ESMS Privacy Notice

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ESMS Global Customer Privacy Notice

1 Introduction

ESMS Global Ltd operates round the clock, providing multilingual global services to the pharmaceutical industry to help with medical emergencies and unblinding requests during clinical trials, and to support medical information services for licensed medical products.

ESMS business activities also include the Veterinary Poisons Information Service and Animal Poison Line. Another Privacy Notice applies to users of these business services, not this one.

We provide high quality services to our clients and are committed to handling data securely, efficiently and in compliance with the General Data Protection Regulations (GDPR).

This privacy notice explains how we collect, store, use, share, transfer, delete, and process personal data collected from or about you.

Personal data refers to any information relating to an identified living individual; or someone who could be identified by the combination of data we hold about them.

This Notice applies to Personal Data collected or processed by us

- when you interact with us in person, by telephone, or by mail
- online (through websites, email, and otherwise)
- when we provide services to you, your doctor, hospital, or other healthcare provider ("**Healthcare Provider**," refers both to the Healthcare Provider institution, organization, or company, and to individuals employed by, or working for or with such organization), or your patients
- when we process your Personal Data for your potential participation as a research subject in clinical trials
- when we process Personal Data as a clinical trial investigator or a member of the investigator team
- when we process medical information and in connection with post-approval pharmacovigilance and adverse events, complaints, and reports
- in other situations where you interact with us, including but not limited to interacting with or visiting our office or at events (e.g. at conferences)
- when we process your data as an employee of a company for which we provide services

ESMS is both a data controller and a data processor. When you, your Healthcare Provider, or your patient, interact with a service that we operate on behalf of one of our clients, the client is the Data Controller responsible for the collection and use of your Personal Data.

We will process any Personal Data we collect in accordance with applicable law and as described in this Notice unless a separate notice applies, such as privacy notices for services we provide on behalf of our clients, our **Privacy Notice for VPIS and Animal Poison Line,** or our **Employee Privacy Notice**. If you have been provided with a different privacy notice, then that notice applies and governs our interactions with you, not this one.

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2 ESMS Global contact details

If you have any questions about this policy, including requests to exercise your legal rights, please contact us at:

Post: ESMS Global Ltd, Godfree Court, 29-35 Long Lane, LONDON, SE1 4PL, UK

Email: dataprotection@esmsglobal.com

3 Our commitment to you

Whenever we handle personal data, we will ensure that we comply with data protection principles, so that your personal data is:

- processed fairly, lawfully, and transparently
- processed for legitimate purposes
- adequate, relevant, and limited to what is necessary
- accurate and kept up to date where necessary
- kept no longer than necessary for the purpose
- processed securely – we use appropriate technical and organisational measures to
- safeguard your information

Where applicable, we will only use your information for marketing purposes in accordance with applicable laws and to market our own products and services. Where necessary we will ask for your consent and respect your request not to receive such information.

We will let you know beforehand if we want to use your data for a different purpose.

4 Lawful bases and data protection rights

Under UK data protection law, we must have a “lawful basis” for collecting and using your personal information. There is a list of possible lawful bases in the UK GDPR. You can find out more about lawful bases on the Information Commissioner’s Office website (www.ico.org.uk).

Which lawful basis we rely on may affect your data protection rights which are briefly set out below. You can find out more about your data protection rights and the exemptions which may apply on the ICO’s website:

- **Your right of access** - You have the right to ask us for copies of your personal information. You can request other information such as details about where we get personal information from and who we share personal information with. There are some exemptions which means you may not receive all the information you ask for. You can read more about this right here.
- **Your right to rectification** - You have the right to ask us to correct or delete personal information you think is inaccurate or incomplete. You can read more about this right here.
- **Your right to erasure** - You have the right to ask us to delete your personal information. You can read more about this right here.
- **Your right to restriction of processing** - You have the right to ask us to limit how we can use your personal information. You can read more about this right here.
- **Your right to object to processing** - You have the right to object to the processing of your personal data. You can read more about this right here.

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- **Your right to data portability** - You have the right to ask that we transfer the personal information you gave us to another organisation, or to you. You can read more about this right here.
- **Your right to withdraw consent** – When we use consent as our lawful basis you have the right to withdraw your consent at any time. You can read more about this right here.

If you make a request, we must respond to you without undue delay and in any event within one month.

To make a data protection rights request, please contact us using the contact details at the top of this privacy notice.

Where we process your personal data on behalf of one of our clients, the client is responsible for responding to your request to exercise your rights.

