



Sole trader/Company/
Partnership name
Trading Name
Address Line 1
Address Line 2
Town
County
Postcode

T +44 (0) 20 7215 5000
E nmw.namingscheme@beis.gov.uk
W www.gov.uk/beis

MONTH YEAR

To whom it may concern,

National Minimum Wage Naming Scheme – Department for Business, Energy & Industrial Strategy (BEIS)

Thank you for your representation to BEIS seeking exemption from the National Minimum Wage Naming Scheme.

All employers have the opportunity to make representations to BEIS. Further details on the way in which we operate these criteria are available in the Naming Scheme policy set out at section 5 of “National Minimum Wage Law: Enforcement” (which is available at: <https://www.gov.uk/government/publications/enforcing-national-minimum-wage-law>).

The criteria for not being named are also outlined in HMRC’s closure letter dated **CLOSURE LETTER DATE** and factsheet “National Minimum Wage information for employers” (see copy attached).

Employers are only considered unsuitable to be named if they meet one of the exceptional circumstances below and are able to provide details:

- Naming by BEIS carries a risk of personal harm to an individual or their family;
- There are national security risks associated with naming in this instance; or
- There are other factors which suggest that it would not be in the public interest to name you/the company.

As you may know, the Naming Scheme was paused while the government undertook a review of its effectiveness. We have completed the review and made changes to the Naming Scheme as detailed in the link above.

BEIS has considered your earlier representation and concluded that it does not meet any of the above exemption criteria. However, we are writing again to you (and all other employers eligible for naming) to give you another opportunity to submit a representation in case your circumstances have changed and you believe you may now meet the criteria for exemption. Please note, however, that the criteria against which employer representations are measured have not changed



Department for
Business, Energy
& Industrial Strategy

as part of the review; this opportunity to make another representation is offered on the grounds of the length of time that has passed since you submitted your representation and the possible change in circumstances in the intervening period.

Please note that, due to COVID-19 restrictions, we recommend that you send representations by email to nmw.namingscheme@beis.gov.uk. This is due to disruption with the Department's post and difficulty with officials accessing our office to receive it. If you are unable to access email you can still send postal representations to the following address: Department for Business, Energy and Industrial Strategy, National Minimum Wage Team, NMW Naming Scheme Representations, Spur 2, 1st Floor, 1 Victoria Street, London, SW1H 0ET.

If you choose not to make any representations, or your representation is rejected, please note that your business will be included in a press release alongside the names of other employers. If you make a representation, then you will receive another letter either approving or rejecting your representation. If you choose not to make any representation you will be named no earlier than **DATE**.

If your business is named, we will send you a copy of the press release once this has been released. Please provide an e-mail address to nmw.namingscheme@beis.gov.uk (along with the name of your business) if you would like a copy of the press release to be sent to you by e-mail shortly before publication.

Yours sincerely
National Living and Minimum Wage Team



Your personal data

If you provide us with any personal data, this section explains how it may be used and sets out your rights.

1. The identity of the data controller and contact details of our Data Protection Officer

The data controller is the Department of Business, Energy and Industrial Strategy (BEIS). The Data Protection Officer can be contacted by phone at 020 7215 5000 or by email to dataprotectionofficer@beis.gov.uk.

2. What BEIS will use personal data for

Any personal data will only be used by BEIS for the purposes of the national minimum wage (NMW) naming scheme.

3. Our legal basis for processing your personal data

Under article 6(1)(e) of the General Data Protection Regulation 2016/679 (GDPR), BEIS may, as a government department, process personal data as necessary for the effective performance of a task carried out in the public interest, which in this case is the NMW naming scheme. Where the processing involves special categories of data such as about personal health (as defined in the GDPR) our legal basis is provided by article 9(2)(g): the processing is necessary for reasons of substantial public interest, namely the NMW naming scheme.

4. Sharing your personal data

We will not routinely share any personal data you provide to us with HMRC or other government departments, but may do so occasionally to check its accuracy against records they hold.

We will publish names of employers, including those trading as individuals, in accordance with the NMW naming scheme policy set out at section 5 of "National Minimum Wage Law: Enforcement", which is available at: <https://www.gov.uk/government/publications/enforcing-national-minimum-wage-law>.

5. How long we will keep your personal data

Your personal data will be held for 12 months after the naming scheme round you provide it for. After this it will be deleted within the following 6 months as part of our periodic deletion programme.

6. Your rights, e.g. access, rectification, erasure

You have considerable say over what happens to your personal data (see ico.org.uk). You have the right:

- a. to see what data we have about you
- b. to ask us to restrict the way we use your data, but keep it on record
- c. to have all or some of your data deleted or corrected
- d. to object to our use of your data
- e. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at ico.org.uk, or telephone 0303 123 1113.

7. Further points

Your personal data:



Department for
Business, Energy
& Industrial Strategy

- will not be sent overseas
- will not be used for any automated decision making
- will be stored in a secure government IT system.