

Privacy and cookies policy

1. Introduction

- 1.1 We are committed to safeguarding the privacy of our website visitors; in this policy we explain how we will treat your personal information.
- 1.2 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. OR [By using our website and agreeing to this policy, you consent to our use of cookies in accordance with the terms of this policy.

2. Collecting personal information

- 2.1 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 and website navigation paths)];
 - (b) information that you provide to us when registering with our website (including your email address];
 - (c) information that you provide to us for the purpose of subscribing to our email notifications and/or newsletters (including your name and email address];
 - (d) information relating to any purchases you make of our goods (including [your name, delivery address, payment address, telephone numbers, email address and card details];
 - (e) information that you post to our website for publication on the internet (including your user name, profile pictures and reviews];
 - (f) information contained in or relating to any communication that you send to us (including [the communication content and metadata associated with the communication])); and
 - (g) any other personal information that you choose to send to us.
- 2.2 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 this policy.

3. Using personal information

- 3.1 Personal information submitted to us through our website will be used for the purposes specified in this policy or on the relevant pages of the website.
- 3.2 We may use your personal information to:
 - (a) administer our website and business;

- (b) personalise our website for you;
- (c) enable your use of the services available on our website];
- (d) send you goods purchased through our website];
- (e) send statements, invoices and payment reminders to you, and collect payments from you];
- (f) send you non-marketing commercial communications];
- (g) send you email notifications that you have specifically requested];
- (h) send you our email newsletter, if you have requested it (you can inform us at any time if you no longer require the newsletter)];
- (i) send you 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 (you can inform us at any time if you no longer require marketing communications)];
- (j) provide third parties with statistical information about our users (but those third parties will not be able to identify any individual user from that information)];
- (k) deal with enquiries and complaints made by or about you relating to our website];
- (l) keep our website secure and prevent fraud]; and
- (m) verify compliance with the terms and conditions governing the use of our website].

3.3 If 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.

3.4 We will not, without your express consent, supply your personal information to any third party for the purpose of their or any other third party's direct marketing.

3.5 All our website financial transactions are handled through our payment services provider, *BOIPA*. You can review the provider's privacy policy at <https://www.boipa.com/privacy-policy-html/>. We will share information with our payment services provider 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.

4. Disclosing personal information

- 4.1 We may disclose your personal information to [any of our employees, officers, insurers, professional advisers, agents, suppliers or subcontractors] insofar as reasonably necessary for the purposes set out in this policy.
- 4.2 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 policy.
- 4.3 We may disclose your personal information:
- (a) to the extent that we are required to do so by law;
 - (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
 - (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].
- 4.4 Except as provided in this policy, we will not provide your personal information to third parties.

5. International data transfers

- 5.1 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 policy.
- 5.2 Information that we collect may be transferred to the following countries which do not have data protection laws equivalent to those in force in the European Economic Area: [the United States of America, Russia, Japan, China and India].
- 5.3 Personal information that you publish on our website or submit for publication on our website may be available, via the internet, around the world. We cannot prevent the use or misuse of such information by others.
- 5.4 You expressly agree to the transfers of personal information described in this Section 5.

6. Retaining personal information

- 6.1 This Section 6 sets out our data retention policies and procedure, which are designed to help ensure that we comply with our legal obligations in relation to the retention and deletion of personal information.

- 6.2 Personal information that we process for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- 6.3 Without prejudice to Section 6.2, we will usually delete personal data falling within the categories set out below at the date/time set out below:
- (a) *[personal data type]* will be deleted *[date/time]*.
- 6.4 Notwithstanding the other provisions of this Section 6, we will retain documents (including electronic documents) containing personal data:
- (a) to the extent that we are required to do so by law;
- (b) if we believe that the documents may be relevant to any ongoing or prospective legal proceedings; and
- (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).

7. Security of personal information

- 7.1 We will take reasonable technical and organisational precautions to prevent the loss, misuse or alteration of your personal information.
- 7.2 We will store all the personal information you provide on our secure (password- and firewall-protected) servers.
- 7.3 All electronic financial transactions entered into through our website will be protected by encryption technology.
- 7.4 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.
- 7.5 You are responsible for keeping the password you use for accessing our website confidential; we will not ask you for your password (except when you log in to our website).

8. Amendments

- 8.1 We may update this policy from time to time by publishing a new version on our website.
- 8.2 You should check this page occasionally to ensure you are happy with any changes to this policy.
- 8.3 We may notify you of changes to this policy [by email or through the private messaging system on our website].

