

# Topgear Personal Data Framework and Data Map

## **Framework Overview and Definitions:**

This Personal Data Framework and Data Map, or '*Framework*', is a working document and guide, containing all Personal Data related policies and procedures. All policies include a procedure statement or document where required.

Policies and procedures in place are in accordance with any applicable law relating to the processing of *Personal Data*, including but not limited to the Directive 96/46/EC (Data Protection Directive) or the GDPR (General Data Protection Regulation (EU) 2016/679), and any national implementing laws, regulations and secondary legislation, for as long as the GDPR is effective in the UK.

Topgear (Bridport) Limited, or '*The Company*', is Topgear (Bridport) Limited, a company incorporated in England and Wales with registered number 5005577 whose registered office is at Unit 1, Gore Cross Business Park, Corbin Way, Bridport, Dorset, DT6 3UX.

Personal Data Subject, or '*PDS*', is anyone, customer, client, employee, agent, supplier, partner and so on, whose details are on record and whose Personal Data is processed and controlled by Topgear (Bridport) Limited.

This Framework applies only to the actions and responsibilities of Topgear (Bridport) Limited. Topgear (Bridport) Limited reserves the right to change the Framework as deemed necessary from time to time or as may be required by law.

For purposes of the applicable Data Protection Laws, Topgear (Bridport) Limited is the "data controller": As Data Controller Topgear (Bridport) Limited determines the purposes for and the manner in which Personal Data is processed.

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# **Policies:**

## **Data Protection Policy**

### 1. Data protection principles

Topgear (Bridport) Limited is committed to processing data in accordance with its responsibilities under the GDPR.

Article 5 of the GDPR requires that Personal Data shall be:

- a. processed lawfully, fairly and in a transparent manner in relation to individuals;
- b. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d. accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that Personal Data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the Personal Data are processed; Personal Data may be stored for longer periods insofar as the Personal Data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- f. 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.

### Data Protection Principles Statement:

Topgear (Bridport) Limited will only use Personal Data to reference customer account history, provide access to services, contact customers with their consent and to promote The Company's legitimate business interests to those customers. Data is collected with opt-in consent only and controlled and processed by Topgear (Bridport) Limited.

### 2. General provisions

- a. This policy applies to all Personal Data processed by Topgear (Bridport) Limited.
- b. Topgear (Bridport) Limited take responsibility for ensuring ongoing compliance with this policy.
- c. This policy shall be reviewed at least annually.
- d. Topgear (Bridport) Limited is registered with the Information Commissioner's Office as an organisation that processes Personal Data.

### General Provision Statement:

It is the responsibility of the IT team to ensure that the Framework is reviewed annually.

### 3. Lawful, fair and transparent processing

- a. To ensure its processing of data is lawful, fair and transparent, Topgear (Bridport) Limited

- shall maintain the Framework.
- b. The Framework shall be reviewed at least annually.
  - c. Individuals have the right to access their Personal Data, and any such requests made to Topgear (Bridport) Limited shall be dealt with promptly (See SAR Policy).

Processing Statement:

Topgear (Bridport) Limited will only process data in line with legitimate business interests and will respond to any SAR Policy requests within 72hrs (see SAR Policy).

The Company may collect the following Data, which includes Personal Data:

- a. name;
- b. contact Information such as email addresses and telephone numbers;
- c. IP addresses (automatically collected);
- d. web browser type and version (automatically collected);
- e. operating system (automatically collected);
- f. a list of URLs starting with a referring site, activity on this Website, and the exit site URLs (automatically collected);
- g. Vehicle Details;
- h. Vehicle Registration;
- i. Message Text/s
- j. Session or Message Dates (automatically collected);
- k. Payment Information (automatically collected);
- l. Transaction History (automatically collected);
- m. MOT information and history;
- n. Vehicle Service information and history;

in each case, in accordance with this Framework.

2. Topgear (Bridport) Limited will collect Personal Data in a number of ways, for example:
  - a. when contact is through the Website, by telephone, post, e-mail or through any other means;
  - b. registration of accounts to receive The Company's products/services;
  - c. competition or promotion through a social media channel;
  - d. payments made to the Company, through websites or otherwise;
  - e. application to receive marketing communications from The Company;
  - f. use of The Company's services;

in each case, in accordance with this Framework.

