

# Privacy Policy

nFocus Testing is a trading name of nFocus Limited.

This Privacy Policy sets out how we, nFocus, collect, store and use information about you when you use or interact with our website, <https://www.nfocus.co.uk/> (our **website**) and where we otherwise obtain or collect information about you. This also covers all activity undertaken on our blog [blog.nfocussoftwaretesting.com](http://blog.nfocussoftwaretesting.com)

This Privacy Policy is effective 25<sup>th</sup> May 2018. We have also undertaken a legitimate interest assessment.

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## Summary

This section summarises how we obtain, store and use information about you. It is intended to provide a very general overview only. **It is not complete in and of itself and it must be read in conjunction with the corresponding full sections of this Privacy Policy.**

- **Data controller:** Chris Edge
- **How we collect or obtain information about you:**
  - when you provide it to us (e.g. by contacting us, signing up at events or prize draws, through event exhibition packages that we purchase from third party service or solution providers, downloading our content through our shared publications and with third-party organisations in order for lead generation.
  - from your use of our website, using cookies and similar technologies, and
- **Information we collect:** name, contact details, IP address, information from cookies, information about your computer or device (e.g. device and browser type), information about how you use our website (e.g. which pages you have viewed, the time when you view them and what you clicked on and the geographical location from which you accessed our website (based on your IP address).

- **How we use your information:** for administrative and business purposes (particularly to contact you, to improve our business and website, to fulfil our contractual obligations, to advertise our goods and services, to analyse your use of our website, and in connection with our legal rights and obligations.
- **Disclosure of your information to third parties:** only to the extent necessary to run our business, to our service providers, to fulfil any contracts we enter into with you, and where required by law or to enforce our legal rights.
- **Do we sell your information to third parties (other than in the course of a business sale or purchase or similar event):** No
- **How long we retain your information:** for no longer than necessary, taking into account any legal obligations we have (e.g. to maintain records for tax purposes), any other legal basis we have for using your information (e.g. your consent, performance of a contract with you or our legitimate interests as a business) and certain additional factors described in the main section below entitled How long we retain your information. For specific retention periods in relation to certain information which we collect from you, please see the main section below entitled How long we retain your information.
- **How we secure your information:** using appropriate technical and organisational measures such as storing your information on secure servers, encrypting transfers of data to or from our servers using Secure Sockets Layer (SSL) technology, and only granting access to your information where necessary.
- **Use of cookies and similar technologies:** we use cookies on our website including essential, functional, analytical and targeting cookies. For more information, please visit our cookies policy on our website.
- **Transfers of your information outside the European Economic Area:** we will only transfer your information outside the European Economic Area if we are required to do so by law. Where we do so, we will ensure appropriate safeguards are in place including legal framework and the EU-US Privacy Shield. Due to Hubspot being our form provider and CRM provider, we also transfer information outside of the UK to the US.
- **Use of automated decision making and profiling:** we use automated decision making and profiling including use of web analytics, cookies, analysis tools (profiling) or use targeting cookies to display advertisements to your people who visit your website on other websites around the internet using the Google AdSense network.
- **Your rights in relation to your information**
  - to access your information and to receive information about its use
  - to have your information corrected and/or completed
  - to have your information deleted
  - to restrict the use of your information
  - to receive your information in a portable format
  - to object to the use of your information
  - to withdraw your consent to the use of your information
  - not to have significant decisions made about you based solely on automated processing of your information, including profiling

- to complain to a supervisory authority
- **Sensitive personal information:** we do not knowingly or intentionally collect what is commonly referred to as 'sensitive personal information'. Please do not submit sensitive personal information about you to us. For more information, please see the main section below entitled Sensitive Personal Information.

## Our details

The data controller in respect of our website is Chris Edge, company registration number: 03942714 of nFocus Limited, e-Innovation Centre, Shifnal Road, Priorslee, Telford, Shropshire, TF2 9FT. You can contact the data controller by writing to nFocus Limited, e-Innovation Centre, Shifnal Road, Priorslee, Telford, Shropshire, TF2 9FT or sending an email to [dataprotection@nfocus.co.uk](mailto:dataprotection@nfocus.co.uk) If you have any questions about this Privacy Policy, please contact the data controller.

## Information we collect when you visit our website

We collect and use information from website visitors in accordance with this section and the section entitled Disclosure and additional uses of your information.

### Web server log information

We use a third party server to host our website 123Reg, the privacy policy of which is available here: <https://www.123-reg.co.uk/terms/privacy.shtml> Our website server automatically logs the IP address you use to access our website as well as other information about your visit such as the pages accessed, information requested, the source of your access to our website (e.g. the website or URL (link) which referred you to our website), and your browser version and operating system.