9. Your rights

- 9.1 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)].

- 9.2 We may withhold personal information that you request to the extent permitted by law.
- 9.3 You may instruct us at any time not to process your personal information for marketing purposes.
- 9.4 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

- 10.1 Our website includes hyperlinks to, and details of, third party websites.
- 10.2 We have no control over, and are not responsible for, the privacy policies and practices of third parties.

11. Updating information

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

12. About cookies

- 12.1 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.
- 12.2 Cookies may be either "persistent" cookies or "session" cookies: a persistent cookie will be stored by a web browser and will remain valid until its set expiry date, unless deleted by the user before the expiry date; a session cookie, on the other hand, will expire at the end of the user session, when the web browser is closed.
- 12.3 Cookies do not typically contain any information that personally identifies a user, but personal information that we store about you may be linked to the information stored in and obtained from cookies.
- 12.4 Cookies can be used by web servers to identify and track users as they navigate different pages on a website and identify users returning to a website.

13. Our cookies

- 13.1 We use [only session cookies] OR [only persistent cookies] OR [both session and persistent cookies] on our website.
- 13.2 The names of the cookies that we use on our website, and the purposes for which they are used, are set out below:
- (a) we use [*cookie name*] to [recognise a computer when a user visits our website] OR [track users as they navigate the website] OR [enable the use of a shopping cart on the website] OR [improve the website's usability] OR [administer the website] OR [prevent fraud and improve the security of the website] OR [personalise the website for each user] OR [target advertisements which may be of particular interest to specific users] OR [validate authenticated users sessions] OR [facilitate the use of our website search engine] OR [*specify purpose*].

[additional list items]

14. Analytics cookies

- 14.1 We use [Google Analytics] to analyse the use of our website.
- 14.2 Our analytics service provider generates statistical and other information about website use by means of cookies.
- 14.3 The analytics cookies used by our website have the following names: [_ga, _gat, __utma, __utmt, __utmb, __utmc, __utmz and __utmv].
- 14.4 The information generated relating to our website is used to create reports about the use of our website.
- 14.5 Our analytics service provider's privacy policy is available at: [\[http://www.google.com/policies/privacy/\]](http://www.google.com/policies/privacy/).

15. Third party cookies

- 15.1 Our website also uses third party cookies.
- 15.2 [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 DoubleClick cookie.] OR [We publish Google AdSense advertisements on our website. To determine your interests, Google will track your behaviour on our website and on other websites across the web using the DoubleClick cookie. This behaviour tracking allows Google to tailor the advertisements you see on other websites to reflect your interests (we do not publish interest-based advertisements on this website).] You can view, delete or add interest categories associated with your browser by visiting: <http://www.google.com/settings/ads/>. You can also opt out of the AdSense partner network cookie using those settings or using the NAI's (Network Advertising Initiative's) multi-cookie opt-out mechanism at: <http://www.networkadvertising.org/choices/>. However, these opt-out mechanisms themselves 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 may wish to consider using the Google browser plug-in available at:
<https://www.google.com/settings/ads/plugin>.

15.3 Details of the[other] third party cookies used by our website are set out below:

(a) *[third party cookie details]*.

[additional list items]

16. Blocking cookies

16.1 Most browsers allow you to refuse to accept cookies; for example:

- (a) in Internet Explorer (version 11) you can block cookies using the cookie handling override settings available by clicking "Tools", "Internet Options", "Privacy" and then "Advanced";
- (b) in Firefox (version 47) you can block all cookies by clicking "Tools", "Options", "Privacy", selecting "Use custom settings for history" from the drop-down menu, and unticking "Accept cookies from sites"; and
- (c) in Chrome (version 52), you can block all cookies by accessing the "Customise and control" menu, and clicking "Settings", "Show advanced settings" and "Content settings", and then selecting "Block sites from setting any data" under the "Cookies" heading.

16.2 Blocking all cookies will have a negative impact upon the usability of many websites.

16.3 If you block cookies, you will not be able to use all the features on our website.

17. Deleting cookies

17.1 You can delete cookies already stored on your computer; for example:

- (a) in Internet Explorer (version 11), you must manually delete cookie files (you can find instructions for doing so at <http://windows.microsoft.com/en-gb/internet-explorer/delete-manage-cookies#ie=ie-11>);
- (b) in Firefox (version 47), you can delete cookies by clicking "Tools", "Options" and "Privacy", then selecting "Use custom settings for history" from the drop-down menu, clicking "Show Cookies", and then clicking "Remove All Cookies"; and
- (c) in Chrome (version 52), you can delete all cookies by accessing the "Customise and control" menu, and clicking "Settings", "Show advanced settings" and "Clear browsing data", and then selecting "Cookies and other site and plug-in data" before clicking "Clear browsing data".

