

OPERATING POLICY IN RESPECT OF EUROPEAN SOCIAL FUND (ESF) ONLINE APPLICATIONS

By signing and accepting the ESIF Outline and/or Full Application Form(s) you are accepting and consenting to the practices described in this policy.

Information we may collect and process from you

We may collect and process the following data about your company:

- **Information you give us.** You may give us information about your company by filling in the Outline Application Form or Full Application form or by corresponding with us by phone, e-mail or otherwise. This includes information you provide when you register to use this site and apply for funding.
- **Information we collect about your company.** With regard to each of your visits to our site we may automatically collect the following information:
 - technical information, including the Internet protocol (IP) address used to connect your computer to the Internet, your login information, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform;
 - information about your visit, including the full Uniform Resource Locators (URL) clickstream to, through and from our site (including date and time); products you viewed or searched for; page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), and methods used to browse away from the page and any phone number used to call our customer service number.

USE OF INFORMATION

We use information held about your company in the following ways:

- **Information you give to us.** We will use this information:
 - to assess your application for funding and capacity to administer that funding [which may include a financial appraisal];
 - to make a decision about your application for funding; and
 - to process your application for funding further if successful.
- We will also use this information, or information we collect about your company:

- for the purposes of statistical analysis;
- for the purposes of auditing and assessing compliance with relevant law and policy relating to the European Structural Investment Funds;
- for the purposes of complying with legal obligations, in particular the data retention requirements imposed by the Regulation 1303/2013 and state aid law;
- for the purposes of informing policies and procedures in relation to the application and evaluation of grants.
- to administer our site and for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes;
- to improve our site to ensure that content is presented in the most effective manner for you and for your computer;
- as part of our efforts to keep our site safe and secure;

DISCLOSURE OF INFORMATION

We may share your information with selected third parties including:

- The LEP Area ESIF Committee for the purposes of seeking their views on the application for funding.
- Analytics and search engine providers that assist us in the improvement and optimisation of our site.

WHERE WE STORE YOUR COMPANY DATA

All information you provide to us is stored on our secure servers. Where we have given you (or where you have chosen) a password which enables you to access certain parts of our site, you are responsible for keeping this password confidential. We ask you not to share a password with anyone.

Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect your data, we cannot guarantee the security of your data transmitted to our site; any transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access.

DATA RETENTION AND DESTRUCTION

We will not hold your company information for longer than is necessary. We will hold your information for a minimum of two years from the 31st December following the submission of accounts required under Article 137 of Regulation

1303/2013 in which the final expenditure of the completed operation is included, unless have legitimate reason to retain your information for longer (see Article 140 of Regulation 1303/2013). We shall inform you as to the start date of this two year period. In general, we expect such legitimate reason to be limited to the requirement to defend any legal proceedings that may be brought against us by any person or body in relation to your application; the requirement to assess grant applicants' or recipients' compliance with relevant law or policy or data retention as is required by law or by any regulatory body or recommended by any relevant code of practice.

Upon expiry of the data retention period, your data shall be destroyed securely.

YOUR RIGHTS

If you believe that any information we hold about your company is inaccurate or incorrect, please tell us and we will correct it.

COMMERCIALLY SENSITIVE INFORMATION

During the course of your application for funding you may submit 'Information' that you consider commercially sensitive or confidential. Information is defined in section 84 of FOIA.

Commercially Sensitive Information comprises Information of a commercially sensitive nature relating to you, your intellectual property rights or your business or which you have indicated to DCLG that, if disclosed by us, would cause you significant commercial disadvantage or material financial loss.

Confidential Information comprises any Information, however it is conveyed, that relates to your business, affairs, developments, trade secrets, know-how, personnel and suppliers including intellectual property rights, together with all information derived from the above, and any other information clearly marked by you as being confidential.

You acknowledge that DWP is subject to the requirements of the Freedom of Information Act 2000 (**FOIA**) and the Environmental Information Regulations 2004 such that it is under a duty to comply with information disclosure requirements under the FOIA.

Section 43 of FOIA exempts information, disclosure of which would be likely to prejudice the commercial interests of any person (i.e. Commercially Sensitive Information). It also includes a specific exemption for trade secrets. It protects not only the commercial interests of third parties but also the commercial interests of the public authority that holds the information.

Section 41 of FOIA exempts information if the disclosure of the information to the public by the public authority holding it would constitute a breach of confidence actionable by that or any other person (i.e. Confidential Information).

You should bear in mind that the commercial sensitivity (particularly the market sensitivity) of information will usually decrease with time.

If you consider any Information that you provide to DWP as being either Commercially Sensitive Information or Confidential Information, please bring this to the attention of the Department by ticking the relevant box on the application and providing a schedule of such information in the space provided with reasons as to why you consider such information as Commercially Sensitive or Confidential.

The ticking of this box and marking as Commercially Sensitive or Confidential will not automatically exempt such information from disclosure. DWP shall be responsible for determining at its absolute discretion whether the Commercially Sensitive Information and/or any other Information:

- a) is exempt from disclosure in accordance with the provisions of FOIA or the Environmental Information Regulations 2004;
- b) is to be disclosed in response to a request for information.

As stated above, DWP may wish to share any or all Information that you have provided with the LEP Area ESIF Committee for the purposes of seeking their views on the suitability of an application for funding, having regard to the Operational Programme. This may include information that you have marked as Commercially Sensitive or Confidential. Therefore, if you have any objection to any Information being shared, you must bring this to our attention at the time of making the application. In the absence of an express objection, your consent to the sharing of Information as outlined above is deemed once you submit the application. Where you raise an objection, we will contact you to discuss what information can be sent to the LEP Area ESIF Committee for the purposes of seeking their view on the application for funding.

CONTACT

Questions, comments and requests regarding this privacy policy are welcomed and should be addressed to ESF Division, Caxton House, Tothill Street, London SW1H 9NA

CHANGES TO OUR POLICY

Any changes we may make to our operating policy in the future will be posted on this page and, where appropriate, notified to you by e-mail. Please check back frequently to see any updates or changes.