

ESB ESOP

General Data Protection Regulation (GDPR) Privacy Notice

1. Introduction

This Privacy Notice provides guidance and information to participants of both the ESB Employee Share Ownership Trust and the ESB Approved Profit Sharing Scheme (collectively the “ESB ESOP”) regarding the processing of personal data by the ESB ESOP Trustee.

The ESB ESOP Trustee (“Trustee”, “us”, “we” or “our”) is committed to safeguarding the privacy of the personal data collected and held. This Privacy Notice sets out the basis on which any personal data we collect from you or that you provide to us will be processed. Please read this Privacy Notice carefully to understand our treatment and use of personal data. In this Privacy Notice, references to “you” and “your” means the participants whose personal information we collect, use and process.

We will use your personal data only for the purposes and in the manner set out below, which describes the steps we take to ensure the processing of your personal data is in compliance with Regulation (EU) 2016/679 (the “General Data Protection Regulation” or “GDPR”) and all other applicable data protection and privacy laws (collectively referred to as “Data Protection Legislation”).

This Privacy Notice applies to personal information that we collect, use and otherwise process about you to administer the ESB ESOP and pass on any payments to you as an ESB ESOP participant.

2. Identity of the controller of personal information

For the purposes of Data Protection Legislation, the data controller is ESB ESOP Trustee Limited in its capacity as Trustee of the ESB ESOP. We are the data controller of the information we collect, or which is collected on our behalf or made available to us about participants, their beneficiaries or any of their lawful representatives, relating to and for the purpose of administering the ESB ESOP.

3. Processing of your personal data

How and why do we process your personal data?

The personal data we collect from you or through our systems helps us manage our relationship with you but also to comply with our legal obligations and for the conduct of the ESB ESOP. The personal data we collect, the basis of processing and the purposes of processing are detailed below. Sometimes, these activities are carried out by agents or suppliers (see “Sharing of personal data” section below).

Personal data	Basis of processing	Purpose of processing
Contact details including your address, telephone number(s) and email address(es).	<p>It is necessary for the performance of our duties under the ESB ESOP Trust documentation (or to take steps to perform our duties) and to comply with our legal obligations.</p> <p>We also have a legitimate interest to process the information for the purposes of administering your entitlements and any payments; communication purposes; and the on-going management of our relationship with you.</p>	To enable the Trustee to administer the ESB ESOP relationship with you.
Identity details including first, middle and last name, gender, staff number and PPS number.		
Banking details including account details (account number, sort code, IBAN, BIC).		
Your employment details (including start/end dates and staff number).		
If applicable, details of any divorce or separation settlement where your ESB ESOP shares form part of such settlement and bankruptcy orders relating to bankrupt participants and other similar orders/notices.		
Where relevant, details about your beneficiaries or lawful representatives to determine who should receive any ESB ESOP related payments on your death.		
Other information relevant to the ESB ESOP such as share transactions.		

What will we use your personal data for?

We collect and process information about you for the purposes of complying with our legal duties to administer the ESB ESOP, and for other legitimate purposes relating to the operation of the ESB ESOP. We will use your personal data:

- To track your continuing eligibility to participate in ESB ESOP;
- To administer the shares allocated and appropriated to you under the provisions of the ESB ESOP Trust documentation, including processing any payments related to those shares;
- To communicate with you on ESB ESOP matters;
- To comply with our legal and regulatory requirements;
- To share information with third parties for the purposes outlined in the section below;
- For updating, consolidating and improving the accuracy of our records; and
- For providing evidence in any dispute or anticipated dispute between you and us.

We ensure that the information we collect is appropriate to the purposes for which it is obtained.

Where do we obtain your data from?

Most of the personal data we process is obtained either directly from you or through your employer. We also obtain personal data about you in the course of the administration of the ESB ESOP

Sometimes we get information from other sources, for example: government departments (such as Revenue Commissioners), your independent financial advisors and publicly accessible sources (e.g. the electoral roll) if we have lost touch with you and we are trying to find you.

4. Sharing of personal data

We may share your personal data with, or disclose your personal data to, the following categories of third party:

- **Agents or Suppliers:** These are persons or companies we have contracts with to provide services to ESB ESOP. In providing the services, your personal data will, where applicable, be processed by agents or suppliers on our behalf. We will only share or disclose to these parties the information that they require to provide the contracted services. We will check any third party that we use to ensure that they can provide sufficient guarantees regarding the confidentiality and security of your personal data. We will have written contracts with them which provide assurances regarding the protections that they will give to your personal data and their compliance with our data security standards and international transfer restrictions.
- **Third Parties:** In certain circumstances, we share and/or are obliged to share your personal data with third parties for the purposes described above and in accordance with Data Protection Legislation. These third parties include:
 - regulatory bodies (such as Revenue Commissioners who may share information with the tax authorities of other countries) - for reporting as required by law;
 - external professional advisors - for the purposes of obtaining tax and financial advice related to your ESB ESOP participation;
 - an administrator and its approved sub-contractors - for administration purposes;
 - auditors - to comply with legal requirements and ensure the ESB ESOP is being administered properly;
 - our legal advisers - for advice and interpretation of law and regulations in connection to your ESB ESOP participation;
 - government bodies and law enforcement organisations - for the purposes of crime prevention and compliance with regulatory requirements;

