

CLLOUDSTUFF LTD'S PRIVACY AND COOKIES POLICY

Welcome to the CloudStuff Ltd's privacy and cookies policy in relation to the booking platform 'SmartConsign' ("Privacy Policy") accessed via the cloud-based website (www.smartconsign.co.uk), the SaaS platform or any other means of access (referred to together in this Privacy Policy as the "**Solution**"). In this Privacy Policy, CloudStuff Ltd is referred to as "we", "us" or "our".

We respect your privacy and are committed to protecting your personal data. This Privacy Policy will inform you as to how we look after your personal data when you use the Solution and tell you about your privacy rights and how the law protects you.

1. **Important information and who we are**

Purpose of this Privacy Policy

This Privacy Policy aims to give you information on how we collect and process your personal data through your use of the Solution, including any data you may provide through the Solution when you register to access the Solution and book any third-party's services through the Solution.

Where we are a data controller and a data processor

A data controller, according to the applicable data protection laws, means a person who determines the purposes for which and the manner in which any personal data is to be processed. A data processor means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

We are:

- a data controller in respect of any personal data that you share with us, or that we collect, through the Solution (including personal data you provide to us, or that we collect, during your registration for, and subscription to, the services we provide) or otherwise in your communications with us; and
- a data processor in respect of personal data that you share with us as part of your use of the Solution to book delivery or courier services from your third-party providers, and in respect of which the third-party provider is the data controller.

Important Information

The Solution is not intended for children and we do not knowingly collect data relating to children.

It is important that you read this Privacy Policy together with any privacy notice or fair processing notice belonging to a third-party provider of delivery or courier services so that you are fully aware of how and why we are using your data. This Privacy Policy supplements the other notices and is not intended to override them.

2. **The data we collect about you and how we collect it**

Personal data according to applicable data protection laws means any information about you from which you can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you.

A. We are the data controller over the following personal data that we collect:

- **Identity Data** – this includes your first name, last name, username or similar identifier, your professional title and your business name that you provide when you register for an account with us.
- **Contact Data** - this includes your billing address your email address and your telephone numbers that we require you to provide for you to register for an account with us.
- **Financial Data** - this includes your bank details which we collect when you pay for our services.
- **Technical Data** – this includes Internet protocol (IP) address, login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the device you use to access the Solution.
- **Profile Data** - this includes your username and password, records of bookings made with any third-party's services and any feedback you provide through the Solution.,

- **Usage Data** - this includes information about how you use the Solution.
 - **Marketing and Communications Data** – this includes your preferences in receiving marketing from us and our third parties and your communication preferences.
- B. We are the data processor over the following personal data that we collect on behalf of third-party providers:**
- **Identity Data** – this includes first name, last name, professional title and business name any other details required by the third party from whom you wish to book delivery or courier services.
 - **Contact Data** – this includes contact email addresses, telephone numbers.
 - **Transaction Data** – this includes details of a consignment and the pickup and delivery addresses (as applicable) provided by you in order to book the delivery or courier services from a third-party provider through the Solution.
 - **Marketing Data** – this includes marketing preferences provided by you upon the request of the third-party provider whose services you book through the Solution.

Aggregated Data

We also collect, use and share Aggregated Data such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does not directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a particular third party’s services. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this Privacy Policy.

If you fail to provide personal data

Where we need to collect personal data by law, or under the terms of a contract we have with you or you have with any third-party provider and you fail to provide that data when requested, neither us nor the third-party provider will be able to perform the contracts we have or we are trying to enter into with you (for example, to enable us to register your account and provide access to the Solution or for the third-party provider to provide you with its services). In either case, you consent to either us or the third-party provider contacting you to inform you of the additional personal data we require and that if it is not provided then we may have to close your account or cancel the services respectively.

3. How we use your personal data

We will only use your personal data when the law allows us to. The lawful bases we rely on are:

- Performance of a contract.
- Necessary to comply with a legal obligation.
- Necessary for our legitimate interests.

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

Purposes for which we will use your personal data

It is the responsibility of the data controller to ensure that it has a lawful basis for processing your personal data.

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

In respect of your personal data that we collect on behalf of each third-party provider (listed in paragraph 2B

above), the third-party provider is the data controller over this personal data and therefore determines the lawful basis for processing this personal data. Further clarity on the lawful basis used by each third-party provider will be found in their respective privacy policies which are available directly from them.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To enable us to respond to enquiries.	(a) Identity (b) Contact	Consent
To allow you to register for an account	(a) Identity (b) Contact (c) Marketing and Communications	(a) Performance of a contract with you (b) Consent
To enable you to access the Solution	(a) Identity (b) Contact (c) Profile (d) Usage (e) Financial	Performance of a contract with you
To provide you with a new password upon request	(a) Identity (b) Contact (c) Profile	Performance of a contract with you
To manage our relationship with you which will include but is not limited to: notifying you about changes to our terms or privacy policy or the services that you book with a third-party provider.	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services) (d) Consent
To allow you to book the services offered by those third-party providers.	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications	(a) Performance of a contract with you and the third-party provider. (b) Consent
To process and deliver the Solution including collecting and recovering money owed to us.	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests
To keep the Solution safe and secure, detect fraud and monitor any abuse of	(a) Identity (b) Contact	(a) Necessary for our legitimate interests (b) Necessary to comply with a legal

