

Privacy and cookies 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 We use cookies on our website. Insofar as those cookies are not strictly necessary for the provision of our website and services, we will ask you to consent to our use of cookies when you first visit our website.
- 1.4 Our website incorporates privacy controls which affect how we will process your personal data. By using the privacy controls, you can specify whether you would like to receive direct marketing communications and limit the publication of your information. You can access the privacy controls via [\[URL\]](#).
- 1.5 In this policy, "we", "us" and "our" refer to *Yello Studio Ltd*. For more information about us, see Section 19.

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) [in the case of personal data that we did not obtain directly from you, the source and specific categories of that data];
 - (c) the purposes for which we may process personal data; and
 - (d) 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 Google Analytics and Server Logging. 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 consent OR our legitimate interests, namely monitoring and improving our website and services or those of our clients.
- 2.3 We may process your account data ("**account data**"). The account data may include your name and email address, contact details and any personal information that you provide. The source of the account data is you or your employer. 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 consent OR our legitimate interests, namely the proper administration of our website and business OR the performance of a contract between you and us and/or taking steps, at your request, to enter into such a contract.

- 2.4 We may process your information included in your personal profile on our website ("**profile data**"). The profile data may include your name, address, telephone number, email address, date of birth, educational details and employment details. The profile data may be processed for the purposes of enabling and monitoring your use of our website and services. The legal basis for this processing is consent OR our legitimate interests, namely the proper administration of our website and business OR the performance of a contract between you and us and/or taking steps, at your request, to enter into such a contract.
- 2.5 We may process your personal data that are provided in the course of the use of our services ("**service data**"). The service data may include your name, address, contact details, business name, business contact details including email, phone number and business address. The source of the service data is you or your employer or an authorised partner. The service 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 consent OR our legitimate interests, namely the proper administration of our website and business OR the performance of a contract between you and us and/or taking steps, at your request, to enter into such a contract.
- 2.6 We may process information that you post for publication on our website or through our services ("**publication data**"). The publication data may be processed for the purposes of enabling such publication and administering our website and services. The legal basis for this processing is consent OR our legitimate interests, namely the proper administration of our website and business OR 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 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 goods and/or services to you. The legal basis for this processing is consent.
- 2.8 We may process information relating to our customer relationships, including customer contact information ("**customer relationship data**"). The customer relationship data may include your name, your employer, your job title or role, your contact details, and information contained in communications between us and you or your employer. The source of the customer relationship data is you or your employer. The customer relationship data may be processed for the purposes of managing our relationships with customers, communicating with customers, keeping records of those communications and promoting our products and services to customers. The legal basis for this processing is consent OR our legitimate interests, namely the proper management of our customer relationships.
- 2.9 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 consent OR the performance of a contract between you and us and/or taking steps, at your request, to enter into such a contract.
- 2.10 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.

- 2.11 We may process any of your personal data identified in this policy where necessary for [the establishment, exercise or defense 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.
- 2.12 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.
- 2.13 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.
- 2.14 Please do not supply any other person's personal data to us, unless we prompt you to do so or it forms part of an ongoing contractual agreement.

3. Automated decision-making

- 3.1 We do not use automated decision-making in relation to your personal data.

4. Providing your personal data to others

- 4.1 We may disclose your personal data to any member of staff within our company 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 defense of legal claims, whether in court proceedings or in an administrative or out-of-court procedure.
- 4.3 We may disclose **service data, publication data, enquiry data, customer relationship data** and **correspondence data** to our suppliers or subcontractors insofar as reasonably necessary for the provision of services and the performance of a contract between you and us.
- 4.4 We may disclose your enquiry data to one or more of those selected third party suppliers of goods and services for the purpose of enabling them to contact you so that they can offer, market and sell to you relevant goods and/or 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 defense 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 have offices and facilities in the United Kingdom and cloud storage provided by Google Cloud in the form of Google Drive and G-Suite. Your data will be stored in Google's network of data centers details of which are available [here](#). The European Commission has made an "adequacy decision" with respect to the data protection laws of each of these countries. Transfers to each of these countries will be protected by appropriate safeguards, namely the use of standard data protection clauses adopted or approved by the European Commission, a copy of which can be obtained from [here](#).
- 5.3 The hosting facilities for our website and client websites are situated in the United Kingdom, specifically in Leeds and is supplied by Heart Internet, further details relating to Heart Internet services and their compliance to Data Protection Laws including GDPR can be found [here](#)

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) **profile data, service data, publication data, enquiry data, customer relationship data** and **correspondence data** will be retained for a minimum period of 1 year following receipt of the information, and for a maximum period of 6 years following the date in which our requirement to use the information to provide services concludes.
- 6.4 In some cases it is not possible for us to specify in advance the periods for which your personal data will be retained. In such cases, we will determine the period of retention based on the following criteria:
- (a) the period of retention of **personal data** will be determined based on consent OR our legitimate interests, namely the proper management of our customer relationships and performance of contracted services.
- 6.5 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, contact information, password(s), **service data** and **customer relationship data**.
- 7.4 Data relating to your enquiries 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.
- 7.6 You should ensure that your password is not susceptible to being guessed, whether by a person or a computer program. You are responsible for keeping the password you use for accessing our website and any associated or provided services confidential and we will not ask you for your password (except when you log in to our website and/or services). This includes, but not limited to, access to project management and search engine monitoring systems.

