

## **Website privacy notice**

# Privacy Notice

This is the privacy notice of [trading or business or organisation or company name][, company number [company registration number]. ('we', 'our', or 'us').

Our registered office is at [address].

## Introduction

This notice describes how we collect, store, transfer and use personal data. It tells you about your privacy rights and how the law protects you.

In the context of the law and this notice, 'personal data' is information that clearly identifies you as an individual or which could be used to identify you if combined with other information. Acting in any way on personal data is referred to as 'processing'.

This notice applies to personal data collected through our website and through social media platforms and online retail platforms, including [names of websites, e.g. Facebook, Instagram, Twitter, Etsy, eBay and Amazon].

Except as set out below, we do not share, or sell, or disclose to a third party, any information collected through our website.

## Data Protection Officer

We have appointed a data protection officer ('DPO') who is responsible for ensuring that our privacy policy is followed.

If you have any questions about how we process your personal data, including any requests to exercise your legal rights, please contact our DPO, [DPO's first name and surname] at [e-mail address].

## Personal data we process

### 1. How we obtain personal data

The information we process about you includes information:

- you have directly provided to us

- that we gather from third party databases and service providers
- as a result of monitoring how you use our website or our services

## 2. Types of personal data we collect directly

When you use our website, [our services or buy from us](#), [for example, when [you create an account on our website](#),] we ask you to provide personal data. This can be categorised into the following groups:

- personal identifiers, such as your first and last names, your title and your date of birth
- contact information, such as your email address, your telephone number and your postal addresses for billing, delivery and communication
- account information, including your username and password
- payment information, such as a debit or credit card number and expiry date and bank account details
- records of communication between us including messages sent through our website, email messages and telephone conversations
- marketing preferences that tell us what types of marketing you would like to receive

[In addition, we may also process:](#)

- [documentation that confirms your identity, such as an image of your passport or driver's licence](#)
- [an image that shows your face, such as a passport photograph](#)
- [documentation that confirms the qualifications you advertise as holding](#)
- [documentation that confirms your employment, such as recent payslips](#)
- [documentation that confirms your address, such as a tenancy agreement or rental contract](#)

## 3. Types of personal data we collect from third parties

We confirm some of the information you provide to us directly using data from other sources. We also add to the information we hold about you, sometimes to remove the need for you to provide it to us and sometimes in order to be able to assess the quality of the services you offer.

The additional information we collect can be categorised as follows:

- information that confirms your identity
- business information, including your business trading name and address, your company number (if incorporated), and your VAT number (if registered)
- information that confirms your contact information
- reviews and feedback about your business on other websites through which you sell your services
- unsolicited complaints by other users

#### **4. Types of personal data we collect from your use of our services**

By using our website and our services, we process:

- your username and password and other information used to access our website and our services
- information you contribute to our community, including reviews
- your replies to polls and surveys
- technical information about the hardware and the software you use to access our website and use our services, including your Internet Protocol (IP) address, your browser type and version and your device's operating system
- usage information, including the frequency you use our services, the pages of our website that you visit, whether you receive messages from us and whether you reply to those messages
- transaction information that includes the details of the products services you have bought from us and payments made to us for those services

- your preferences to receive marketing from us; how you wish to communicate with us; and responses and actions in relation to your use of our services.

## 5. Our use of aggregated information

We may aggregate anonymous information such as statistical or demographic data for any purpose. Anonymous information is that which does not identify you as an individual. Aggregated information may be derived from your personal data but is not considered as such in law because it does not reveal your identity.

For example, we may aggregate usage information to assess whether a feature of our website is useful.

However, if we combine or connect aggregated information with your personal data so that it can identify you in any way, we treat the combined information as personal data, and it will be used in accordance with this privacy notice.

## 6. Special personal data

Special personal data is data about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data.

It also includes information about criminal convictions and offences.

We do not collect any special personal data about you.

OR

We may collect special personal data about you if there is a lawful basis on which to do so.

## 7. If you do not provide personal data we need

Where we need to collect personal data by law, or under the terms of a contract we have with you, and you fail to provide that data when requested, we may not be able to perform that contract.

In that case, we may have to stop providing a service to you. If so, we will notify you of this at the time.

## **The bases on which we process information about you**

The law requires us to determine under which of six defined bases we process different categories of your personal data, and to notify you of the basis for each category.

If a basis on which we process your personal data is no longer relevant then we shall immediately stop processing your data.

