

GDPR DATA PRIVACY POLICY



Scope

Thank you for your interest in our company. Data protection is of a high priority for the management of Freshways Ltd, and we strive to be completely transparent with how we collect and use information we gather about you on this site. Your privacy is important to us and we respect your preferences.

By visiting the website, you are accepting the practices described in this privacy policy. If you do not agree to the practices of Freshways Ltd, please do not access, view, visit, download, or otherwise interact with the website.

The processing of personal data, for example, the name, address, e-mail address, or telephone number of a data subject shall be in line with the General Data Protection Regulation (GDPR), and in accordance with the country-specific data protection regulations applicable to Freshways Ltd.

By means of this Privacy Policy, our enterprise would like to inform the public of the nature, scope, and purpose of the personal data we collect, use and process. Furthermore, data subjects are informed by means of this policy, of the rights to which they are entitled.

Our Privacy Policy is organised as follows:

1. Definitions
2. Name and address of the controller
3. Collection of general data and information
4. Registration on our website
5. Storage of personal data
6. Rights of the data subject
7. Legal basis for processing personal data
8. The legitimate interests pursued by the controller
9. Period for which personal data will be stored
10. Provision of personal data as statutory or contractual requirement
11. How to contact us
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1. Definitions

The data protection declaration of Freshways Ltd. is based on the terms used by the European legislator for the adoption of the General Data Protection Regulation (GDPR). Our data protection declaration should be legible and understandable for the public, as well as our customers and business partners. To ensure this, we would like to first explain the terminology used.

In this data protection policy, we use the following terms:

a) Personal data

Personal data means any information relating to an identified or identifiable natural person ("data subject"). An identifiable natural person is one who can be identified, directly or indirectly, by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person

b) Data subject

Data subject is any identified or identifiable natural person, whose personal data is processed by the controller responsible for the processing.

c) Processing

Processing is any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

d) Restriction of processing

Restriction of processing is the marking of stored personal data with the aim of limiting their processing in the future.

e) Profiling

Profiling means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular, to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.

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f) Pseudonymisation

Pseudonymisation is the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person.

g) Controller or controller responsible for the processing

Controller or controller responsible for the processing is the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law.

h) Processor

Processor is a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

i) Recipient

Recipient is a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive personal data in the framework of a particular inquiry, in accordance with Union or Member State law shall not be regarded as recipients; the processing of those data by those public authorities shall follow the applicable data protection rules according to the purposes of the processing.

j) Third party

Third party is a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

k) Consent

Consent of the data subject is any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.

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2. Name and Address of the data Controller

The Controller, for the purposes of the General Data Protection Regulation (GDPR), other data protection laws applicable in Member states of the European Union and other provisions related to data protection is:

Freshways Ltd, located at IDA Poppintree Industrial Estate, Poppintree, Finglas, Dublin 11

3. Collection of general data and information

Purpose for collection of personal data

Personal data entered by the data subject is collected and stored exclusively for internal use and for the sole purpose of Freshways Ltd.

When using general data and information collected via the website, the purpose of collection is:

- deliver the content of our website correctly,
- optimize the content of our website as well as its advertisement,
- ensure the long-term viability of our information technology systems and website technology,
- provide law enforcement authorities with the information necessary for criminal prosecution in case of a cyber-attack.
 - This data is not passed on to third parties unless there is a statutory obligation to pass on the data, or if the transfer serves the aim of criminal prosecution.
 - The registration of the data subject, with the voluntary indication of personal data, may be used by Freshways Ltd to offer the data subject information on relevant Freshways Ltd products or services that may only be offered to data subjects that are already customers.

Telephone Calls

Freshways Ltd does collect Calling Landline Identification (**CLI**) and information on the origins of a call. We do not record or retain phone conversations.

Website Browsing

The Freshways Ltd. website collects a series of general data and information when a data subject visits the website.

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This general data and information are stored in the server log files. Data collected may include:

- the browser types and versions used,
- the operating system used by the accessing system,
- the website from which an accessing system reaches our website (so-called referrers),
- the sub-websites,
- the date and time of access to the Internet site,
- an Internet protocol address (IP address),
- the Internet service provider of the accessing system
- any other similar data and information that may be used in the event of attacks on our information technology systems.

