



# GIST LTD. PRIVACY NOTICE

## Gist Limited – Privacy Notice

### 1.0 WHAT THIS PRIVACY NOTICE COVERS

This Privacy Notice gives you information about how Gist Limited ("Gist") treats the personal information which we hold about you.

Please read the following sections carefully to understand how your personal information will be used and handled by Gist.

Gist collects and uses your data in accordance with current data protection law (which includes, the Data Protection Act 2018, the "UK GDPR" and the Data Protection, Privacy and Electronic Communications (Amendments Etc)(EU Exit) regulations 2020)) ("data protection law").

### 2.0 WHO WE ARE

The data controller with control of your personal information is Gist Limited, a member of The Linde Group. Our registered office is at: The Priestley Centre, 10 Priestley Road, Surrey Research Park, Guildford, Surrey, GU2 7XY. United Kingdom Registered number: 00502669.

Gist's Data Protection Lead is The Head Safety, Health, Environment, Quality and Risk, Rosewood, Crockford Lane, Chineham Business Park, Basingstoke, RG24 8UB, who is the person appointed to lead data protection compliance for us. The DPL can be contacted on: Tel: +44 (0) 1256 891314 or by email to [DPL@gistworld.com](mailto:DPL@gistworld.com).

Our Website may, from time to time, contain links to and from the websites of third parties. Please note that those websites will have their own privacy policies and Gist does not accept any responsibility or liability for such policies/websites. Please check these other policies before submitting personal information to those websites.

### 3.0 INFORMATION: COLLECTION, USE AND GROUNDS FOR PROCESSING

Gist collects and processes information about you from a variety of sources. These are summarised below:

#### 3.1 Information you give to us

This includes information about yourself which you provide to us by email, letter, and telephone, via our website or in person.

The information you give us **may** include (but is not limited to) your:

- Name;
- Home and/ or Business address as appropriate;
- Email address;
- Vehicle registration number;
- Phone number;
- Bank details (if you are a customer, supplier or contractor of ours).

#### 3.1.1 We process this information to:

1. Supply you with details of our services or other information where you have requested these from us;
2. Supply you with the services you (or your employer) have purchased or requested from us (including taking pre-contractual steps such as providing you with a price quote). This includes

us maintaining a database of customer contacts (including emergency contacts) as part of the service we provide;

3. Manage your (or your employer's) account with us;
4. Comply with our record keeping and regulatory compliance obligations; and
5. Where you have opted to receive the same, or where we have a legitimate interest to do so, send you marketing communications concerning our product and service offerings.
6. Account management.
7. Supporting network and system security.
8. Auditing.
9. Detecting and preventing fraud.
10. Complying with legal obligations.
11. Conducting web analytics.

### **3.1.2 We process this information on the following grounds:**

1. The processing is necessary for us to provide you (or your employer) with the information or services requested from us, including us carrying out any pre-contractual steps we have instructed to take;
2. you are a supplier or a contractor of ours, processing that information is necessary for us to administer the contract (including any pre-contractual steps) between us;
3. In certain cases, the processing is necessary for us to comply with our legal obligations, for example (but not limited to) where regulations oblige us to keep records of our customers' details and account information;
4. We have a legitimate business interest in sending you news and information about our business and that interest is not overridden by your interests and fundamental rights and freedoms (for example because you can opt-out of such materials at any time) or where you have consent to receive the same by electronic means;
5. We have a legitimate business interest to process your personal data and that interest is not overridden by your interests and fundamental rights and freedoms; and
6. In the event of a dispute arising between us (or your employer and us) we have a legitimate interest in processing your personal information to resolve that dispute and we are satisfied that your interests and fundamental rights and freedoms do not override our interest in doing so.

### **3.2 Information provided by third parties**

This relates to circumstances where a third party sends us information about you, particularly, for example, where you are a sub-contractor or agency worker and your employer or recruitment agency sends us your details. This will usually be the case where you are an employee and your employer sends us your details as a point of contact for the business. If you operate as a sole trader or a partnership, we may receive information about you from an employee or business partner of yours. Or, for example, where we are processing information about a claim that you or we are pursuing.

The information about you which we receive from third parties may include (but is not limited to) your name, address, email address, phone number and (if you are a customer, supplier or contractor of ours) bank details.

