

## **PRIVACY POLICY**

provided by SEQ Legal

## Privacy Policy<sup>1</sup>

We are committed to safeguarding the privacy of our website visitors; this policy<sup>2</sup> sets out how we will treat your personal information.<sup>3</sup>

[Our website uses cookies. [We will ask you to consent to our use of cookies in accordance with the terms of this policy when you first visit our website. / By using our website and agreeing to this policy, you consent to our use of cookies in accordance with the terms of this policy.]<sup>4</sup>]

### (1) Credit

This document was created using an [SEQ Legal](#) template.

### (2) What information do we collect?

We may collect, store and use the following kinds of personal information:

- [(a) information about your computer and about your visits to and use of this website (including [your IP address, geographical location, browser type and version, operating system, referral source, length of visit, page views, website navigation and [details]]);]
- [(b) information relating to any transactions carried out between you and us on or in relation to this website, including information relating to any purchases you make of our goods or services (including [details]);]
- [(c) information that you provide to us for the purpose of registering with us (including [details]);]
- [(d) information that you provide to us for the purpose of subscribing to our website services,

<sup>1</sup> The purpose of a website privacy policy is help website operators comply with data protection legislation. In the UK, that primarily means compliance with the Data Protection Act 1998 and the Privacy and Electronic Communications (EC Directive) Regulations 2003. Failure to comply with data protection legislation can lead to civil liability and criminal law penalties.

Our template privacy policy is designed for use by businesses based in the UK (although the UK data protection regime derives from EU law, there are differences in how that EU law has been implemented in the different member states of the EU). The template is designed for websites which collect standard kinds of non-sensitive personal data for standard kinds of use. It may be unsuitable for websites which collect sensitive personal data (such as information relating to a person's health, sexuality, ethnicity or politics) or which collect personal information from children. It may be suitable, for example, for use with websites which act as online company brochures or online shops.

The template privacy policy will need to be edited before it is ready for use. Square brackets in the document indicate the sections which need or are likely to need to be edited. However, you should of course carefully review the whole document to ensure that it meets with your requirements. You should also regularly review your privacy policy to ensure that it remains up to date, both with respect to the law and to your business's use of personal data. Please note that the use of a privacy policy does not exhaust your data protection obligations. If you are in any doubt regarding the preparation of your privacy policy or your data protection obligations generally, you should seek professional advice.

<sup>2</sup> The privacy policy should be clearly and easily accessible to website visitors from the website home page and any page which collects personal data (eg "The personal information we collect on this page will be treated in accordance with our privacy policy"). In addition, key information about the use of personal data should be provided on the page where the data is collected, rather than in a separate document.

<sup>3</sup> "Personal information": for day-to-day purposes, it is best to assume that all information which relates to a living individual constitutes personal information. (We use "personal data" and "personal information" interchangeably in this template.)

<sup>4</sup> The inclusion of this statement in your privacy policy will not in itself satisfy the requirements of the Privacy and Electronic Communications (EC Directive) Regulations 2003 as regards consent to the use of cookies. Guidance concerning methods of obtaining such consent is included on the Information Commissioner's website (<http://www.ico.gov.uk>).

email notifications and/or newsletters (including [details]);]

[(e) any other information that you choose to send to us; and]

[(f) *other information.*]<sup>5</sup>

[Before you disclose to us the personal information of another person, you must obtain that person's consent to both the disclosure and the processing of that personal information in accordance with the terms of this privacy policy.]

### [(3) Cookies<sup>6</sup>

A cookie is a file containing an identifier (a string of letters and numbers) that is sent by a web server to a web browser and is stored by the browser. The identifier is then sent back to the server each time the browser requests a page from the server. This enables the web server to identify and track the web browser.

We [may] use [both] ["session" cookies] [and "persistent" cookies] on the website. [Session cookies will be deleted from your computer when you close your browser.] [Persistent cookies will remain stored on your computer until deleted, or until they reach a specified expiry date.]

[We will use the session cookies to: keep track of you whilst you navigate the website; keep track of items in your shopping basket; prevent fraud and increase website security; and [other uses].] [We will use the persistent cookies to: enable our website to recognise you when you visit; keep track of your preferences in relation to your use of our website; and [other uses].]

[We use Google Analytics to analyse the use of this website. Google Analytics generates statistical and other information about website use by means of cookies, which are stored on users' computers. The information generated relating to our website is used to create reports about the use of the website. Google will store this information. Google's privacy policy is available at: <http://www.google.com/privacypolicy.html>.]<sup>7</sup>

<sup>5</sup> You should list in this provision all of the different kinds of personal information which will be collected over or in relation to your website. We have suggested a number of common categories.

<sup>6</sup> If your site does not use cookies, the paragraphs on cookies can be deleted.