Our server is not located in the UK and, accordingly, your information is transferred outside the European Economic Area (EEA). For further information and information on the safeguards used, please see the section of this privacy policy entitled Transfers of your information outside the European Economic Area

### Use of website server log information for IT security purposes

We do not access log data from our website server and our third party hosting provider collect(s) and store(s) server logs to ensure network and IT security and so that the server and website remain uncompromised. This includes analysing log files to help identify and prevent unauthorised access to our network, the distribution of malicious code, denial of services attacks and other cyber attacks, by detecting unusual or suspicious activity.

Unless we are investigating suspicious or potential criminal activity, we do not make, nor do we allow our hosting provider to make, any attempt to identify you from the information collected via server logs.

**Legal basis for processing:** compliance with a legal obligation to which we are subject (Article 6(1)(c) of the General Data Protection Regulation).

**Legal obligation:** we have a legal obligation to implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk of our processing of information about individuals. Recording access to our website using server log files is such a measure.

**Legal basis for processing:** our and a third party's legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interests:** we and our third party hosting provider have a legitimate interest in using your information for the purposes of ensuring network and information security.

## Use of website server log information to analyse website use and improve our website

We use the information collected by our website server logs to analyse how our website users interact with our website and its features. For example, we analyse the number of visits and unique visitors we receive, the time and date of the visit, the location of the visit and browser used.

We use the information gathered from the analysis of this information to improve our website. For example, we use the information gathered to change the information, content and structure of our website and individual pages based according to what users are engaging most with and the duration of time spent on particular pages on our website.

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interest:** improving our website for our website users and getting to know our website users' preferences so our website can better meet their needs and desires.

## **Cookies and similar technologies**

Cookies are data files which are sent from a website to a browser to record information about users for various purposes.

We use cookies and similar technologies on our website, including essential, functional, analytical and targeting cookies. For further information on how we use cookies, please see our cookies policy which is available on our website.

You can reject some or all of the cookies we use on or via our website by changing your browser settings or non-essential cookies by using our cookie control tool, but doing so can impair your ability to use our website or some or all of its features. For further information about cookies, including how to change your browser settings, please visit [www.allaboutcookies.org](http://www.allaboutcookies.org) or see our cookies policy.

## **Information we collect when you contact us**

We collect and use information from individuals who contact us in accordance with this section and the section entitled Disclosure and additional uses of your information. We also collect information when contacting us regarding job vacancies.

We collect personal data relevant to your professional capacity only to enable us to complete the client engagement you have purchased on behalf of your organisation, or to keep you updated with services and content or to be able to profile prospective clients and share relevant services and content with you. For example, this includes but not limited to name, job title, company you work for, business phone number, any other phone number you have provided for this purpose, business email address, any email address you have provided when we have requested a business email address, how you engage with our content and so on.

### **Email**

When you send an email to the email address displayed on our website we collect your email address and any other information you provide in that email (such as your name, telephone number and the information contained in any signature block in your email).

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interest(s):** responding to enquiries and messages we receive and keeping records of correspondence.

**Legal basis for processing:** necessary to perform a contract or to take steps at your request to enter into a contract (Article 6(1)(b) of the General Data Protection Regulation).

**Reason why necessary to perform a contract:** where your message relates to us providing you with goods or services or taking steps at your request prior to providing you with our goods and services (for example, providing you with information about such goods and services), we will process your information in order to do so).

#### Transfer and storage of your information

We use a third party email provider to store emails you send us. Our third party email provider is Microsoft Office 365. Their privacy policy is available here: <https://privacy.microsoft.com/en-GB/privacystatement>

Emails you send us will be stored within the European Economic Area on our third party email provider's servers in the UK. For further information please see the section of this privacy policy entitled Transfers of your information outside the European Economic Area.

### **Contact form**

When you contact us using our contact form, we collect First Name, Last Name, Company Name, Phone Number, Email and so on.

If you do not provide the mandatory information required by our contact form, you will not be able to submit the contact form and we will not receive your enquiry.

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interest(s):** responding to enquiries and messages we receive and keeping records of correspondence.

**Legal basis for processing:** necessary to perform a contract or to take steps at your request to enter into a contract (Article 6(1)(b) of the General Data Protection Regulation).

**Reason why necessary to perform a contract:** where your message relates to us providing you with goods or services or taking steps at your request prior to providing you with our goods and services (for example, providing you with information about such goods and services), we will process your information in order to do so).

#### Transfer and storage of your information

Messages you send us via our contact form will be stored outside of the European Economic Area on our email provider's servers in the US. Our third party email or hosting provider is Hubspot. Their privacy policy is available here: <https://legal.hubspot.com/privacy-policy>

For further information about the safeguards used when your information is transferred outside the European Economic Area, see the section of this privacy policy below entitled Transfers of your information outside the European Economic Area.

### **Phone**

When you contact us by phone, we collect your phone number and any information provided to us during your conversation with us.

We do not record phone calls.

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation)

**Legitimate interest(s):** responding to enquiries and messages we receive and keeping records of correspondence.

**Legal basis for processing:** necessary to perform a contract or to take steps at your request to enter into a contract (Article 6(1)(b) of the General Data Protection Regulation).