3. Topgear (Bridport) Limited will receive Personal Data from the following third parties:
  - a. Events Organisations;
  - b. Franchisees
  - c. Marketing Agencies
  - d. SEO Agencies
  - e. Other Business Partners

4. Topgear (Bridport) Limited may collect Personal Data automatically, for example:

- a. The Company automatically collects some information about visits to the Website. This information helps The Company to make improvements to Website content and navigation and includes IP address, the date, times and frequency with which users access the Website and interact with its content.
- b. The Company will collect Personal Data automatically via cookies, in line with the cookie settings on the user's browser.

#### 4. Lawful purposes

- a. All data processed by Topgear (Bridport) Limited must be done on one of the following lawful bases: consent, contract, legal obligation, vital interests, public task or legitimate interests.
- b. Topgear (Bridport) Limited shall note the appropriate lawful basis in the Framework.
- c. Where consent is relied upon as a lawful basis for processing data, evidence of opt-in consent shall be kept with the Personal Data.
- d. Where communications are sent to individuals based on their consent, the option for the individual to revoke their consent should be clearly available, and systems should be in place to ensure such revocation is reflected accurately in Topgear (Bridport) Limited's systems.

#### Lawful Purposes Statement:

Topgear (Bridport) Limited will only process Personal Data in line with legitimate business interests. Personal Data may be required by Topgear (Bridport) Limited from time to time to provide the best possible service and experience. Specifically, Personal Data may be used by The Company for the following reasons:

- a. internal record keeping;
- b. improvement of products / services;
- c. transmission by email of marketing materials that may be of interest;
- d. contact for market research purposes which may be done using email, telephone, fax or mail.  
Such information may be used to customise or update the Website or other digital property or services;

in each case, in accordance with this Framework.

2. Topgear (Bridport) Limited may use Personal Data for the above purposes if deemed necessary to do so for legitimate interests. Personal Data Subjects have the right to object in certain circumstances (see SAR policy).
3. For the delivery of direct marketing to via email, Topgear (Bridport) Limited need consent, whether via an opt-in or soft-opt-in:
  - a. soft opt-in consent is a specific type of consent which applies when the Personal Data Subject has previously engaged with The Company (for example, contacted to ask for more details about a particular product/service, and The company is marketing similar products/services). Under "soft opt-in" consent, The Company will take the PDS consent as given unless the PDS has explicitly chosen to opt-out.
  - b. for other types of e-marketing, The Company is required to obtain explicit consent; that is positive and affirmative action when consenting by, for example, checking a tick box.
  - c. If a Personal Data Subject is not satisfied with Topgear (Bridport) Limited's approach to marketing they have the right to withdraw consent at any time (see SAR policy).
4. The legal basis for this processing is the performance of a contract between the Personal Data Subject and Topgear (Bridport) Limited and/or taking steps, at the PDS's request, to enter into such a contract.

#### 5. Data minimisation

- a. Topgear (Bridport) Limited shall ensure that Personal Data is adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

### Lawful Purposes Statement:

Topgear (Bridport) Limited will only process Personal Data as a means of linking products and services to a customer's account and for communication with that customer and - with anonymised data only - market and product research.

## 6. Accuracy

- a. Topgear (Bridport) Limited shall take reasonable steps to ensure Personal Data is accurate.
- b. Where necessary for the lawful basis on which Personal Data is processed, steps shall be put in place to ensure that Personal Data is kept up to date. (see Retention, SAR, Incident and Backup policies)

## 7. Archiving / removal

- a. To ensure that Personal Data is kept for no longer than necessary, Topgear (Bridport) Limited shall put in place an archiving policy for each area in which Personal Data is processed and review this process annually.
- b. The archiving policy shall consider what data should/must be retained, for how long, and why. (see Retention, SAR, Incident and Backup policies)

## 8. Security

- a. Topgear (Bridport) Limited shall ensure that Personal Data is stored securely using modern software, technology and services that are kept up-to-date, secure and encrypted where possible.
- b. Access to Personal Data shall be limited to personnel who need access, and appropriate security should be in place to avoid unauthorised sharing of information.
- c. When Personal Data is deleted, this should be done safely such that the data is irrecoverable.
- d. Appropriate Backup and disaster recovery solutions shall be in place. (see Retention, SAR, Incident and Backup policies).

## 9. Breach

In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Data, Topgear (Bridport) Limited shall promptly assess the risk to people's rights and freedoms and if appropriate report this breach to the ICO ([more information on the ICO website](#)). (see Retention, SAR, Incident and Backup policies)

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## Subject Access Request (SAR) Policy

1. Personal Data Subjects have the several rights regarding their Personal Data. Initial contact with any requests or queries must be made via email to [dpo@topgear.co.uk](mailto:dpo@topgear.co.uk). PDS have the following rights in relation to their Personal Data:

- a. **Right to access** - the right to request (i) copies of the information The Company holds about the PDS at any time, or (ii) that The Company modifies, updates or deletes such information. If The Company provides access to the PDS's information held, There will be no charge for this, unless such a request is "manifestly unfounded or excessive." Where The Company is legally permitted to do so, The Company may refuse the request, citing the reasons why.

