



The
Mediation
Specialists

European Economic Area Clients (EEA Clients) Data Transfers to The Mediation Specialists.

Name: Mediation Specialists Ltd
Registered Office: 63 Salisbury Road, Farnborough, Hampshire GU14 7AG
Contact: Director - Sheila Gooderham
Email: info@themediationspecialists.org.uk
website address: www.themediationspecialists.org.uk

This Transfer Arrangement applies automatically to the transfer of data from each EEA Client to The Mediation Specialists.

An International Data Transfer is a transfer of personal data by, or on behalf of, one of our clients established in the European Economic Area (EEA Client) to The Mediation Specialists which, but for the application of this EEA Client to The Mediation Specialists International Data Transfer Arrangement, would be prohibited under the data protection laws that apply to the EEA Client.

An EEA Client to The Mediation Specialists Onward Transfer is a transfer of personal data:

- by, or on behalf of, one of our clients (Onward Transfer Client) that is a party, in the role of data importer, to the EU's standard contractual clauses for the transfer of personal data from the European Union to third countries (controller to controller transfers) set out in Commission Decision 2019/914/EU in respect of that personal data (Originating EU Controller to Controller Model Clauses);
- to The Mediation Specialists, which, but for the application of this Client to The Mediation Specialists Onward Transfer Arrangement to the transfer, would constitute a breach by the Onward Transfer Client of the Originating EU Controller to Controller Model Clauses.

Relevant Legislation:

The standard contractual clauses for the transfer of personal data to third countries, Module One: Transfer controller to controller, set out in Commission Decision 2021/914/EU (2021 Controller to Controller Model Clauses) shall apply. A copy of which can be found at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021D0914&from=EN>

Primacy of the EU 2021 Controller to Controller Model Clauses:

This EEA Client to The Mediation Specialists International Data Transfer Arrangement supplements any other arrangements the EEA Client and The Mediation Specialists have in place in relation to the processing of personal data – such as The Mediation Specialists’ Data Protection Privacy Notice set out on The Mediation Specialists’ website and the information contained in the Firm’s terms of business. To the extent that there is any conflict or inconsistency between the terms of the EU Controller to Controller Model Clauses and any other arrangement that the EEA Client and The Mediation Specialists have in place in relation to the processing of personal data, the terms of the EU Controller to Controller Model Clauses shall take precedence.

For the purposes of the 2021 Controller to Controller Model Clauses:

1. the EEA Client will be the data exporter and The Mediation Specialists will be the data importer;
2. Clause 7 (Docking clause) of the 2021 Controller to Controller Model Clauses shall not apply;
3. under Clause 8.8 (Onward Transfers), the data exporter agrees that the data importer may disclose personal data to the third parties described in Annex I B;
4. the optional wording set out in Clause 11(a) (Redress) of the 2021 Controller to Controller Model Clauses shall not apply;
5. Clause 17 (Governing law), Module One: Transfer Controller to Controller, OPTION 1 of the 2021 Controller to Controller Model Clauses shall apply with the specified law for that Clause being Ireland;
6. under Clause 18 (Choice of forum and jurisdiction), Module One: Transfer Controller to Controller, (b), the specified courts shall be the courts of Ireland;
7. the list of parties, description of transfer and identification of the competent supervisory authority for the purposes of Annex I contained within the Appendix to the 2021 Controller to Controller Model Clauses are as set out here:

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Annex I contained within the Appendix to the 2021 Controller to Controller Model Clauses

Annex I A: List Of Parties

Name of Exporter: As stated in our terms of engagement
Address of Exporter: As stated in our terms of engagement
Exporter’s Data protection contact name, position and contact details: As stated above
Activities relevant to the data transferred under the 2021 Controller to Controller Model Clauses: As stated above
Role: Controller
Importer’s Name: As stated in our terms of engagement
Importer’s Address: As stated in our terms of engagement
Data protection contact name, position and contact details: As stated above.
Activities relevant to the data transferred under the 2021 Controller to Controller Model Clauses: As stated below

Role: Controller

Annex I B: Description of Transfer

Categories of data subjects whose personal data is transferred.

The personal data transferred under the EEA Client to The Mediation Specialists International Data Transfer will concern one or more of the following categories of data subjects:

- individuals that work for, own or represent the EEA Client;
- individuals that work for, own or represent the EEA Client's service providers;
- individuals that are either directly or indirectly involved or connected with, or relevant to, a matter on which The Mediation Specialists is providing to the EEA Client (either directly or indirectly) with a mediation, training, or consultancy service; and
- individuals whose details are transferred to The Mediation Specialists in connection with our role as the provider of mediation, training and/or consultancy services to the EEA Client.

Categories of personal data transferred.