**Reason why necessary to perform a contract:** where your message relates to us providing you with goods or services or taking steps at your request prior to providing you with our goods and services (for example, providing you with information about such goods and services), we will process your information in order to do so).

#### Transfer and storage of your information

Information about your call, such as your phone number and the date and time of your call, is processed by our third party telephone service provider Virgin Media. Their privacy policy is available here: <https://www.virginmedia.com/shop/the-legal-stuff/privacy-policy.html>.

Information about your phone call will be stored by our third party telephone service provider outside the European Economic Area. For further information about the safeguards used when your information is transferred outside the European Economic Area, see the section of this privacy policy below entitled Transfers of your information outside the European Economic Area.

## Post

If you contact us by post, we will collect any information you provide to us in any postal communications you send us.

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation)

**Legitimate interest(s):** responding to enquiries and messages we receive and keeping records of correspondence.

**Legal basis for processing:** necessary to perform a contract or to take steps at your request to enter into a contract (Article 6(1)(b) of the General Data Protection Regulation).

**Reason why necessary to perform a contract:** where your message relates to us providing you with goods or services or taking steps at your request prior to providing you with our goods and services (for example, providing you with information about such goods and services), we will process your information in order to do so.

## Information we collect when you interact with our website

We collect and use information from individuals who interact with particular features of our website in accordance with this section and the section entitled [Disclosure and additional uses of your information.](#)

### e-Newsletter

When you sign up for our e-newsletter or opt to receive news, offers marketing information from us by contacting us, signing up in prize draws or events, or through third party lead generation, we collect name, job title, work phone, email and business address.

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interest(s):** to send you our electronic newsletter and provide you with relevant content.

### Transfer and storage of your information

We use a third party service to send out our e-newsletter and administer our mailing list, Hubspot. Their privacy policy is available here: <https://legal.hubspot.com/privacy-policy>

Information you submit to subscribe for our e-newsletter will be stored outside the European Economic Area on our third party mailing list provider's servers in UK, US and Ireland. For further information about the safeguards used when your information is transferred outside the European Economic Area, see the section of this privacy policy below entitled [Transfers of your information outside the European Economic Area.](#)

### Use of web beacons and similar technologies in emails

We use technologies such as web beacons (small graphic files) in the emails we send to allow us to assess the level of engagement our emails receive by measuring information such as the delivery rates, open rates and click through rates which our emails achieve. We will only use web beacons in our emails if you have consented to us doing so.

For more information on how we use web beacons in our e-newsletter emails, see our cookies policy which is available on our website.

For more information about our third party mailing list provider and they use web beacons, please see their privacy policy which is available on our website.

## Marketing communications

### Our similar goods and services

You can opt-out from receiving marketing communications in relation to our goods and which are similar to those which you purchase from us, by contacting us or unsubscribing through emails.

We will send you marketing communications in relation to similar goods and services if you do not opt out from receiving them.



**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interests:** direct marketing and advertising our products and services.

#### Transfer and storage of your information

We use a third party service to administer our mailing list, Hubspot.

Information you submit to subscribe for our e-newsletter will be stored outside the European Economic Area on our third party mailing list provider's servers in UK, US and Ireland. For further information about the safeguards used when your information is transferred outside the European Economic Area, see the section of this privacy policy below entitled Transfers of your information outside the European Economic Area.

#### Use of web beacons in emails

We use technologies such as web beacons (small graphic files) in the emails we send to allow us to assess the level of engagement our emails receive by measuring information such as the delivery rates, open rates and click through rates which our emails achieve. We will only use web beacons in our emails if you have consented to us doing so.

For more information on how we use web beacons in our e-newsletter emails, see our cookies policy which is available on our website.

For more information about our third party mailing list provider and they use web beacons, please see their privacy policy which is available on our website.

#### Our goods and services

To receive marketing communications from us in relation to our goods and services, we use legitimate interest.

We will send you marketing communications in relation to our goods and services through legitimate interest.

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interest(s):** to send you relevant information about our goods and services."

#### Transfer and storage of your information

We use a third party service to administer our mailing list, Hubspot.

Information you submit to subscribe for our e-newsletter will be stored outside the European Economic Area on our third party mailing list provider's servers in UK, US and Ireland. For further information about the safeguards used when your information is transferred outside the European Economic Area, see the section of this privacy policy below entitled Transfers of your information outside the European Economic Area.

#### Third party goods and services

In addition to receiving information about our products and services, we use legitimate interest to send marketing communications from us in relation to third party goods and services by email, phone, and by signing up at events, entering prize draws and downloading shared publications.

**Legal basis for processing:** our legitimate interests (Article 6(1)(a) of the General Data Protection Regulation).

**Legitimate interest(s):** to send you relevant information about our third party goods and services."

#### Transfer and storage of your information

We use a third party service to administer our mailing list, Hubspot.

## **Information collected or obtained from third parties**

This section sets out how we obtain or collect information about you from third parties.

