

# BRANDAND PRIVACY NOTICE

## 1. PURPOSE OF THIS PRIVACY NOTICE

Your personal data is important. So important that there are a range of laws in place to safeguard it. In particular, the General Data Protection Regulation or “GDPR” and the Data Protection Act 2018. Brandand is committed to doing its part to protect your personal data and comply with those laws.

In practice, this means that all personal data which we hold about you will be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept securely.

The Privacy Notice applies to all Brandand controlled websites which it is linked from (which shall in each case be referred to in this Privacy Notice as the “Site”).

It is important that you read this Privacy Notice together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This Privacy Notice supplements the other notices and is not intended to override them.

This Privacy Notice was last updated on 01/08/2018. Historic versions are can be obtained by contacting us.

## 2. WHO WE ARE AND WHAT WE DO

### Who we are

We are Brandand Limited (collectively referred to as Brandand, "we", "us" or "our" in this Privacy Notice). We are registered in England with Company Number: 05926637 and our registered office is at Prodrive Headquarters, Chalker Way, Banbury, Oxfordshire, OX16 4XD. We are the “Data Controller” responsible for the personal data you provide through the Site.

### Types of Site

We run our own brand site at <https://brandand.co.uk>

We also run Sites targeted both:

- at other businesses (“Business to Business” or “B2B” Sites); and
- at private customers (“Business to Customer” or “B2C” Sites).

### Third-Party Links

The Site may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy notices. When you leave our Site, we encourage you to read the privacy notice of every website you visit.

### 3. COMMENTS, REQUESTS AND COMPLAINTS

#### Contacting Us

If you have any comments or questions, or want exercise any of your rights under this notice, we can be contacted at:

Email address: [privacy@brandand.co.uk](mailto:privacy@brandand.co.uk)

Postal address: Brand& Ltd, Chalker Way, Banbury, Oxfordshire, OX16 4XD

#### Contacting the Information Commissioner

If you have an issue with our use of your data and either (i) you do not want to speak to us first; or (ii) you are not satisfied with our response, you have the right to make a complaint at any time to the Information Commissioner's Office ("ICO"). The ICO is the UK's supervisory authority for data protection issues. Further details can be found at [www.ico.org.uk](http://www.ico.org.uk).

### 4. THE DATA WE COLLECT ABOUT YOU

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (which is called "anonymous data").

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together follows:

- **Identity Data** includes your name, username or similar identifier, marital status, title, date of birth and gender.
- **Contact Data** includes your billing address, delivery address, email address and telephone numbers.
- **Financial Data** includes your bank account and payment card details (please note we do not store payment card details ourselves but they might be processed by payment card processors on our behalf).
- **Interaction Data** includes records of correspondence we have with you, details about payments to and from you, and other details of purchases you have made from us.
- **Technical Data** includes your internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access the Site.
- **Profile Data** includes your username and password, purchases or orders made by you, your interests, preferences and other feedback.
- **Usage Data** includes information about how you use our Site, products and services.
- **Marketing and Communications Data** includes your preferences in receiving marketing communications from us.

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does **not** directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific feature of the Site.

We do not collect any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data). Nor do we collect any information about criminal convictions and offences.

#### If you fail to provide Personal Data

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 the contract we have or are trying to enter into with you (for example, to provide you with goods or services). In this case, we may have to cancel the delivery of a product or service (but we will notify you if this is the case at the time).

## 5. HOW IS YOUR PERSONAL DATA COLLECTED?

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you:
  - order our products or services;
  - create an account on our Site;
  - subscribe to our service or publications;
  - request marketing to be sent to you;
  - enter a competition, promotion or survey; or
  - give us some feedback.
- **Automated technologies or interactions.** As you interact with our Site, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies. Please see our Cookies Policy for further details.
- **Information from Third parties.** We may receive personal data about you from various third parties including:
  - Technical Data from analytics providers, advertising networks and search information providers (such as Google);
  - Contact, Financial and Transaction Data from providers of technical, payment and delivery services; and
  - Identity and Contact Data from publicly available sources.

