

# PRIVACY & COOKIE POLICY

## 1. INTRODUCTION

- 1.1 We are committed to safeguarding the privacy of our website visitors and service users.
- 1.2 This policy applies where we are acting as a data controller with respect to the personal data of our website visitors and service users; in other words, where we determine the purposes and means of the processing of that personal data.
- 1.3 By using our website and agreeing to this policy, you consent to our use of cookies in accordance with the terms of this policy.
- 1.4 In this policy, "we", "us" and "our" refer to Smiddy & Co. Ltd. For more information about us, see Section 18.

## 2. HOW WE USE YOUR PERSONAL DATA

- 2.1 In this Section 2 we have set out:
  - (a) the general categories of personal data that we may process;
  - (b) the purposes for which we may process personal data; and
  - (c) the legal bases of the processing.
- 2.2 We may process data about your use of our website and services ("**usage data**"). The usage data may include your IP address, geographical location, browser type and version, operating system, referral source, length of visit, page views and website navigation paths, as well as information about the timing, frequency and pattern of your service use. The source of the usage data is our analytics tracking system. This usage data may be processed for the purposes of analysing the use of the website and services. The legal basis for this processing is our legitimate interests, namely monitoring and improving our website and services.
- 2.3 We may process your account data ("**account data**"). The account data may include your name and email address. The account data may be processed for the purposes of operating our website, providing our services, ensuring the security of our website and services, maintaining back-ups of our databases and communicating with you. The legal basis for this processing is our legitimate interests, namely the proper administration of our website and business.
- 2.4 We may process information contained in any enquiry you submit to us regarding goods and/or services ("**enquiry data**"). The enquiry data may be processed for the purposes of offering, marketing and selling relevant services to you.

- 2.5 We may process information relating to transactions, including purchases of services, that you enter into with us and/or through our website ("**transaction data**"). The transaction data may include your contact details, and the transaction details. The transaction data may be processed for the purpose of supplying the purchased services and keeping proper records of those transactions. The legal basis for this processing is the performance of a contract between you and us and/or taking steps, at your request, to enter into such a contract and our legitimate interests, namely our interest in the proper administration of our website and business.
- 2.6 We may process information that you provide to us for the purpose of subscribing to our email notifications and/or newsletters ("**notification data**"). The notification data may be processed for the purposes of sending you the relevant notifications and/or newsletters. The legal basis for this processing is the performance of a contract between you and us and/or taking steps, at your request, to enter into such a contract.
- 2.7 We may process information contained in or relating to any communication that you send to us ("**correspondence data**"). The correspondence data may include the communication content and metadata associated with the communication. Our website will generate the metadata associated with communications made using the website contact forms. The correspondence data may be processed for the purposes of communicating with you and record-keeping. The legal basis for this processing is our legitimate interests, namely the proper administration of our website and business and communications with users.
- 2.8 We may process any of your personal data identified in this policy where necessary for the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure. The legal basis for this processing is our legitimate interests, namely the protection and assertion of our legal rights, your legal rights and the legal rights of others.
- 2.9 We may process any of your personal data identified in this policy where necessary for the purposes of obtaining or maintaining insurance coverage, managing risks, or obtaining professional advice. The legal basis for this processing is our legitimate interests, namely the proper protection of our business against risks.
- 2.10 In addition to the specific purposes for which we may process your personal data set out in this Section 2, we may also process any of your personal data where such processing is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person.
- 2.11 Please do not supply any other person's personal data to us, unless we prompt you to do so.

### **3. AUTOMATED DECISION-MAKING**

- 3.1 We will not use your personal data for the purposes of automated decision-making.

### **4. PROVIDING YOUR PERSONAL DATA TO OTHERS**

- 4.1 We may disclose your personal data 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, and on the legal bases, set out in this policy.
- 4.2 We may disclose your personal data to our insurers and/or professional advisers insofar as reasonably necessary for the purposes of obtaining or maintaining insurance coverage, managing risks, obtaining professional advice, or the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure.
- 4.3 We may disclose your personal data to our suppliers or subcontractors insofar as reasonably necessary for the supply of services as requested by you.
- 4.4 We may disclose your enquiry data to one or more selected third party suppliers of services for the purpose of enabling them to contact you so that they can offer, market and sell to you relevant services. Each such third party will act as a data controller in relation to the enquiry data that we supply to it; and upon contacting you, each such third party will supply to you a copy of its own privacy policy, which will govern that third party's use of your personal data.
- 4.5 In addition to the specific disclosures of personal data set out in this Section 4, we may disclose your personal data where such disclosure is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person. We may also disclose your personal data where such disclosure is necessary for the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure.

### **5. INTERNATIONAL TRANSFERS OF YOUR PERSONAL DATA**

- 5.1 In this Section 5, we provide information about the circumstances in which your personal data may be transferred to countries outside the European Economic Area (EEA).
- 5.2 We use MailChimp, SendGrid, MailGun and Campaign Monitor for the purposes of managing and maintaining our newsletters and email delivery systems who are situated in the USA. The European Commission has made an "adequacy decision" with respect to the data protection laws of each of these countries. Transfers to countries will be protected by appropriate safeguards.
- 5.3 You acknowledge that personal data that you submit for publication through our website or services may be available, via the internet, around the world. We cannot prevent the use (or misuse) of such personal data by others.

