

## **H TEMPEST LIMITED**

### **PRIVACY NOTICE**

H TEMPEST LIMITED ("We") are committed to protecting and respecting your privacy.

This notice sets out the basis on which any personal data we collect from you, that you provide to us, or that we obtain about you from other sources, will be processed by us. Please read the following carefully to understand our views and practices regarding your personal data and how we will treat it.

For the purpose of currently applicable data protection law (in the UK, this means the Data Protection Act 1998 up to 25 May 2018, and the European General Data Protection Regulation ("GDPR") after that date, together with all subordinate laws, as amended or rep ("Data Protection Law"), the data controller is H Tempest Limited of The Colour Laboratory, Lelant, St Ives, Cornwall, TR26 3HU.

Our Data Protection Manager for the purpose of Data Protection Law is Mark Johns contactable at the above address or by email at M.Johns@htempest.co.uk.

#### **1. Information we collect from you**

We will collect and process the following data about you:

##### **1.1. Information you give us.**

This is information about you that you give us by filling in forms on our sites or by corresponding with us by phone, e-mail, website form, ecommerce sites, app or otherwise. It includes information you provide when you register to use our site, subscribe to our service, search for a product, place an order on our site, participate in discussion boards or other social media functions on our site, enter a competition, promotion or survey and when you report a problem with our site, products or services. The information you give us may include your name, address, e-mail address and phone number, financial and credit card information and personal description.

##### **1.2. Information we collect about you.**

With regard to each of your visits to our site we will automatically collect the following information:

- technical information, including the Internet protocol (IP) address used to connect your computer to the Internet, your login information, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform.
- information about your visit, including the full Uniform Resource Locators (URL), clickstream to, through and from our site (including date and time)

products you viewed or searched for, page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), methods used to browse away from the page and any phone number used to call our customer service number. It also includes Google Analytics data such as Demographics (age, gender), Interests (affinity category, market segment, “other”), Geo (language, location), Behaviour (new vs returning, frequency and returning, engagement, session quality), Technology (browser and operating system, network), Mobile (device) and Acquisition (adwords, social, campaigns, search console).

### **1.3. Information we receive from other sources.**

This is information we receive about you from sources other than directly from yourself. We are working closely with third parties (including, for example, business partners, sub-contractors in technical, payment and delivery services, advertising networks, analytics providers, search information providers, credit reference agencies). We will notify you when we receive information about you from them and the purposes for which we intend to use that information.

## **2. Cookies**

Our website uses cookies to distinguish you from other users of our website. This helps us to provide you with a good experience when you browse our website and also allows us to improve our site. For detailed information on the cookies we use and the purposes for which we use them see our Cookie policy <https://www.htempest.co.uk/policies/cookies>

## **3. Purposes for which we may process the information**

We use information held about you in the following ways:

### **3.1. Information you give to us.**

We will use this information:

- to carry out our obligations arising from any contracts entered into between you and us and to provide you with the information, products and services that you request from us;
- to provide you with information about other goods and services we offer that are similar to those that you have already purchased or enquired about;
- to provide you, or permit selected third parties to provide you, with information about goods or services we feel may interest you. If you are an existing customer, we will only contact you by electronic means (e-mail or SMS) with information about goods and services similar to those which

were the subject of a previous sale or negotiations of a sale to you. If you are a new customer, and where we permit selected third parties to use your data, we (or they) will contact you by electronic means only if you have consented to this. If you do not want us to use your data in this way, or to pass your details on to third parties for marketing purposes, please tick the relevant box situated on our website or the form on which we collect your data;

- to notify you about changes to our service;
- to ensure that content from our site is presented in the most effective manner for you and for your computer.

Please note that, where you are asked to provide information to us which is of a sort that is necessary to enable us to perform a contract or fulfil a request that you make (eg contact, delivery or payment information) it is a requirement for us to enter and perform such a contract or fulfil your request that you provide that information – if you do not do so, we may not be able to perform your contract or fulfil your request.

### **3.2. Information we collect about you.**

We will use this information:

- to administer our site and for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes;
- to improve our site to ensure that content is presented in the most effective manner for you and for your computer;
- to allow you to participate in interactive features of our service, when you choose to do so;
- as part of our efforts to keep our site safe and secure;
- to measure or understand the effectiveness of advertising we serve to you and others, and to deliver relevant advertising to you;
- to make suggestions and recommendations to you and other users of our site about goods or services that may interest you or them.

