some of our External Third Parties are based outside the European Economic Area (**EEA**) so their processing of your personal data will involve a transfer of data outside the EEA.

Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe. For further details, see European Commission: Model contracts for the transfer of personal data to third countries.
- Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between the Europe and the US. For further details, see European Commission: EU-US Privacy Shield.

Please **contact us** if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

## 6. Data security

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions, and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

## 7. Data retention

### How long will you use my personal data for?

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

By law, we have to keep basic information about our customers (including Contact, Identity, Financial and Transaction Data) for six years after they cease being customers for tax purposes. Please see our [data retention policy](#) for more details.

In some circumstances you can ask us to delete your data: see "[Request erasure](#)" below for further information.

## 8. Your legal rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data:

- *Request access to your personal data.*
- *Request correction of your personal data.*
- *Request erasure of your personal data.*
- *Request restriction of processing your personal data.*
- *Request transfer of your personal data.*
- *Object to processing of your personal data.*

If you wish to exercise any of the rights set out above, please [contact us](#).

### No fee usually required

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

### What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

### **Time limit to respond**

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

## **9. Glossary**

### **LAWFUL BASIS**

**Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by **contacting us**.

**Performance of Contract** means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

**Comply with a legal or regulatory obligation** means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

### **THIRD PARTIES**

#### **Internal Third Parties**

Other companies in the Bryt Energy Group, details of which can be found **here**, who are based in the United Kingdom and provide IT and system administration services and undertake group reporting.

#### **External Third Parties**

- Service providers acting as data processors who provide IT and system administration services such as Ensek Ltd (based in the United Kingdom) and salesforce.com EMEA Ltd (all data is processed inside the EU).
- Credit reference agencies such as Equifax Ltd, based in the United Kingdom.
- Service providers acting as debt collection agents and solicitors such as EOS Solutions UK Plc, Echo Managed Services Ltd, 1<sup>st</sup> Locate (UK) Ltd, Wilkin Chapman LLP and Judge & Priestley LLP, all of whom are based in the United Kingdom.
- Electricity meter operators (including meter data collectors or aggregators) such as Siemens plc, Lowri Beck Services Ltd, SSE Metering Ltd, IMServ Europe Ltd and Stark Software International Ltd, all of whom are based in the United Kingdom.
- Energy market administrators such as ECOES and the Meter Point Administration Service, as we may need to check that your meter is correctly registered against your address.
- Professional advisers including Deloitte LLP (our statutory auditor) based in the United Kingdom who provide audit and tax compliance services.
- Regulatory, governmental and industry bodies such as Ofgem, HM Revenue & Customs, and Elexon based in the United Kingdom who require reporting of processing activities in certain circumstances.
- Service providers acting as data processors who provide marketing services including the distribution of marketing material on our behalf, such as The Rocket Science Group LLC (trading as Mailchimp), based in the US or Force24 Ltd based in the UK.
- The Third Party Intermediary (TPI) or broker you appointed as your agent (where relevant) in respect of your electricity supply arrangements, performing services such as obtaining quotations, entering into contracts and validating invoices. Where the TPI performs these services, it has your authority to act on your behalf, and where the TPI purports to enter into a contract on your behalf or to exercise any of your rights under a contract, the authority to do so is expressed in writing.
- Other electricity suppliers if and when you switch electricity supplier.

## YOUR LEGAL RIGHTS

You have the right to:

**Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

**Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

**Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

**Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

**Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

**Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

**Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