The rules concerning cookies are set out in Regulation 6 of the Privacy and Electronic Communications (EC Directive) Regulations 2003 (as amended). Regulation 6 provides that:

*"(1) Subject to paragraph (4), a person shall not store or gain access to information stored, in the terminal equipment of a subscriber or user unless the requirements of paragraph (2) are met.*

*(2) The requirements are that the subscriber or user of that terminal equipment—(a) is provided with clear and comprehensive information about the purposes of the storage of, or access to, that information; and (b) has given his or her consent.*

*(3) Where an electronic communications network is used by the same person to store or access information in the terminal equipment of a subscriber or user on more than one occasion, it is sufficient for the purposes of this regulation that the requirements of paragraph (2) are met in respect of the initial use.*

*(3A) For the purposes of paragraph (2), consent may be signified by a subscriber who amends or sets controls on the internet browser which the subscriber uses or by using another application or programme to signify consent.*

*(4) Paragraph (1) shall not apply to the technical storage of, or access to, information—(a) for the sole purpose of carrying out the transmission of a communication over an electronic communications network; or (b) where such storage or access is strictly necessary for the provision of an information society service requested by the subscriber or user."*

<sup>7</sup> If you do not use Google Analytics, you should check whether your analytics system uses cookies and include an appropriate explanatory paragraph if it does.

[Our [advertisers / payment services providers] may also send you cookies.]<sup>8</sup>

[We publish Google AdSense interest-based advertisements on our website. These are tailored by Google to reflect your interests. To determine your interests, Google will track your behaviour on our website and on other websites across the web using the DART cookie. You can view, delete or add interest categories associated with your browser using Google's Ads Preference Manager, available at: <http://www.google.com/ads/preferences/>. You can opt out of the AdSense partner network cookie at: <http://www.google.com/privacy/ads/> or by using the NAI's (Network Advertising Initiative's) multi-cookie opt-out mechanism at: [http://www.networkadvertising.org/managing/opt\\_out.asp](http://www.networkadvertising.org/managing/opt_out.asp). However, these opt-out mechanisms use cookies, and if you clear the cookies from your browser your opt-out will not be maintained. To ensure that an opt-out is maintained in respect of a particular browser, you should use the Google browser plug-in available at: <http://www.google.com/ads/preferences/plugin/>.]<sup>9</sup>

[You can manage your preferences relating to the use of cookies on our website by visiting [URL].]

Most browsers allow you to reject all cookies, whilst some browsers allow you to reject just third party cookies. For example, in Internet Explorer (version 9) you can refuse all cookies by clicking "Tools", "Internet options", "Privacy", and selecting "Block All Cookies" using the sliding selector. Blocking all cookies will, however, have a negative impact upon the usability of many websites[, including this one].]

#### **(4) Using your personal information**

Personal information submitted to us via this website will be used for the purposes specified in this privacy policy or in relevant parts of the website.

We may use your personal information to:

- [(a) administer the website;]
- [(b) improve your browsing experience by personalising the website;]
- [(c) enable your use of the services available on the website;]
- [(d) send you goods purchased via the website, and supply to you services purchased via the website;]
- [(e) send statements and invoices to you, and collect payments from you;]
- [(f) send you general (non-marketing) commercial communications;]
- [(g) send you email notifications which you have specifically requested;]
- [(h) send you [our newsletter and other] marketing communications relating to our business [or the businesses of carefully-selected third parties] which we think may be of interest to you, by post or, where you have specifically agreed to this, by email or similar technology (and you can inform us at any time if you no longer require marketing communications);]<sup>10</sup>

<sup>8</sup> If so, you should provide details. The following paragraphs give examples.

<sup>9</sup> This text should be used if you publish Google AdSense interest-based advertisements on your website. Additional disclosures will be required if you have not opted out of third-party ad serving. For more information, see: <https://www.google.com/adsense/support/bin/answer.py?hl=en&answer=100557>.

<sup>10</sup> As a general rule, where you plan to use personal information you have collected for the purpose of direct marketing, this

- [(i) provide third parties with statistical information about our users – but this information will not be used to identify any individual user;]
- [(j) deal with enquiries and complaints made by or about you relating to the website;]
- [(k) keep the website secure and prevent fraud;]
- [(l) verify compliance with the terms and conditions governing the use of the website [(including monitoring private messages sent through our website private messaging service)]; and]
- [(m) *[other uses]*.]<sup>11</sup>

[Where you submit personal information for publication on our website, we will publish and otherwise use that information in accordance with the licence you grant to us.]<sup>12</sup>

[Your privacy settings can be used to limit the publication of your information on the website. You can adjust your privacy settings by *[describe how]*.]

[We will not, without your express consent, provide your personal information to any third parties for the purpose of direct marketing.]<sup>13</sup>

[All our website financial transactions are handled through our payment services provider, [PayPal]. You can review the [PayPal] privacy policy at [www.paypal.com]. We will share information with [PayPal] only to the extent necessary for the purposes of processing payments you make via our website, refunding such payments and dealing with complaints and queries relating to such payments and refunds.]<sup>14</sup>

## **(5) Disclosures**

We may disclose your personal information to [any of our employees, officers, agents, suppliers or subcontractors] insofar as reasonably necessary for the purposes set out in this privacy policy.

