Policy Document
Data Protection and Privacy

lastmile

Data Protection and Privacy Policy

1. OUR PURPOSE

At Last Mile, we design, build, own and operate essential utilities infrastructure so people across Great Britain have access to the heat, power, water and wastewater services they need, every day.

Our purpose is to deliver utilities infrastructure that communities can rely on, now and in the future.

2. POLICY STATEMENT

Last Mile has a responsibility to protect the privacy of its customers, suppliers, Employees and other third parties we work with, safeguarding the valuable data and information entrusted to us. Understanding this responsibility and adopting the correct behaviours and procedures when collecting and processing personal data and information helps ensure Last Mile meets its legal and regulatory obligations with the necessary controls in place.

It is Last Mile's policy to comply with the law relating to the Data Processing of Personal Data, including the Data Protection Act 2018 and the Privacy and Electronic Communications Regulations 2003, all as amended from time to time (together "**Data Protection Legislation**").

Last Mile is committed not only to the letter of the law, but also to the spirit of the law and places high importance on the correct, lawful and fair handling of all Personal Data, respecting the legal rights, privacy and trust of all individuals with whom it deals. Last Mile is committed to safeguarding the Personal Data of its customers, suppliers, Employees and other third parties with whom it engages (each a **"Data Subject"** and together, **"Data Subjects"**).

All Personal Data will:

- be processed fairly, lawfully and in a transparent manner;
- be collected and processed for specific, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- be adequate, relevant and limited to what is necessary for the purposes for which it is processed;
- be kept accurate and up-to-date;
- not be kept for longer than is necessary for its given purpose;
- be processed in a manner that ensures appropriate security of Personal Data, including protection against unauthorised or unlawful Data Processing, accidental loss, destruction or damage by using appropriate technical or organisational measures; and
- only be shared with a third party where needed to enable a service to be provided to or by Last Mile; where required by law; through the common duty to protect the life of an individual; or by consent of the individual (and subject always to appropriate contractual terms being in place to protect such Personal Data).

2.1. Lawfulness, fairness and transparency

Last Mile must identify valid grounds under Data Protection Legislation for Data Processing of Personal Data. Data Protection Legislation allows such processing on six lawful bases:

- **Consent:** an individual has given their consent for their data to be processed;
- **Contract:** the processing is necessary for a contract Last Mile has with an individual or in order to take steps at the request of the Data Subject prior to entering into a contract with them;
- **Legal Obligation:** the processing is necessary to comply with the law;
- **Vital Interest:** the processing is necessary to protect an individual's life;
- **Public Task**: the processing is necessary to perform a task in the public interest or for Last Mile's official functions; and/or
- **Legitimate Interest:** the processing is necessary to pursue Last Mile's legitimate interests, where they are not overridden by the fundamental rights and freedoms of Data Subjects.

2.2. Purpose limitation

Last Mile's purpose for Data Processing Personal Data must be clearly established from the outset and recorded in Last Mile's Information Asset Register.

Last Mile may only process Personal Data for a new purpose if either the new purpose is compatible with the original purpose, consent is given, or Last Mile has a clear obligation or function set out in law.

Data Subjects must be informed about what Personal Data Last Mile holds on them, how and why it is holding it. This is communicated through Last Mile's Privacy Notice, which must be presented to the Data Subject at the earliest opportunity and made available via the Last Mile website and myHR.

2.3. Data subject rights

Last Mile will respect the rights of individuals as defined within the Data Protection Legislation. Data Protection Legislation provides the following rights for Data Subjects:

- the right to be informed about the collection and use of their Personal Data. In this respect, Last Mile will publish on its website, through its Privacy Notice, details about an individual's rights, how to exercise those rights and how to make a complaint;
- the right to access their Personal Data;
- the right to request to have inaccurate Personal Data rectified, or completed if it is incomplete;
- the right to request to have Personal Data erased;
- the right to request the restriction or suppression of their Personal Data;
- the right to data portability;
- the right to object to Data Processing of their Personal Data in certain circumstances; and
- the right to object to decisions made based solely on automated decision making.

If an employee receives a request (verbal or written) from a Data Subject to exercise any of their rights,

the request must be forwarded promptly to the DPO. Employees must not respond to the request until they are advised to do so by the DPO.