If the basis changes then if required by law we shall notify you of the change and of any new basis under which we have determined that we can continue to process your information.

### **8. Information we process because we have a contractual obligation with you**

When you create an account on our website, buy a product or service from us, or otherwise agree to our terms and conditions, a contract is formed between you and us.

In order to carry out our obligations under that contract we must process the information you give us. Some of this information may be personal data.

We may use it in order to:

- verify your identity for security purposes when you use our services
- sell products to you
- provide you with our services
- provide you with suggestions and advice on products, services and how to obtain the most from using our website

We process this information on the basis there is a contract between us, or that you have requested we use the information before we enter into a legal contract.

We shall continue to process this information until the contract between us ends or is terminated by either party under the terms of the contract.

## 9. Information we process with your consent

Through certain actions when otherwise there is no contractual relationship between us, such as when you browse our website or ask us to provide you more information about our business, including [\[job opportunities and\]](#) our products and services, you provide your consent to us to process information that may be personal data.

Wherever possible, we aim to obtain your explicit consent to process this information, for example, we ask you to agree to our use of non-essential cookies when you access our website.

If you have given us explicit permission to do so, we may from time to time pass your name and contact information to selected associates whom we consider may provide services or products you would find useful.

We continue to process your information on this basis until you withdraw your consent or it can be reasonably assumed that your consent no longer exists.

You may withdraw your consent at any time by instructing us [\[at email address or webpage\]](#). However, if you do so, you may not be able to use our website or our services further.

We aim to obtain and keep your consent to process your information. However, while we take your consent into account in decisions about whether or not to process your personal data, the withdrawal of your consent does not necessarily prevent us from continuing to process it. The law may allow us to continue to process your personal data, provided that there is another basis on which we may do so. For example, we may have a legal obligation to do so.

## 10. Information we process for the purposes of legitimate interests

We may process information on the basis there is a legitimate interest, either to you or to us, of doing so.

Where we process your information on this basis, we do after having given careful consideration to:

- whether the same objective could be achieved through other means
- whether processing (or not processing) might cause you harm

- whether you would expect us to process your data, and whether you would, in the round, consider it reasonable to do so

For example, we may process your data on this basis for the purposes of:

- improving our services
- record-keeping for the proper and necessary administration of our [\[organisational or business\]](#)
- responding to unsolicited communication from you to which we believe you would expect a response
- preventing fraudulent use of our services
- exercising our legal rights, including to detect and prevent fraud and to protect our intellectual property
- insuring against or obtaining professional advice that is required to manage [\[organisational or business\]](#) risk
- protecting your interests where we believe we have a duty to do so

## **11. Information we process because we have a legal obligation**

Sometimes, we must process your information in order to comply with a statutory obligation.

For example, we may be required to give information to legal authorities if they so request or if they have the proper authorisation such as a search warrant or court order.

This may include your personal data.

## **12. Information we process to protect vital interests**

[In situations where processing personal information is necessary to protect someone's life, where consent is unable to be given and where other lawful bases are not appropriate, we may process personal information on the basis of vital interests.](#)



For example, we may inform relevant organisations if we have a safeguarding concern about a vulnerable person.

## How and when we process your personal data

### 13. Your personal data is not shared

We do not share or disclose to a third party, any information collected through our website.

### 14. Information you provide

Our website allows you to post information with a view to that information being read, copied, downloaded, or used by other people.

For example, when you leave a review or post a message on our website, we reasonably assume that you consent for the message to be seen by others. We may include your username with your message, and your message may contain information that is personal data.

Other examples include:

- tagging an image
- clicking on an icon next to another visitor's message to convey your agreement, disagreement or thanks

In posting personal data, it is up to you to satisfy yourself about the privacy level of every person who might use it.

We do not specifically use this information except to allow it to be displayed or shared.

We do store it, and we reserve a right to use it in the future in any way we decide.

We provide you with a public profile page, the information on which may be indexed by search engines or used by third parties. The information you provide on that profile page may be made available to the public.

Once your information enters the public domain, we have no control over what any individual third party may do with it. We accept no responsibility for their actions at any time.

Provided your request is reasonable and there is no legal basis for us to retain it, then at our discretion we may agree to your request to delete personal data that you have posted. You can make a request by contacting us at [\[email address or webpage\]](#).

## 15. Payment information

### First option

We store information about your debit or credit card or other means of payment when you first provide it to us.