- at your request, with your independent financial advisor - so that they can advise and provide their services to you;
- your beneficiaries or people entitled to benefit under your participation in the ESB ESOP;
- others, where it is permitted by law, or where we have your consent.

5. How is my personal data secured and stored

We are committed to protecting the security of your personal data. The Trustee operates and uses appropriate technical and physical security measures to protect your personal data from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access, in connection with the ESB ESOP.

Access is only granted on a need-to-know basis to those people whose roles require them to process your personal data. In addition, our other service providers are also selected carefully and required to use appropriate protective measures.

6. How long we keep your data

Information collected by us will be held for as long as it is required to fulfil the statutory and regulatory rules we must follow. We are required to keep certain types of information for a specific period of time in order to administer the ESB ESOP, to comply with legal requirements, and for the exercise or defence of legal claims. The length of time we keep any part of your personal data will depend on the type of information and the purpose for which it was obtained.

7. Transfers outside Ireland and the European Economic Area

In order to administer the ESB ESOP, your personal data may be transferred, stored and processed in one or more countries outside of Ireland and the European Economic Area (“EEA”), for example, when one of our service providers use employees or equipment based outside the EEA. The EEA comprises those countries that are in the European Union (“EU”) and some other countries that are considered to have adequate laws to ensure personal data is protected.

When transferring your personal data outside of Ireland or the EEA, we will (and will ensure that service providers acting on our behalf agree to) protect it from improper use or disclosure and ensure the same levels of protection are in place as are applied within Ireland and the EEA.

8. Your rights

This section explains your rights in relation to your personal data. The rights are not absolute and are subject to certain exemptions or qualifications. You have a right to request access to, rectification, or erasure of your personal data, or restriction of processing or object to processing of your personal data, as well as the right to data portability. In each case, these rights are subject to restrictions as laid down by law. The following is a summary of your rights:

- **The right of access** enables you to receive a copy of your personal data
- **The right to rectification** enables you to correct any inaccurate or incomplete personal data we hold about you
- **The right to erasure** enables you to ask us to delete your personal data in certain circumstances
- **The right to restrict processing** enables you to ask us to halt the processing of your personal data in certain circumstances
- **The right to object** enables you to object to us processing your personal data on the basis of our legitimate interests (or those of a third party)
- **The right to data portability** enables you to request us to transmit personal data that you have provided to us, to a third party without hindrance, or to give you a copy of it so that you can transmit it to a third party, where technically feasible.

If you wish to exercise any of these rights, please contact us (see **Contact Us** below). We will respond to your request within one month. That period may be extended by two further months where necessary, taking into account the complexity and number of requests. We will inform you of any such extension within one month of receipt of your request. We may request proof of identification to verify your request. We may also ask for more details to help us respond to your request. We have the right to refuse your request where there is a basis to do so in law, or if it is manifestly unfounded or excessive, or to the extent necessary for important objectives of public interest.

Further information and advice about your rights can be obtained from the Office of the Data Protection Commissioner at Canal House, Station Road, Portarlinton, Co. Laois; by telephone at 1890 25 2231; and/or by email to info@dataprotection.ie.

9. Changes to this Privacy Notice

We reserve the right to change this Privacy Notice from time to time at our sole discretion. If we make any such changes, we will post those changes on our website and update the “Last Updated” date at the bottom of this Privacy Notice. However, if we make material changes to this Privacy Notice, we will notify you using any of the contact details we hold for you for this purpose.

10. Complaints

If for any reason you wish to raise a complaint on how we have handled your personal data or you are unhappy with the responses we provide to you, you can contact us in any of the ways detailed below to have the matter investigated.

You also have a right to complain to the Office of the Data Protection Commissioner at Canal House, Station Road, Portarlinton, Co. Laois; by telephone at 1890 25 2231; and/or by email to info@dataprotection.ie.

11. Contact Us

If you have any questions on this Privacy Notice or on the way we use and protect your personal data, you can contact us in any of the following ways:

Telephone: (01) 702 7970

E-mail: esop@esb.ie

Post: ESB ESOP Office, 43 Merrion Square, Dublin 2, DO2 R997

Last Updated: 24 May 2018