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 significant changes to this policy by email.

9. Your rights

- 9.1 In this Section 9, we have summarised the rights that you have under data protection law. Some of the rights are complex, and not all of the details have been included in our summaries. Accordingly, you should read the relevant laws and guidance from the regulatory authorities for a full explanation of these rights.
- 9.2 Your principal rights under data protection law are:
 - (a) the right to access;
 - (b) the right to rectification;
 - (c) the right to erasure;
 - (d) the right to restrict processing;
 - (e) the right to object to processing;
 - (f) the right to data portability;

- (g) the right to complain to a supervisory authority; and
- (h) the right to withdraw consent.

- 9.3 You have the right to confirmation as to whether or not we process your personal data and, where we do, access to the personal data, together with certain additional information. That additional information includes details of the purposes of the processing, the categories of personal data concerned and the recipients of the personal data. Providing the rights and freedoms of others are not affected, we will supply to you a copy of your personal data. The first copy will be provided free of charge, but additional copies may be subject to a reasonable fee.
- 9.4 You have the right to have any inaccurate personal data about you rectified and, taking into account the purposes of the processing, to have any incomplete personal data about you completed.
- 9.5 In some circumstances you have the right to the erasure of your personal data without undue delay. Those circumstances include: the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed; you withdraw consent to consent-based processing; you object to the processing under certain rules of applicable data protection law; the processing is for direct marketing purposes; and the personal data have been unlawfully processed. However, there are exclusions of the right to erasure. The general exclusions include where processing is necessary: for exercising the right of freedom of expression and information; for compliance with a legal obligation; or for the establishment, exercise or defense of legal claims].
- 9.6 In some circumstances you have the right to restrict the processing of your personal data. Those circumstances are: you contest the accuracy of the personal data; processing is unlawful but you oppose erasure; we no longer need the personal data for the purposes of our processing, but you require personal data for the establishment, exercise or defense of legal claims; and you have objected to processing, pending the verification of that objection. Where processing has been restricted on this basis, we may continue to store your personal data. However, we will only otherwise process it: with your consent; for the establishment, exercise or defense of legal claims; for the protection of the rights of another natural or legal person; or for reasons of important public interest.
- 9.7 You have the right to object to our processing of your personal data on grounds relating to your particular situation, but only to the extent that the legal basis for the processing is that the processing is necessary for: the performance of a task carried out in the public interest or in the exercise of any official authority vested in us; or the purposes of the legitimate interests pursued by us or by a third party. If you make such an objection, we will cease to process the personal information unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing is for the establishment, exercise or defence of legal claims.
- 9.8 You have the right to object to our processing of your personal data for direct marketing purposes (including profiling for direct marketing purposes). If you make such an objection, we will cease to process your personal data for this purpose.
- 9.9 You have the right to object to our processing of your personal data for scientific or historical research purposes or statistical purposes on grounds

relating to your particular situation, unless the processing is necessary for the performance of a task carried out for reasons of public interest.

9.10 To the extent that the legal basis for our processing of your personal data is:

- (a) consent; or
- (b) that the processing is necessary for the performance of a contract to which you are party or in order to take steps at your request prior to entering into a contract,

and such processing is carried out by automated means, you have the right to receive your personal data from us in a structured, commonly used and machine-readable format. However, this right does not apply where it would adversely affect the rights and freedoms of others.

9.11 If you consider that our processing of your personal information infringes data protection laws, you have a legal right to lodge a complaint with a supervisory authority responsible for data protection. You may do so in the EU member state of your habitual residence, your place of work or the place of the alleged infringement.

9.12 To the extent that the legal basis for our processing of your personal information is consent, you have the right to withdraw that consent at any time. Withdrawal will not affect the lawfulness of processing before the withdrawal.

9.13 You may exercise any of your rights in relation to your personal data by written notice to us.

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 all client 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];
- (e) security - we use cookies as an element of the security measures used to protect user accounts, including preventing fraudulent use of login credentials, and to protect our website and services generally;
- (f) advertising - we use cookies [to help us to display advertisements that will be relevant to you];
- (g) analysis - we use cookies to help us to analyse the use and performance of our website and services
- (h) cookie consent - we use cookies to store your preferences in relation to the use of cookies more generally

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/>.