We store this payment information [at your request] in order to make repeat purchasing of goods and services easier next time you visit our website.

[We also store it to help us prevent fraud.]

We take the following measures to protect your payment information:

- We keep your payment information encrypted on our servers.
- We do not keep all your payment information so as:
  - a) to prevent the possibility of our duplicating a transaction without a new instruction from you;
  - b) to prevent any other third party from carrying out a transaction without your consent
- Access to your payment information is restricted to authorised staff only.
- If we ask you questions about your payment information, we only show [partial detail OR the first four OR the last four digits of the debit or credit card number], so that you can identify the means of payment to which we refer.
- [Other...]

We automatically delete your payment information [after X days OR when a credit or debit card expires].

## Second option

Payment information is never taken by us or transferred to us either through our website or otherwise. Our employees and contractors never have access to it.

At the point of payment, you are transferred to a secure page on the website of [WorldPay / Opayo / PayPal / MoneyBookers / Stripe] or some other reputable payment service provider. That page may be branded to look like a page on our website, but it is not controlled by us.

## 16. Direct Debit information

When you agree to set up a Direct Debit arrangement, the information you give to us is passed to our own bank [name of bank] for processing according to our instructions. We [do / do not] keep a copy.

[We keep this information only for the duration of the Direct Debit arrangement.]

We are registered under the direct debit guarantee scheme. This provides for the customer's bank to refund disputed payments without question, pending further investigation. Direct Debits can only be set up for payments to beneficiaries that are approved originators of direct debits. In order to be approved, these beneficiaries are subjected to careful vetting procedures. Once approved, they are required to give indemnity guarantees through their banks.

## 17. Job application and employment

If you send us information in connection with a job application, we may keep it for up to [three years] in case we decide to contact you at a later date.

If we employ you, we collect information about you and your work from time to time throughout the period of your employment. This information will be used only for purposes directly relevant to your employment. After your employment has ended, we will keep your file for [six years] before destroying or deleting it.

## 18. Information obtained from third parties

Although we do not disclose your personal data to any third party (except as set out in this notice), we sometimes receive data that is indirectly made up from your personal data from third parties whose services we use.

[No such information is personally identifiable to you.](#)

## **19. Third party advertising on our website**

Third parties may advertise on our website. In doing so, those parties, their agents or other companies working for them may use technology that automatically collects information about you when their advertisement is displayed on our website.

They may also use other technology such as cookies or JavaScript to personalise the content of, and to measure the performance of their adverts.

We do not have control over these technologies or the data that these parties obtain. Accordingly, this privacy notice does not cover the information practices of these third parties.

## **20. Credit reference**

To assist in combating fraud, we share information with credit reference agencies, so far as it relates to clients or customers who instruct their credit card issuer to cancel payment to us without having first provided an acceptable reason to us and given us the opportunity to refund their money.

## **21. Disputes between users**

In the event of a dispute between you and another user, provided that you consent, we may share your basic personal data, business information and contact information with the other user.

At our discretion, we may share other information to enable the dispute to be resolved through litigation or alternative dispute resolution methods.

## **22. Service providers and business partners**

We may share your personal data with businesses that provide services to us, or with business partners.

As examples:

- we may pass your payment information to our payment service provider to take payments from you
- we may use fraud prevention agencies and credit reference agencies to verify your identity and we may pass your information to those agencies if we strongly suspect fraud on our website
- we may pass your contact information to advertising agencies to use to promote our services to you

## **23. Referral partners**

This is information given to us by you in your capacity as an affiliate of us or as a referral partner.

It allows us to recognise visitors that you have referred to us, and to credit to you commission due for such referrals. It also includes information that allows us to transfer commission to you.

The information is not used for any other purpose.

We undertake to preserve the confidentiality of the information and of the terms of our relationship.

We expect any affiliate or partner to agree to reciprocate this policy.

## **Use of information we collect through automated systems**

### **24. Cookies**

Cookies are small text files that are placed on your computer's hard drive by your web browser when you visit a website that uses them. They allow information gathered on one web page to be stored until it is needed for use at a later date.

They are commonly used to provide you with a personalised experience while you browse a website, for example, allowing your preferences to be remembered.

They can also provide core functionality such as security, network management, and accessibility; record how you interact with the website so that the owner can understand how to improve the experience of other visitors; and serve you advertisements that are relevant to your browsing history.

