

# **Privacy Policy**

*6<sup>th</sup> August 2018*

## **Applicability and scope of this policy**

This privacy policy applies between you, the user of either the website or any of our official channels on social media platforms, and Which Nursery Ltd, the owner and provider of the website and any such official channels on social media platforms. Which Nursery Ltd takes the privacy of your information very seriously. This privacy policy applies to our use of any and all data collected by us or provided by you.

This privacy policy applies to the actions of Which Nursery Ltd and users with respect to the website and any of our official channels on social media platforms.

This privacy policy does not extend to any other websites that can be accessed from the website or from any of our official channels on social media platforms. We may have no control over such websites and are not responsible for their content. You are advised to read the privacy policy or statement of other websites prior to using them.

## **Definitions and interpretation**

In this privacy policy, the following definitions are used:

### ***Data or Information***

Collectively all information that you submit to Which Nursery Ltd, either via our website or by other means, and any other information that's collected automatically. This definition incorporates, where applicable, the definitions provided in the data Protection Act 1998;

### ***Cookie***

A small text file placed on your computer by the website when you visit certain parts of the website and / or when you use certain features of the website. Details of the cookies which may be used by the website are set out below;

### ***UK and EU Cookie Law***

The Privacy and Electronic Communications (EC Directive) Regulations 2003 as amended by the Privacy and Electronic Communications (EC Directive) (Amendment) Regulations 2011;

### ***Which Nursery Ltd, we or us***

Which Nursery Ltd, a company incorporated in Scotland with registered number SC346718 whose registered office is at 12 Katherine Street, Livingston, West Lothian, EH54 5HJ;

***Our***

Belonging to us;

***User or you***

Any third party that accesses the website and is not either (i) employed by Which Nursery Ltd and acting in the course of their employment, or (ii) engaged as a consultant or otherwise providing services to Which Nursery Ltd and accessing the website in connection with the provision of such services;

***Website***

www.whichnursery.com, and any sub-domains of this site unless expressly excluded by their own terms and conditions.

In this privacy policy, unless the context requires a different interpretation:

- The singular includes the plural and vice versa;
- References to sub-clauses, clauses, schedules or appendices are to sub-clauses, clauses, schedules or appendices of this privacy policy;
- A reference to a person includes firms, companies, government entities, trusts and partnerships;
- "Including" is understood to mean "including without limitation";
- Reference to any statutory provision includes any modification or amendment of it;

**Data collected**

We may collect the following data, which includes personal data, from you:

- Title
- Full name
- Job title;
- Contact information such as email addresses, telephone numbers and postal address;
- IP address (automatically collected);
- Web browser type and version (automatically collected);
- Operating system (automatically collected);
- A list of URLs starting with a referring site, your activity on the website, and the site you exit to (automatically collected);

- Information related to businesses you own, are an employee of, or otherwise in any way work on behalf of;

In each case data collection will be in accordance with this privacy policy.

### **How we collect data**

Some data is collected automatically and stored when you visit the website. The renewal of such a contract is deemed to take place when you pay an invoice to renew the service, and from the renewal date a subsequent contract lasting twelve (12) months commences.

Data that is not automatically collected will be collected via one or more of the following methods:

- Web forms on the website;
- A telephone call with you;
- Email;
- On paper during a face-to-face meeting

In each case data collection will be in accordance with this privacy policy.

### **Our use and retention of data**

For purposes of the data Protection Act 1998, Which Nursery Ltd is the "data controller".

We will retain any data you submit indefinitely as long as we require it to deliver services to you. If we no longer require your data for any reason we may securely delete it beyond a retention period of eighteen (18) months. This is our policy in the absence of any request by you for us to do otherwise.

Unless we are obliged or permitted by law to do so, and subject to any third-party disclosures specifically set out in this policy, your data will not be disclosed to third parties. This does not include our affiliates and / or other companies within our group.

All personal data is stored securely in accordance with the principles of the data Protection Act 1998.

We will document all data we hold, where it came from, and any third parties we've shared it with.

We will keep records of all data processing activities.

We will ensure that all data we hold is, to the best of our knowledge, correct, and if any of the data changes we will advise any third parties we've shared the data with so that they can ensure their own records are correct.

Any or all data may be required by us from time to time in order to provide you with the best possible service and experience when using our website. Specifically, data may be used by us for the following reasons:

- Displaying your business information to users of our website where the information was specifically supplied for this purpose;
- Internal record keeping;
- Improvement of our products / services;
- Transmission by email of promotional materials that may be of interest to you, unless you have specifically opted out of receiving such communications;
- Contact for market research purposes which may be done using email, telephone, or mail, unless you have specifically opted out of participating in market research. Such information may be used to customise or update the website;
- Display reviews on our website and third-party websites;

In each case data use will be in accordance with this privacy policy.

### **Third party websites and services**

Which Nursery Ltd may, from time to time, employ the services of other parties for dealing with certain processes necessary for the operation of the website. The providers of such services may have access to certain personal data provided by users of the website.