## Information received from third parties

Generally, we do receive information about you from third parties. The third parties from which we receive information about you can be found through contacting us.

It is also possible that third parties with whom we have had no prior contact may provide us with information about you.

Information we obtain from third parties will generally be your name and contact details, but will include any additional information about you which they provide to us.

**Legal basis for processing:** necessary to perform a contract or to take steps at your request to enter into a contract (Article 6(1)(b) of the General Data Protection Regulation).

**Reason why necessary to perform a contract:** where a third party has passed on information about you to us (such as your name and email address) in order for us to provide services to you, we will process your information in order to take steps at your request to enter into a contract with you and perform a contract with you (as the case may be).

**Legal basis for processing:** consent (Article 6(1)(a) of the General Data Protection Regulation).

**Consent:** where you have asked that a third party to share information about you with us and the purpose of sharing that information is not related to the performance of a contract or services by us to you, we will process your information on the basis of your consent, which you give by asking the third party in question to pass on your information to us.

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interests:** where a third party has shared information about you with us and you have not consented to the sharing of that information, we will have a legitimate interest in processing that information in certain circumstances.

For example, we would have a legitimate interest in processing your information to perform our obligations under a sub-contract with the third party, where the third party has the main contract with you. Our legitimate interest is the performance of our obligations under our sub-contract.

Similarly, third parties may pass on information about you to us if you have infringed or potentially infringed any of our legal rights. In this case, we will have a legitimate interest in processing that information to investigate and pursue any such potential infringement.

We have created a data processing agreement that covers all of the information regarding information that we obtain from third parties, including data from telesales company's. Please contact us to view this document.

## Where we receive information about you in error

If we receive information about you from a third party in error and/or we do not have a legal basis for processing that information, we will delete your information.

## Information obtained by us from third parties

In certain circumstances (for example, to verify the information we hold about you or obtain missing information we require to provide you with a service) we will obtain information about you from certain publicly accessible sources, both EU and non-EU, such as the electoral register, Companies House, and websites.

**Legal basis for processing:** necessary to perform a contract or to take steps at your request to enter into a contract (Article 6(1)(b) of the General Data Protection Regulation).

**Reason why necessary to perform a contract:** where you have entered into a contract or requested that we enter into a contract with you, in certain circumstances, we will obtain information about you from public sources in order to enable us to understand your business and provide services to you or services to a sufficient standard.

For example, we would obtain and/or verify your email address from your website or from a directory where you ask us to send you information by email but we do not possess the information or we need to confirm that we have recorded your email address correctly.

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interests:** in certain circumstances, we will have a legitimate interest in obtaining



information about you from public and private sources. For example, if you have infringed or we suspect that you have infringed any of our legal rights, we will have a legitimate interest in obtaining and processing information about you from such sources in order to investigate and pursue any suspected or potential infringement.

## Our use of automated decision-making and profiling

We use automated decision making and profiling on our website. We do not consider that this has any legal effect on you or similarly significantly affects you.

You have the right to object to our use of automated decision making and profiling described in this section. You can do that by opting-out of cookies and similar technologies in accordance with the method described in the relevant section below. If you do not want us to process your actual IP address (usually the IP address assigned to you by your Internet Service Provider) when you visit our website, you can use a Virtual Private Network (VPN) or a free service such as Tor.

You can find out more about our use of cookies and similar technologies (including the legal basis on which we use them) and how to opt out from them in our cookies policy, which is available on our website.

### Automated decision making

Automated decision making is decision making by technological means (i.e. by a machine) without human involvement.

#### Use of automated decision making for display advertising

We automate the display advertisements containing our products and services on other websites you visit, based on the fact that you have visited our website using cookies. For further information on the cookies we use, please see our cookies policy which is available on our website.

**Logic involved:** automatically displaying advertisements to individuals who have visited our website results in increased efficiencies and costs savings for us than manually displaying advertisements or displaying advertisements by different means.

**Significance and envisaged consequences:** cookies will be used to recognise the fact that you have visited our website in order to display advertisements to you (unless you have blocked such cookies) and will collect information about your online behaviour.

**How to object:** you can block these cookies by using the cookies control management tool on our site or for Google DoubleClick, by opting out of seeing personalised ads by following the instructions here: <https://support.google.com/ads/answer/2662922?hl=en-GB>. For further information, please see our cookies policy on our website.

### Profiling

Profiling is any form of automated processing of your information to evaluate personal aspects about you, in particular to analyse or predict things like your performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.

#### Use of profiling for web analytics

Our web analytics service, Google Analytics uses collects information such as your location (based on your IP address) and your behaviour (based on cookies) when you access our website (such as the pages you visit and what you click on). We will only process information from cookies if you have consented to us setting cookies on your computer in accordance with our cookies policy on our website. Information collected about you, once collected is anonymised and stored on an aggregate basis.

