

# DATA TRANSFERS POLICY

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## 1 PURPOSE

This policy and procedure establishes an effective, accountable and transparent framework for ensuring compliance with the requirements for data transfers by the GDPR.

## 2 SCOPE

This policy and procedure applies across all entities or subsidiaries owned, controlled, or operated by ZEN KNOTWEED LTD and to all employees, including part-time, temporary, or contract employees, that handle personal data and/or personal data transfers.

## 3 POLICY STATEMENT

3.1 The ZEN KNOTWEED LTD services/entities may transfer personal data to internal or third party recipients located in another country where that country is recognised as having an adequate level of legal protection for the rights and freedoms of the relevant data subjects. Where transfers need to be made to countries lacking an adequate level of legal protection (i.e. third countries), they must be made in compliance with an approved transfer mechanism. The ZEN KNOTWEED LTD services/entities may only transfer personal data where one of the transfer scenarios list below applies:

- The data subject has given consent to the proposed transfer.
- The transfer is necessary for the performance of a contract with the data subject
- The transfer is necessary for the implementation of pre-contractual measures taken in response to the data subject's request.
- The transfer is necessary for the conclusion or performance of a contract concluded with a third party in the interest of the data subject.
- The transfer is legally required on important public interest grounds.
- The transfer is necessary for the establishment, exercise or defence of legal claims.
- The transfer is necessary in order to protect the vital interests of the data subject

### Transfers between ZEN KNOTWEED LTD services/entities

3.2 In order for The ZEN KNOTWEED LTD to carry out its operations effectively across its various services/entities, there may be occasions when it is necessary to transfer personal data internally from one Entity to another, or to allow access to the personal data from an overseas location. Should this occur, the ZEN KNOTWEED LTD service/entity sending the personal data remains responsible for ensuring protection for that personal data.

3.3 The ZEN KNOTWEED LTD handles the transfer of personal data between ZEN KNOTWEED LTD services/entities, where the location of the recipient entity is a third country, using the binding corporate rules transfer mechanism. Binding corporate rules provide legally binding, enforceable rights on data subjects with regard to the processing of their personal data and must be enforced by each approved ZEN KNOTWEED LTD service/entity, including their employees. Only transfer the minimum amount of personal data necessary for the particular purpose of the transfer (for example, to fulfil a transaction or carry out a particular service). Ensure adequate security measures are used to protect the personal data during the transfer (including password-protection and encryption, where necessary).

### Transfers to Third Parties

3.4 Each ZEN KNOTWEED LTD service/entity will only transfer personal data to, or allow access by, third parties when it is assured that the information will be processed legitimately and protected appropriately by the recipient. Where third party processing takes place, each ZEN KNOTWEED LTD service/entity will first identify if, under applicable law, the third party is considered a data controller or a data processor of the personal data being transferred.

- 3.5 Where the third party is deemed to be a data controller, the ZEN KNOTWEED LTD service/entity will enter into, in cooperation with the Data Protection Officer, an appropriate agreement with the controller to clarify each party's responsibilities in respect to the personal data transferred. Where the third party is deemed to be a data processor, the ZEN KNOTWEED LTD service/entity will enter into, in cooperation with the Data Protection Officer, an adequate processing agreement with the data processor. The agreement must require the data processor to protect the personal data from further disclosure and to only process personal data in compliance with the ZEN KNOTWEED LTD instructions. In addition, the agreement will require the data processor to implement appropriate technical and organisational measures to protect the personal data as well as procedures for providing notification of personal data breaches.
- 3.6 The ZEN KNOTWEED LTD has a 'Standard Data Processing Agreement' document that, should be used as a baseline template. When an ZEN KNOTWEED LTD service/entity is outsourcing services to a third party (including cloud computing services), they will identify whether the third party will process personal data on its behalf and whether the outsourcing will entail any third country transfers of personal data. In either case, it will make sure to include, in cooperation with the ZEN KNOTWEED LTD Data Protection Officer, adequate provisions in the outsourcing agreement for such processing and third country transfers.

## 4 RESPONSIBILITIES

### Compliance, monitoring and review

- 4.1 The overall responsibility for ensuring compliance with the requirements of the related legislation in relation to performing data transfers activities at ZEN KNOTWEED LTD rests with the Data Protection Officer.
- 4.2 All operating units' staff that deal with personal data are responsible for processing this data in full compliance with the relevant ZEN KNOTWEED LTD policies and procedures.

### Records management

- 4.3 Staff must maintain all records relevant to administering this policy and procedure in electronic form in a recognised ZEN KNOTWEED LTD recordkeeping system.
- 4.4 All records relevant to administering this policy and procedure will be maintained for a period of 5 years.

## 5 TERMS AND DEFINITIONS

**General Data Protection Regulation (GDPR):** the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) is a regulation by which the European Parliament, the Council of the European Union and the European Commission intend to strengthen and unify data protection for all individuals within the European Union (EU). It also addresses the export of personal data outside the EU.

**Data Controller:** the entity that determines the purposes, conditions and means of the processing of personal data

**Data Processor:** the entity that processes data on behalf of the Data Controller

**Data Protection Authority:** national authorities tasked with the protection of data and privacy as well as monitoring and enforcement of the data protection regulations within the Union

**Data Protection Officer (DPO):** an expert on data privacy who works independently to ensure that an entity is adhering to the policies and procedures set forth in the GDPR

**Data Subject:** a natural person whose personal data is processed by a controller or processor

**Personal Data:** any information related to a natural person or 'Data Subject', that can be used to directly or indirectly identify the person

**Privacy Impact Assessment:** a tool used to identify and reduce the privacy risks of entities by analysing the personal data that are processed and the policies in place to protect the data

**Processing:** any operation performed on personal data, whether or not by automated means, including collection, use, recording, etc.

**Profiling:** any automated processing of personal data intended to evaluate, analyse, or predict data subject behaviour

**Regulation:** a binding legislative act that must be applied in its entirety across the Union

**Subject Access Right:** also known as the Right to Access, it entitles the data subject to have access to and information about the personal data that a controller has concerning them

## 6 RELATED LEGISLATION AND DOCUMENTS

- [Regulation \(EU\) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC \(General Data Protection Regulation\)](#)
- Data Protection Act 2018
- ZEN KNOTWEED LTD Data Protection Policy

## 7 FEEDBACK AND SUGGESTIONS

- 7.1 ZEN KNOTWEED LTD employees may provide feedback and suggestions about this document by emailing [suggestions@zenknotweed.com](mailto:suggestions@zenknotweed.com)

## 8 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	CEO
Data Protection Officer	Anthony Chamberlain
Next Review Date	10/06/2020

Approval and Amendment History	Details
Original Approval Authority and Date	CEO 10/06/2019
Amendment Authority and Date	Anthony Chamberlain 10/06/2020

## 10 APPENDIX

Standard Data Processing Agreement