Some cookies may last for a defined period of time, such as one visit (known as a session), one day or until you close your browser. Others last indefinitely until you delete them.

Your web browser should allow you to delete any cookie you choose. It should also allow you to prevent or limit their use. Your web browser may support a plug-in or add-on that helps you manage which cookies you wish to allow to operate.

The law requires you to give explicit consent for use of any cookies that are not strictly necessary for the operation of a website.

[When you first visit our website, we ask you whether you wish us to use cookies. If you choose not to accept them, we shall not use them for your visit except to record that you have not consented to their use for any other purpose.](#)

[If you choose not to use cookies or you prevent their use through your browser settings, you may not be able to use all the functionality of our website.](#)

We use cookies in the following ways:

- to track how you use our website
- to record whether you have seen specific messages we display on our website
- to keep you signed in to our website
- to record your answers to surveys and questionnaires on our site while you complete them
- to record the conversation thread during a live chat with our support team

[\[We provide more information about the cookies we use in our cookie policy\].](#)

## **25. Personal identifiers from your browsing activity**

Requests by your web browser to our servers for web pages and other content on our website are recorded.

We record information such as your geographical location, your Internet service provider and your IP address. We also record information about the software you are using to browse our website, such as the type of computer or device and the screen resolution.

We use this information in aggregate to assess the popularity of the webpages on our website and how we perform in providing content to you.

If combined with other information we know about you from previous visits, the data possibly could be used to identify you personally, even if you are not signed in to our website.

## **26. Re-marketing**

Re-marketing involves placing a 'tracking technology' such as a cookie, a 'web beacon' (also known as an 'action tag' or a 'single-pixel GIF') to track which pages you visit and to serve you relevant adverts for our services when you visit some other website.

The benefit of re-marketing technology is that we can provide you with more useful and relevant adverts, and not show you ones repeatedly that you may have already seen.

We may use a third-party advertising service to provide us with re-marketing services from time to time. If you have consented to our use of such tracking technologies, you may see advertisements for our products and services on other websites.

We do not provide your personal data to advertisers or to third-party re-marketing service providers. However, if you are already a member of a website whose affiliated business provides such services, that affiliated business may learn of your preferences in relation to your use of our website.

## **Other matters**

## **27. Your rights**

The law requires us to tell you about your rights and our obligations to you in regard to the processing and control of your personal data.

We do this now, by requesting that you read the information provided at <http://www.knowyourprivacyrights.org>

## **28. Use of our services by children**

We do not sell products or provide services for purchase by children, nor do we market to children.

Certain areas of our website are designed for use by children over [15] years of age. These areas include [description or name or areas designed for children].

If you are under 18, you may use our website only with consent from a parent or guardian.

We collect data about all users of and visitors to these areas regardless of age, and we anticipate that some of those users and visitors will be children.

## **29. Encryption of data sent between us**

We use Secure Sockets Layer (SSL) certificates to verify our identity to your browser and to encrypt any data you give us.

Whenever information is transferred between us, you can check that it is done so using SSL by looking for a closed padlock symbol or other trust mark in your browser's URL bar or toolbar.

## **30. Delivery of services using third party communication software**

With your consent, we may communicate using software provided by a third party such as Facebook (WhatsApp), Apple (Facetime), Microsoft (Skype) or Zoom Video Communications (Zoom).

Such methods of communication should secure your personal data using encryption and other technologies. The providers of such software should comply with all applicable privacy laws, rules, and regulations, including the GDPR.



If you have any concerns about using a particular software for communication, please tell us.

## **31. Data may be processed outside the UK**

Our websites are hosted in [country].

We may also use outsourced services in countries outside the UK from time to time in other aspects of our business.

Accordingly data obtained within the UK or any other country could be processed outside the UK.

We use the following safeguards with respect to data transferred outside the UK:

- the processor is within the same corporate group as our business or organisation and abides by the same binding corporate rules regarding data processing.
- the data protection clauses in our contracts with data processors include transfer clauses written by or approved by a supervisory authority.
- we comply with a code of conduct approved by a supervisory authority.
- we are certified under an approved certification mechanism as provided for in the Act.
- both our organisation and the processor are public authorities between whom there is either a legally binding agreement or administrative arrangements approved by a supervisory authority relating to protection of your information.

## **32. Control over your own information**

It is important that the personal data we hold about you is accurate and up to date. Please inform us if your personal data changes.