**Logic involved:** by automatically analysing and categorising information such as the location (based on IP address) as well as the behaviour and devices of visitors to our website (using cookies), we are able to gain a better understanding of what our website visitors want (in terms of the content of our website and our products), how to improve our website and how to advertise and market our services to them.

**Significance and envisaged consequences:** cookies will be used to track and store information about your behaviour and device on our website (unless you have opted out from receiving such cookies and your location will be analysed based on your IP address. We may target advertisements based on the level of interest we receive from certain visitors and their behaviour on our website.

## Disclosure and additional uses of your information

This section sets out the circumstances in which will disclose information about you to third parties and any additional purposes for which we use your information.

### Disclosure of your information to service providers

We use a number of third parties to provide us with services which are necessary to run our business or to assist us with running our business. These include the following:

- Telephone provider(s), including Virgin Media. Their privacy policy is available here: <https://www.virginmedia.com/shop/the-legal-stuff/privacy-policy.html>
- Email provider(s), including Microsoft Office 365. Their privacy policy is available here: <https://privacy.microsoft.com/en-GB/privacystatement>
- Hosting provider(s), including 123 Reg. Their privacy policy is available here: <https://www.123-reg.co.uk/terms/privacy/>

Our third party service providers are located in countries such as the UK, US, Ireland and India. Please visit the individual service provider websites to find out more.

Your information will be shared with these service providers where necessary to provide you with the service you have requested, whether that is accessing our website or ordering goods and services from us.

We do not display the identities of all of our service providers publicly by name for security and competitive reasons. If you would like further information about the identities of our service providers, however, please contact us directly via our contact form or by email and we will provide you with such information where you have a legitimate reason for requesting it (where we have shared your information with such service providers, for example).

**Legal basis for processing:** legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interest relied on:** where we share your information with these third parties in a context other than where is necessary to perform a contract (or take steps at your request to do so), we will share your information with such third parties in order to allow us to run and manage our business efficiently.

**Legal basis for processing:** necessary to perform a contract and/or to take steps at your request prior to entering into a contract (Article 6(1)(b) of the General Data Protection Regulation).

**Reason why necessary to perform a contract:** we may need to share information with our service providers to enable us to perform our obligations under that contract or to take the steps you have requested before we enter into a contract with you.

### Disclosure of your information to other third parties

We disclose your information to other third parties in specific circumstances, as set out below.

Providing information to third parties such as Google Inc. Google collects information through our use of Google Analytics on our website. Google uses this information, including IP addresses and information from cookies, for a number of purposes, such as improving its Google Analytics service. Information is shared with Google on an aggregated and anonymised basis. To find out more about what information Google collects, how it uses this information and how to control the information sent to Google, please see the following page: <https://www.google.com/policies/privacy/partners/>

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interest(s):** meeting our contractual obligations to Google under our Google Analytics Terms of Service (<https://www.google.com/analytics/terms/us.html>)

You can opt out of Google Analytics by installing the browser plugin here:

<https://tools.google.com/dlpage/gaoptout>

Transfer and storage of your information

Information collected by Google Analytics is stored outside the European Economic Area on Google's servers in the United States of America.

For further information about the safeguards used when your information is transferred outside the European Economic Area, see the section of this privacy policy below entitled Transfers of your information outside the European Economic Area.

We sometimes provide encrypted data to direct mail companies to send our direct mail out on our behalf. Further information regarding this can be found by contacting us on [info@nfocus.co.uk](mailto:info@nfocus.co.uk)

Sharing your information with third parties, which are either related to or associated with the running of our business, where it is necessary for us to do so. These third parties include our accountants, advisors and insurers. Further information on each of these third parties is set out below.

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interest:** running and managing our business efficiently.

#### Accountants

We share information with our accountants for tax purposes. For example, we share invoices we issue and receive with our accountants for the purpose of completing tax returns and our end of year accounts.

#### Advisors

Occasionally, we obtain advice from advisors, such as accountants, financial advisors, lawyers and public relations professionals. We will share your information with these third parties only where it is necessary to enable these third parties to be able to provide us with the relevant advice.

#### Insurers

We will share your information with our insurers where it is necessary to do so, for example in relation to a claim or potential claim we receive or make or under our general disclosure obligations under our insurance contract with them.

Sharing your information with a prospective or actual purchaser or seller in the context of a business or asset sale or acquisition by us, a merger or similar business combination event, whether actual or potential.

**Legal basis for processing:** legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interest(s):** sharing your information with a prospective purchaser, seller or similar person in order to allow such a transaction to take place.

## **Disclosure and use of your information for legal reasons**

### Indicating possible criminal acts or threats to public security to a competent authority

If we suspect that criminal or potential criminal conduct has been occurred, we will in certain circumstances need to contact an appropriate authority, such as the police. This could be the case, for instance, if we suspect that a fraud or a cyber crime has been committed or if we receive threats or malicious communications towards us or third parties.

We will generally only need to process your information for this purpose if you were involved or affected by such an incident in some way.