### **3.3. Information we receive from other sources.**

We will combine this information with information you give to us and information we collect about you. We will use this information and the combined information for the purposes set out above (depending on the types of information we receive).

## **4. Disclosure of your information**

- 4.1. You agree that we have the right to share your personal information with:

4.1.1. For administrative purposes, any our group undertakings, as defined in s1161(5) of the UK Companies Act 2006, provided that they either:

- (a) are within the European Economic Area;
- (b) are in a country that the European Union has decided has adequate data protection laws in place; or
- (c) have provided appropriate data protection safeguards of the sort approved by the European Union and provide effective rights and remedies for you.

Any use by other group members of one group member's personal data beyond administration will be subject to all the requirements of Data Protection Law.

4.1.2. Selected third parties including:

- business partners, suppliers and sub-contractors for the performance of any contract we enter into with them or you;
- analytics and search engine providers that assist us in the improvement and optimisation of our site;
- credit reference agencies for the purpose of assessing your credit score where this is a condition of us entering into a contract with you;
- schools or their nominees (in the case of information concerning school pupils).

4.2. Additionally, we may disclose your personal information to third parties:

4.2.1. If we outsource any aspect of our business or systems, then we may disclose your personal data to our service provider(s).

4.2.2. In the event that we sell or buy any business or assets, in which case we will disclose your personal data to the prospective seller or buyer of such business or assets.

4.2.3. If we or a substantial part of our assets are acquired by a third party, in which case personal data held by us about our customers may be one of the transferred assets.

4.2.4. If we are under a duty to disclose or share your personal data in order to comply with any legal obligation, or in order to enforce or apply any agreements; or to protect the rights, property, or safety of H Tempest Limited, our customers, or others. This includes exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction.

## **5. Legal basis of processing**

5.1. Data Protection Law requires us to meet at least one “legal ground” for processing, currently set out in Article 6 of the General Data Protection Regulation. The grounds applicable to the personal data to which this policy relates are:

5.1.1. Where the processing is necessary for us to perform a contract that you are party to, or to take steps at your request prior to entering a contract, that is the ground on which we are processing that data;

5.1.2. Where the processing is necessary for compliance with a legal obligation to which we are subject, that is the ground on which we are processing that data;

5.1.3. Where processing is necessary for the purposes of our legitimate interests or the legitimate interests of a third party, that is the ground on which we are processing that data, provided that your fundamental rights and freedoms which require protection of your data override those legitimate interests (our legitimate interests comprise the management, marketing and promotion of our business, products and services;

5.1.4. If you have given your consent to our processing the data, that is the basis on which we are processing that data.

If more than one of the above grounds apply to the processing of data in question, the applicable ground will be the one that is set out first above.

## **5.2. Special categories of personal data**

If you provide us with any special categories of personal data (that is to say information as to racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health, sex life or sexual orientation or genetic or biometric data) or personal data relating to criminal convictions and offences, it is a condition of us receiving that information that you expressly consent (and you hereby do) to us processing that personal data for the purposes set out above. Accordingly, if you do not want us to process any such categories of personal data, please do not provide it to us.

## **6. Where we store your personal data**

6.1. The data that we collect from you will be stored on our servers or those of our service providers. It will not be transferred to, and stored at, a destination outside the European Economic Area ("EEA") unless:

6.1.1. to one of our group undertakings to which section 4.1.1 applies; or

6.1.2. To a processor acting on our behalf which is either (i) within the EEA, or (ii) in a country that the European Union has decided has adequate data protection

laws in place, or (iii) has provided appropriate data protection safeguards of the sort approved by the European Union and provide effective rights and remedies for you.

- 6.2. All information you provide to us is stored on our secure servers. Any payment transactions will be encrypted using SSL technology. Where we have given you (or where you have chosen) a password which enables you to access certain parts of our site, you are responsible for keeping this password confidential, and for all use made of your account with such password. We ask you not to share a password with anyone.
- 6.3. Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of your data transmitted to our site; any transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access.