Any data used by such parties is used only to the extent required by them to perform the services that we request. Any use for other purposes is strictly prohibited. Furthermore, any data that is processed by third parties will be processed within the terms of this privacy policy and in accordance with the data Protection Act 1998.

### **Changes of business ownership and control**

We may decide to expand or reduce our business, including the sale and / or transfer of control of all or part of it. In such circumstances, data provided by users will, where it is relevant to any part of our business so transferred, be transferred along with that part and the new owner or newly controlling party will, under the terms of this privacy policy, be permitted to use the data for the purposes for which it was originally supplied to us.

We may also disclose data to a prospective purchaser of our business on the condition that any information disclosed is not used for any purpose other than as part of the decision-making process insofar as buying our business is concerned; and that after the data is no longer required it is securely erased.

In the above instances we will take steps with the aim of ensuring your privacy is protected.

## **Controlling use of your data**

Wherever you are required to submit data, you will be given options to restrict our use of that data. This may include the following:

- use of data for direct marketing purposes; and
- sharing data with third parties.

## **Functionality of the website**

To use all features and functions available on the website, you may be required to submit certain data.

For the website to function properly we may use cookies.

## **Security**

Data security is of great importance to Which Nursery Ltd and to protect your data we have put in place suitable physical, electronic and managerial procedures to safeguard and secure any data that we collect.

If password access is required for certain parts of the website, you are responsible for keeping this password confidential. Our systems automatically ensure that any passwords required on our website are of a minimum complexity in order to reduce the risk of a brute force attack obtaining unauthorised access to our systems or your data.

Our servers operate using a Secure Sockets Layer (SSL), as verified by our SSL Certificate. This ensure that data transmitted between your web browser and our website is encrypted, reducing the chances of your data being stolen at the point of inserting the data into a web form.

Our website employs Google ReCaptcha technology for web forms which handle sensitive data. This reduces the likelihood of a robot being used to gain unauthorised access to any sensitive data or any of our systems (or to otherwise use our systems in any other unauthorised way) via any type of brute force method.

Some of our web forms, when submitted, transmit emails containing information from the submitted forms. The label or placeholder of each individual form field indicates the nature of the information that's expected to be entered into the field. Where a generic text field is displayed, no sensitive information should be entered. To protect sensitive information, fields should only be used for their intended purpose.

We have procedures in place to detect, report and investigate any breaches of our systems. If any such breach occurs, we will immediately take any appropriate action required to secure our systems and protect your data. If we think a data breach may have occurred we

will comply with our legal obligations to report the breach to the relevant authorities, and, if necessary, to any individuals or organisations affected.

We endeavour to do our best to protect your personal data, but we cannot make any absolute guarantees in this regard. Your transmission of any data to us and its subsequent storage on our servers is done at your own risk.

## **Cookies**

The website may place and access certain cookies on your computer. Which Nursery Ltd uses cookies to improve your experience of using the website and to improve our range of services. Which Nursery Ltd has carefully chosen these cookies and has taken steps to ensure that your privacy is protected and respected at all times.

All cookies used by the website are used in accordance with current UK and EU Cookie Law.

Before the website places cookies on your computer, you will be presented with a message bar requesting your consent to set those cookies. By giving your consent to the placing of cookies, you are enabling Which Nursery Ltd to provide a better experience and service to you. You may, if you wish, deny consent to the placing of cookies; however certain features of the website may not function fully or as intended.

This website may place the following cookies:

### ***Strictly necessary cookies***

These are cookies that are required for the operation of our website. They include, for example, cookies that enable you to log into secure areas of our website, use a shopping cart or make use of e-billing services.

### ***Analytical / performance cookies***

They allow us to recognise and count the number of visitors and to see how visitors move around our website when they are using it. This helps us to improve the way our website works, for example, by ensuring that users are finding what they are looking for easily.

### ***Functionality cookies***

These are used to recognise you when you return to our website. This enables us to personalise our content for you, greet you by name and remember your preferences (for example, your choice of language or region).

### ***Targeting cookies***

These cookies record your visit to our website, the pages you have visited and the links you have followed. We will use this information to make our website and the advertising displayed on it more relevant to your interests. We may also share this information with third parties for this purpose.

You can choose to enable or disable cookies in your internet browser. By default, most internet browsers accept cookies but this can be changed. For further details, please consult the help menu in your internet browser.

You can choose to delete cookies at any time; however, you may lose any information that enables you to access the website more quickly and efficiently, including, but not limited to, personalisation settings.

It is recommended that you ensure that your internet browser is up-to-date and that you consult the help and guidance provided by the developer of your internet browser if you are unsure about adjusting your privacy settings.

## **Your rights**

### ***Right to complain***

You have a right to complain to the Information Commissioner's Office (ICO), [www.ico.org.uk](http://www.ico.org.uk) if you think there is a problem with the way we are handling your data.

### ***Right to be informed***

You have the right to be informed about all of your data that we hold, where such data is held, and any third parties we have shared your data with. By reading and agreeing to this privacy policy you are considered "informed".