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interests:** preventing crime or suspected criminal activity (such as fraud).

### In connection with the enforcement or potential enforcement our legal rights

We will use your information in connection with the enforcement or potential enforcement of our legal rights, including, for example, sharing information with debt collection agencies if you do not pay amounts owed to us when you are contractually obliged to do so. Our legal rights may be contractual (where we have entered into a contract with you) or non-contractual (such as legal rights that we have under copyright law or tort law).

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interest:** enforcing our legal rights and taking steps to enforce our legal rights.

In connection with a legal or potential legal dispute or proceedings

We may need to use your information if we are involved in a dispute with you or a third party for example, either to resolve the dispute or as part of any mediation, arbitration or court resolution or similar process.

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interest(s):** resolving disputes and potential disputes.

For ongoing compliance with laws, regulations and other legal requirements

We will use and process your information in order to comply with legal obligations to which we are subject. For example, we may need to disclose your information pursuant to a court order or subpoena if we receive one or to the National Crime Agency in connection with suspected or potential money laundering matters.

**Legal basis for processing:** compliance with a legal obligation (Article 6(1)(c) of the General Data Protection Regulation).

**Legal obligation(s):** legal obligations to disclose information which are part of the laws of England and Wales or if they have been integrated into the United Kingdom's legal framework (for example in the form of an international agreement which the United Kingdom has signed).

**Legal basis for processing:** our legitimate interests (Article 6(1)(f) of the General Data Protection Regulation).

**Legitimate interest:** where the legal obligations are part of the laws of another country and have not been integrated into the United Kingdom's legal framework, we have a legitimate interest in complying with these obligations.

## How long we retain your information

This section sets out how long we retain your information. We have set out specific retention periods where possible. Where that has not been possible, we have set out the criteria we use to determine the retention period.

### Retention periods

Server log information: we retain information on our server logs for 18 months.

Correspondence and enquiries: when you make an enquiry or correspond with us for any reason, whether by email, or via our contact form or by phone, we will retain your information for as long as it takes to respond to and resolve your enquiry, after which point we will delete your information. We will also send marketing information to you. If users do not engage with nFocus (visit our website, open emails etc.) for a period of 18 months we will delete them out of our database. Our research shows buying cycles and needs for ad-hoc software testing services can be up to 18 months and longer from first contact. We have therefore limited retention to 18 months.

e-Newsletter: we retain the information you used to sign up for our e-newsletter for as long as you remain subscribed (i.e. you do not unsubscribe) or if we decide to cancel our e-newsletter service, whichever comes earlier.

### Criteria for determining retention periods

In any other circumstances, we will retain your information for no longer than necessary, taking into account the following:

- the purpose(s) and use of your information both now and in the future (such as whether it is necessary to continue to store that information in order to continue to perform our obligations under a contract with you or to contact you in the future);
- whether we have any legal obligation to continue to process your information (such as any record-keeping obligations imposed by relevant law or regulation);

- whether we have any legal basis to continue to process your information (such as your consent);
- how valuable your information is (both now and in the future);
- any relevant agreed industry practices on how long information should be retained;
- the levels of risk, cost and liability involved with us continuing to hold the information;
- how hard it is to ensure that the information can be kept up to date and accurate; and
- any relevant surrounding circumstances (such as the nature and status of our relationship with you).

## How we secure your information

We take appropriate technical and organisational measures to secure your information and to protect it against unauthorised or unlawful use and accidental loss or destruction, including:

- only sharing and providing access to your information to the minimum extent necessary, subject to confidentiality restrictions where appropriate, and on an anonymised basis wherever possible;
- using secure servers to store your information;
- verifying the identity of any individual who requests access to information prior to granting them access to information;
- using Secure Sockets Layer (SSL) software to encrypt any information you submit to us via any forms on our website;
- only transferring your information via closed system or encrypted data transfers;

### Transmission of information to us by email

Transmission of information over the internet is not entirely secure, and if you submit any information to us over the internet (whether by email, via our website or any other means), you do so entirely at your own risk.

We cannot be responsible for any costs, expenses, loss of profits, harm to reputation, damages, liabilities or any other form of loss or damage suffered by you as a result of your decision to transmit information to us by such means.

## Transfers of your information outside the European Economic Area

Your information will be transferred and stored outside the European Economic Area (EEA) in the circumstances set out below. We will also transfer your information outside the EEA or to an international organisation in order to comply with legal obligations to which we are subject (compliance with a court order, for example). Where we are required to do so, we will ensure appropriate safeguards and protections are in place.

### Server log information

Information collected when you visit our website is transferred outside of the EEA and stored on the servers of our third party hosting company 123 Reg. You can access their privacy policy here: <https://www.123-reg.co.uk/terms/privacy.shtml>

Country of storage: This country is subject to an adequacy decision by the European Commission.

Safeguard(s) used: our third party hosting provider has self-certified its compliance with the EU-U.S. Privacy Shield.