Use of Cookies

<https://www.freshwaysfoodco.ie/cookie-policy/>

Cookie Policy

This site uses cookies – small text files that are placed on your machine to help the site provide a better user experience. In general, cookies are used to retain user preferences, store information for things like shopping carts, and provide anonymised tracking data to third party applications like Google Analytics. As a rule, cookies will make your browsing experience better. However, you may prefer to disable cookies on this site and on others. The most effective way to do this is to disable cookies in your browser. We suggest consulting the Help section of your browser or taking a look at the About Cookies website which offers guidance for all modern browsers

4. Registration on our website

If a data subject voluntarily contacts Freshways Ltd by e-mail or via the contact form on the website, the personal data transmitted by the data subject is automatically stored for relevant processing or contacting the data subject about the specified issue in question.

There is no transfer of this personal data to third parties.

Any emails sent to the company are forwarded to the relevant section or individual employee. The sender's email address will remain visible to all staff tasked with dealing with the query.

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Please be aware that it is the sender's responsibility to ensure that the content of their emails is within the bounds of the law. Unsolicited material of a criminal nature will be reported to the relevant authorities and blocked.

Withdrawal of consent

The consent to the storage of personal data, which the data subject has given for the selected service, may be withdrawn at any time.

5. Storage of personal data

Freshways Ltd shall process and store the personal data of the data subject only for the period necessary to achieve the specified purpose of storage or as far as this is granted by the European legislator or other legislators in laws or regulations to which the controller is subject.

If the purpose for which the data was originally collected no longer exists, or if a storage period prescribed by the European legislator or Irish legislator expires, the personal data is erased in accordance with legal requirements and as outlined in the company policy on data retention (included in Asset Register that could be viewed upon request).

6. Rights of the data subject

Data subject requests for information and access to personal data shall be responded to by Freshways Ltd free of charge, or, where applicable, in accordance with GDPR fee structure.

a) Right of confirmation

Each data subject shall have the right granted by the European legislator to obtain from the controller the confirmation as to whether or not personal data concerning him or her is being processed.

If a data subject wishes to avail him / herself of this right of confirmation, he or she may, at any time, contact our Data Protection Programme Lead or another employee of the company via the contact details provided at the end of this document.

b) Right of access

Each data subject shall have the right granted by the European legislator to obtain from Freshways Ltd confirmation as to whether or not personal data concerning him or her are

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being processed, and, where that is the case, access to the personal data and the following information:

- ✦ the purposes of the processing
- ✦ the categories of personal data concerned
- ✦ the recipients or categories of recipients to whom the personal data has been or will be disclosed, in particular, recipients in third countries or international organisations.

Where this is the case, the data subject shall have the right to be informed of the appropriate safeguards relating to the transfer

- ✦ where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period
- ✦ the existence of the right to request from the controller rectification or erasure of personal data, or restriction of processing of personal data concerning the data subject, or to object to such processing
- ✦ the existence of the right to lodge a complaint with a supervisory authority
- ✦ where the personal data are not collected from the data subject, any available information as to their source
- ✦ the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) of the GDPR and, at least in those cases, meaningful information about the logic involved, as well as the significance and envisaged consequences of such processing for the data subject.

If a data subject wishes to avail him/ herself of this right of access, he or she may at any time contact our Data Protection Programme Lead or another employee of the company.

c) Right to rectification

Each data subject shall have the right granted by the European legislator to request from Freshways Ltd without undue delay the rectification of inaccurate personal data concerning him or her.

Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

If a data subject wishes to exercise this right to rectification, he or she may, at any time, contact our Data Protection Programme Lead or another employee of the company.

d) Right to erasure (Right to be forgotten)

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Each data subject shall have the right granted by the European legislator to request from Freshways Ltd the erasure of personal data concerning him or her without undue delay, and the company shall have the obligation to erase personal data without undue delay where one of the following grounds applies:

- + The personal data *is* no longer necessary in relation to the purposes for which *it was* collected or otherwise processed.
- + The data subject withdraws consent to which the processing is based according to point (a) of Article 6(1) of the GDPR, or point (a) of Article 9(2) of the GDPR, and where there is no other legal ground for the processing.
- + The data subject objects to the processing pursuant to Article 21(1) of the GDPR and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to Article 21(2) of the GDPR.
- + The personal data has been unlawfully processed.
- + The personal data must be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject.
- + The personal data have been collected in relation to the offer of information society services referred to in Article 8(1) of the GDPR.