the Solution	(c) Technical	obligation
Where we need to comply with a legal or regulatory obligation.	(a) Identity (b) Contact (c) Financial	Necessary to comply with a legal obligation
To administer and protect our business and the Solution (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity (b) Contact (c) Technical	(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with a legal obligation
To deliver relevant content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Technical	(a) Necessary for our legitimate interests (to study how customers use our products/services, to develop them, to grow our business and to inform our marketing strategy) (b) Consent (where applicable)
To improve the Solution, our services, marketing, customer relationships and experiences	(a) Technical (b) Usage	Necessary for our legitimate interests (to define types of customers for our products and services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)
To make suggestions and recommendations to you about services that may be of interest to you	(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile	Necessary for our legitimate interests (to develop our products/services and grow our business)

Change of purpose

We will only use personal data for the purposes for which we collected it and as instructed by the third-party provider, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you would like an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising, and we will only send marketing communications to you if we have your consent to do so or a legitimate interest in contacting you for such purposes. You will receive marketing communications from us if you have requested information from us and, in each case, you have not opted-out from receiving that marketing.

We may use your personal data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services and offers may be relevant for you (we call this marketing).

Third-party marketing

We will ask for consent before we share your personal data with any outside company for marketing purposes. We are not responsible for the marketing you receive from any third-party provider.

Third-party links

The Solution may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data. We do not control these third-party websites and are not responsible for their privacy statements. We encourage you to read the privacy policy of every website you visit.

Opting out

You can ask us or third parties to stop sending you marketing messages at any time by logging into the Solution and checking or unchecking the relevant boxes within your profile to adjust your marketing preferences or by following the opt-out links on any marketing message sent to you.

Cookies

The Solution uses cookies. Cookies are tiny text files which identify your computer or device to our server as a unique user when you visit certain pages on the Solution and they are stored by their Internet browser on your computer or device's hard drive. Cookies can be used to recognise your Internet Protocol address, saving you time while you are on the Solution.

We only use cookies for your convenience in using the Solution and not for obtaining or using any other information about you (for example targeted advertising). Your browser can be set to not accept cookies, but this would restrict your use of the Solution.

If you want to find out more information about cookies, go to <http://www.allaboutcookies.org> or to find out about removing them from your browser, go to <http://www.allaboutcookies.org/manage-cookies/index.html>.

Please note that we collect data from the Solution about use of the Solution using a web analysis tool which uses cookies that are (able to be) used to generate pseudonyms for your profile. This means that cookies (which may be stored on your computer or Device) can store information about your visit.

The Website uses the following cookies:

Name	Expiration date	Purpose
ASP.NET_SESSIONID	Session based	Tracks the session of the user logged in to the solution. This is used to set security/rights and information displayed.
SMARTCONSIGN_USERNAME	1 year from issue	The saved username for the login screen to be used if the user has specified to save the username for next use.
SMARTCONSIGN_SAVE_USER	1 year from issue	A true/false value which determines if the username is saved for automatic population on the client's browser.
_GA	2 years from issue	Google Analytics – Used to distinguish users
_GID	24 hours from issue	Google Analytics – Used to distinguish users
_GAT	1 minute from issue	Google Analytics – Used to throttle requests
AMP_TOKEN	30 seconds – 1 Year	Google Analytics - Token to retrieve

	from issue	a Client ID
GAC<PROPERTY-ID>	90 days from issue	Google Analytics – Contains ad word information for the user
__HS_OPT_OUT	2 years from issue	Hubspot – Opt-in privacy policy setting
__HS_DO_NOT_TRACK	2 years from issue	Hubspot – Prevents tracking code sending information to HubSpot
__HS_TESTCOOKIE	Session Cookie	Hubspot – Tests if the user has cookie support enabled
HS_AB_TEST	Session Cookie	Hubspot – Servers test pages A/B from Hubspot
HS_LANG_SWITCHER_CHOICE	Session Cookie	Hubspot – Redirects users to the language specified for the page
<ID>_KEY	Session Cookie	Hubspot – Password session
HS-MESSAGES-IS-OPEN	30 minutes from issue	Hubspot – Determines whether to open or close the chat widget
__SS_REFERRER	Session Cookie	SharpSpring – Used to track the referrer of a session for analytics
__SS	Session Cookie	SharpSpring – Used to track a session for analytics

4. **Disclosures of your personal data**

We may have to share your personal data with the following parties set out below for the purposes set out in paragraph 3 above:

- External Third Parties as set out in the Glossary.
- Specific third-party providers whose courier and delivery services you book using the Solution.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not permit those who provide us with services to use your personal data for their own purposes and only permit them to process your personal data for specific purposes and in accordance with our instructions.