20. Data protection registration

- 20.1 We are registered as a data controller with [the UK Information Commissioner's Office].
- 20.2 Our data protection registration number is *[number]*.

21. Representative within the European Union

21.1 Our representative within the European Union with respect to our obligations under data protection law is Stuart Mitchell and you can contact our representative by *email: stuart@yello.studio.co.uk*

22. Data protection officer

22.1 Our data protection officer's contact details are: Stuart Mitchell. 11a Gandy Street, Exeter, *email:stuart@yello.studio.co.uk*

Privacy and cookies policy: drafting notes

From a lawyer's perspective, the key purpose of a website privacy and cookies policy is to help a website operator comply with data protection and cookies legislation. In the UK, from 25 May 2018, that will mean compliance with the General Data Protection Regulation (GDPR) as well as the Privacy and Electronic Communications Regulations.

One of the principles of the GDPR is transparency: data controllers must provide information to individuals about the personal data that they process. The GDPR specifies the information to be provided in considerable detail.

One critical task for controllers is to identify the legal bases for their processing - and, where the legal basis is "legitimate interests" to identify those interests. This template has been designed to make this process as easy as possible.

Information must also be provided about the recipients of personal data, including both other controllers and processors. Moreover, where the transfer to a recipient involves a transfer of data from within the EEA to outside the EEA, information about the "appropriate safeguards" used to ensure the transfer is lawful should be provided. Again, the templates can help you to set out this information in a clear and concise fashion.

Other provisions of the template cover: profiling and automated processing, data retention, security, data subject rights, processor information, cookies and controller information.

The language in this policy is unlikely to be sufficiently simple for use in connection with the collection of personal data from children.

This policy is suitable for use on and from 25 May 2018.

Section 1: Introduction

Section 1.1

Optional element.

Section 1.2

"Personal data" is defined in Article 4(1) of the GDPR:

"(1) 'personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person".

Section 1.3

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>).

Section 1.4

Optional element.

Section 1.5

Optional element.

Section 2: How we use your personal data

Article 13(1) of the GDPR provides that:

"(1) Where personal data relating to a data subject are collected from the data subject, the controller shall, at the time when personal data are obtained, provide the data subject with all of the following information: ... (c) the purposes of the processing for which the personal data are intended as well as the legal basis for the processing; (d) where the processing is based on point (f) of Article 6(1), the legitimate interests pursued by the controller or by a third party".

Article 6(1)(f) of the GDPR provides that:

"(1) Processing shall be lawful only if and to the extent that at least one of the following applies: ... (f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child."

Section 2.1

Article 14 of the GDPR, which applies where personal information is not obtained from the data subject, provides that information about "the categories of personal data concerned" must be supplied to data subjects.

Article 13 of the GDPR, which applies where personal information is obtained from the data subject, does not include an equivalent provision.

Nonetheless, we have included references to general categories of data in this document, because this facilitates the identification of particular purposes of processing and the legal bases of processing - information which does need to be provided under Article 13.

Section 3: Automated decision-making

We do not use any automated decision-making

Section 4: Providing your personal data to others

Article 13(1)(e) of the GDPR requires that where personal data are collected from the data subject, the data controller must provide the data subject with information about "the recipients or categories of recipients of the personal data".

Equivalent rules for data collected from someone other than the data subject are in Article 14(1)(e).

Section 5: International transfers of your personal data

Optional element.

Article 13(1)(f) of the GDPR requires that data controllers disclose to data subjects "where applicable, the fact that the controller intends to transfer personal data to a third country or international organisation and the existence or absence of an

adequacy decision by the Commission, or in the case of transfers referred to in Article 46 [transfers subject to appropriate safeguards] or 47 [binding corporate rules], or the second subparagraph of Article 49(1) [limited transfers for compelling legitimate interests], reference to the appropriate or suitable safeguards and the means by which to obtain a copy of them or where they have been made available".

Section 6: Retaining and deleting personal data

Article 5(1)(e) of the GDPR sets out the storage limitation, one of the fundamental rules of the regime:

"Personal data shall be: ... kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject ...".

Section 7: Your rights

Article 13(2) of the GDPR provides that, where personal data is collected from a data subject, certain information about data subject rights must be provided:

"In addition to the information referred to in paragraph 1, the controller shall, at the time when personal data are obtained, provide the data subject with the following further information necessary to ensure fair and transparent processing: ... (b) the existence of the right to request from the controller access to and rectification or erasure of personal data or restriction of processing concerning the data subject or to object to processing as well as the right to data portability; (c) where the processing is based on point (a) of Article 6(1) or point (a) of Article 9(2), the existence of the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal; ...".