2.4. Data subject access requests

Data Subjects may make a "Data Subject Access Request" ("**DSAR**") at any time to find out more about the Personal Data which Last Mile holds about them, what it is doing with that Personal Data, and why.

Data Subjects wishing to make a DSAR should refer to Last Mile's **Data Subject Access Request Procedure.**

2.5. Rectification of personal data

Data Subjects have the right to require Last Mile to rectify any of their Personal Data that is inaccurate or incomplete.

Last Mile shall rectify the Personal Data in question, and inform the Data Subject of that rectification, within one month of the Data Subject informing Last Mile of the issue. This period can be extended up to two months in the case of complex requests. If such additional time is required, the Data Subject shall be informed.

In the event that any affected Personal Data has been disclosed to third parties, those parties shall be informed of any rectification that must be made to that Personal Data (unless it is impossible or would require disproportionate effect to do so).

2.6. Erasure of personal data

Data Subjects have the right to request that Last Mile erases the Personal Data it holds about them in the following circumstances:

- it is no longer necessary for Last Mile to hold that Personal Data with respect to the purpose(s) for which it was originally collected or processed;
- the Data Subject wishes to withdraw their consent to Last Mile holding and processing their Personal Data;
- the Data Subject objects to Last Mile holding and processing their Personal Data (and there is no overriding legitimate interest to allow Last Mile to continue doing so);
- the Personal Data has been processed unlawfully; and/or
- the Personal Data needs to be erased in order for Last Mile to comply with a particular legal obligation.

Unless Last Mile has reasonable grounds to refuse to erase Personal Data, all requests for erasure shall be complied with, and the Data Subject informed of the erasure, within one month of receipt of the Data Subject's request. This period can be extended by up to two months in the case of complex requests. If such additional time is required, the Data Subject shall be informed.

In the event that any Personal Data that is to be erased in response to a Data Subject's request has been disclosed to third parties, those parties shall be informed of the erasure (unless it is impossible or would require disproportionate effort to do so).

2.7. Restriction of personal data processing

Data Subjects may request that Last Mile ceases processing the Personal Data it holds about them. If a Data Subject makes such a request, Last Mile shall retain only the amount of Personal Data concerning that Data Subject (if any) that is necessary to ensure that the Personal Data in question is not processed further.

In the event that any affected Personal Data has been disclosed to third parties, those parties shall be informed of the applicable restrictions on processing it (unless it is impossible or would require disproportionate effort to do so).

2.8. Right to data portability

Data Subjects have the right to obtain the Personal Data that Last Mile holds on them and use it for their own purposes. This means that Data Subjects have the right to receive their Personal Data in a structured machine-readable format and to transmit the data to a different data controller. The right only applies to Personal Data which a Data Subject has provided to Last Mile.

The right to portability is different from the right to access. Although both involve a right of the Data Subject to access their Personal Data, the right to portability includes only Personal Data which the Data Subject has provided to Last Mile whereas the right of access includes all Personal Data relating to the Data Subject, including that which has not been provided to Last Mile by the Data Subject.

Where a request for data portability is received, Last Mile will respond without undue delay, and within one month at the latest. Where the request is complex, or Last Mile receives a number of requests, Last Mile may extend the timescale for response from one month to two months. If this is the case, Last Mile will write to the Data Subject within one month of receipt of the request explaining the reason for the extension.

2.9. Objections to personal data processing

Data Subjects have the right to object to Last Mile processing their Personal Data based on legitimate interests, direct marketing (including profiling), and processing for historical research and statistics purposes.

Where a Data Subject objects to Last Mile processing their Personal Data based on its legitimate interests, Last Mile shall cease such processing immediately, unless it can be demonstrated that Last Mile's legitimate grounds for such processing override the Data Subject's interests, rights and freedoms, or that the processing is necessary for the conduct of legal claims.

Where a Data Subject objects to Last Mile processing their Personal Data for direct marketing purposes, the Last Mile shall cease such processing immediately.

Where a Data Subject objects to Last Mile processing their Personal Data for historical research and/or statistics purposes, the Data Subject must, under Data Protection Legislation, "demonstrate grounds relating to his or her particular situation". Last Mile is not required to comply if the research is necessary for the performance of a task carried out for reasons of public interest.

