

mercury1



Data Privacy Policy

21 May 2018

This document is for the use of all Mercury1 clients and visitors to www.mercury1.co.uk. It explains how Mercury1 use your personal data: how it is collected, how it is held, and how it is processed. It also explains your rights under the law relating to your personal data.

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1. INTRODUCTION

Mercury1 Ltd. is committed to protecting your right to privacy.

It is our policy to respect the privacy of all private communication. In addition, any information that we collect and hold during the course of business, or through the use of our website and any related services, will always be processed in adherence to UK Data Protection Legislation which, from 25 May 2018, includes EU Regulation 2016/678 General Data Protection Regulation ('GDPR').

Any information collected will be held for Mercury1 on servers owned and maintained within the European Economic Area ('EEA') on behalf of Mercury1, or by our chosen third-party service provider: Amazon Web Services (AWS).

In both cases, Mercury1 will be held to the terms of our Data Privacy Policy under the GDPR; and, in the sense of Directive 95/46/EC, wherever Mercury1 collect and store personal data in the cloud, irrespective of service provider.

Unless otherwise stated, Mercury1 do not hold or use any information that you provide, or which we collect, outside of the EEA, nor do we transfer it to, or share it with, others within or outside of the EEA, except where explicitly agreed upon by you, or where we are legally required to do so.

1.1. ABOUT MERCURY1

Mercury1 Ltd. is a private company, registered in England under company number 05825077. Our registered office address is 10th Floor One Canada Square Canary Wharf London E14 5AA.

Our VAT number is 864659868

For data protection enquiries, please contact Mercury1's Data Protection Officer using the details provided below.

1.2. ABOUT OUR PRIVACY POLICY

The information below explains how Mercury1 use your personal data: how it is collected, how it is held, and how it is processed. It also explains your rights under the law relating to your personal data.

2. WHAT IS PERSONAL DATA?

Personal data is defined by the General Data Protection Regulation (EU Regulation 2016/679 [the 'GDPR']) as 'any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier'.

Personal data is, in simpler terms, any information about you that enables you to be identified. Personal data covers obvious information such as your name and contact details, but it also covers less obvious information such as identification numbers, electronic location data, and other online identifiers.

The personal data that we use is set out in Part 3, below.

3. DATA COLLECTION

Mercury1 will collect personal data as provided to us during the use of our website (e.g. via the contact form or account registration process), which you agree to supply for our use and as accurate.

We may use cookie technology to monitor your visits to mercury1.co.uk; however, should this be the case, the option to deny the use of cookies will always be provided.

Information collected by cookie technology will never be stored alongside any personal data you provide, and will only be used on an anonymised, aggregated basis in order for us to maintain and improve the services we provide. We will never use information collected to send you mail or contact you, unless you have expressly permitted us to do so and we have evidence of the same.

Information provided to Mercury1 by clients during the course of business and in our contractual provision of services will always be collected and stored digitally, confidentially and securely.

We will only process data collected and stored by our clients during the use of Mercury1-built applications in strict adherence to any GDPR-compliant Data Processing Agreements between ourselves and the relevant client.

3.1. DATA COLLECTED BY MERCURY1

Mercury1 may collect some, or all, of the following personal data depending on our relationship with you:

- Name
- Birth date
- Address
- Email address
- Telephone numbers
- Business name
- Job title
- Profession
- Payment information or bank account data
- ID numbers including IP address, cookie IDs, protocols, apps and devices

3.2. DATA PROCESSED ON BEHALF OF CLIENTS USING MERCURY1-BUILT APPS

Mercury1 may also process some, or all, of the following personal data on behalf of clients using Mercury1-built apps as follows:

- Medical/health data
- Educational records
- Social care information
- Financial details
- Bank account numbers
- Credit card details
- Passport details
- Driving license details
- Insurance details
- Lifestyle details
- Any details our client requests from their customers, including any special categories of personal data as determined under Article 9 of the GDPR.

4. DATA USE

Under the GDPR, we must always have a lawful basis for using personal data. Our lawful basis will vary depending on our relationship with you, but it may be because the data is necessary for our performance of a contract with you, because you have consented to our use of your personal data, or because it is in our legitimate business interests to use it.

4.1. USE OF DATA COLLECTED BY MERCURY1

Data collected by Mercury1 will be used for the following purposes:

- Communicating with you;
- Providing you with customer support services;
- Measuring the performance of Mercury1 support services;
- Detecting, preventing and/or remediating fraud or other potentially illegal or prohibited activities;
- Supplying you with information, documents, forms and other content by email;
- Verifying your identity during account creation and password reset processes;
- Maintaining accurate accounts of work and billing, invoicing or paying you for that work;
- Managing Mercury1 contracts and projects.

We do not use customer data processed on behalf of our clients for any of the above purposes.