## **7. Length of data storage**

- 7.1. Our policy is to ensure that personal data is only stored for as long as is necessary for the purposes set out at section 3 above. This may vary according to the type of information and the specific applicable purpose(s). We have a detailed data retention and destruction policy which governs the length of time for which we hold your data in personally identifiable form. The timing of our retention, anonymisation and/or destruction of your personal data is determined according to the criteria set out in that policy. We can provide you with relevant details applicable to your data on request – please see section 8.2 below as to how to request this information.

## **8. Your rights**

- 8.1. You have various rights under Data Protection Law. These include:
  - 8.1.1. The right to ask us not to process your personal data for direct marketing purposes, even if you have given consent;
  - 8.1.2. If our processing is based on your consent, the right to withdraw any consent you may have given for our processing of your data – if you exercise this right, we will be required to stop such processing if consent is the sole lawful ground on which we are processing that data;
  - 8.1.3. The right to ask us for access to the data we hold about you (see section 9 below for further details);
  - 8.1.4. The right to ask us to rectify any data that we hold about you that is inaccurate or incomplete;
  - 8.1.5. The right to ask us to delete your data in certain circumstances;

- 8.1.6. The right to ask us to restrict our processing of your data in certain circumstances;
  - 8.1.7. The right to object to our processing of your data in certain circumstances;
  - 8.1.8. In certain circumstances, the right to require us to give you the data we hold about you in a structured, commonly used and machine-readable format so that you can provide the data to another data controller.
- 8.2. You can exercise any of the rights set out above, free of charge, by using any applicable methods set out in our communications with you, or by contacting us at H Tempest Limited, The Colour Laboratory, Lelant, St Ives, Cornwall, TR26 3HU or [gdpr@htempest.co.uk](mailto:gdpr@htempest.co.uk). In respect of certain of the rights referred to above, your right may be qualified by the GDPR (which we will discuss with you following your request) or we may need more information from you, which we will ask you for following your request. We may ask you to provide further information in order to confirm your identity. Please also note that if you submit unfounded or excessive (for example repetitive) requests to exercise any of these rights, we reserve the right to make a reasonable charge for providing the requested information or taking the requested action, or to decline your request.
- 8.3. You also have the right to lodge a complaint with the Information Commissioner's Office ([www.ico.org.uk](http://www.ico.org.uk)) if you are concerned that we are not respecting your rights under Data Protection Law. The Information Commissioner's Office is the authority in the UK which is responsible for overseeing the application of, and enforcing, Data Protection Law.

## **9. Accessing your data**

You have the right to obtain from us:

- 9.1. Confirmation as to whether we are processing (including holding) personal data about you; and
- 9.2. If we are processing personal data about you, you are entitled to be provided with:
  - 9.2.1. Information as to the purposes for which we process the data;
  - 9.2.2. Information as to the categories of the data that we are processing;
  - 9.2.3. Information as to the recipients or categories of recipients to whom the data has or will be disclosed;
  - 9.2.4. Information as to the envisaged period for which we will store the data, or if the basis on which that period will be determined;
  - 9.2.5. A copy of the data (further copies are available at a reasonable charge, which we will inform you of should you request further copies). Please note that this right is subject to the rights of others in relation to their own personal data,

meaning that we cannot disclose data to you if it would involve disclosing data about someone else.

- 9.3. Please see section 8.2 above as to how to exercise your rights under this section 9. Section 8.2 applies in full to the exercise of these rights.

## **10. Other websites**

Our site may, from time to time, contain links to and from the websites of our partner networks, advertisers and affiliates. If you follow a link to any of these websites, please note that these websites have their own privacy policies and that we do not accept any responsibility or liability for these policies. Please check these policies before you submit any personal data to these websites.

## **11. Changes to our privacy policy**

Any changes we make to our privacy policy in the future will be posted on this page and, where appropriate, notified to you by e-mail. Please check back frequently to see any updates or changes to our privacy policy.

## **12. Contact**

Questions, comments and requests regarding this privacy policy are welcomed and should be addressed to H Tempest Limited, The Colour Laboratory, Lelant, St Ives, Cornwall, TR26 3HU or [privacy@htempest.co.uk](mailto:privacy@htempest.co.uk).