### ***Right of access***

You have the right to access any of your data held by us.

You have the right to request a copy of any of your data held by us and we will deliver it to you free of charge. For any subsequent requests for copies of the same data we may charge an administration fee to cover our costs.

If you request a copy of any of your data, we will verify your identity and deliver it to you within one (1) month of receiving your request. If we are unable to achieve this timeframe we will inform you of this within one (1) month of receiving your request and explain why an extension of time is necessary. An extension of time within which we will deliver your data to you will not exceed an **additional** two (2) months.

Whenever we deliver copies of your data to you we will endeavour to do so in a commonly used electronic format or advise you where you can access your data from a control panel on our website. Upon request we may, if able, deliver your data to you in any other requested format.

### ***Right to rectification***

You have the right to have your data rectified if it is inaccurate or incomplete. After receiving your request, we will verify your identity and rectify your data within one (1) month. Where your request for rectification is complex we may extend this time by an **additional** two (2) months. If, for any reason, we are not taking action in response to a request for rectification we will explain our reasoning to you.

### ***Right to erasure***

You have the right to request for us to erase any or all of your data under the following circumstances:

- Where the data is no longer necessary in relation to the purpose for which it was originally collected / processed.
- When you withdraw consent.
- When you object to the processing of your data and there is no overriding legitimate interest for continuing the processing.
- If the data was unlawfully processed.
- If the data has to be erased in order to comply with a legal obligation.
- If the data is processed in relation to the offer of information society services to a child.

After we have received your request in writing we will verify your identity. Once we have verified your identity we will review your request and if we see no reasonable objection we will securely erase your data within a period of time not exceeding one (1) month.

If we erase any of your data that we have previously shared with third parties we will endeavour to inform those third parties, where possible, of the erasure of your data.

### ***Right to restrict processing***

You have the right to restrict the processing of any or all of your data under the following circumstances:

- Where you contest the accuracy of the data, and in such cases we will restrict our use of the data until its accuracy has been verified.
- Where you object to the processing (where it was necessary for the performance of a public interest task or purpose of legitimate interests), and we are considering whether our legitimate grounds override yours.

- When processing is unlawful, and you oppose erasure and request restriction instead.
- If we no longer need the data but you require the data to establish, exercise or defend a legal claim.

After we have received your request in writing we will verify your identity. Once we have verified your identity we will review your request and if we see no reasonable objection we will restrict the use of your data as soon as reasonably possible.

If we restrict the use of any of your data that we have previously shared with third parties we will endeavour to inform those third parties, where possible, of our restriction of the use of your data.

### ***Right to data portability***

You have the right to data portability, which allows you to obtain and reuse your data for your own purposes across different services. The right to data portability only applies:

- To your data that you have provided to us;
- Where the processing is based on your consent or for the performance of a contract; and
- When processing is carried out by automated means.

Whenever any of our systems processes your data by automated means that information can be made available to you, upon request, in a machine-readable format.

If you request such information we will endeavour to deliver it to you free of charge.

### ***Right to object***

You have the right to object to:

- Us processing your data based on legitimate interests or the performance of a task in the public interest / exercise of official authority (including profiling);
- Direct marketing (including profiling); and
- Us processing your data for purposes of scientific/historical research and statistics.

If we process your data for the purposes of direct marketing and you request us to stop doing so, we will stop processing your data for the purposes of direct marketing immediately and free of charge.

### ***Rights related to automated decision making (including profiling)***

We do not carry out profiling or automated decision-making.

## **General**

You may not transfer any of your rights under this privacy policy to any other person. We may transfer our rights under this privacy policy where we reasonably believe your rights will not be affected.

If any court or competent authority finds that any provision of this privacy policy (or part of any provision) is invalid, illegal or unenforceable, that provision or part-provision will, to the extent required, be deemed to be deleted, and the validity and enforceability of the other provisions of this privacy policy will not be affected.

Unless otherwise agreed, no delay, act or omission by a party in exercising any right or remedy will be deemed a waiver of that, or any other, right or remedy.

This Agreement will be governed by and interpreted according to the law of Scotland. All disputes arising under the Agreement will be subject to the exclusive jurisdiction of the Scottish courts.

## **Changes to this privacy policy**

Which Nursery Ltd reserves the right to change this privacy policy as we may deem necessary from time to time or as may be required by law. Any changes will be immediately posted on the website and you are deemed to have accepted the terms of the privacy policy on your first use of the website following the alterations.

If we plan to use any of your data for a new purpose, we will update this privacy policy and communicate any changes to you before starting any new processing of your data.

## **Which Nursery Ltd details**

Which Nursery Ltd is a company incorporated in Scotland with registered number SC346718 whose registered address is 7 Corslet Road, Currie, Edinburgh, EH14 5LZ and it operates the website [www.whichnursery.com](http://www.whichnursery.com).

You can contact Which Nursery Ltd by email: [contact@whichnursery.com](mailto:contact@whichnursery.com)