## **6. RETAINING AND DELETING PERSONAL DATA**

- 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 data.
- 6.2 Personal data 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 We will retain your personal data as follows:
- (a) personal data category or categories will be retained for a minimum period of 7 years following your last interaction with us, after which your data will be permanently deleted.
  - (b) Personal data submitted to our mailing lists will be held for 6 months from the date of our last contact, unless you unsubscribe via our contact form on our website or by an unsubscribe link shown in an email newsletter.
- 6.4 Notwithstanding the other provisions of this Section 6, we may retain your personal data where such retention is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person.

## **7. SECURITY OF PERSONAL DATA**

- 7.1 We will take appropriate technical and organisational precautions to secure your personal data and to prevent the loss, misuse or alteration of your personal data.
- 7.2 We will store all your personal data on secure servers, personal computers and mobile devices, and in secure manual record-keeping systems.
- 7.3 The following personal data will be stored by us in encrypted form: your name and contact information.
- 7.4 Data relating to your enquiries and financial transactions that is sent from your web browser to our web server, or from our web server to your web browser, will be protected using encryption technology.
- 7.5 You acknowledge that the transmission of unencrypted (or inadequately encrypted) data over the internet is inherently insecure, and we cannot guarantee the security of data sent over the internet.

## **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.

## **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 20); and
- (b) the supply of appropriate evidence of your identity and address. For this purpose, we will usually accept a photocopy of your passport certified by a solicitor or bank plus an original copy of a current utility bill / credit card statement (no more than 3 months old) 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

## **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. PERSONAL DATA OF CHILDREN**

11.1 Our website and services are targeted at persons over the age of 18.

11.2 If we have reason to believe that we hold personal data of a person under that age in our databases, we will delete that personal data.

## **12. UPDATING INFORMATION**

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

## **13. ACTING AS A DATA PROCESSOR**

13.1 In respect of third party data, we do not act as a data controller; instead, we act as a data processor.

13.2 Insofar as we act as a data processor rather than a data controller, this policy shall not apply. Our legal obligations as a data processor are instead set out in the contract between us and the relevant data controller.

## **14. ABOUT COOKIES**

- 14.1 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.
- 14.2 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.
- 14.3 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.

## **15. COOKIES THAT WE USE**

- 15.1 We use cookies for the following purposes:
- (a) authentication - we use cookies to identify you when you visit our website and as you navigate our website;
  - (b) status - we use cookies to help us to determine if you are logged into our website;
  - (c) personalisation - we use cookies to store information about your preferences and to personalise our website for you;
  - (d) analysis - we use cookies to help us to analyse the use and performance of our website and services;

## **16. COOKIES USED BY OUR SERVICE PROVIDERS**

- 16.1 Our service providers use cookies and those cookies may be stored on your computer when you visit our website.
- 16.2 We use Google Analytics to analyse the use of our website. Google Analytics gathers information about website use by means of cookies. The information gathered relating to our website is used to create reports about the use of our website. Google's privacy policy is available at:  
<https://www.google.com/policies/privacy/>.

- 16.3 The following cookies are in use:

`_ga`  
Google Analytics – used to distinguish users  
Expires in 2 years

`_gid`  
Google Analytics – used to distinguish users  
Expires in 24 hours

`_gat`

Google Analytics – used to throttle request rate  
Expires in 1 minute

## **17. MANAGING COOKIES**

17.1 Most browsers allow you to refuse to accept cookies and to delete cookies. The methods for doing so vary from browser to browser, and from version to version. You can however obtain up-to-date information about blocking and deleting cookies via these links:

- (a) <https://support.google.com/chrome/answer/95647?hl=en> (Chrome);
- (b) <https://support.mozilla.org/en-US/kb/enable-and-disable-cookies-website-preferences> (Firefox);
- (c) <http://www.opera.com/help/tutorials/security/cookies/> (Opera);
- (d) <https://support.microsoft.com/en-gb/help/17442/windows-internet-explorer-delete-manage-cookies> (Internet Explorer);
- (e) <https://support.apple.com/kb/PH21411> (Safari); and
- (f) <https://privacy.microsoft.com/en-us/windows-10-microsoft-edge-and-privacy> (Edge).

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

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

## **18. OUR DETAILS**

18.1 This website is owned and operated by Smiddy & Co Ltd.

18.2 We are registered in England and Wales under registration number 04627514, and our registered office is at 3rd Floor Vyman House, 104 College Road, Harrow, Middlesex, HA1 1BQ.

18.3 Our principal place of business is at Brookside Works, 1A Local Board Road, Watford, Hertfordshire, WD17 2JP.

18.4 You can contact us:

- (a) by post, to 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.

## **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 CSN1497408.

## **20. REPRESENTATIVE WITHIN THE EUROPEAN UNION**

20.1 Our representative within the European Union with respect to our obligations under data protection law is Christopher Smiddy and you can contact our representative by using our website contact form.

## **21. DATA PROTECTION OFFICER**

21.1 You can contact our data protection officer using our website contact form.