

# The Gardens Trust

## Privacy Notice

### 1. General

- 1.1 The Gardens Trust takes the privacy of your information very seriously. Our Privacy Notice (together with our Terms of Use (and any other documents referred to in it) is designed to tell you, the user of our services (together referred to as the "Service") about our practices regarding the collection, use and disclosure of personal and other information about you, your enterprise or your organisation that may be provided via our website (the "Site"), its associated mobile applications (the "Apps") and any other digital product we provide, or collected through other means such as an online form, email, or telephone communication.
- 1.2 This notice applies to information provided by our users, whether they are a member or otherwise.
- 1.3 This notice is governed by the EU General Data Protection Regulation (the "GDPR") from 25 May 2018 and until 25 May 2018 is governed by the Data Protection Act 1998.
- 1.4 Unless otherwise stated, definitions used in this notice are the same as those used in our general Terms of Use.

### 2. Basis on which we process personal data

- 2.1 Personal data we hold about you will be processed either because:
  - 2.1.1 you have consented to the processing for the specific purposes described in this notice;
  - 2.1.2 the processing is necessary in order for us to comply with our obligations under a contract between you and us, including our contract of membership with you; or
  - 2.1.3 the processing is necessary in pursuit of a "legitimate interest"; a legitimate interest in this context means a valid interest we have or a third party has in processing your personal data which is not overridden by your interests in data privacy and security.

### 3. Ways that we may collect your personal data

- 3.1 We may collect and process the following personal data (information that can be uniquely identified with you) about you:
  - 3.1.1 information provided to sign up to our Service, by becoming a member or otherwise;
  - 3.1.2 your name, residential address, contact address and numbers, email address, photos and content you may have created or provided through your use of the Service;
  - 3.1.3 payment information we may use to collect payment (if applicable);

- 3.1.4 log-in details and information you provide when registering to use a Forum on the Site or any other Site log-ins;
  - 3.1.5 a record of any correspondence between you and us;
  - 3.1.6 replies to any surveys or questionnaires that we may use for research purposes;
  - 3.1.7 details of your visits to the Site, the resources and pages that you access and any searches you make;
  - 3.1.8 any information we may require from you when you report a problem or complaint;
  - 3.1.9 the number of communications you make with us
- 3.2 We only collect such information when you choose to supply it to us but please note there may be instances where we process your personal data which has been provided to us by a third party.
- 3.3 If we do obtain your personal data from a third party your privacy rights under this notice are not affected and you are still able to exercise the rights contained within this notice.
- 3.4 You do not have to supply any personal information to us but our Service may not be operable in practice without providing data to us. You may withdraw our authority to process your personal data (or request that we restrict our processing – see clause 8.1) at any time (but our Service may not be fully operable should you do so).

#### **4. Cookies**

- 4.1 A cookie is a piece of data stored locally on your computer and contains information about your activities on the Internet. The information in a cookie does not contain any personally identifiable information you submit to our Site.
- 4.2 On our Site, we use cookies to track users' progress through the Site, allowing us to make improvements based on usage data. We also use cookies if you log in to one of our online services to enable you to remain logged in to that service. A cookie helps you get the best out of the Site and helps us to provide you with a more customised service.
- 4.3 Once you close your browser, our access to the cookie terminates. You have the ability to accept or decline cookies. Most web browsers automatically accept cookies, but you can usually modify your browser setting to decline cookies if you prefer. To change your browse settings you should go to your advanced preferences.
- 4.4 We are required to obtain your consent to use cookies. If you continue to use the Site having seen the notice on the Site then we assume you are happy for us to use cookies.

4.5 If you choose not to accept the cookies, this will not affect your access to the majority of information available on our Site. However, you will not be able to make full use of our online services.

4.6 An Internet Protocol (IP) address is a number assigned to your computer by your Internet Service Provider (ISP), so you can access the Internet. We may use your IP address to diagnose problems with our server, report aggregate information, and determine the fastest route for your computer to use in connecting to our Site, and to administer and improve the Site.

## 5. Reasons why we process your personal data

5.1 We will use your information to:

5.1.1 ensure that the content of the Site is presented in the most effective manner for you and for your device;

5.1.2 provide our Journal to members and Newsletter and e-news to members and others;

5.1.3 provide information about events and provide booking for events, including events and other activities related to specialised or particular interests such as our Historic Landscape Project and our Repton Celebration projects and in relation to Campaigns;

5.1.4 assist in making general improvements to our services;

5.1.5 carry out and administer any obligations arising from any agreements entered into between you and us;

5.1.6 contact you and notify you about changes to our services or the services we offer, subject to the Privacy and Electronic Communications Regulations (except where you have asked us not to do this);

5.1.7 analyse how our services are used and to identify trends;

5.1.8 administer our Service and for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes.