We process this information for the same reasons as we do for information provided by you. Our grounds for processing this information are also the same as our grounds for processing information provided by you directly. Please refer to the previous section '3.1 Information you give us' for more information.

### 3.3 Information we collect about you

Through our website, we collect non-personally identifying information which web browsers and servers typically make available. This includes technical information, such as your IP address, your login information and information about your visit, such as records of how you navigate the pages on our site and how you interact with the pages. For details on how we use cookies, please see our '*Cookies*' section below.

We process this information to ensure that content from our website is presented in the most effective manner for your device and to collect anonymous statistical data in order to improve our services.

### 4.0 HOW LONG WE KEEP YOUR INFORMATION FOR

We only keep your information for so long as is reasonably necessary. Generally speaking, we keep your information for the following periods of time:

- If you make an enquiry with us but ultimately do not become an employee, customer, contractor or supplier of ours, 1 year from the date of our discussions ending (or if we did not reply, the date of your enquiry);
- If you are or have been a customer of ours, 7 years from the date your contract with us ends;
- If you are a nominated contact for a customer of ours, 7 years from the date the customer's contract with us ends;
- If you are or have been a contractor or supplier of ours, 7 years from the date your contract with us ends;
- If you are a nominated contact for a contractor or supplier of ours, 7 years from the date your employer's contract with us ended (or, if sooner, from the date we are notified that you are no longer a nominated contact);
- If we are processing your information because we are in a legal or insurance dispute with you, 7 years after the date on which the dispute settles, or receives legal or other regulatory judgment.

These periods may be extended if, for example, there is a legal dispute between us (or your employer and us) or where we reasonably believe a longer retention period is justified. We may also keep your information for longer if we are required by law to do so.

### 5.0 HOW WE SHARE YOUR INFORMATION

Your personal information is not shared with any third parties except where we are required to do so to comply with the law, to protect our rights, to perform our contractual obligations to you, or where we have a legitimate interest in doing so and that interest is not overridden by your interests and fundamental rights and freedoms.

To achieve this, your information will be shared with the following groups of people:

- If you are an employee of a customer of ours then we may share your information with your employer. Similarly, if you are a sole trader or partner in a business partnership then we may share your information with your employees. This is only done to the extent necessary for us to properly provide our services. We may also share this information internally within Gist and where a third party is carrying out services on our behalf.
- If you are a customer or a customer contact then we may share your contact details with credit reference agencies, our trusted third party providers and other third parties where we are contractually obliged to do so. We ensure that all of our third party providers are under strict obligations to keep your information secure and confidential.

- Our IT providers will sometimes be given access to our contact database in order to monitor and improve our IT systems. Our IT providers have a strict contractual obligation to handle your information in accordance with data protection law and to keep it confidential at all times.
- We may, on occasion, share your information with our professional advisers.
- We will share your information with third parties where we are legally required to do so - for example, the police in the event of an accident, our insurance providers in the same instance, our bank for financial admin, all government regulators which require us to do so.
- We will share your data with our third party debt recovery agents, to assist with the collection of our debt, if you have failed to settle any money due to our company.

We do not share your information with third parties for marketing purposes unless you have consented to us doing so

## **6.0 INTERNATIONAL TRANSFERS**

Some of our financial administration is dealt with out of India and the United States of America. If the services that we are providing to you entail an international element, then we may transfer your personal data within the EEA or outside of the EEA. Gist has in place adequate safeguards to enable such transfers to take place without a high risk to your rights and freedoms as a data subject.

Where we transfer personal data within the EU, our Data Protection Act 2018 and UK GDPR recognises the EU as providing adequate measures in respect of the protection of your personal data. We are therefore able to transfer your personal data under legally binding contractual provisions.

We only transfer personal data outside of the EEA where:

- We have in place approved EU Model Contract Clauses; or
- Under our EU approved Intra-Group Data Transfer Agreement; or
- Otherwise where processing is occasional and we have specifically asked for your consent, having made you aware of the risks to your rights and freedoms as a data subject.

## **7.0 AUTOMATED DECISION MAKING**

Gist does not carry out any automated decision making or profiling using your personal information.

