

# **Emerald Bespoke Ltd**

## **Data Protection & Privacy Policy**

### **INTRODUCTION**

**Emerald Bespoke Ltd** (we, us) is committed to respecting and protecting your privacy.

This privacy policy sets out how we look after your personal data when you visit our website (regardless of where you visit it from), how we will use your personal data generally and tells you about your privacy rights and how the law protects you.

### **1. IMPORTANT INFORMATION AND WHO WE ARE**

#### **PURPOSE OF THIS PRIVACY POLICY**

This privacy policy aims to give you information on how we collect and processes your personal data through (i) your use of this website and (ii) more generally, including any data you may provide through this website when, for example, you sign up to our newsletter, purchase a product or service or take part in a competition.

This website is not intended for children and we do not collect data relating to children.

It is important that you read this privacy policy together with any other privacy policy or fair processing policy 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.

#### **CONTROLLER**

We have appointed a data privacy manager who is responsible for overseeing questions in relation to this privacy policy. If you have any questions about this privacy policy, including any requests to exercise your legal rights, please contact the data privacy manager using the details set out below.

#### **CONTACT DETAILS**

Full name of legal entity: **Emerald Bespoke Ltd** (company number 10936182)

Data privacy manager email address: **info@emeraldbespoke.com**

Data privacy manager telephone number: **0800 488 0991**

Postal address: 2<sup>nd</sup> Floor, Heathmans House, 19 Heathmans Road, London SW6 4TJ, United Kingdom ]

Please contact us in the first instance if you have any complaints or concerns in relation to any data protection/privacy issues. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)).

#### **CHANGES TO THE PRIVACY POLICY AND YOUR DUTY TO INFORM US OF CHANGES**

We reserve the right to amend this privacy policy and will notify you by updating this policy, so please check it from time to time, especially if you have ongoing dealings with us. It is important that the

personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

### **THIRD-PARTY LINKS**

This website 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 statements. When you leave our website, we encourage you to read the privacy policy of every website you visit.

## **2. 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 (anonymous data).

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

**Identity Data** includes first name, maiden name, last name, username or similar identifier..

**Contact Data** includes billing address, delivery address, email address and telephone numbers.

**Financial Data** includes the last few digits of direct debit/credit cards use collected by sales software processing your purchases but this data is not stored.

**Usage Data** includes limited information about how you use our website, products and services in accordance with the section on **Cookies** below.

**Marketing and Communications Data** includes your stated preferences in receiving marketing from us.

We do not collect any **Special Categories of Personal Data** about you (this includes details 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).

### **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 our products).

## **3. 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 Identity and Contact Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you apply online or otherwise for our products or services and/or contract to receive our products.

**Third parties or publicly available sources.** We may receive anonymised personal data about you from various third parties and public sources such as Google Analytics.

## **4. HOW WE WILL 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 or to

perform other legal obligations; we will need to share some personal data with third parties such as courier/delivery companies.

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.

Where we need to comply with a legal or regulatory obligation.

Generally, we do not rely on consent as a legal basis for processing your personal data other than in relation to sending third party direct marketing communications to you via email or text message. You have the right to withdraw consent to marketing at any time by contacting us.

## **MARKETING AND PROMOTIONAL OFFERS FROM US**

You will receive marketing communications from us if you have requested information from us or purchased goods or services from us or if you expressly agreed to or provided us with your details in order to enter a competition or promotion.

## **THIRD-PARTY MARKETING**

We will get your express opt-in consent before we share your personal data with any third party for marketing purposes.

## **OPTING OUT**

You can ask us (or third parties) to stop sending you marketing messages at any time by contacting us (the third party) at any time.

Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of a product/service purchase, warranty registration, product/service experience or other transactions where we need this personal data to perform our obligations.

## **COOKIES**

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly.

For more information about the cookies we use, please see this link, as our cookies are provided by our website agency Shopify: <https://www.shopify.co.uk/legal/cookies>

## **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. 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.

If we wish to use your personal data for any purpose other than the purposes for which we collected it and we have no legal right to do so, we will notify you in order to obtain your consent.

## **5. DISCLOSURES OF YOUR PERSONAL DATA**

We may have to share your personal data with the parties set out below.

As set out in the Definitions below, specific third parties or certain third party sub-contractors who provide services for us and/or help to provide services to you, as listed below. In the event that

we use sub-contractors who have access to your personal data, we ensure that there are strict contractual terms in place to ensure that they only process personal data to the extent that we instruct them to do so in writing and there are suitably worded confidentiality and data protection clauses in all such contracts.

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. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy policy. In this situation, personal data is normally anonymised in the first instance.

We require all third parties to 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.

## **6. INTERNATIONAL TRANSFERS**

Some personal data may be held on servers in the US and/or transferred outside the European Economic Area (**EEA**). Whenever we hold/transfer and/or process your personal data outside of the EEA, we ensure a similar degree of protection is afforded to it as within the EEA/UK by ensuring at least one of the following safeguards is implemented:

Where we use certain service providers, we will use specific contracts approved by the European Commission which give personal data the same protection it has in the EEA; and/or

Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to that afforded in the EEA to personal data shared between the Europe and the US.

## **7. DATA SECURITY**

We and our third party hosting partners 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. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breaches and will notify you and any applicable regulator of a breach where we are legally required to do so.

## **8. DATA RETENTION**

### **HOW LONG WILL YOU USE MY PERSONAL DATA FOR?**

We may 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.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

Under English law we will normally have to keep basic information about our customers (including Contact, Identity and Transaction Data) for 6 years after a transaction. Thereafter, we will normally either destroy or return personal data to the client.

Accordingly, our current retention policy is as follows:

- **Customers** – we will keep personal/transaction data in a “live” section of the database for 24 months after a transaction and, if there is no further contact with you, this data will be transferred to a “passive” part of the database; it will be deleted after a further 48 months if there is no further contact with you;
- **Non-customers** – where enquiries are made but no transaction is entered into, we will keep personal data in a “live” section of the database for 12 months after our last contact with you and, if there is no further contact with you, this data will be deleted from our database.

In some circumstances you can ask us to delete your data: see the section below entitled “Your Legal Rights” for further information.

We may also 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 policy to you.

## 9. YOUR LEGAL RIGHTS

Under certain circumstances, you have the following rights under data protection laws in relation to your personal data:

**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. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. 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. You also have the right to object where we are processing your personal data for direct marketing purposes. 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. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

**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. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please contact us.

### **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.

## **10. DEFINITIONS**

### **LAWFUL BASIS**

**Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.

**Performance of Contract** means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

**Comply with a legal or regulatory obligation** means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

### **THIRD PARTIES**

Service providers acting as processors who provide IT, administration and courier/delivery services to you.

Professional advisers acting as processors or joint controllers including lawyers, bankers, auditors

and insurers who provide consultancy, banking, legal, insurance and accounting services.

UK HM Revenue & Customs, regulators and other authorities acting as processors or joint controllers who require reporting of processing activities in certain circumstances.