- b. **Right to correct** - the right to have Data rectified if it is inaccurate or incomplete.
  - c. **Right to erase** - the right to request that the Company delete or remove Data from its systems.
  - d. **Right to restrict our use of your Data** - the right to "block" Topgear (Bridport) Limited from using a PDS's Personal Data or limit the way in which The Company can use it.
  - e. **Right to data portability** - the right to request that The Company move, copy or transfer PDS's Personal Data.
  - f. **Right to object** - the right to object to The company's use of Personal Data including where it is used for The Company's legitimate interests.
2. To make enquiries exercise any of the rights set out above, or withdraw consent to the processing of Personal Data (where consent is The Company's legal basis for processing Personal Data), Personal Data Subjects must contact The Company via this email address: [dpo@topgear.co.uk](mailto:dpo@topgear.co.uk).
  3. If the Personal Data Subject is not satisfied with the way any complaint made in relation to their Data is handled by Topgear (Bridport) Limited, they may be able to refer their complaint to the relevant data protection authority. For the UK, this is the Information Commissioner's Office (ICO). The ICO's contact details can be found on their website at <https://ico.org.uk/>.
  4. It is essential that the Personal Data Topgear (Bridport) Limited hold is accurate and current. Efforts should be made by the Personal Data Subject to keep The Company informed if Personal Data changes during the period for which it is held.
  5. All Personal Data is held in the locations specified in the Data Map section of this Framework and is accessed using the credentials provided (this includes all Backups).
  6. In the event of SAR, a full record of the request and outcomes shall be recorded and subsequently provided, to the PDS and the relevant data protection authority. For the UK, this is the Information Commissioner's Office (ICO)
  7. In the event of a SAR or other incident, the relevant authorised employee or agent of Topgear (Bridport) Limited, should first identify the Personal Data in all locations, starting with the live active database and moving to backups and archives. Once identified and detailed, Personal Data can be retrieved and processed in line with the SAR or Incident requirements.
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## Backup Policy

1. Topgear (Bridport) Limited will use technical and organisational measures to safeguard Personal Data, for example:
    - a. access to web accounts is controlled by a password and a username that is unique to each user.
    - b. Topgear (Bridport) Limited store all Personal Data on a secure encrypted server.
    - c. Topgear (Bridport) Limited are certified to PCI DSS. This family of standards helps The Company manage Personal Data and keep it secure.
  2. Backups are made via encrypted transfer to Amazon Web Servers daily.
  3. No Backups leave the EU.
  4. Backups are both fully retrievable and editable, to accurately service change requests (see SAR Policy)
  5. Backups are created with a like-for-like folder structure so the Data Map can be used to locate Backup data as well as live data.
  6. Backups are dated.
  7. Backup security and access Credentials are detailed in the Data Map (see Data Map)
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## Data Exchange Policy

1. Topgear (Bridport) Limited may share Personal Data with the following groups of people for the following reasons:

- a. any of The Company's group of companies, franchises or affiliates - to provide customer services;
- b. The Company's employees, agents and/or professional advisors - to ensure correct and efficient communication and services;

in each case, in accordance with this Framework.

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## Incident Policy

1. Technical and organisational measures include measures to deal with any suspected data breach, including; theft, damage, loss, destruction and physical corruption.
  2. Any breach will be reported immediately to the relevant data protection authority. For the UK, this is the Information Commissioner's Office (ICO).
  3. Breaches will be rectified and/or resolved, to the best of Topgear (Bridport) Limited ability, and with reasonable efforts being made, within 72 hours.
  4. If any Personal Data Subject suspects any misuse or loss or unauthorised access to Personal Data, they must let Topgear (Bridport) Limited know immediately by contacting The Company via this email address: [dpo@topgear.co.uk](mailto:dpo@topgear.co.uk).
  5. If any employee or agent acting on behalf of Topgear (Bridport) Limited suspects any misuse or loss or unauthorised access to Personal Data, they must let Topgear (Bridport) Limited know immediately by contacting The Company via this email address: [dpo@topgear.co.uk](mailto:dpo@topgear.co.uk).
  6. Backups may be used to restore deleted, destroyed or lost data, in accordance with the Backup and SAR policies (The Company will not restore data previously removed by Subject Access Request).
  7. All Personal Data is held in the locations specified in the Data Map section of this Framework and is accessed using the credentials provided. This includes all Backups.
  8. In the event of SAR, a full record of the request and outcomes shall be recorded and subsequently provided, to the PDS and the relevant data protection authority. For the UK, this is the Information Commissioner's Office (ICO).
  9. In the event of a SAR or other incident, the relevant authorised employee or agent of Topgear (Bridport) Limited, should first identify the data in all locations, starting with the live SQL database and moving to local copies and archives and finally Backups. Once Identified and detailed, data can be retrieved and processed in line with the SAR or Incident requirements.
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## Audit Policy