## **8.0 YOUR RIGHTS**

Under data protection law you have the following rights which you can exercise by contacting us:

- The right to be told what we do with your information. This includes, but is not limited to, the right to know what information we gather, process and store, what we do with it, who we share it with and how long we keep it for. This information is set out in this Privacy Notice, as updated from time to time;
- Where we are processing your information on the grounds of your consent, you have the right to withdraw that consent at any time. For the avoidance of doubt, Gist does not currently process your information on the basis of consent;
- The right to access a copy of your information which we hold. This is called a 'subject access request'. Additional details on how to exercise this right are set out in the 'Access to Information' section, below;
- In certain circumstances, the rights to request that we erase, rectify, cease processing and/or delete your information where the original purpose for which the data was collected has expired;
- In certain circumstances, the right to request copies of the information we hold about you in a machine readable format so that you can transfer it to other services;
- The right to object to processing of your information where it is likely to cause or is causing damage or distress;

- The right to prevent us processing your information for direct marketing purposes. We will usually inform you (before collecting your information) if we intend to use your information for marketing purposes. You can exercise your right to prevent such processing by checking certain boxes on the forms we use to collect your information, clicking the unsubscribe link in marketing emails we send you or by contacting us using the details set out at the end of this Privacy Notice;
- The right to object to decisions being made about you by automated means. For the avoidance of doubt, Gist does not use automated decision making at this time;
- The right, in certain circumstances, to have your information rectified, blocked, erased or destroyed if it is inaccurate; and
- The right, in certain circumstances, to claim compensation for damages caused by us breaching data protection law.

You also have the general right to complain to us (in the first instance) and to the Information Commissioner's Office (if you are not satisfied by our response) if you have any concerns about how we hold or process your information. Our contact details are set out at the end of this Privacy Notice. The Information Commissioner's Office website is [www.ico.org.uk](http://www.ico.org.uk).

For further information on your rights under data protection law and how to exercise them, you can contact Citizens Advice Bureau ([www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)) or the Information Commissioner's Office ([www.ico.org.uk](http://www.ico.org.uk)).

## 9.0 DATA SECURITY

Unfortunately, the transmission of information via the internet is not completely secure. Although Gist does its best to protect your personal information, we cannot guarantee the security of your data transmitted to our Website. Any transmission is at your own risk.

## 10.0 SECURITY OF OUR SERVERS

We will ensure that personal data is processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures

## 11.0 IP ADDRESSES AND COOKIES

Gist may collect information about your computer, including where available your IP address, operating system and browser type, for system administration and management. This is statistical data about users' browsing actions and patterns, and does not identify any individual.

For the same reason, we may obtain information about your general internet usage by using a cookie file which is stored on the hard drive of your computer. Cookies contain information that is transferred to your computer's hard drive. Cookies help us to improve our website and deliver a better and more personalised service; to allow us to estimate audience size and usage pattern; to store information about your preferences and so allow our website to be customised according to your individual interests; to speed up your searches; and to recognise you when you return to our website.

You may refuse to accept cookies by activating the setting on your browser which allows you to refuse the setting of cookies. However, if you select this setting you may be unable to access certain parts of our website. Unless you have adjusted your browser setting so that it will refuse cookies, our website's system will issue cookies when you access our website.

## 12.0 DATA PROTECTION LEAD AND RIGHT TO COMPLAIN

### 12.1 Data Protection Lead

Questions, comments and requests regarding this Privacy Notice are welcomed and should be addressed to Gist Limited's Data Protection Lead (DPL):

Data Protection Lead,  
Rosewood,  
Crockford Lane,  
Chineham Business Park,  
Basingstoke, RG24 8UB

or by email to [DPL@gistworld.com](mailto:DPL@gistworld.com).

### 12.2 Right to Complain

Should you wish to make a complaint about our use of your information we would welcome the opportunity to resolve any issues. Notwithstanding this, you have the right to make a complaint at any time to the Information Commissioner's Office (ICO). If you have a complaint about our use of your information, you can contact the Information Commissioner's Office via their website at [www.ico.org.uk/concerns](http://www.ico.org.uk/concerns) or write to them at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

## 13.0 CHANGES TO THIS PRIVACY NOTICE

Any changes made to this Privacy Notice in the future will be posted on the Website and, where appropriate, notified to you by email. It is recommended that you visit this page from time to time to review any changes. This Privacy Notice was last updated in May 2021.