Such third parties may be based in or outside the EEA.

## 6. HOW WE USE YOUR PERSONAL DATA

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with you;
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests; and/or
- Where we need to comply with a legal or regulatory obligation.

### Purposes for which we will use your Personal Data

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so.

- (a) Customer relations: This may include:
  - (i) Creating an account for you on our system;
  - (ii) Managing payments, fees and charges;
  - (iii) Processing and delivering your orders;
  - (iv) Collecting and recovering money owed to us;
  - (v) Handling returns and cancellations;
  - (vi) Handling warranty claims; and
  - (vii) Notifying you about changes to our terms of business (including this Privacy Notice).

**Types of Data:** (a) Identity; (b) Contact; (c) Profile; (d) Financial; (e) Transaction; and (f) Marketing and Communications

**Basis of Processing:** (a) Performance of a contract with you; (b) Necessary to comply with a legal obligation; or (c) Necessary for our legitimate interests (to keep our records updated, to administer orders, to study how customers use our products/services and to recover debts due to us)

- (b) **Prize draws, Promotions, Competitions and Surveys:** Asking or enabling you to partake in a prize draw, promotions, competition or complete a survey

**Types of Data:** (a) Identity; (b) Contact; (c) Profile; (d) Usage; and (e) Marketing and Communications

**Basis of Processing:** (a) Performance of a contract with you; or (b) Necessary for our legitimate interests (to study how customers use our products/services, to develop them and to grow our business)

- (c) **Business and Site Administration:** To administer and protect our business and the Site (including troubleshooting, fraud prevention, data analysis, testing, system maintenance, support, reporting and hosting of data)

**Types of Data:** (a) Identity; (b) Contact; and (c) Technical

**Basis of Processing:** (a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise); or (b) Necessary to comply with a legal obligation

- (d) **Site Advertisements:** To deliver relevant Site content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you

**Types of Data:** (a) Identity; (b) Contact; (c) Profile; (d) Usage; (e) Marketing and Communications; and (f) Technical

**Basis of Processing:** Necessary for our legitimate interests (to study how customers use our products/services, to develop them, to grow our business and to inform our marketing strategy)

- (e) **Analytics:** To use data analytics to improve our Site, products/services, marketing, customer relationships and experiences

**Types of Data:** (a) Technical; and (b) Usage

**Basis of Processing:** Necessary for our legitimate interests (to define types of customers for our products and services, to keep our Site updated and relevant, to develop our business and to inform our marketing strategy)

- (f) **Marketing:** To make suggestions and recommendations to you about goods or services that may be of interest to you. You may receive marketing communications if:

(i) you have:

- requested information from us;
- signed up to one of our marketing lists;
- made a purchase from us; and/or
- provided us with your details when you entered a competition or registered for a promotion,

and in each case, you have either: expressly requested that you are sent such marketing; or not otherwise opted out of receiving that marketing when provided with an opportunity to do so.

(ii) you are associated with a business which is itself associated with one of our clients (e.g. you work for a car distributor / reseller who trades in the products / brands manufactured by one of our clients), and either:

- that client has expressly provided us with your contact details for the purposes of informing you about our relationship;
- you have registered an account with us; or

- we have otherwise identified you are being associated with one of our clients.

**Unsubscribing:** You can ask us to stop sending you marketing communications at any time by either: (a) using the unsubscribe link included at the bottom of our marketing communications; (b) updating your marketing preferences using the relevant link included at the bottom of our marketing communications; or (c) contacting us using the details in Section 2 (Who We Are and What We Do) above.

Please note that opting out of receiving these marketing communications will not effect our processing of any personal data which you provide to us in relation to the purchase of a product/service or any other non-marketing transactions.

