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BYES-GOV	POL	013	002	Nov 2023



Bouygues E & S Contracting UK Limited Direct Marketing Privacy Notice

Bouygues E&S Contracting UK Limited ("**BYES**") is a part of the Equans group of companies under the ownership and control of Equans S.A.S. Equans S.A.S. is part of the Bouygues groups of companies under the ownership and control of Bouygues S.A.

BYES is committed to protecting the privacy and security of your personal information. This notice applies as between you and BYES. BYES is committed to complying with its legal obligations under the retained version of the General Data Protection Regulation and the Data Protection Act 2018 ("**GDPR**", sometimes known as UK GDPR), and to the protection of the rights and freedoms of individuals whose personal data BYES obtains or generates as part of its business operations.

This notice describes how and why we collect, store and use personal data and also provides information about individuals' rights. Please read the following carefully to understand our views and practices regarding your personal data and how we will treat it.

This notice applies to prospective clients or customers who BYES believe may be interested in its business or services.

In this notice "we", "us" and "our" means BYES. The following terms are used within this notice:

Personal data	Any information relating to an identified or identifiable individual
Special category personal data	<p>Personal data revealing racial or ethnic origin, political opinions, religious beliefs, philosophical beliefs or trade union membership</p> <p>Genetic and biometric data (when processed to uniquely identify an individual)</p> <p>Data concerning health, sex or sexual orientation</p>
Data subject	The individual who the personal data relates to

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1. What personal data do we collect and process?

In order for us to promote our business, products or services or to prospect to gain new clients and/or sales we may need to send direct marketing communications to professionally relevant contacts.

We are committed to ensuring that the personal data we collect and use is appropriate for this purpose and does not constitute an invasion of an individual's privacy. This section sets out further details of the types of personal data we collect in different circumstances and how it is used by us.

We may collect and use the following personal data about you:

- your name and contact information, including email address, telephone number and company details;
- details of your employer or the organisation you represent;
- your personal or professional interests, if you choose to give this to us;
- your professional online presence, e.g. LinkedIn profile;
- information about how you use our website, IT, communication and other systems;
- your responses to surveys, competitions and promotions;
- information collected through automated monitoring of our websites and other technical systems such as our computer networks and connections.

We collect and use this personal data in order to market our businesses, products and services to professionally relevant persons with a view to offering services to you or the organisation you represent or to enable you or the organisation you represent to provide operations, goods and/or services to BYES (see **How and why we use your personal data**).

We collect most of this personal data directly from you in person, by telephone, text or email and/or via our website and apps. However, we may also collect information:

- from publicly accessible sources, e.g. Companies House or HM Land Registry;
- directly from a third party, e.g.:
 - sanctions screening providers;
 - credit reference agencies;
 - customer due diligence providers;
- from a third party with whom we have an appropriate contractual relationship and from whom we are satisfied personal data has been lawfully collected;
- from cookies on our website—for more information on our use of cookies, please see our cookie statements available on our website.

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2. On what basis do we process personal data?

We will only process personal data where we have a lawful basis on which to do so. The lawful basis on which data is processed will depend on the nature of the information collected and the purposes for which it is used by us but in the context of the subject of this privacy notice will be one or more of following:

- **Consent:** you have provided your consent for us to process your personal data for a specific purpose.
- **Legitimate interests:** the processing is necessary for our legitimate interests or the legitimate interests of a third party.

A legitimate interest is when we have a business or commercial reason to use your information, so long as this is not overridden by your own rights and interests.

We do not anticipate processing special category personal data for direct marketing purposes, but where this is unavoidable we will also ensure we are permitted to do so under data protection laws, e.g. where we have the individual's explicit consent, the processing is necessary to protect and individual's vital interests where the individual is physically or legally incapable of giving consent, or if the processing is necessary to establish, exercise or defend legal claims.

How and why we use your personal data

The table below explains what we use your personal data for and why.

What we use your personal data for	Our reasons
Updating and enhancing client records	For our legitimate interests or those of a third party, e.g. making sure that we can keep in touch with our clients about existing contracts or other potential commercial opportunities

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<p>Marketing and promoting our services and those of selected third parties, and/or managing relationships, by survey or provision of information on events and access to publications, operations, products or services that we feel may be of interest to:</p> <ul style="list-style-type: none"> —existing and former clients; —third parties who have previously expressed an interest in our services or operations; —third parties with whom we have had no previous dealings. 	<p>With your consent or for our legitimate interests or those of a third party, i.e. to promote our business and services to professionally relevant individuals and to improve our services and provide educational training when required.</p>
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Marketing and publicity

We have a legitimate interest in using your personal data for marketing purposes (see above '**How and why we use your personal data**'). This means we do not usually need your consent to send you marketing information. However, where consent is needed, we will ask for this separately and clearly.