2.10. Objections to automated decision making (including profiling)

Last Mile acknowledges, in some instances, ADM (that is, the process of making decisions by automated means without any human involvement) or Profiling (being any form of automated processing of Personal Data to evaluate certain personal aspects relating to an individual, in particular to analyse or predict aspects concerning that individual's performance at work, health, personal preferences, interests, reliability, behaviours, location or movements) might be useful. Last Mile may carry out this type of decision-making where the decision is necessary for the entry into or performance of a contract or based on the individual's explicit consent.

Data Subjects have the right not to have decisions made about them solely on the basis of automated decision-making processes where there is no human intervention, where such decisions will have a legal or similarly significant effect on the Data Subject.

2.11. Storage, retention and disposal of personal data

Last Mile will keep some forms of Personal Data for longer than others, for example, where Last Mile may be required to in accordance with a regulatory or other legal requirement. However, Personal Data must not be kept indefinitely or for longer than needed for the purposes for which it was originally collected.

Last Mile's Information Asset Register sets out the periods/timescales for the retention of various types of Personal Data held by Last Mile (the "**Retention Periods**"). Likewise, a Retention Period shall be documented in the Information Asset Register for any new type of Personal Data held by Last Mile. Last Mile shall undertake periodic review of retained Personal Data to ensure compliance with the Retention Periods. When establishing and/or reviewing Retention Periods, the following shall be taken into account:

- the objectives and requirements of Last Mile;
- the type of Personal Data in question;
- the purpose(s) for which the Personal Data in question is collected, held and processed;
- Last Mile's legal basis for collecting, holding and processing that Personal Data; and
- the category or categories of Data Subjects to whom the data relates.

Last Mile must take all reasonable steps to destroy, erase (including any and all backups thereof) or anonymise, from its systems, Personal Data that is no longer required in accordance with this Policy and the Retention Periods. This includes requiring third parties to destroy, erase or anonymise such Personal Data where applicable.

2.12. Integrity and confidentiality (security)

Last Mile is committed to ensuring safeguards appropriate to the size, scope and nature of its business are in place to protect the Personal Data it collects, holds and processes.

Employees must comply with the security measures set out in Last Mile's **IT Security Policy** and all other administrative, physical and technical procedures Last Mile implements to maintain the security of Personal Data.

2.13. International transfers

Data Protection Legislation restricts transfers of Personal Data outside the European Economic Area ("**EEA**"). Employees must not transfer Personal Data outside the EEA without the permission of the DPO.

2.14. Personal data breaches

If an Employee knows or suspects that a Personal Data breach has occurred, they should not attempt to investigate the matter themselves. Employees must contact the DPO immediately, who will instigate Last Mile's **Personal Data Breach Procedure**.

Employees should preserve all evidence relating to the potential Personal Data breach, as per the Last Mile's Personal Data Breach Procedure.

Where a Personal Data breach is likely to result in a risk to the rights and freedoms of Data Subjects, the DPO must report the breach to the Information Commissioner within 72 hours of Last Mile becoming aware of it.

Data Subjects will be informed directly, without undue delay, in the event that the Personal Data breach is likely to result in a high risk to their rights and freedoms.

2.15. Data protection impact assessments

Last Mile shall carry out Data Protection Impact Assessments ("**DPIAs**") for any and all new projects and/or new uses of Personal Data which involve the use of new technologies and the processing involved is likely to result in high risk to the rights and freedoms of Data Subjects under Data Protection Legislation.

DPIAs shall be overseen by the DPO and shall address the following:

- the type(s) of Personal Data that will be collected, held and processed;
- the purpose(s) for which Personal Data is to be used;
- how the Personal Data is to be used;
- the parties (internal and/or external) who are to be consulted;
- the necessity and proportionality of the data processing with respect to the purpose(s) for which it is being processed;
- the risks posed to the Data Subjects and to Last Mile; and
- proposed measures to minimise and handle identified risks.

2.16. Accountability

Last Mile has implemented the following measures to protect the Personal Data it processes:

- **Resource:** Last Mile appoints employees who, as part of their role, have specific responsibilities for Data Processing and the comprehensive review and audit of its data protection systems and procedures. There are clear lines of responsibility and accountability for these different roles.