Our use of your personal data is limited to that which is reasonably required in order to perform our contractual duty to you, or to communicate with you where you have requested that we do so.

We do not use your personal data for any reasons not stated in in this Privacy Policy, and will not use your information in an excessive manner disproportionate to our aims of providing a professional service to you. We will not use your personal data in a way that is contrary to your interests, notwithstanding our right to use your personal data, as provided to us as accurate, in order to defend possible future legal claims, such as unpaid invoices, or to comply with income tax and audit requirements.

On occasion it may be appropriate and necessary to disclose personal data to relevant authorities. In these cases, individuals' rights may occasionally need to be restricted. In particular, Mercury1 would disclose your personal data to the relevant authorities, in respect of Part 4 of, and Schedule 7 to, the Data Protection Act for the following 'crime and taxation purposes':

- The prevention or detection of crime;
- The capture or prosecution of offenders; and
- The assessment or collection of tax or duty.

With the exception of the above circumstances, Mercury1 will not rely upon the principle of 'legitimate interest' in order to process, store, or use your personal data, or to pass it to a third party.

4.2. USE OF DATA COLLECTED BY CLIENTS USING MERCURY1-BUILT APPS

Mercury1 may process data collected by our clients using Mercury1-built apps during the regular course of business, and in particular where running database queries, as agreed in accordance with any GDPR-compliant Data Processing Agreements between ourselves and the relevant client.

5. DATA RETENTION

5.1. HOW LONG DO WE KEEP YOUR DATA?

Personal data provided through mercury1.co.uk, or stored for our use on servers as outlined above, will be retained until you ask us to delete it, or until no longer relevant to us for the purpose for which it was obtained, or for historical, statistical or research purposes – whichever is the sooner. Upon deletion, we will anonymise any retained information so that you can no longer be identified. All personally identifying information will be deleted immediately on your request.

In some cases, we may need to retain some personal data in order to defend possible future legal claims, such as unpaid invoices, or to comply with income tax and audit requirements. Data will be deleted and/or anonymised as above when such a claim or requirement can no longer arise.

Data stored by us on behalf of our clients is kept as long as required by that client according to their Data Processing Agreement and/or accompanying instructions, and in accordance with their own data policies with their customers. Mercury1 are not in control of the length of time client data is stored by us on their behalf.

5.2. HOW AND WHERE DO WE KEEP YOUR DATA?

During the use of cloud-based services, it is possible that personal data will be stored on servers outside of the European Economic Area. Where this is the case, Mercury1 will choose service providers able to offer a Data Processing Agreement based on model contractual clauses provided by the European Commission, and which impose suitable data protection standards on a contractual basis.

6. SHARING DATA

Mercury1 do not, and will not, share your personal data with any third parties except where explicitly agreed upon by you, or where we are legally required to do so.

6.1. WHAT ARE YOUR RIGHTS?

6.1.1. YOUR RIGHTS AS A DATA SUBJECT

Your rights as a data subject are as follows:

- The right to be informed about our collection and use of your personal data;
- The right to access your personal data by means of a Subject Access Request (see below);
- The right to have your personal data rectified if any of your personal data held by us is inaccurate or incomplete;
- The right to erasure (also known as the right to be forgotten). Please note that if you delete your account, it will be deleted immediately;
- The right to restrict or object to our processing of your personal data for particular purposes;
- The right to data portability. This means that you can ask us for a copy of your personal data to re-use with another service or business. Please note, however, that this right applies only if you have provided personal data to us directly, we are using it with your consent or for performance with a contract, and your data is processed using automated means;
- Rights relating to automated decision-making and profiling. We do not, however, use your personal data in this way.

You can contact us for any of the above requests, or for information about our use of your personal data, or exercising your rights, using the Data Protection Officer details provided below.

Further information about your rights can be obtained from the Information Commissioner's Office. You also have the right to lodge a complaint with the Information Commissioner's Office if you feel that your rights have been breached.

6.1.2. SUBJECT ACCESS REQUESTS

A Subject Access Request must be made in writing and clearly marked as such.

We will respond to your Subject Access Request within one month of receiving it. In the unlikely event that your request is particularly complex, we reserve the right to exceed the stipulated month, but will keep you informed of progress.

We do not charge for Subject Access Requests; however, we may do so if deemed to be 'manifestly unfounded or excessive' (e.g. repetitive).

7. HOW TO CONTACT US

To contact Mercury1 about anything to do with your personal data and data protection, including to make a Subject Access Request, please use the following details and we will respond as soon as possible:

Data Protection Officer: Gemma Minihan

Email: dataprotection@mercury1.co.uk

Postal address: The Lodge Southampton Road Hythe Hampshire SO45 5GQ

Telephone: 02088 196516

8. CHANGES TO THIS PRIVACY POLICY

We may change our Privacy Policy from time to time. This may be necessary, for example, if the law changes, or if we change our business in a way that affects personal data protection.