### **Contact form**

Information you submit to us via our contact form is transferred outside the EEA and stored on our third party mailing list provider's servers. Our third party mailing list provider is: Hubspot. You can access their privacy policy here: <https://legal.hubspot.com/privacy-policy>

Country of storage: UK, US and Ireland. This country is subject to an adequacy decision by the European Commission.

Safeguard(s) used: our third party mailing list provider has self-certified its compliance with the EU-U.S. Privacy Shield.

### **Email**

Information you submit to us by email is transferred outside the EEA and stored on our third party email provider's servers. Our third party email provider is: Microsoft Office 360. You can access their privacy policy here: <https://privacy.microsoft.com/en-GB/privacystatement>

Country of storage: UK. This country is subject to an adequacy decision by the European Commission.

Safeguard(s) used: our third party email provider has self-certified its compliance with the EU-U.S. Privacy Shield.

### **e-Newsletter**

Information you submit to us when you sign up for our e-newsletter is transferred outside the EEA and stored on our third party mailing list provider's servers. Our third party mailing list provider is: Hubspot. You can access their privacy policy here: <https://legal.hubspot.com/privacy-policy>

Country of storage: UK, US and Ireland. This country is subject to an adequacy decision by the European Commission.

Safeguard(s) used: our third party mailing list provider has self-certified its compliance with the EU-U.S. Privacy Shield.

### **Google Analytics**

Information collected by Google Analytics (your IP address and actions you take in relation to our website) is transferred outside the EEA and stored on Google's servers. You can access Google's privacy policy here: <https://www.google.com/policies/privacy/>

Country of storage: United States of America. This country is not subject to an adequacy decision by the European Commission.

Safeguard(s) used: Google has self-certified its compliance with the EU-U.S. Privacy Shield which is available here: <https://www.privacyshield.gov/welcome>. The EU-U.S. Privacy Shield is an approved certification mechanism under Article 42 of the General Data Protection Regulation, which is permitted under Article 46(2)(f) of the General Data Protection Regulation. You can access the European Commission decision on the adequacy of the EU-U.S. Privacy Shield here: [http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index\\_en.htm](http://ec.europa.eu/justice/data-protection/international-transfers/adequacy/index_en.htm)

### **Customer Relationship Management (CRM) System**

Information you submit to us when using our CRM system is transferred outside the EEA and stored on our third party mailing list provider's servers. Our third party mailing list provider is: Hubspot. You can access their privacy policy here: <https://legal.hubspot.com/privacy-policy>

Country of storage: UK, US and Ireland. This country is subject to an adequacy decision by the European Commission.

Safeguard(s) used: our third party mailing list provider has self-certified its compliance with the EU-U.S. Privacy Shield.

## **Your rights in relation to your information**

Subject to certain limitations on certain rights, you have the following rights in relation to your information, which you can exercise by writing to nFocus Limited, e-Innovation, Shifnal Road, Priorslee, Telford, Shropshire, TF2 9FT or sending an email to [dataprotection@nfocus.co.uk](mailto:dataprotection@nfocus.co.uk)



- **to request access to your information** and information related to our use and processing of your information;
- **to request the correction or deletion** of your information;
- **to request that we restrict our use** of your information;
- **to receive information which you have provided to us in a structured, commonly used and machine-readable format** (e.g. a CSV file) and the right to have that information transferred to another data controller (including a third party data controller);
- **to object to the processing of your information for certain purposes** (for further information, see the section below entitled Your right to object to the processing of your information for certain purposes); and
- **to withdraw your consent to our use of your information** at any time where we rely on your consent to use or process that information. Please note that if you withdraw your consent, this will not affect the lawfulness of our use and processing of your information on the basis of your consent before the point in time when you withdraw your consent.
- **the right not to be subject to a decision based solely on automated processing, including profiling which produces legal affects concerning you or similarly significantly affects you**

In accordance with Article 77 of the General Data Protection Regulation, you also have the right to lodge a complaint with a supervisory authority, in particular in the Member State of your habitual residence, place of work or of an alleged infringement of the General Data Protection Regulation. For the purposes of the UK, the supervisory authority is the Information Commissioner's Office (ICO), the contact details of which are available here: <https://ico.org.uk/global/contact-us/>

#### Further information on your rights in relation to your personal data as an individual

The above rights are provided in summary form only and certain limitations apply to many of these rights. For further information about your rights in relation to your information, including any limitations which apply, please visit the following pages on the ICO's website:

- <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>; and
- <https://ico.org.uk/for-the-public/is-my-information-being-handled-correctly/>

You can also find out further information about your rights, as well as information on any limitations which apply to those rights, by reading the underlying legislation contained in Articles 12 to 22 and 34 of the General Data Protection Regulation, which is available here: [http://ec.europa.eu/justice/data-protection/reform/files/regulation\\_oj\\_en.pdf](http://ec.europa.eu/justice/data-protection/reform/files/regulation_oj_en.pdf)

#### Verifying your identity where you request access to your information

Where you request access to your information, we are required by law to use all reasonable measures to verify your identity before doing so.