- **Communication:** Last Mile has embedded data protection into internal and external documents including this Policy and Last Mile's Privacy Notice.
- **Record Keeping:** Last Mile keeps an up-to-date Information Asset Register, which records all of its Data Processing.
- **Managing Risk:** Last Mile undertakes Data Protection Impact Assessments in respect of high-risk processing of new data or current data in a new way.
- **Training:** Last Mile provides information and training (face-to-face and e-learning) to Employees, contractors and other workers as required, on Data Protection Legislation, this Policy, related policies and procedures and other data protection matters.
- **Audit:** Last Mile reviews and tests its systems and procedures regularly to assess compliance with Data Protection Legislation. Last Mile also reviews all contracts entered into with third parties who receive Personal Data to ensure such third parties have robust systems and procedures to ensure compliance within Data Protection Legislation.

2.17. Direct marketing

A Data Subject's prior consent may be required for electronic direct marketing (being the communication (by whatever means) of advertising or marketing material which is directed to particular individuals), unless they are existing customers whose Personal Data Last Mile already has from the previous sale of goods and services and the Data Subject has previously opted in to receiving direct marketing.

This "soft opt-in" only applies if Last Mile is marketing similar products or services and the Data Subject has had the opportunity to opt out of direct marketing communications previously. If Employees are in any doubt whether the product or service is similar, they must contact the DPO.

The right to object to Direct Marketing must be offered explicitly to Data Subjects in every communication.

2.18. Sharing personal data

Last Mile may only share Personal Data with third parties, such as suppliers, if:

- they have a professional, role-related need to obtain the Personal Data for the purposes of providing contracted services;
- sharing the data is not in contravention of Last Mile's Privacy Notice; and
- there is a written Data Protection Legislation compliant contract in place, which stipulates the responsibilities and liabilities of both parties.

2.19. Organisational measures

Last Mile shall ensure that the following measures are taken with respect to the collection, holding and processing of Personal Data:

- all Employees, agents, contractors, or other parties working on behalf of Last Mile shall be made fully aware of both their individual responsibilities and Last Mile's responsibilities under Data Protection Legislation and under this Policy, and where necessary, shall be provided with

a copy of this Policy;

- only Employees, agents, contractors or other parties working on behalf of Last Mile that need access to, and use of, Personal Data in order to carry out their assigned duties correctly shall have access to Personal Data held by Last Mile;
- all Employees, agents, contractors or other parties working on behalf of Last Mile handling Personal Data shall be appropriately trained to do so;
- methods of collecting, holding and processing Personal Data shall be regularly evaluated and reviewed;
- all Employees, agents, contractors or other parties working on behalf of Last Mile handling Personal Data will be bound to do so in accordance with the principles of Data Protection Legislation and this Policy by contract; and
- where any agent, contractor or other party working on behalf of Last Mile handling Personal Data fails in their obligations under this Policy, that party shall indemnify and hold harmless Last Mile against any costs, liability, damages, loss, claims or proceedings which may arise out of that failure.

3. SCOPE

Last Mile is within the scope of this Policy.

This Policy applies to all Personal Data Last Mile processes regardless of the media (e.g. mobiles, laptops, removable devices, servers, applications or hard copy in a structured filing system).

Failure to comply with this Policy may initiate Last Mile's formal disciplinary policy and procedures, which includes dismissal as a possible consequence. Appropriate measures may be put in place as deemed necessary such as restriction or withdrawal of access of the Last Mile's IT systems whilst any potential non-compliance with this Policy is fully investigated.

4. DEFINITIONS

Unless a contrary intention is evident, or the context requires otherwise, words or expressions contained in this document shall have the same meaning as set out in the Articles of Association of Last Mile and the following defined terms shall have the specific meanings given to them below:

Board	means the Chairperson, Executive Directors and Non-executive Directors of Last Mile.
Chairperson	means a Member of the Board who is appointed pursuant to Article 11 of Last Mile's Articles of Association.
Committee	means a committee appointed by the Board, which reports to the Board.
Company Secretary	means the person who is appointed pursuant to Article 72 of Last Mile's Articles of Association.