If one of the reasons applies, and a data subject wishes to request the erasure of personal data stored by Freshways Ltd, he or she may at any time contact our Data Protection Programme Lead or another employee of the company.

The Data Protection Programme Lead of Freshways Ltd or another designated employee shall promptly ensure that the erasure request is complied with immediately.

e) Right to restriction of processing

Each data subject shall have the right to obtain from the controller restriction of processing where one of the following applies:

- + The accuracy of the personal data is contested by the data subject, for a period enabling the controller to verify the accuracy of the personal data.
- + The processing is unlawful and the data subject opposes the erasure of the personal data and requests instead the restriction of their use instead.
- + The controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims.
- + The data subject has objected to processing pursuant to Article 21(1) of the GDPR pending the verification whether the legitimate grounds of the controller override those of the data subject.

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If one of the aforementioned conditions are met, and a data subject wishes to request the restriction of the processing of personal data stored by Freshways Ltd he or she may at any time contact our Data Protection Programme Lead or another employee of the company. The Data Protection Programme Lead of Freshways Ltd, or another employee, will arrange the restriction of the processing.

f) Right to data portability

Each data subject shall have the right to receive the personal data concerning him or her, which was provided to Freshways Ltd, in a structured, commonly used and machine-readable format.

He or she shall have the right to transmit that data to another controller without hindrance, as long as the processing is based on consent pursuant to point (a) of Article 6(1) of the GDPR or point (a) of Article 9(2) of the GDPR, or on a contract pursuant to point (b) of Article 6(1) of the GDPR, and the processing is carried out by automated means.

Furthermore, in exercising his or her right to data portability pursuant to Article 20(1) of the GDPR, the data subject shall have the right to have personal data transmitted directly from Freshways Ltd to another data controller, where technically feasible and when doing so does not adversely affect the rights and freedoms of others.

To assert the right to data portability, the data subject may at any time contact the Data Protection Programme Lead designated by Freshways Ltd, or another employee of the company.

g) Right to object

Each data subject shall have the right to object, on grounds relating to his or her situation, at any time, to processing of personal data concerning him or her, which is based on point (e) or (f) of Article 6(1) of the GDPR.

Freshways Ltd shall no longer process the personal data in the event of the objection, unless we can demonstrate compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject, or for the establishment, exercise or defence of legal claims.

If the data subject objects to Freshways Ltd to the processing for direct marketing purposes, Freshways Ltd will no longer process the personal data for these purposes.

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In addition, the data subject has the right, on grounds relating to his or her situation, to object to processing of personal data concerning him or her by Freshways Ltd for scientific or historical research purposes, or for statistical purposes pursuant to Article 89(1) of the GDPR, unless the processing is necessary for the performance of a task carried out for reasons of public interest.

To exercise the right to object, the data subject may directly contact the Data Protection Programme Lead of Freshways Ltd or another employee of the company.

h) Automated individual decision-making, including profiling

Each data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her, or similarly significantly affects him or her, as long as the decision:

- ✦ is not necessary for entering into, or the performance of, a contract between the data subject and Freshways Ltd or
- ✦ is not authorised by Union or Member State law to which Freshways Ltd is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests,
- ✦ is not based on the data subject's explicit consent.

If the decision:

(1) is necessary for entering into, or the performance of, a contract between the data subject and a data controller, or

(2) is based on the data subject's explicit consent

Freshways Ltd shall implement suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the controller, to express his or her point of view and contest the decision.

If the data subject wishes to exercise the rights concerning automated individual decision-making, he or she may at any time directly contact the Data Protection Programme Lead of Freshways Ltd or another employee of the company.

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i) Right to withdraw consent

Each data subject shall have the right to withdraw his or her consent to processing of his or her personal data at any time.