Similar provisions are set out in Article 14 in relation to personal data which is not collected from the relevant data subject.

Section 8.1

The right to access is set out in Article 15 of the GDPR.

Section 8.2

The right to rectification is set out in Article 16 of the GDPR.

Section 8.3

The right to erasure (or right to be forgotten) is set out in Article 17 of the GDPR, and must be notified to data subjects under Articles 13(2)(b), 14(2)(c) and 15(1)(e) of the GDPR.

Consider modifying the highlighted circumstances and exclusions, depending upon what will be most relevant to your processing.

Section 8.4

Article 18(1) of the GDPR states:

"The data subject shall have the right to obtain from the controller restriction of processing where one of the following applies: (a) the accuracy of the personal data is contested by the data subject, for a period enabling the controller to verify the accuracy of the personal data; (b) the processing is unlawful and the data subject opposes the erasure of the personal data and requests the restriction of their use instead; (c) the controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defense of legal claims; (d) the data subject has objected to processing pursuant to Article 21(1) pending the verification whether the legitimate grounds of the controller override those of the data subject.

Section 8.5

The right to object to processing is detailed in Article 21 of the GDPR, and must be notified to data subjects under Articles 21(4), 13(2)(b) and 14(2)(c).

Section 8.6

Optional element.

This right is set out in Article 21(6) of the GDPR.

Section 8.7

The right to data portability is set out in full in Article 20 of the GDPR, and must be notified to data subjects under Articles 13(2)(b) and 14(2)(c).

Section .8

The right to lodge a complaint with a supervisory authority is set out in Article 77 of the GDPR, and must be notified to data subjects under Articles 13(2)(d), 14(2)(e) and 15(1)(f).

Section 8.9

Article 7(3) of the GDPR sets out the right of withdrawal. The right must be notified to data subjects under Articles 13(2)(c) and 14(2)(d). See also Article 17(1)(b).

Optional element.

Section 9: Cookies used by our service providers

Does the website serve any third party cookies, analytics cookies or tracking cookies to users?

Section 10: Managing cookies

Section 11

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

Section 12: Cookie preferences

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

Section 12.1

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

Section 13: Our details

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 13.1

The name of the entity that owns the website is Yello Studio Ltd

Section 13.2

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

Section 14: Representative within the European Union

Optional element.

Section 14.1

Article 3(2) of the GDPR provides that:

"(2) This Regulation applies to the processing of personal data of data subjects who are in the Union by a controller or processor not established in the Union, where the processing activities are related to: (a) the offering of goods or services, irrespective of whether a payment of the data subject is required, to such data subjects in the Union; or (b) the monitoring of their behaviour as far as their behaviour takes place within the Union."

Article 27(1) of the GDPR provides that:

"(1) Where Article 3(2) applies, the controller or the processor shall designate in writing a representative in the Union."

There are however some exceptions here. Article 27(2) of the GDPR provides that:

"(2) The obligation laid down in paragraph 1 of this Article shall not apply to: (a) processing which is occasional, does not include, on a large scale, processing of special categories of data as referred to in Article 9(1) or processing of personal data relating to criminal convictions and offences referred to in Article 10, and is unlikely to result in a risk to the rights and freedoms of natural persons, taking into account the nature, context, scope and purposes of the processing; or (b) a public authority or body."

Where a representative has been appointed, Article 13(1)(a) of the GDPR provides that:

"(1) Where personal data relating to a data subject are collected from the data subject, the controller shall, at the time when personal data are obtained, provide the data subject with all of the following information: (a) the identity and the contact details of the controller and, where applicable, of the controller's representative".

Section 14.2

Some data controllers and data processors will have an obligation to appoint a data protection officer (DPO). The basic obligation is set out in Article 37(1) of the GDPR:

"(1) The controller and the processor shall designate a data protection officer in any case where: (a) the processing is carried out by a public authority or body, except for courts acting in their judicial capacity; (b) the core activities of the controller or the processor consist of processing operations which, by virtue of their nature, their scope and/or their purposes, require regular and systematic monitoring of data subjects on a large scale; or (c) the core activities of the controller or the processor consist of processing on a large scale of special categories of data pursuant to Article 9 and personal data relating to criminal convictions and offences referred to in Article 10."

Article 13(1)(b) of the GDPR provides that:

"(1) Where personal data relating to a data subject are collected from the data subject, the controller shall, at the time when personal data are obtained, provide the data subject with all of the following information ... (b) the contact details of the data protection officer, where applicable".

See also Article 14(1)(b).

Insert contact details of the appointed data protection officer

Stuart Mitchell
Yello Studio
11a Gandy Street
Exeter
EX4 1UX