[We may disclose your personal information to any member of our group of companies (this means our subsidiaries, our ultimate holding company and all its subsidiaries) insofar as reasonably necessary for the purposes set out in this privacy policy.]

In addition, we may disclose your personal information:

- (a) to the extent that we are required to do so by law;

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should be made clear on the page where the information is collected, and you should ensure that this only happens if users opt in to the marketing (eg "Click here if you would like us to send you information by email about products which we think will interest you."). There are, however, exceptions to this general rule. There are also rules about the content of direct marketing communications. If you are in any doubt about complying with your legal obligations in relation to direct marketing, you should seek professional advice.

<sup>11</sup> You must list here all the uses to which you will (or may in future) put personal data. Again, we have suggested some common categories.

<sup>12</sup> The relevant licence should be set out in the appropriate disclaimer/terms of use/terms of subscription etc document.

<sup>13</sup> It is good practice to also say what you will not do with personal information (within reason).

<sup>14</sup> You should insert details of any payment services provider(s) you use here. If you do not collect payments on your website, you can delete this section.

- (b) in connection with any ongoing or prospective legal proceedings;
- (c) in order to establish, exercise or defend our legal rights (including providing information to others for the purposes of fraud prevention and reducing credit risk);
- [(d) to the purchaser (or prospective purchaser) of any business or asset that we are (or are contemplating) selling; and<sup>1</sup>
- [(e) to any person who we reasonably believe may apply to a court or other competent authority for disclosure of that personal information where, in our reasonable opinion, such court or authority would be reasonably likely to order disclosure of that personal information.]

Except as provided in this privacy policy, we will not provide your information to third parties.

## **(6) International data transfers<sup>15</sup>**

Information that we collect may be stored and processed in and transferred between any of the countries in which we operate in order to enable us to use the information in accordance with this privacy policy.

Information which you provide may be transferred to countries [(including [the United States], [Japan], [other countries])] which do not have data protection laws equivalent to those in force in the European Economic Area.

[In addition, [personal information that you submit for publication on the website] will be published on the internet and may be available, via the internet, around the world. We cannot prevent the use or misuse of such information by others.]

You expressly agree to such transfers of personal information.

## **(7) Security of your personal information**

We will take reasonable technical and organisational precautions to prevent the loss, misuse or alteration of your personal information.

We will store all the personal information you provide on our secure (password- and firewall-protected) servers.<sup>16</sup>

[All electronic transactions entered into via the website will be protected by encryption technology.]

You acknowledge that the transmission of information over the internet is inherently insecure, and we cannot guarantee the security of data sent over the internet.

[You are responsible for keeping your password [and other login details] confidential. We will not ask you for your password (except when you log in to the website).]

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<sup>15</sup> Give as much detail as possible about any such international transfers. You also need to be aware that the inclusion of this provision will not be sufficient to ensure that all international transfers of personal data are lawful. If in doubt, you should take professional advice on this point.

<sup>16</sup> There is an obligation upon data controllers to store personal data securely. You should provide details of your security measures here.

## **(8) Policy amendments<sup>17</sup>**

We may update this privacy policy from time to time by posting a new version on our website. You should check this page occasionally to ensure you are happy with any changes.

[We may also notify you of changes to our privacy policy by email.]

## **(9) Your rights**

You may instruct us to provide you with any personal information we hold about you. Provision of such information will be subject to:

- (a) the payment of a fee (currently fixed at GBP 10); and
- (b) the supply of appropriate evidence of your identity [(for this purpose, we will usually accept a photocopy of your passport certified by a solicitor or bank plus an original copy of a utility bill showing your current address)].

We may withhold such personal information to the extent permitted by law.

You may instruct us not to process your personal information for marketing purposes[, by sending an email to us]. In practice, you will usually either expressly agree in advance to our use of your personal information for marketing purposes, or we will provide you with an opportunity to opt out of the use of your personal information for marketing purposes.

## **(10) Third party websites**

The website contains links to other websites. We are not responsible for the privacy policies or practices of third party websites.

## **(11) Updating information**

Please let us know if the personal information which we hold about you needs to be corrected or updated.

## **(12) Contact**

If you have any questions about this privacy policy or our treatment of your personal information, please write to us by email to [email] or by post to [postal address].<sup>18</sup>

## **(13) Data controller**

The data controller responsible in respect of the information collected on this website is [company/business name].

Our data protection registration number is [number].<sup>19</sup>

<sup>17</sup> Changes to the policy – in particular as to permissible uses of personal data – may not be retrospective. In other words, if you collect personal information on one basis, you cannot, simply by changing the terms of your policy, go on to legitimately use that information on a different basis.

<sup>18</sup> You should include a postal address as well as an email address.

<sup>19</sup> You should check whether you need to obtain a data protection registration. You can find out about this on the Information Commissioner's website at <http://www.ico.gov.uk>.

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