We will not sell, trade, rent or disclose your personal data to others except in the following circumstances:

- (a) if it is required by law enforcement or judicial authorities, or to cooperate with a law enforcement investigation;
- (b) if we have a good faith belief that we are required or permitted to do so by law or legal process;
- (c) to protect our rights, reputation, property or the safety of us or others;
- (d) to defend or enforce our rights or our obligations;
- (e) if the disclosure is required by mandatory professional standards; or
- (f) to a third party with your prior consent to do so.

5. **International transfers**

We do not transfer any personal data which we are a data controller of outside the European Economic Area (EEA).

We may transfer personal data, of which we are a data processor, outside the EEA, if your third-party provider of choice (with whom you have a separate contract) with whom you place a booking through the Solution is based outside the EEA. You are responsible for ensuring that any third-party provider is compliant with relevant data protection laws when you request that the availability of their services be added to your account.

6. Data security

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

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

7. Data retention

How long will you use my personal data for?

We will only retain the personal data listed in paragraph 2A above for as long as necessary to fulfil the purposes for which it is collected (outlined in paragraph 3 above). We have different retention periods for different aspects of personal data that we collect when acting as a data controller. These retention periods can be made available if you contact us.

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

In some circumstances you can ask us to delete your data. Please the right "To Request erasure" listed in paragraph 8 below. In some circumstances we may anonymise your personal data (so it can longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

We will only retain the personal data listed in paragraph 2B above for as long as necessary to fulfil the purpose we collected it. This is primarily to fulfil our contractual obligations to you. We therefore retain this personal data for the period of time we are instructed to retain it by them.

8. **Your legal rights**

You have the following rights in relation to your personal data:

To request access to personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data held about you and to check that we are lawfully processing it.

To request correction of the personal data that we hold. This enables the correction of any incomplete or inaccurate data we hold, though we may need to verify the accuracy of the new data provided to us.

To request erasure of personal data. This enables the deletion or removal personal data where there is no good reason for us continuing to process it. A request can also be made for deletion or removal of personal data where the right to object to processing has been successfully exercised (see below), where we may have processed information unlawfully or where we are required to erase personal data to comply with local law. Note, however, that we may not always be able to comply with requests of erasure for specific legal reasons with notification of this given, if applicable, at the time of any request.

To object to processing of personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process information which override your rights and freedoms.

To request restriction of processing of personal data. This enables a request to be made to us to suspend the processing of personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it because it is needed to establish, exercise or defend legal claims; or (d) you objected to use of data but we need to verify whether we have overriding legitimate grounds to use it.

To request the transfer of personal data back to whom it belongs or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format.

Note that this right only applies to automated information which we were given consent to use or where we used the information to perform a contract with you.

To withdraw consent at any time where we are relying on consent to process personal data. However, this will not affect the lawfulness of any processing carried out before the withdrawal of consent. If consent is withdrawn, we may not be able to provide certain products or services. We advise if this is the case at the time of the withdrawal of consent.

If you wish to exercise any of these rights in relation to the personal data listed in paragraph 2A above then please contact us by using the details provided under the 'Contact Us' section below. If you wish to exercise any of these rights in relation to the personal data listed in paragraph 2B above then you should contact the third-party provider directly.

No fee usually required

There is no fee to access personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if a request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with a request in these circumstances.

What we may need

We may need to request specific information to help us confirm your identity when making the request and ensure your right to access the personal data (or to exercise any of the other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask for further information in relation to the request to speed up our response.

Time limit to respond

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if the request is particularly complex or a number of requests have been made.

9. Changes to this Privacy Policy

This version was last updated in May 2018.

Any change to this Privacy Policy will be on this page and a notice that the Privacy Policy has been updated will be clearly shown on the Solution. Continued use of our Solution after such modifications will constitute agreement to the updated terms of the modified Privacy Policy.

It is important that the personal data we hold is accurate and current. We ask that we are kept informed if personal data changes during your relationship with us.

10. Contact Us

We have an appointed a data protection officer who is responsible for overseeing questions in relation to this Privacy Policy. Any questions about this Privacy Policy should be directed to the DPO using the details set out below.

Contact details

Name: David Hurst

Email address: data.controller@cloudstuff.net

Telephone number: 0345 257 3005

Complaints can be made at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues (www.ico.org.uk). We would, however, appreciate the chance to deal with any concerns before any approach is made to the ICO so please contact us in the first instance.

11. Glossary

LAWFUL BASIS

Legitimate Interest means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests

are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.

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

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

THIRD PARTIES

External Third Parties

- Service providers acting as processors based in the UK, Ireland and USA who provide IT and system administration services. These are:
 - Providers of channel data management: eBay, Amazon, Linnworks.
 - Providers of addressing data: World Addresses (Allies Computing), Google Maps.
 - Provider of payment services: GoCardless.
 - Provider of website hosting services: Amazon Web Services.
- Professional advisers including lawyers, bankers, auditors and insurers based in the UK who provide consultancy, banking, legal, insurance and accounting services.
- Any legal or regulatory body whom we are required to share information with by law.