5.2 We may also use aggregated, anonymised data which includes personal data you have supplied to sell advertising space on the Site or market services to other users.

## 6. Data Retention

6.1 Our current data retention policy is to delete or destroy (to the extent we are able to) the personal data we hold about you in accordance with the following:

<i>Category of personal data</i>	<i>Length of retention</i>
Health and safety records (e.g. an accident book) being held at physical premises	At least 10 years

Records relevant for tax purposes	8 years from the end of the tax year to which the records relate
Personal data processed in relation to a contract between you and us	7 years from either the end of the contract or the date you last used our Service, being the length of time following a breach of contract in which you are entitled to make a legal claim
Personal data held on marketing or business development records	3 years from the last date on which a data subject has interacted with us
Personal data resulting from registration to use a Forum on the site	2 years from the last use of a Forum.

6.2 For any category of personal data not specifically defined in this Notice, and unless otherwise specified by applicable law, the required retention period for any personal data will be deemed to be 7 years from the date of receipt by us of that data.

6.3 The retention periods stated in this Notice can be prolonged or shortened as may be required (for example, in the event that legal proceedings apply to the data or if there is an on-going investigation into the data).

6.4 We review the personal data (and the categories of personal data) we are holding on a regular basis to ensure the data we are holding is still relevant to our business and is accurate. If we discover that certain data we are holding is no longer necessary or accurate, we will take reasonable steps to correct or delete this data as may be required.

6.5 If you wish to request that data we hold about you is amended or deleted, please refer to clause 8 below, which explains your privacy rights.

## 7. **Sharing your information**

7.1 We do not disclose any information you provide to any third parties other than as follows:

7.1.1 where you have opted to share any of your content with any other user of the Service or third party, you authorise us to deliver that content via email, SMS or other electronic messaging or communication system;

7.1.2 where information such as home and email addresses are passed to The Lavenham Press Ltd who provide technical support or other services in the provision of our Service, particularly with regard to all support services regarding membership;

7.1.3 where we carry out research to gain an insight into the use of our services, the results of this research (but not your personal data itself) may be transferred to interested third parties;

- 7.1.4 if we are under a duty to disclose or share your personal data in order to comply with any legal obligation (for example, if required to do so by a court order or for the purposes of prevention of fraud or other crime);
  - 7.1.5 in order to enforce any terms and conditions or agreements for our Services that may apply;
  - 7.1.6 to protect our rights, property and safety, or the rights, property and safety of our users or any other third parties. This includes exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction.
- 7.2 Other than as set out above, we shall not disclose any of your personal information unless you give us permission to do so. If we do supply your personal information to a third party we will take steps to ensure that your privacy rights are protected and that third party complies with the terms of this notice.

## **8. Security**

- 8.1 We will take all reasonable steps to ensure that appropriate technical and organisational measures are carried out in order to safeguard the information we collect from you and protect against unlawful access and accidental loss or damage. These measures may include (as necessary):
- 8.1.1 protecting our servers by both hardware and software firewalls;
  - 8.1.2 locating our data processing storage facilities in secure locations;
  - 8.1.3 encrypting all data stored on our server with an industry standard encryption method that encrypts the data between your computer and our server so that in the event of your network being insecure no data is passed in a format that could easily be deciphered;
  - 8.1.4 when necessary, disposing of or deleting your data so it is done so securely;
  - 8.1.5 regularly backing up and encrypting all data we hold.
- 8.2 We will ensure that our employees are aware of their privacy and data security obligations. We will take reasonable steps to ensure that the employees of third parties working on our behalf are aware of their privacy and data security obligations.
- 8.3 This notice and our procedures for handling personal data will be reviewed as necessary.
- 8.4 Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of your data transmitted to the Site; any transmission is at your own risk. Once we have received your information, we will use the strict procedures and security features referred to in this clause to try to prevent unauthorised access.