Data Processing	means any operation, or set of operations, which is performed on Personal Data, or on sets of Personal Data, whether or not by automated means. This includes: collection; recording; organisation; structuring; storage; adaptation or alteration; retrieval; consultation; use; disclosure by transmission; dissemination or otherwise making available; alignment or combination; restriction; and erasure or destruction.
DPO	means the Data Protection Officer, or his or her substitute from time to time.
Employee	means a person paid via the payroll of Last Mile, or for whom Last Mile has responsibility for making payroll arrangements, but excluding Non-executive Directors.
Executive Director	means a Member of the Board who is appointed pursuant to Article 20.1 of Last Mile's Articles of Association.
Last Mile	means Last Mile Infrastructure Group Limited and its direct and indirect affiliates.
Non-executive Director	means a Member of the Board who is appointed pursuant to Article 20.2 of Last Mile's Articles of Association.
Personal Data	means information about living individuals relating to their private, professional or public life that can be used directly or, when combined with other information, indirectly to identify the person, including but not limited to Special Categories of Personal Data. Personal Data can be factual or an expression of opinion. It can also include pseudonymised data.
Personal Data Breach	means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Data transmitted, stored or processed. A 'breach', for these purposes, is identifiable as a security incident, which has affected the confidentiality, integrity or availability of Personal Data.
Policy	means this policy document.
Special Categories of Personal Data	means data which relates to an individual's: race or ethnic origin; political opinions; religious or philosophical beliefs; trade union membership; genetic or biometric data; health; sex life and sexual orientation; and criminal convictions and offences.

5. ROLES AND RESPONSIBILITIES

The Board has overall responsibility for maintaining the corporate governance framework of Last Mile, including this document.

The Company Secretary has responsibility for:

- publicising the existence of the corporate governance framework and all associated controlled documents;
- ensuring all corporate governance framework documents, policy documents and Committee terms of reference are published on the intranet;
- maintaining a register of all corporate governance framework documents, policy documents and Committee terms of reference; and
- ensuring all corporate governance framework documents, policy documents and Committee terms of reference are reviewed no later than their agreed review date.

Last Mile's nominated Data Protection Officer ("**DPO**") is the Company Secretary. Any questions about this Policy or Data Protection Legislation should be directed to the DPO.

6. DISTRIBUTION AND IMPLEMENTATION

The document will be made available through myHR.

7. TRAINING PLAN

- A training needs analysis will be undertaken with employees affected by this document.
- Based on the findings of that analysis, appropriate training will be provided as necessary.

8. MONITORING AND REVIEW

This Policy shall be regularly monitored and reviewed at least annually.

Compliance with this document will be monitored by the Audit, Risk & Sustainability Committee.

Last Mile reserves the right to change this Policy at any time. Last Mile will notify employees of any such changes.

9. ASSOCIATED DOCUMENTATION

Associated documents are as follows:

- **PRO003 Personal Data Breach Procedure;**
- **PRO004 IT Security Procedure;**
- **PRO005 Subject Access Request Procedure;**
- **Last Mile Infrastructure Group's Privacy Notice;** and
- **Information Asset Register**

10. REFERENCES

None.

VERSION CONTROL TRACKER

Version	Date	Author Job Title	Status	Comments
00.01	22/04/2020	Chief Operating Officer	Draft	First draft for comment
00.02	02/06/2020	Chief Operating Officer	Draft	Second draft for comment
00.03	21/07/2020	Chief Operating Officer	Draft	Third draft for Board approval
01.04	18/08/2020	Chief Operating Officer	Final	Final version approved by the Board
02.01	23/09/2021	Risk and Compliance Advisor	Draft	Revised draft for comment
02.01	01/11/2021	Chief Operating Officer	Final	Final version approved by the Board
03.01	15/11/2022	Head of Risk and Assurance	Draft	Revised draft for comment
03.01	30/11/2022	Chief Operating Officer	Final	Final version approved by the Board
04.01	10/10/2023	Head of Risk and Assurance	Draft	Moved onto new template
04.01	31/10/2023	Chief Operating Officer	Final	Final version agreed
05.01	25/10/2024	Governance, Risk & Compliance Manager	Draft	Revised draft for comment
05.01	22/01/2025	Director, Legal & Governance	Draft	Revised draft for comment
05.02	24/01/2025	Chief Operating Officer	Final	Final version agreed
05.02	29/01/2025	Chief Operating Officer	Final	Approved by Board