**Types of Data:** (a) Identity; (b) Contact; (c) Technical; (d) Usage; and (e) Profile

**Basis of Processing:** Necessary for our legitimate interests (to develop our products/services, to inform our marketing strategy and to grow our business)

- (g) **Audience Growth:** To work with third-party providers to research our market and discover new marketing opportunities (such as the use of your e-mail in a Facebook “Custom Audience”).

You can find out more about Custom Audiences in particular at <https://en-gb.facebook.com/business/help/341425252616329>.

If you ask us to unsubscribe you from our Marketing Communications we will, where possible, remove your data from the information used for such audience growth activities (see “Unsubscribing” in (f) above for more details).

**Types of Data:** (a) Identity; (b) Contact; (c) Profile; (d) Usage; (e) Marketing and Communications; and (f) Technical

**Basis of Processing:** Necessary for our legitimate interests (to grow our business and to inform our marketing strategy)

### Change of Purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## 7. DISCLOSURES OF YOUR PERSONAL DATA

We may share your personal data with the parties set out below for the purposes set out in the table in Section 6 (How we will use your Personal Data) above.

- Sales channels such as Amazon and Ebay;
- Service providers who provide us with IT, marketing, audience growth, e-mail marketing platform, payment processing, fraud prevention, e-commerce solution, e-commerce platform and system administration services. This includes Shopify, ChannelAdvisor, Signifyd, PayPal, MailChimp, SagePay and Instiller);
- Social Media Platforms such as Facebook, Pinterest, Twitter and Google (including brand specific areas of any such Platforms controlled by Brandand or its clients);
- Members of the Brandand group of companies, which means Brandand’s subsidiaries, ultimate holding company and that holding company’s subsidiaries, as defined in section 1159 of the UK Companies Act 2006;
- Professional advisers including lawyers, bankers, auditors and insurers who provide consultancy, banking, legal, insurance and accounting services;

- HM Revenue & Customs, regulators and other authorities who require reporting of processing activities in certain circumstances;
- Anyone Brandand is reasonably required to disclose or share your personal data in order to:
  - comply with any legal obligation; or
  - enforce its Terms of Use or Terms and Conditions of Sale;
  - enforce or satisfy agreements with its customers or other third parties; or
  - protect the rights, property, or safety of, Brandand, its customers, or other third parties; and
- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them.

We take all reasonable steps to ensure that all third parties respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

### **Disclosure for Marketing Purposes**

Save as stated above, we will get your express opt-in consent before we share your personal data with any company outside the Brandand group of companies for marketing purposes.

## **8. INTERNATIONAL TRANSFERS**

Many of our external third parties are based outside the European Economic Area (“EEA”) so their processing of your personal data will involve a transfer of data outside the EEA.

Whenever we transfer your personal data out of the EEA, we ensure we are either:

- transferring it to a country deemed to provide an adequate level of protection for personal data by the European Commission;
- using a form of contract approved by the European Commission; or
- transferring it as part of an approved data protection scheme (such as the USA’s “Privacy Shield”).

## **9. DATA SECURITY**

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. For example, all information you provide to Brandand is stored on its secure servers. Any payment transactions will be encrypted using SSL technology.

In the event we suspect a data breach has taken place we will notify you and any applicable regulator in accordance with the timescales in the relevant legislation.

Unfortunately, the transmission of information via the internet is not completely secure. Although Brandand will do its best to protect your personal data, Brandand cannot guarantee the security of your data transmitted to the Site; any transmission is at your own risk. Once Brandand have received your information, Brandand will use strict procedures and security features to try to prevent unauthorised access.

## **10. DATA RETENTION**

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

By law we have to keep basic information about our customers (including Contact, Identity, Financial and Transaction Data) for six years after they cease being customers for tax purposes.

In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

## 11. YOUR LEGAL RIGHTS

Under certain circumstances, you have rights under data protection laws to:

- **Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- **Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- **Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- **Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format.
- **Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you.

### No Fee Usually Required

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

### What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

### Time Limit to Respond

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.