You have the right to opt out of receiving marketing communications at any time by:

- using the 'unsubscribe' link in emails; or
- updating your marketing preferences on our preference centre, which will be linked in communications.

You may specify your contact preferences when you register to attend an event or receive communications, products or services from us. You will also be able change your contact preferences at any time using the options which can be found on relevant communications. We may ask you to confirm or update your marketing preferences if you ask us to provide further operations, goods and/or services to you or the organisation you represent in the future, or if there are changes in the law, regulation, or the structure of our business.

We will always treat your personal data with the utmost respect and never sell or share it with other organisations outside the Bouygues group for marketing purposes.

3. Your rights as a data subject

As a data subject you have certain rights which you may exercise if we are in possession of, or are processing, your personal data. Specifically:

- **Right of access** – you have the right to request a copy of the information that we hold about you.

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- **Right of rectification** – you have a right to correct data that we hold about you that is inaccurate or incomplete.
- **Right to be forgotten** – you have a right, in certain circumstances, to ask for the data we hold about you to be erased from our records.
- **Right to restriction of processing** – where certain conditions apply you have a right to restrict the processing of your personal data.
- **Right of portability** – you have the right to have the data we hold about you transferred to another organisation.
- **Right to object** – you have the right to object to certain types of processing such as direct marketing.

Should you wish to exercise these rights you can contact us using the contact details set out in the Contact Information section below. In the event that BYES refuses your request under rights of access, we will provide you with a reason as to why. You have the right to complain as outlined in the Complaints section below.

4. For how long do we hold personal data?

BYES will only retain personal information for the period necessary to fulfil the purposes for which it is collected and processed, or for such shorter or longer period as may be prescribed by applicable law or our internal policies and procedures.

We will keep your personal data while we are providing operations, goods and/or services to you or the organisation you represent or you or the organisation you represent are providing operations, goods and/or services to us or whilst there are potential mutual business opportunities for us and the business you represent. Thereafter, we will keep your personal data for as long as is necessary:

- to respond to any questions, complaints or claims made by you or on your behalf;
- to show that we treated you fairly;
- to keep records required by law.

We will not keep your personal data for longer than necessary. Different retention periods apply for different types of personal data.

When it is no longer necessary to keep your personal data, we will delete or anonymise it.

5. Transferring, storing and processing your data

Personal data may be held at our offices and those of our group companies, third party agencies, service providers, representatives and agents (see below: '**Disclosure of your information**'). Some of these third parties may be based outside the UK.

Transferring your personal data out of the UK

To deliver our operations or services to you, it is sometimes necessary for us to share your personal data outside the UK, e.g.:

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- with our offices or other companies within our group located outside the UK;
- with your and our service providers located outside the UK/EEA;
- if you are based outside the UK/EEA;
- where there is a European and/or international dimension to the services we are providing to you or you are providing to us.

The data that we collect may be processed by staff operating outside the EEA who work for us. Such staff will be engaged in the provision of support services for our business. By submitting your personal data to us, you agree to this transfer, storing or processing. We will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this Privacy Notice.

Under data protection law, we can only transfer your personal data to a country or international organisation outside the UK/EEA where:

- the UK government or, where the EU GDPR applies, the European Commission has decided the particular country or international organisation ensures an adequate level of protection of personal data (known as an 'adequacy decision');
- there are appropriate safeguards in place, together with enforceable rights and effective legal remedies for data subjects; or
- a specific exception applies under data protection law. These are explained below.

Adequacy decision

We may transfer your personal data to certain countries, on the basis of an adequacy decision. These include:

- all European Union countries, plus Iceland, Liechtenstein and Norway (collectively known as the 'EEA');
- Gibraltar; and
- Andorra, Argentina, Canada, Faroe Islands, Guernsey, Israel, Isle of Man, Japan, Jersey, New Zealand, Switzerland and Uruguay.

The list of countries that benefit from adequacy decisions will change from time to time. We will always seek to rely on an adequacy decision, where one exists.