17.2 Deleting cookies will have a negative impact on the usability of many websites.

18. Cookie preferences

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

19. Data protection registration

19.1 We are registered as a data controller with the UK Information Commissioner's Office.

19.2 Our data protection registration number is *[number]*.

20. Our details

20.1 This website is owned and operated by *[name]*.

20.2 We are registered in [England and Wales] under registration number *[number]*, and our registered office is at *[address]*.

20.3 Our principal place of business is at *[address]*.

20.4 You can contact us:

- (a) [by post, using the postal address [given above]];
- (b) [using our website contact form];
- (c) [by telephone, on [the contact number published on our website from time to time]]; or
- (d) [by email, using [the email address published on our website from time to time]].

[additional list items]

Privacy and cookies policy (online shop): drafting notes

This template has been designed for online stores, whether B2B, B2C or mixed. The policy explains why a website needs to collect personal information and how it will be collected, stored and used. Whenever a customer provides personal information, a commercial website operator is legally obliged to use that information in accordance with all laws concerning the protection of personal information, including in particular the Data Protection Act 1998 (the "DPA"). The template includes information about disclosures which the data controller may make. Consider whether you will seek customers' express consent to share their information with any third party as this can be a matter of contention with customers, particularly where the third party sells dissimilar goods or are less reputable. Disclosing personal information to members within a group of companies may be done where necessary for the purposes set out in the document. In addition, businesses that operate overseas, or outsource parts of their operation abroad, may need to transfer personal information to other countries. Disclosure of information will also be necessary if requested by government bodies or law enforcement agencies, and if needed for legal proceedings or to protect your legal rights. You will need to decide what types of personal information should be retained, and when personal data should be deleted. A data controller is not allowed to retain personal information obtained for a particular purpose or purposes "for longer than is necessary for that purpose or those purposes". The section of the template dealing with security of personal information reflects what the data protection principles say about security. Security policies and procedures should be designed to suit the nature of the personal data. Information about health, for instance, will usually need more careful handling than postal address details. Under the DPA, the customer has the right to request a copy of their personal information held by the data controller, and to have any inaccuracies corrected. It is permissible to charge a fee for this sort of information request. Most websites use cookies to improve the user experience: these enable the website to remember the user, either for the duration of a browser session (using session cookies) or for repeat visits (using persistent cookies). A website should identify the cookies it stores in a user's computer, and the third-party cookies that may be stored as a result of the use of the website. Some users find the idea of a website storing information on their computer intrusive; a well drafted cookies policy can help allay these fears. Finally, data protection registration details and contact details should also be included in the policy.

Section 1: Introduction

Section 1.1

"Personal information": for day-to-day purposes, it is best to assume that all information which relates to a living individual constitutes personal information.

Section 1.2

Optional element.

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>).

- How will you gain users' consent to the use of cookies?

Section 2: Collecting personal information

Section 2.1

- What analytics data will you collect?
- What information will be collected from users who register with the website?
- Will the website allow users to subscribed for email notifications and/or newsletters?
- What information will be collected from users who subscribe to website services, email notifications and/or newsletters?
- What transactional data will be collected from users?
- What personal information can a user publish through the website?
- What communications information may be collected?

Section 3: Using personal information

Section 3.2

You must list here the uses to which you will (or may in future) put personal data. We have suggested some common categories. As a general rule, where you plan to use personal information you have collected for the purpose of direct marketing, this 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.

- Might marketing communications relate to third party businesses?

Section 3.3

Optional element. Will users have the opportunity to publish any personal information on the website?

Section 3.4

Optional element. Will the website undertake in this document not to supply any user's personal information to a third party for the purpose of third party direct marketing?

Section 3.5

- What is the name of the payment services provider that processes website transactions?
- At what web address can the privacy policy of the payment services provider be found?

Section 4: Disclosing personal information

Section 4.1

- To which categories of person may personal information collected through the website be disclosed?

Section 4.2

Optional element. Is the website operator part of a group of companies in circumstance where one or more of those other group companies might need access to personal information collected by reference to this document?

Section 4.3

A website operator may be obliged to disclose personal data to a third party under various laws. For example, under the Defamation Act 2013 and the Defamation (Operators of Websites) Regulations 2013, a website operator may be required to pass personal data between a complainant and a poster - i.e. a person who posts on the website material which may be defamatory of the claimant.