At any time, you may contact us to request that we provide you with the personal data we hold about you.

At any time you may review or update personally identifiable information that we hold about you, by signing in to your account on our website.

To obtain a copy of any information that is not provided on our website you should contact us to make that request.

When we receive any request to access, edit or delete personal data we first take reasonable steps to verify your identity before granting you access or otherwise taking any action. This is important to safeguard your information.

Please be aware that we are not obliged by law to provide you with all personal data we hold about you, and that if we do provide you with information, the law allows us to charge for such provision if doing so incurs costs for us. After receiving your request, we will tell you when we expect to provide you with the information, and whether we require any fee for providing it to you.

If you wish us to remove personally identifiable information from our website, you should contact us to make your request.

This may limit the service we can provide to you.

We remind you that we are not obliged by law to delete your personal data or to stop processing it simply because you do not consent to us doing so. While having your consent is an important consideration as to whether to process it, if there is another legitimate basis on which we may process it, we may do so on that basis.

### **33. Communicating with us**

When you contact us, whether by telephone, through our website or by email, we collect the data you have given to us in order to reply with the information you need.

We record your request and our reply in order to increase the efficiency of our [business / organisation].

We do not keep any personally identifiable information associated with your message, such as your name or email address.

**OR**

We may keep personally identifiable information associated with your message, such as your name and email address so as to be able to track our communications with you to provide a high quality service.

## 34. Complaining

If you are not happy with our privacy policy, or if you have any complaint, then you should tell us.

[You can find further information about our complaint handling procedure at [webpage URL](#)]

When we receive a complaint, we record the information you have given to us on the basis of consent. We use that information to resolve your complaint.

We aim to investigate all complaints relating to user generated content. However, we may not be able to do so as soon as a complaint is made. If we feel that it is justified or if we believe that the law requires us to do so, we shall remove the content while do so.

Making a complaint may not result in the removal of the content. Ultimately, we have to make a judgment as to whose right will be obstructed: yours, or that of the person who posted the content that offends you.

If we think your complaint is vexatious or without any basis, we shall not correspond with you about it.

If your complaint reasonably requires us to notify some other person, we may decide to give to that other person some of the information contained in your complaint. We do this as infrequently as possible, but it is a matter for our sole discretion whether we do give information, and if we do, what that information is.

We may also compile statistics showing information obtained from this source to assess the level of service we provide, but not in a way that could identify you or any other person.

If a dispute is not settled then we hope you will agree to attempt to resolve it by engaging in good faith with us in a process of mediation or arbitration.

If you are in any way dissatisfied about how we process your personal data, you have a right to lodge a complaint with the Information Commissioner's Office (ICO). This can be done at <https://ico.org.uk/make-a-complaint/>. We would, however, appreciate the opportunity to talk to you about your concern before you approach the ICO.

## 35. Retention period

Except as otherwise mentioned in this privacy notice, we keep your personal data only for as long as required by us:

- to provide you with the services you have requested
- to comply with other law, including for the period demanded by our tax authorities
- to support a claim or defence in court

## **36. Compliance with the law**

Our privacy policy complies with the law in the United Kingdom, specifically with the Data Protection Act 2018 (the 'Act') accordingly incorporating the EU General Data Protection Regulation ('GDPR') and the Privacy and Electronic Communications Regulations ('PECR').

## **37. Review of this privacy policy**

We shall update this privacy notice from time to time as necessary.

# Explanatory notes

## Privacy policy notice

## General notes

### Compliance in the UK

In the UK, the rights and obligations regarding protection of an individual's personal data are written in the Data Protection Act 2018 (the 'DPA' or the 'Act'). In addition to the DPA, if you communicate by electronic messages, you also need to comply with the Privacy and Electronic Communications Regulations (the 'PECR').

We are often asked whether this privacy notice is GDPR compliant. The answer is that it is, because the requirements under the General Data Protection Regulations are incorporated into the DPA. By complying with the DPA, you comply with the GDPR.

Post-Brexit, UK law, the DPA, still applies.

We are less frequently asked if this privacy notice complies with California privacy laws, or others around the world. The answer is that it doesn't. The reason that it doesn't is because we assume that your business is located in the UK, and therefore that the State of California has no legal jurisdiction over your activities unless you operate a physical business in California or have registered a subsidiary there.

The requirements under the DPA are similar in extent to prior data protection law in the UK. If your business complies with prior law, then the changes you need to make are likely to be small.