1. The Personal Data Policy Framework and Data Map shall be reviewed at least annually.
  2. Personal Data is not anonymised for normal processing.
  3. Personal Data is anonymised for processing relating to Market and Product research
  4. Backups and Live Data follow the same basic folder structure for cross reference and ease of retrieval (see SAR and Incident policies)
  5. Only relevant and authorised employees of Topgear (Bridport) Limited have access to data as detailed in the Data Map
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## Retention Policy

1. Unless a more extended retention period is required or permitted by law, Topgear (Bridport) Limited will only hold Personal Data on systems for the period necessary to fulfil the purposes outlined in this privacy policy or until The Company receives a request that the Data be deleted (see SAR policy)
  2. Even if The Company removes Personal Data, it may persist on Backup or archival media for legal, tax or regulatory purposes.
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## Privacy and Cookie Policies

1. A copy of the Privacy Policy is appended to this Framework and can be found here:  
<https://www.topgear.co.uk/privacy-policy-inc-gdpr>
  2. A copy of the Cookies Policy is appended to this Framework and can be found here:  
<https://www.topgear.co.uk/cookies-policy>
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## Data Map

### Abstract:

The Data Map is both a standalone statement of where Personal Data, which is processed and control by Topgear (Bridport) Limited, is held and also as supporting documentation to the SAR, Incident, Retention and Audit Policies in this Framework.

### Explanation

Topgear acts as both Controller and Processor of the Personal Data belonging to our Customer and Client database. This Personal Data is primarily collected via website contact forms (all with opt-in consent), and stored in a SQL database online. Personal Data may also be collected via paper forms, telephone conversations or provided by third parties.

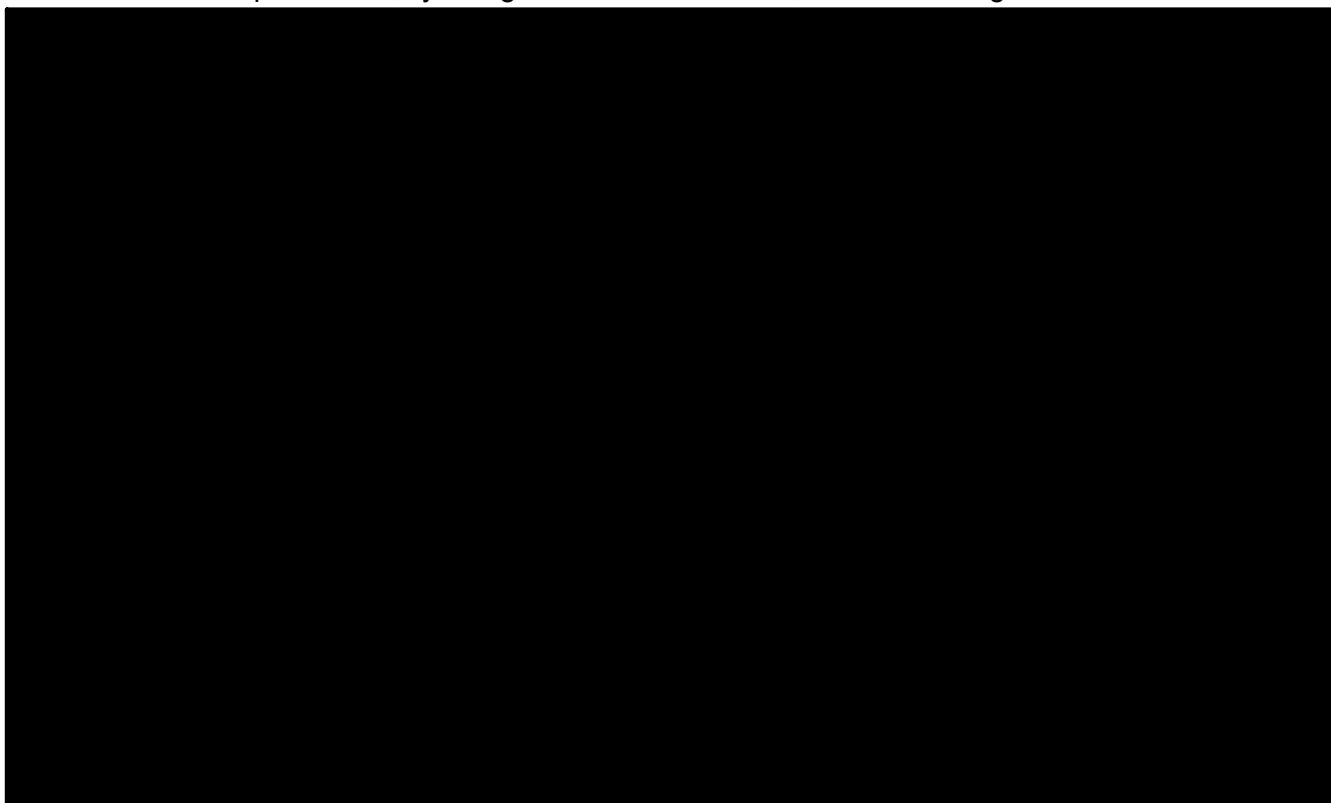
Topgear retains Employee Personal Data in both electronic and paper format.