5 Subject Access Request

The Data Protection Act allows you to find out what information we hold about you on computer and in some paper records. This is known as a subject access request (SAR).

To find out if we hold your personal data, or to access it, please email: dataprotection@esmsglobal.com

We may need evidence of your identity before searching our records; and will respond within one month of receiving this. If we need extra time we will inform you within the month.

As stated above, when we are processing your data on behalf of our clients we will pass on any requests to the relevant client.

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6 ESMS Activities as Data Controller

Information we collect or use, and why

ESMS is the data controller for personal data processed for business-related purposes.

We may record telephone conversations. When you call us, we will play a short message informing you about call recording, where applicable. You will need to follow the instructions about whether you consent to having your call recorded or not.

Overview

	Data subjects	Identify and contact data	Other personal data e.g. Age, DOB, gender	Visual and audio information e.g. Call recordings, CCTV recordings	Technical information e.g. Internet protocol (IP) address, cookies)	Financial information	Job title, employer, education
a	Visitors to our websites, SharePoint and visitors to our office,	X		X	X		X
b	Employment candidates	X	X		X		X
c	Clients, Business Partners, Suppliers and vendors, and their employees,	X		X	X	X	X
d	Attendees and participants at events	X		X	X	X	X

a) Visitors to our Websites, Share Point and Offices

We may collect or use your personal data **when you contact us,** for example when you visit our office, our websites or, log into our Cloud based resources (such as SharePoint), submit enquiries by email or in writing, or sign up for newsletters, informational materials, or marketing materials.

Examples of the types of Personal Data we collect

Identity and contact details (e.g. name, address, telephone number or email address)
Company / Employer
Job title or position
Call recordings, CCTV recordings
Technical information (e.g. IP address, session cookies)

How we obtain the data

you directly
your devices
our security system CCTV
our telephone system

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The legal bases for processing

Legitimate interest: we collect or use your information because it benefits you, our organisation or someone else, without causing an undue risk of harm to anyone. All your data protection rights may apply, except the right to portability.

Our legitimate interests are:

- to provide you with our services
- to communicate with you (e.g. about your enquiry)
- to detect security incidents
- to protect against malicious or illegal activity
- to ensure the appropriate use of our services
- to improve our services
- for administrative purposes
- for marketing purposes
- for quality assurance purposes

Who receives the data

We do not share your information with third parties.

b) Employment candidates

We may collect or use your personal data when you apply for employment at ESMS Global Limited.

Examples of the types of Personal Data we process

- identity and contact details (e.g. name, address, telephone number or email address)
- copies of passports or other photo id
- employment history (e.g. job application, employment references or secondary employment)
- education history (e.g. qualifications)
- right to work information
- details of any criminal convictions
- technical data (e.g. IP address, session cookies)

How we obtain the data

- you directly
- your devices
- your current or previous employer
- schools, colleges, universities or other education establishments
- FDA Debarment list (drug product applications)

The legal bases for processing

Legitimate interest - we collect or use your information because it benefits you, our organisation or someone else, without causing an undue risk of harm to anyone. All your data protection rights may apply, except the right to portability.

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Our legitimate interests are

- to collect and review information you provide on an application form or cv, or during an interview to assess your suitability for a role
- to shortlist candidates
- to identify and authenticate you
- to detect security incidents
- to protect against malicious or illegal activity
- for administrative purposes

Contract - when we have made you a provisional job offer, we must collect or use the information so we can enter a contract with you. All your data protection rights may apply except the right to object.

Legal obligation – we must collect or use your information to comply with the law. All your data protection rights may apply, except the right to erasure, object, and data portability.

Who receives the data

We will not share any information you provide with any third parties unless we make a conditional offer of employment when we may share your information about your education and experience with our clients. These may be pharmaceutical companies, medical device manufacturers, or healthcare organizations undertaking clinical research.

c) Clients, suppliers, vendors, business partners and their employees

We may collect or use your personal data when you are a client, supplier, vendor, business partner or one of their employees.

Examples of the types of Personal Data we process

- identity and contact details (e.g. name, address, telephone number or personal email address)
- company/employer
- job title or position
- call recordings
- account information
- technical information (e.g. IP address, session cookies)

Where we get the data

- you directly
- your devices
- our telephone system
- your employer
- our business partners and other third parties

The legal basis for processing

Contract - we must collect or use the information so we can enter in or carry out a contract with you. All your data protection rights may apply except the right to object.