- Does the website operator need a right to disclose personal data to business purchasers and potential business purchasers?
- Does the website operator require a right to disclose personal data in anticipation of a court judgment or regulatory action?

Section 5: International data transfers

Does the website operator, or might the website operator, transfer or have transferred outside the European Economic Area (EEA) any personal information that it controls?

Give as much detail as possible about any such international transfers. You 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 seek professional advice on this point.

Section 5.2

Optional element. Will any personal data be transferred outside the EEA?

- To which countries outside the EEA may personal data be transferred?

Section 5.3

Optional element. Will users have the opportunity to publish personal information on the website?

Section 5.4

This consent statement is unlikely to create an effective consent to extra-EEA transfers on its own.

Section 6: Retaining personal information

Section 6.1

Optional element.

Section 6.3

Optional element. Does the website operator have any specific policies in place regarding time periods for the deletion of personal data?

- Does the website operator have any specific policies in place regarding time periods for the deletion of personal data?

Section 7: Security of personal information

Section 7.2

There is an obligation upon data controllers to store personal data securely.

Section 8: Amendments

Section 8.2

Optional element.

Section 8.3

Optional element. Will you ever contact users to notify them of changes to the document?

- How will users be notified of changes to the document?

Section 9: Your rights

Section 9.1

- What evidence of identity will you require before fulfilling a data protection subject access request?

Section 9.4

Optional element.

Section 12: About cookies

Section 12.2

Optional element.

Section 12.3

Optional element.

Section 12.4

Optional element.

Section 13: Our cookies

Section 13.1

- What types of cookies will be used on the website?

Section 13.2

- Details of cookie used on the website should be provided here.
- Identify the cookie by name.

Section 14: Analytics cookies

Are cookies used to generate analytics data for the website?

The drafting in this provision assumes that Google Analytics is being used, but can easily be adapted for other cookie-based analytics systems.

Section 14.1

- Will you use Google Analytics?

Section 14.3

- What are the names of the analytics cookies used on the website?

Section 14.5

- At what web address can users view a copy of your analytics service provider's privacy policy?

Section 15: Third party cookies

Does the website serve any third party cookies to users?

Section 15.2

Optional element. Will Google AdSense advertisements be published on the website?

This provision should be included 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. If the website sets any other cookies to users' machines that track behaviour, information about those cookies will also need to be disclosed.

- Will Google AdSense interest-based advertisements be published on the website (that is, advertisements tailored to a user's particular interests as Google perceives them)?

Section 15.3

Optional element.

- In respect of each such third party cookie, specify the name of the cookie and give details of the purposes for which it will be used.

Section 16: Blocking cookies

Section 16.3

Optional element. Will the blocking of cookies have a negative effect upon the use of the website from a user perspective?

Section 18: Cookie preferences

Are there any cookie preference management facilities available to users on the website?

Section 18.1

- Identify the web page users should visit to manage their cookie preferences.

Section 19: Data protection registration

Optional element.

Section 19.2

- What is the website operator's data protection registration number?

Section 20: Our details

Optional element.

UK companies must provide their corporate names, their registration numbers, their place of registration and their registered office address on their websites (although not necessarily in this document). Sole traders and partnerships that carry on a business in the UK under a "business name" (i.e. a name which is not the name of the trader/names of the partners or certain other specified classes of name) must also make certain website disclosures: (i) in the case of a sole trader, the individual's name; (ii) in the case of a partnership, the name of each member of the partnership; and (iii) in either case, in relation to each person named, an address in the UK at which service of any document relating in any way to the business will be effective. All websites covered by the Electronic Commerce (EC Directive) Regulations 2002 must provide a geographic address (not a PO Box number) and an email address. All website operators covered by the Provision of Services Regulations 2009 must also provide a telephone number.

Section 20.1

- What is the name of the company, partnership, individual or other legal person or entity that owns and operates the website?

Section 20.2

Optional element. Is the relevant person a company?

- In what jurisdiction is the company registered?
- What is the company's registration number or equivalent?
- Where is the company's registered address?

Section 20.3

Optional element.

- Where is the relevant person's head office or principal place of business?

Section 20.4

Optional element.

- By what means may the relevant person be contacted?
- Where is the relevant person's postal address published?
- Either specify a telephone number or give details of where the relevant number may be found.
- Either specify an email address or give details of where the relevant email address may be found.