For purposes of the applicable Data Protection Laws, Topgear (Bridport) Limited is the "data controller". This means that Topgear (Bridport) Limited determines the purposes for and the manner in which, Personal Data is processed.

In addition, Topgear act as Controller for Personal Data processed in the Techman Garage System - Techman (trading as WebSellerPro) are the processors of this data.

### Data Locations:

Personal Data is processed, by being stored and accessed, in the following locations:



# Framework Addendum

## **Appointed Officer**

1. No permanent DPO is required.
2. No external DPO is appointed.
3. IT Manager has particular responsibility for the physical and technical aspects of all data processing, including the Personal Data of customers and clients where appropriate;
4. the Accounts Manager has particular responsibility for HR/Employee records;
5. the Managing Director has overall responsibility for compliance under the GDPR.
6. Each department has the responsibility to check that any new Personal Data processing is compliant with the GDPR and to check and amend relevant Framework Documents.

## **Insurance**

There is no provision for dedicated Personal Data insurance. Any costs incurred as a result of a breach, SAR, Data Requests, or adjustments will be covered either by arbitration or by standard business insurance where possible.

## **Impact Assessments**

Any Data Protection Impact Assessment (DPIAs) will be executed if and when The Company needs to combine data from other sources.

The Requirements of GDPR, in general, have impacted in that Topgear (Bridport) Limited has created this Framework, updated policies and processes, created a knowledge store by training a CDPO, moved all files to a single NAS, we have amended all customer collection to a single point of collation, and put processes in place.

There have been no instances where The Company has needed to perform a specialist DPIA with none planned.

## **Changes of business ownership and control**

1. Topgear (Bridport) Limited may, from time to time, expand or reduce its business and this may involve the sale and/or the transfer of control of all or part of Topgear (Bridport) Limited. Personal Data provided by Personal Data Subjects will, where it is relevant to any part of the business so transferred, be transferred along with that part and the new owner or newly controlling party will, under the terms of this privacy policy, be permitted to use Personal Data for the purposes for which it was originally supplied to The Company.
2. Topgear (Bridport) Limited may also disclose Personal Data to a prospective purchaser of the

business or any part of it.

3. In the above instances, Topgear (Bridport) Limited will take steps with the aim of ensuring privacy is protected.

## General

4. Personal Data Subjects may not transfer any of their rights under this Framework to any other person. Topgear (Bridport) Limited may transfer its rights under this Framework where The Company reasonably believe the PDS's rights will not be affected.
5. If any court or competent authority finds that any provision of this Framework (or part of any provision) is invalid, illegal or unenforceable, that provision or part-provision will, to the extent required, be deemed to be deleted, and the validity and enforceability of the other provisions of this Framework will not be affected.
6. Unless otherwise agreed, no delay, act or omission by a party in exercising any right or remedy will be deemed a waiver of that, or any other, right or remedy.
7. This Data Framework will be governed by and interpreted according to the law of England and Wales. All disputes arising under the Framework will be subject to the exclusive jurisdiction of the English and Welsh courts.