Other countries or international organisations we are likely to transfer personal data to do not have the benefit of an adequacy decision. This does not necessarily mean they provide poor protection for personal data, but we must look at alternative grounds for transferring the personal data, such as ensuring appropriate safeguards are in place or relying on an exception, as explained below.

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Transfers with appropriate safeguards

Where there is no adequacy decision, we may transfer your personal data to another country or international organisation if we are satisfied the transfer complies with data protection law, appropriate safeguards are in place, and enforceable rights and effective legal remedies are available for data subjects.

The safeguards will usually include using legally-approved standard data protection contract clauses. In relation to transfers to our overseas offices or other companies within our group, the safeguards may instead include legally binding rules and policies that apply to the Equans and Bouygues groups (known as binding corporate rules), which have been approved by the UK and/or French data protection regulator.

To obtain a copy of the standard data protection contract clauses and further information about relevant safeguards, including our binding corporate rules, please contact us (see '**Contact Information**' below).

Transfers under an exception

In the absence of an adequacy decision or appropriate safeguards, we may transfer personal data to a third country or international organisation where an exception applies under relevant data protection law, e.g.:

- you have explicitly consented to the proposed transfer after having been informed of the possible risks;
- the transfer is necessary for the performance of a contract between us or to take pre-contract measures at your request;
- the transfer is necessary for a contract in your interests, between us and another person; or
- the transfer is necessary to establish, exercise or defend legal claims.

We may also transfer information for the purpose of our compelling legitimate interests, so long as those interests are not overridden by your interests, rights and freedoms. Specific conditions apply to such transfers and we will provide relevant information if and when we seek to transfer your personal data on this ground.

6. Disclosure of your information

We may disclose your personal information to any member of our group, which means Bouygues SA, its subsidiaries and subsidiary undertakings from time to time (as defined in the Companies Act 2006).

We may also disclose your personal information to third parties in certain circumstances including:

- We may provide personal data to clients, third party suppliers, service providers, professional advisors and other business partners (e.g. bank(s), insurers, brokers) to enable us to provide or receive products or services.
- Other third parties we use to help us run our business, e.g. marketing agencies or website hosts;

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- Third parties approved by you, e.g. social media sites you choose to link your account to or third party payment providers;
- We may share personal data with external auditors, e.g. in relation to ISO or other quality accreditations and the audit of our accounts;
- We may disclose or share your personal data if we are under a duty to do so in order to comply with any legal or regulatory obligation or where necessary to enforce any legal right or contractual agreement, or to protect the rights, property, or safety of BYES, our employees, customers, or others. This includes exchanging information with other companies, organisations and bodies for the purposes of fraud protection and credit risk reduction.
- We may share some personal data with other parties, such as potential buyers of some or all of our business or during a restructuring—usually, information will be anonymised but this may not always be possible, however, the recipient of the information will be bound by confidentiality obligations.

We only allow our service providers to handle your personal data if we are satisfied they take appropriate measures to protect your personal data. We also impose contractual obligations on service providers to ensure they can only use your personal data to provide services to us and to you.

If you would like more information about who we share our data with and why, please contact us (see '**Contact Information**' below).

Keeping your personal data secure

We have appropriate security measures to prevent personal data from being accidentally lost or used or accessed unlawfully. We limit access to your personal data to those who have a genuine business need to access it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality. We continually test our systems and we carry CyberEssentials+ accreditation, which means we follow top industry standards for information security.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

If you want detailed information from Get Safe Online on how to protect your information and your computers and devices against fraud, identity theft, viruses and many other online problems, please visit www.getsafeonline.org. Get Safe Online is supported by HM Government and leading businesses.

7. Changes to our Privacy Notice

We reserve the right to change this policy at any time. Where appropriate, we may notify data subjects of those changes.

8. Contact information

Any questions, comments and requests regarding this Privacy Notice or our collection or use of personal data should be emailed to:

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Attention: Head of Privacy and Data Protection

Email: privacy.uk@equans.com

Complaints

If you wish to make a complaint about how your personal data is being processed by us (or the third parties referred to in this Privacy Notice), or how your complaint has been handled, you have a right to lodge a complaint with our Head of Privacy and Data Protection at privacy.uk@equans.com or by contacting: **The Information Commissioners Office, c/o:-**

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF Email: casework@ico.org.uk