If the data subject wishes to exercise the right to withdraw the consent, he or she may at any time directly contact the Data Protection Programme Lead of Freshways Ltd or another employee of the company.

Freshways Ltd, as the data controller shall, at any time, provide information upon request to each data subject as to what personal data is stored about the data subject. In addition, Freshways Ltd shall correct or erase personal data at the request or indication of the data subject, insofar as there are no statutory storage obligations. The Data Protection Programme Lead and employees of Freshways Ltd are available to the data subject in this respect as contact persons. Contact details are provided at the end of this document.

7. Legal basis for the processing

Art. 6(1)a GDPR can sometimes serve as the legal basis for processing operations for which we obtain consent for a specific processing purpose. That is to say, the data subject has given consent to the processing of his or her personal data for one or more specific purposes.

If the processing of personal data is necessary for the performance of a contract to which the data subject is party, as is the case, for example, when processing operations are necessary for the supply of goods or to provide any other service, the processing is based on Article 6(1)b GDPR.

The same applies to such processing operations which are necessary for carrying out pre-contractual measures, for example in the case of enquiries concerning our products or services.

If our company is subject to a legal obligation by which processing of personal data is required, such as for the fulfilment of tax obligations, the processing is based on Art. 6(1)c GDPR.

In rare cases, the processing of personal data may be necessary to protect the vital interests of the data subject or of another natural person. This would be the case, for example, if a visitor was injured in our company and his or her name, age, health insurance data or other

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vital information would have to be passed on to a doctor, hospital or other third party. Then the processing would be based on Art. 6(1)d GDPR.

Finally, processing operations could be based on Article 6(1)f GDPR. This legal basis is used for processing operations which are not covered by any of the above mentioned legal grounds, if processing is necessary for the purposes of the legitimate interests pursued by our company or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data.

A legitimate interest could be assumed if the data subject is a customer of the controller (Recital 47 Sentence 2 GDPR).

8. The legitimate interests pursued by Freshways Ltd

Where the processing of personal data is based on Article 6(1)f GDPR, our legitimate interest is to carry out our business, which is to provide fresh food services, in favour of the well-being of all our employees and the shareholders, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data.

9. Period for which the personal data will be stored

The criteria used to determine the period of storage of personal data is the respective statutory retention period. Alternatively, the retention period is that designated and documented as legitimate for the specified processing.

After expiration of that period, the corresponding data is routinely deleted, as long as it is no longer necessary for the fulfilment of the contract.

10. Provision of personal data as statutory or contractual requirement

We clarify that the provision of personal data is partly required by law (e.g. tax regulations) or can also result from contractual provisions.

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Sometimes it may be necessary that to perform a contract that the data subject provides us with personal data, which must subsequently be processed by us.

The data subject is, for example, obliged to provide us with personal data when our company signs a contract with him or her.

The non-provision of the personal data would have the consequence that the contract with the data subject could not be performed.

Before personal data is provided by the data subject, the data subject may contact our Data Protection Programme Lead. Our Data Protection Programme Lead clarifies to the data subject whether the provision of the personal data is required by law or contract or is necessary for the performance of the contract, whether there is an obligation to provide the personal data and the consequences of non-provision of the personal data.

11. How to contact us

If you require further information regarding our privacy policy, you can contact us at:

Postal address:
Freshways Ltd
IDA Poppintree
Industrial Estate
Finglas
D11 F851
Dublin

Telephone Number:
01 864 8000

Website: freshwaysfoodco.ie

Email of Internal Data Protection Programme Lead: Emiliacullen@freshways.ie

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12. Changes to this privacy policy

Freshways Ltd. May, from time to time, update this privacy policy:

- to clarify our practices
- to reflect new or different privacy practices
- to link to relevant data protection policies

Document Control

The Freshways GDPR Team is the owner of this document and is responsible for ensuring that this procedure is reviewed in line with the review requirements of the GDPR.

A current version of this document is available to all members of staff in the GDPR Policies & Procedures folder in the canteen.

This policy was approved by the Board of Directors and is issued on a version-controlled basis under the signature of the Managing Director.

Signature:

Date: 28/11/19

Change History Record

Issue	Description of Change	Approval	Date of Issue
1	Issued by Freshways		03.12.19