The possible implications for non-compliance are now much more severe. In theory, the Information Commissioner's Office (the ICO) has the power to fine a business 4% of its annual worldwide turnover.

However, regarding selling to consumers we believe that the ICO in practice is unlikely to fine many small businesses and organisations without having first given a warning. Having a privacy notice (such as one based on this template) that shows some effort to comply with the law is likely, in our opinion, to generate enough goodwill with the ICO to avoid a fine in the first instance.

Updating your website privacy notice is not the only requirement for compliance with the DPA. You are also likely to need to change how customers and visitors can access personal data held about them, and create new procedures for obtaining compliance to collect and use personal data.

You may also need to update other legal documents, in particular, your website terms and conditions. Free versions of these are also available from our website.

More information can be found at: <https://www.netlawman.co.uk/ia/gdpr>

### **Using this template as the basis for your privacy notice**

Your privacy policy should be concise (while also being comprehensive), transparent, easy to understand and easily accessible.

You may think that a document stretching to 19 pages is not concise, but much of it can be deleted when applying it to your business.

We offer this template free as an example of a Net Lawman document. We hope that you like it, and that you may buy other documents and services from us in the future.

Regardless of the price, we assert our copyright in the document. Our standard licence terms apply. While you may not distribute the template without including our copyright, **you may remove our copyright notice from the footer of the version you edit and use.**

In addition to these paragraph specific guidance notes to help you edit the template, we also publish a free, more general guide to editing our legal documents, which you can download at: [https://www.netlawman.co.uk/uploads/Editing\\_Legal\\_Document\\_Templates.pdf](https://www.netlawman.co.uk/uploads/Editing_Legal_Document_Templates.pdf)

If you have any questions, please contact us at [support@netlawman.co.uk](mailto:support@netlawman.co.uk)

## **Paragraph specific notes**

Numbered notes refer to specific numbered paragraphs in the template.

### **Identification of the owner of the website**

The Act requires that you identify the business or the organisation that operates the website. Using the domain name as the business name is technically not enough. You need to provide a business or organisation name and an address.

In practice, you may decide that you do not want to provide your name and address (for your own privacy reasons). You may be more likely to get away with doing this if you don't trade from your website and if you provide a reliable means of contact.

### **Introduction**

The aim of the introduction is to explain the purpose of the document, the key terms 'process' and 'personal data' and the scope of the document (whether it applies to

data just processed as a result of interaction with your website and/or with other websites).

## **Data Protection Officer**

Unless your organisation processes large volumes of personal data, you are unlikely to be required to appoint a data protection officer.

If you have nominated an individual, you may mention him or her in this paragraph.

Otherwise, you can delete this section.

## **Personal data we process**

### **1 How we obtain personal data**

The Act only applies to personal data.

This section introduces the next 3 sections. Delete the bullet points that don't apply.

### **2 Types of personal data we collect directly**

You need to edit this paragraph so that it applies to your website. We have given common examples of types of personal data that are collected. If any don't apply, delete them.

### **3 Types of personal data we collect from third parties**

As above.

### **4 Types of personal data we collect from use of our services**

You may not collect the first three, but you are likely to collect the last four, even if you are not aware now that you do so. Web servers tend to log information to which you could have access.

### **5 Our use of aggregated information**

We suggest leaving this section unedited.

### **6 Special personal data**

If you process certain types of personal data, you are required to disclose that you do so.

Use either the first sentence or the last one.

### **7 If you do not provide the personal data we need**

This is a reminder to your customer or visitor that you may not be able to provide services if you are not given information.

## **The bases on which we process information about you**

The following relates to sections 8 to 12.

A requirement of the Act is that you tell the data subject why you process the data and which legal basis you have chosen to use as the justification to process his or her data.

Most websites will process different types of data on different bases. The two most likely to apply are 'Contract' (after the visitor has accepted your terms and conditions) and 'Consent' (after the visitor has agreed to your use of his or her data – usually by taking some affirmative action such as clicking on a button). Some data may also be processed because of a Legal Obligation or a Legitimate Interest. In a few cases, Vital Interests may be used.

All the bases are described at: <http://www.knowyourprivacyrights.org/legitimate-uses/>

The reasons why you process the data arise as a result of the basis. If there is a contract, there is a contractual obligation to carry out the service. If the basis is Consent, then there will probably be some benefit to the data subject of you using the information.