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Legitimate interest - we collect or use your information because it benefits you, our organisation or someone else, without causing an undue risk of harm to anyone. All your data protection rights may apply, except the right to portability.

Our legitimate interests are

to provide you with our services
for third parties to provide you with services on our behalf
to answer your enquiries
to communicate with you
to detect security incidents
to protect against malicious or illegal activity
to ensure the appropriate use of our services
for client relationship management, including developing new business relationships
to negotiate contracts
for invoicing
to improve our services
for administrative purposes
for marketing purposes
for quality assurance purposes

Who receives the data

Third party Service Providers working on our behalf.
External auditors or inspectors.

d) Attendees at events or training courses

We may collect or use your personal data **when you attend an event, or training course** either at our office or at conferences or trade events**.**

Examples of the types of Personal Data we collect

Identity and contact details (e.g. name, address, telephone number or personal email address)
Company/employer
Job title or position
Call recordings, CCTV recordings
Purchase history
Technical information (e.g. IP address, session cookies)

How we obtain the data

you directly
our security system CCTV
our telephone system
your employer

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The legal bases for processing

Legitimate interest: we collect or use your information because it benefits you, our organisation or someone else, without causing an undue risk of harm to anyone. All your data protection rights may apply, except the right to portability.

Our legitimate interests are

to provide you with our services
to detect security incidents
to protect against malicious or illegal activity
to ensure the appropriate use of our services
to communicate with you
for administrative purposes
for marketing purposes
for quality assurance purposes

Who receives the data

We do not share your information with third parties.

How long we keep the information

We keep your personal data for as long as us necessary to fulfil our purpose in processing or for as long as required by law.

Data transfers

Currently our websites and our information systems are hosted in the UK and Europe.

We do not transfer other data outside of the EEA or to countries without the relevant safeguards to protect them.

7 ESMS Activities as Data Processor

Information we collect or use, and why

When you, your Healthcare Provider or your patient interact with a service that we operate on behalf of one of our clients, our client is the Data Controller responsible for the collection and use of your Personal Data.

- Such processing will be in accordance with any privacy notice provided by the client, either directly or through us. The information processed may include more sensitive types of personal information, also known as special category data. These are, for example:
  - health status and medical history
  - racial or ethnic origin
  - religious beliefs
  - genetic data
  - sexual orientation or sex life

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You are under no obligation to provide this information, but without it we may be unable to provide you with services we provide on behalf of our clients.

We may record telephone conversations. When you call us, we will play a short message informing you about call recording, where applicable. You will need to follow the instructions about whether you consent to having your call recorded or not.

Overview

	Data Subjects	Identify and contact data	Other personal data	Special category data	Information about your treatment	audio information i.e. Call recordings	Technical information e.g. Internet protocol (IP address, cookies)	Job title/job role, employer,
a	Clinical study participants and candidates	X	X	X	X	X	X	
b	Patients or users of medical products, their family member or guardian or friends	X	X	X	X	X	X	
c	Healthcare providers, clinical investigators and members of investigator teams	X				X	X	X
d	Interpreter (ESMS subcontractor)	X	X					

a) Clinical study participants

We may collect or use your personal data **when you participate in a clinical study** sponsored by one of our clients, or **when you, or a family member or friend, asks us for information about clinical studies** sponsored by one of our clients.

- If you are a participant in a clinical study, clinical trial, or other health-related research, or are enquiring about participation in a clinical study, you should receive a separate privacy notice regarding the Personal Data we process for those purposes. That privacy notice—and not this Notice— governs our used of such Personal Data.

Examples of the types of Personal Data we collect

Identity and contact details (e.g. name, address, telephone number or personal email address)

Other personal information such as age, gender, date of birth, sexual orientation, sex life, genetics, religion, language spoken

Information about your health status, medical history, and treatment

Call recordings

Technical information (e.g. IP address, session cookies)

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How we obtain the data

you directly
your devices
our telephone system
your healthcare provider
your friends or family

Lawful basis for processing

Vital interest - we collect or use your information when you have been to the A & E department of a hospital within a life-threatening condition and are unable to give consent, when this is necessary to protect your vital interests. All your data protection rights may apply, except the right to portability.

Legitimate interest - we collect or use your information because it benefits you, our organisation or someone else, without causing an undue risk of harm to anyone. All your data protection rights may apply, except the right to portability.