## 9. Your privacy rights

9.1 The GDPR gives you the following rights in respect of personal data we hold about you:

<i>The right to be informed</i>	You have a right to know about our personal data protection and data processing activities, details of which are contained in this notice.
<i>The right of access</i>	You can make what is known as a Subject Access Request (“SAR”) to request information about the personal data we hold about you (free of charge, save for reasonable expenses for repeat requests). If you wish to make a SAR please contact us as described below.
<i>The right to correction</i>	<p>Please inform us if information we hold about you is incomplete or inaccurate in any way and we will update our records as soon as possible, but in any event within one month.</p> <p>We will take reasonable steps to communicate the change to any third parties to whom we have passed the same information.</p>
<i>The right to erasure (the ‘right to be forgotten’)</i>	<p>Please notify us if you no longer wish us to hold personal data about you (although in practice it is not possible to provide our Service without holding your personal data). Unless we have reasonable grounds to refuse the erasure, on receipt of such a request we will securely delete the personal data in question within one month.</p> <p>The data may continue to exist in certain backup, but we will take steps to ensure that it will not be accessible.</p> <p>We will communicate the erasure to any third parties to whom we have passed the same information.</p>
<i>The right to restrict processing</i>	You can request that we no longer process your personal data in certain ways, whilst not requiring us to delete the same data.
<i>The right to data portability</i>	You have right to receive copies of personal data we hold about you in a commonly used and easily storable format (please let us know a format which suits you). You may also request that we transfer your personal data directly to third party (where technically possible).
<i>The right to object</i>	Unless we have overriding legitimate grounds for such processing, you may object to us using your personal data for direct marketing purposes (including profiling) or for research or statistical purposes. Please notify your objection to us and we will gladly cease such

	processing.
<i>Right to withdraw consent</i>	If we are relying on your consent as the basis on which we are processing your personal data, you have the right to withdraw your consent at any time. Even if you have not expressly given your consent to our processing, you also have the right to object (see above).

9.2 All SARs and other requests or notifications in respect of your above rights must be sent to us in writing to: The Administrator, The Gardens Trust, 70 Cowcross Street, London, EC1M 6EJ or by email to: enquiries@thegardenstrust.org.

9.3 We will endeavour to comply with such requests as soon as possible but in any event we will comply within one month of receipt (unless a longer period of time to respond is reasonable by virtue of the complexity or number of your requests).

## 10. Data Breaches

10.1 If personal data we hold about you is subject to a breach or unauthorised disclosure or access, we will report this to the Information Commissioner's Office (ICO) and/or our data protection officer (if one has been appointed).

10.2 If a breach is likely to result in a risk to your data rights and freedoms, we will notify you as soon as possible.

## 11. Other websites

11.1 Our Site may contain links and references to other websites. Please be aware that this notice does not apply to those websites.

11.2 We cannot be responsible for the privacy policies and practices of sites that are not operated by us, even if you access them via the Site and/or any other service that is operated by us. We recommend that you check the policy of each site you visit and contact its owner or operator if you have any concerns or questions.

11.3 In addition, if you came to this Service via a third party site, we cannot be responsible for the privacy policies and practices of the owners or operators of that third party site and recommend that you check the policy of that third party site and contact its owner or operator if you have any concerns or questions.

## 12. Transferring your information outside Europe

12.1 As part of the services offered to you the information you provide to us may be transferred to, processed and stored at, countries or international organisations outside of the EEA.

We may also share information with other equivalent national bodies, which may be located in countries worldwide. These countries may not have similar data protection laws to the UK.

- 12.2 If we transfer your information outside of the EEA in this way, and the third country or international organisation in question has not been deemed by the EU Commission to have adequate data protection laws, we will provide appropriate safeguards and we will be responsible for ensuring your privacy rights continue to be protected as outlined in this notice. If you would like to obtain details of the safeguards we have put in place then please contact us at: The Administrator, The Gardens Trust, 70 Cowcross Street, London, EC1M 6EJ.
- 12.3 If you use our Service while you are outside the EEA, your information may be transferred outside the EEA in order to provide you with those services.
- 12.4 By submitting your personal information to us you agree to the transfer, storing or processing of your information outside the EEA in the manner described above.

### **13. Notification of changes to the contents of this notice**

We will post details of any changes to our policy on the Site and the Apps to help ensure you are always aware of the information we collect, how we use it, and in what circumstances, if any, we share it with other parties.

### **14. Policy towards children**

The Service is not intended for and should not be accessed by individuals under 16. Our policy is not to intentionally or knowingly collect, process, maintain or use personal information from any individual under the age of 16.

### **15. Contact us**

If at any time you would like to contact us with your views about our privacy practices, or with any enquiry or complaint relating to your personal information or how it is handled, you can do so via the following address: The Administrator, The Gardens Trust, 70 Cowcross Street, London, EC1M 6EJ or by email: [enquiries@thegardenstrust.org](mailto:enquiries@thegardenstrust.org).

If we are unable to resolve any issues you may have or you would like to make a further complaint, you can contact the Information Commissioner's Office by visiting <http://www.ico.org.uk/> for further assistance.