You may want to edit these sections in minor ways (certainly where we have highlighted in blue).

More importantly, you should make design changes to how your website works so as to obtain explicit consent, or have a visitor agree to your terms earlier in your relationship.

For most websites, Contract is the strongest basis for processing. If you can design your website experience such that a visitor agrees to your terms early on, before providing personal data, you will have fewer grounds for complaints. For example, you might reduce the requirement to provide detailed information when a visitor registers a basic account on your website, but place more content or functionality in an area of the website that requires the visitor to have such an account. At the registration point, the visitor must tick a box to say that he or she has read and agrees to your terms and conditions.

If you are relying on Consent, then you might design a banner to appear when a visitor first arrives at your site (for example, encouraging him or her to read your cookies policy).

Positive action needs to be taken by the visitor when agreeing to anything – pre-ticked boxes or close buttons don't count as affirmative action.



Legitimate Interests is a basis that is fairly subjective. For it to be used, you must have decided that there is a legitimate interest, that processing the data is necessary to protect that interest, and that the data subject's interests (or other interests) do not override it. In some circumstances, it is most appropriate, but if possible, we would recommend using Contract or Consent as better alternatives. The reason is simply that the data subject is less likely to complain if he or she has clearly asked you to process his or her data.

Vital Interests is unlikely to be necessary to include, unless you work with, or could be involved with, potentially vulnerable people.

Data subjects have a legal right to see the personal data you hold about them. You need both an internal process as to how to provide this, and a means for the data subject to request the information.

If the data subject is a registered visitor, then providing his or her data in an account area is a good way of providing this data. You can also provide a way of giving Consent to use of the data in the same place.

If the data subject does not have an account, then you should give either an e-mail address or a physical address to which the data subject can send a request for his or her information (one of the reasons for including your address at the top of the notice).

Lastly, for each basis you need to state when you stop processing the data. We suggest that you don't edit our text.

## **How and when we process your personal data**

### **13 Your personal data is not shared**

If you don't share any data, leave this paragraph in place. Otherwise (as for most website owners), delete it.

### **14 Information you provide**

This section serves as a reminder that information that a visitor posts on your website may be available for public viewing, and that you cannot be held responsible if someone else copies it and uses it without the author's permission.

You should provide a way for someone to contact you and request that content is removed. This could be as simple as an e-mail address.

### **15 Payment information**

There are two options here. Delete whichever is not relevant.

The first covers the situation where you do record card information. You should edit the 'measures to protect your information' so that they are relevant to your business.

The second covers the situation where card information stays with the payment service provider.

If you don't take payment at all, of course delete this paragraph completely.

## **16 Direct Debit information**

If you take payments by Direct Debit then edit this section. Otherwise, you can delete it.

## **17 Job application and employment**

The purpose of this paragraph is to set out for how long personal data is processed. It is a requirement of the Act.

## **18 Information obtained from third parties**

This paragraph is a reminder to visitors that you may use third party information provision services. Delete if not appropriate to your organisation.

## **19 Third party advertising on our website**

Delete if not appropriate to your organisation.

## **20 Credit reference**

We suggest that you leave this paragraph in place even if you have no immediate intention of liaising with debt collectors. It may be a useful reminder to users of your website.

## **21 Disputes between users**

If you moderate disputes between users of your website, you should leave these paragraphs in place. Otherwise you can delete them.

## **22 Service providers and business partners**

Edit as appropriate. You may need to include other examples that are relevant to your organisation.

## **23 Referral partners**

Information relating to affiliates is not subject to the Act. This paragraph is included to reassure business partners.

## **Use of information we collect through automated systems**

This section provides more information about specific types of information. The paragraphs within it are as much designed to reassure a visitor reading your policy than to aid compliance with the law.

### **24 Cookies**

The start of this paragraph is an explanation of what cookies are.

It is good practice to display a message when a visitor first comes to your website asking whether he or she accepts use of cookies. The paragraph in blue supports this.

We take the approach here of not listing every single cookie.

The reason is that you not know this information yourself, especially if you use third party add-ons or plug-ins to your website. For example, Google provides visitor tracking software (Analytics) that is popular. It could at any point change the name or purpose of the many cookies it uses without telling you.

There are so many cookies that software you use is likely to place that to list them here would increase the size and complexity of the notice, and to keep the notice up-to-date as they change would be time consuming.

Listing every cookie's file name, purpose and expiration period could be done in a separate cookie notice, linked from this paragraph.