Our legitimate interests are:

to respond to your enquiry or complaint
for quality assurance
for administrative purposes
to provide information for medical diagnosis, healthcare, and treatment
to perform our contractual obligations to our clients

Who receives the data

Our client who is the sponsor of the clinical study and third parties as directed by the client
Healthcare providers
Clinical investigators, and/or members of investigator teams
Partners that assist us in providing our services e.g. interpreters
External auditors or inspectors

b) Users of medicines or medical products

We may collect or use your personal data **when you are an existing or prospective user of medicines or medical products** marketed by one of our clients, or **when you, or a family member or friend, asks us for information about** your use or prospective use of medicines or medical products.

Examples of the types of Personal Data we collect

Identity and contact details (e.g. name, address, telephone number or personal email address)
Other personal information such as age, gender, date of birth, sexual orientation, sex life, genetics, religion, language spoken
Information about your health status, medical history and treatment and adverse events, details of product therapy
Your healthcare professional's details
Call recordings

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Technical information (e.g. IP address, session cookies)

How we obtain the data

you directly
your devices
our telephone system
your healthcare provider
your friends or family

Lawful basis for processing

Legitimate interest - we collect or use your information because it benefits you, our organisation or someone else, without causing an undue risk of harm to anyone. All your data protection rights may apply, except the right to portability.

Our legitimate interests are

to respond to your enquiry or complaint
for quality assurance
for administrative purposes
to provide information for healthcare, medical diagnosis, and treatment
to perform our contractual obligations to our clients

Who receives the data

Our clients and third parties as directed by the clients
Healthcare providers
Partners that assist us in providing our services e.g. interpreters
External auditors or inspectors

c) Healthcare providers, and clinical investigators

We may collect or use your personal data **when you are a healthcare provider** and you are treating a patient who is a participant in a clinical trial sponsored by one of our clients, **or when you are clinical investigator or member of the investigator team** for a clinical trial sponsored by one of our clients.

Examples of the types of Personal Data we collect

Identity and contact details (e.g. name, address, telephone number or personal email address)
Call recordings
Technical information (e.g. IP address, cookies)

Where we get the data

you directly
your devices
our telephone system

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Lawful basis for processing

Legitimate interest - we collect or use your information because it benefits you, our organisation or someone else, without causing an undue risk of harm to anyone. All your data protection rights may apply, except the right to portability.

Our legitimate interests are:

- to respond to your enquiry or complaint
- for quality assurance purposes
- for administrative purposes
- to provide information for healthcare, medical diagnosis, and treatment
- to perform our contractual obligations to our clients

Who receives the data

- Our client who is the sponsor of the clinical study and third parties as directed by the client
- Healthcare providers
- Clinical investigators, and/or members of investigator teams
- Partners that assist us in providing our services e.g. interpreters
- External auditors or inspectors

d) Interpreters

We may collect or use your personal data **when you are an interpreter** providing telephone interpretation for a telephone call received by ESMS Global from a service user.

Examples of the types of Personal Data we collect

- Identity and contact details (e.g. name, address, telephone number or personal email address)
- Your employer
- Call recordings
- Technical information (e.g. IP address, cookies)

How we obtain the data

- you directly
- your employer
- our telephone system
- your devices

Lawful basis for processing

Legitimate interest - we collect or use your information because it benefits you, our organisation or someone else, without causing an undue risk of harm to anyone. All your data protection rights may apply, except the right to portability.

Our legitimate interests are:

- To provide information for healthcare, medical diagnosis, and treatment
- To perform our contractual obligations to our clients
- for quality assurance purposes

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for administrative purposes

to communicate with you

Who receives the data

Our clients

Healthcare providers

External auditors or inspectors

How long we keep the information

We keep your personal data processed on behalf of our clients in accordance with our clients' instructions.

Data transfers

Currently our websites and our information systems are hosted in the UK and Europe.

We do not transfer other data outside of the EEA or to countries without the relevant safeguards to protect them unless this is required by clients on whose behalf we are processing your Personal Data.

8 Cookies

We aim to provide relevant cookie notices at point-of-use. Cookies are used to improve your browsing experience and provide statistical data to us about the way users are using our website.

9 Changes to the terms of this Privacy Notice

We will update this privacy notice when applicable. If any change would result in us processing your personal data for a new purpose, we would inform you where possible before we start using it in the new way.

10 The Information Commissioner's Office

For independent advice about data protection, privacy and data sharing issues you can contact the independent Information Commissioner's Office at:

Wycliffe House

Water Lane

Wilmslow Cheshire

SK9 5AF

Tel: 0303 123 1113

Website: https://www.ico.org.uk/make-a-complaint

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