The EEA Client to The Mediation Specialists International Data Transfer will include the transfer of one or more of the following categories of personal data:

- individual details – name, address (including proof of address), other contact details (e.g. email and telephone numbers), gender, marital status, date and place of birth, nationality, employer, job title and employment history, and family details, including their relationship to the data subject;
- identification details – identification numbers relating to the data subject issued by government bodies or agencies, such as national insurance numbers, social security numbers, passport numbers, tax identification numbers and driving licence numbers;
- financial information – bank account or payment card details, income or other financial information about the data subject;
- matter details – information about the data subject which is relevant to a matter on which The Mediation Specialists is providing a service to the EEA Client;
- credit, anti-fraud and sanctions data – credit history, credit score and
- information received from various anti-fraud and sanctions databases
- relating to the data subject; and
- identifiers – information which can be traced back to the data subject, such as an IP address, a website tracking code or electronic images of the data subject.

Sensitive data transferred (if applicable) and applied restrictions or safeguards that fully take into consideration the nature of the data and the risks involved, such as for instance strict purpose limitation, access restrictions (including access only for staff having followed specialised training), keeping a record of access to the data, restrictions for onward transfers or additional security measures.

Where relevant, the EEA Client to The Mediation Specialists International Data Transfer may include the transfer of the following categories of sensitive data:

Special categories of personal data:

information about health, racial or ethnic origin; political opinions, religious or philosophical beliefs; trade union membership; genetic and biometric data; and information about a person's sex life or sexual orientation, in each case where relevant to the purposes of the transfer.

Criminal convictions data:

Information relating to criminal convictions and offences. Please contact the data importer for further details about restrictions and safeguards in place for the sensitive data transferred.

The frequency of the transfer (e.g. whether the data is transferred on a one-off or continuous basis).

The personal data is transferred to the data importer as required in order for mediation services to be provided by the data importer to the data exporter.

Nature of the processing

Personal data will be processed in any way required in order to fulfil the purposes for which it was transferred, but only to the extent necessary for the purposes of the data transfer (as set out below).

Purpose(s) of the data transfer and further processing

The EEA Client to The Mediation Specialists International Data Transfer is made for one or more of the following main purposes:

- to provide the EEA Client with mediation, training or consultancy services;
- to manage and develop The Mediation Specialists' business relationship with the EEA Client, which may include using the personal data for marketing purposes where relevant; and
- to comply with The Mediation Specialists' legal and regulatory requirements. Full details of the purposes for which The Mediation Specialists may use the personal data are set out in The Mediation Specialists' privacy notice, a copy of which can be found on www.themediationspecialists.org.uk and in the contractual terms upon which we are engaged by our EEA Clients.

The period for which the personal data will be retained, or, if that is not possible, the criteria used to determine that period.

The personal data will be retained by the data importer in accordance with the requirements of relevant data protection laws and its retention will be dependent on the purpose for which the information is collected and used, taking into account legal and regulatory requirements to retain the information for a minimum period, limitation periods for taking legal action, good practice and our business purposes.

For transfers to (sub-) processors, also specify subject matter, nature and duration of the processing.

The personal data may be disclosed by The Mediation Specialists to a number of third parties

in connection with the purposes of the EEA Client to The Mediation Specialists Data Transfer – including to The Mediation Specialists’ service providers. Full details of the recipients to which the personal data may be disclosed are set out in The Mediation Specialists’ privacy notice, a copy of which can be found at www.themediationspecialists.org.uk

Annex I C: Competent Supervisory Authority

Identify the competent supervisory authority/ies

The supervisory authority with responsibility for ensuring compliance by the data exporter with Regulation (EU) 2016/679 as regards the data transfer is the supervisory authority in the country where the data exporter is located.

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8. the description of the technical and organisational security measures implemented by the data importer for the purposes of Annex II contained within the Appendix to the 2021 Controller to Controller Model Clauses are as set out here:

Annex II contained within the Appendix to the 2021 Controller to Controller Model Clauses:

Technical and organisational measures including technical and organisational measures to ensure the security of the data

Description of the technical and organisational measures implemented by the data importer(s) (including any relevant certifications) to ensure an appropriate level of security, taking into account the nature, scope, context and purpose of the processing, and the risks for the rights and freedoms of natural persons.

The Mediation Specialists is a small organisation its role is to introduce clients and their legal representatives to third party suppliers of mediation, consultancy and training services and provide mediation, training and consultancy services itself. It uses an encrypted cloud data storage system for all data collected. All electronic equipment and devices are protected by malware and antivirus systems (McAfee) and kept securely at all times and away from third party access with password and face recognition access only.

Contact point for data protection enquiries is to the Director of The Mediation Specialists, Sheila Gooderham, at the address at the top of this notice and email: info@themediationspecialists.org.uk

1 September 2023