We prefer the approach of explaining in what ways they are used. Add or delete to this list as appropriate.

We recommend that you read our article at <https://www.netlawman.co.uk/ia/do-you-need-cookie-policy>

### **25 Personal identifiers from your browsing activity**

Most web servers log requests for pages. We suggest you leave this paragraph as is, even if you don't use this information.

### **26 Re-marketing**

Re-marketing is the name given to the practice of advertising your products and services on third party websites based on pages on your website that the visitor has already seen.

It requires you as the website owner to be the client of an advertising service provider.

When a visitor visits a page of your website, the advertiser's software through your website places a cookie on the visitor's computer. When he or she visits another webpage on a third party website, you can choose whether or not to pay to show him or her an advert for your product or service.

For example, you might sell fruit from your website. A visitor visits a page about the health benefits of eating a particular tropical fruit. Later, the same visitor visits another website about cookery, and specifically a page that describes a recipe that requires the tropical fruit. Both your website and the cookery website use the same advertising service provider. You can choose to pay to have your adverts for that tropical fruit to be displayed on the cookery website.

The advertising service provider usually allows you to specify exactly what criteria must be met in order to display your advert, making re-marketing a cost efficient way of advertising.

Some people feel very strongly about re-marketing. It can elicit fears of "being followed around the web", particularly if the topic of the advert is sensitive.

You can choose to delete this paragraph entirely if you do not use re-marketing. However, keeping it in place will allow you to experiment with different types of display marketing later.

## **Other matters**

### **27 Your rights**

A key requirement of the law is that you tell your visitors and customers that they have rights with respect to how their personal data is processed. Rather than cluttering your privacy notice with an explanation of their rights, we recommend referring your visitors to this explanatory website.

### **28 Use of our services by children**

Under UK law, you cannot form a contract with a child. So a child cannot agree to your terms and conditions, which means that he or she cannot agree to your terms regarding use of his or her information. Additionally, only a parent or guardian can give consent.

So it is very difficult to have a lawful basis for processing personal data about children.

Additionally, personal data about children is regarded as more sensitive than the same information about an adult. The consequences for data breaches could be much greater.

Unless the likelihood of visitors under the age of 18 using your website is low, we suggest you edit this paragraph to suit your website and keep it in.

## **29 Encryption of data sent between us**

This section is included to reassure visitors. If you do not use SSL then remove the paragraph.

## **30 Delivery of services using third party communication software**

This section is only relevant if you provide a service by video or telephone communication software. Examples would be provision of business consulting, tutoring and fitness coaching.

## **31 Data may be processed outside the UK**

It is a legal requirement to tell the visitor if his or her information is processed outside the UK. It is especially important if you have your own business operations outside the UK.

If you want to be as compliant as possible, you should also identify carefully whether you use services outside the UK. You may use, for example, a US-based online software service to provide your chat system.

In practice, it might be very difficult to identify exactly where software has been written, whether the software house processes your data in any way, and where this might take place.

The clause giving examples (in blue) could be deleted entirely if you don't want possibly to mislead readers.

The safeguards (bullet points at the end of the paragraph) seem verbose, but are copied verbatim from the legislation. Choose the most appropriate (one, maybe two) and delete the others.

For most organisations, the second bullet point is likely to be the one used.

## **32 Control over your own information**

Under the Act, a data subject has a right to access information about him or her, and a right for that information to be kept up-to-date and only for as long as required.

You should leave these paragraphs in place, editing the addresses.

## **33 Communicating with us**

Communication requires a transfer of personal data. These paragraphs should explain how you deal with information arising from communication.

### **34 Complain**

This paragraph sets out standard wording that tells visitors how to make a complaint.

It gives you a stronger argument to use arbitration or mediation as a means of resolving a complaint, rather than going to court.

In any case, you must tell visitors to your site about their right to complain to the supervisory body, the Information Commissioner's Office.

### **35 Retention period for personal data**

It is a requirement of the Act to tell data subjects for how long personal data will be kept. This paragraph is a catch-all if the information is not provided elsewhere.

Basic UK law relating to limitation for bringing a claim, contract matters, tax and other areas often requires data to be retained for six years. You should be 'safe' if you specify that period for commercial transactions.

### **36 Compliance with the law**

Leave this paragraph in place.

### **37 Review of this privacy policy**

Leave this paragraph in place.

## **End of notes**