These measures are designed to protect your information and to reduce the risk of identity fraud, identity theft or general unauthorised access to your information.

#### *How we verify your identity*

Where we possess appropriate information about you on file, we will attempt to verify your identity using that information.

If it is not possible to identify you from such information, or if we have insufficient information about you, we may require original or certified copies of certain documentation in order to be able to verify your identity before we are able to provide you with access to your information.

We will be able to confirm the precise information we require to verify your identity in your specific circumstances if and when you make such a request.

## Your right to object to the processing of your information for certain purposes

You have the following rights in relation to your information, which you may exercise in the same way as you may exercise by writing to nFocus Limited, e-Innovation, Shifnal Road, Road, Priorslee, Telford, Shropshire, TF2 9FT or sending an email to [dataprotection@nfocus.co.uk](mailto:dataprotection@nfocus.co.uk)

- to object to us using or processing your information where we use or process it in order to **carry out a task in the public interest or for our legitimate interests**, including 'profiling' (i.e. analysing or predicting your behaviour based on your information) based on any of these purposes; and
- to object to us using or processing your information for **direct marketing purposes** (including any profiling we engage in that is related to such direct marketing).

You may also exercise your right to object to us using or processing your information for direct marketing purposes by:

- **clicking the unsubscribe link** contained at the bottom of any marketing email we send to you and following the instructions which appear in your browser following your clicking on that link;
- **sending an email** to [info@nfocus.co.uk](mailto:info@nfocus.co.uk) asking that we stop sending you marketing communications or by including the words "OPT OUT".

For more information on how to object to our use of information collected from cookies and similar technologies, please see the section entitled [How to accept or reject cookies](#) in our cookies policy, which is available on our website.

## Sensitive Personal Information

'Sensitive personal information' is information about an individual that reveals their racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, genetic information, biometric information for the purpose of uniquely identifying an individual, information concerning health or information concerning a natural person's sex life or sexual orientation.

We do not knowingly or intentionally collect sensitive personal information from individuals, and you must not submit sensitive personal information to us.

If, however, you inadvertently or intentionally transmit sensitive personal information to us, you will be considered to have explicitly consented to us processing that sensitive personal information under Article 9(2)(a) of the General Data Protection Regulation. We will use and process your sensitive personal information for the purposes of deleting it.

## Changes to our Privacy Policy

We update and amend our Privacy Policy from time to time.

### Minor changes to our Privacy Policy

Where we make minor changes to our Privacy Policy, we will update our Privacy Policy with a new effective date stated at the beginning of it. Our processing of your information will be governed by the practices set out in that new version of the Privacy Policy from its effective date onwards.

### Major changes to our Privacy Policy or the purposes for which we process your information

Where we make major changes to our Privacy Policy or intend to use your information for a new purpose or a different purpose than the purposes for which we originally collected it, we will notify you by email (where possible) or by posting a notice on our website.

We will provide you with the information about the change in question and the purpose and any other relevant information before we use your information for that new purpose.

Wherever required, we will obtain your prior consent before using your information for a purpose that is different from the purposes for which we originally collected it.

## Children's Privacy

Because we care about the safety and privacy of children online, we comply with the Children's Online Privacy Protection Act of 1998 (COPPA). COPPA and its accompanying regulations protect the privacy of children using the internet. We do not knowingly contact or collect information from persons under the age of 18. The website is not intended to solicit information of any kind from persons under the age of 18.

It is possible that we could receive information pertaining to persons under the age of 18 by the fraud or deception of a third party. If we are notified of this, as soon as we verify the information, we will, where required by law to do so, immediately obtain the appropriate parental consent to use that information or, if we are unable to obtain such parental consent, we will delete the information from our servers. If you would like to notify us of our receipt of information about persons under the age of 18, please do so by sending an email to [info@nfocus.co.uk](mailto:info@nfocus.co.uk)

## California Do Not Track Disclosures

"Do Not Track" is a privacy preference that users can set in their web browsers. When a user turns on a Do Not Track signal in their browser, the browser sends a message to websites requesting that they do not track the user. For information about Do Not Track, please visit [www.allaboutdnt.org](http://www.allaboutdnt.org)

We respond to Do Not Track browser settings. For information on how to opt out from tracking technologies used on our website, see our cookies policy which is available on our website.

## Copyright, credit and logo

This Privacy Policy is based on a General Data Protection Regulation (Regulation (EU) 2016/769) (GDPR) compliant template provided by GDPR Privacy Policy. For further information, please visit <https://gdprprivacypolicy.org>

The copyright in this Privacy Policy is either owned by, or licensed to, us and is protected by copyright laws around the world and copyright protection software. All intellectual property rights in this document are reserved.

Where we display the GDPR Privacy Policy logo on our website, this is used to indicate that we have adopted a privacy policy template provided by GDPR Privacy Policy as the basis for this Privacy Policy.