

# Elmwood Privacy Policy

Elmwood Design Limited ("Elmwood")

34 Bow Street, London, WC2E 7AU

Company Number 02360152

Date: 31st August, 2022

## 1 INTRODUCTION

### 1.1 Important information and who we are

Welcome to Elmwood's Privacy and Data Protection Policy ("**Privacy Policy**").

At Elmwood ("**we**", "**us**", or "**our**") we are committed to protecting and respecting your privacy and Personal Data in compliance with the United Kingdom General Data Protection Regulation ("**GDPR**"), the Data Protection Act 2018 and all other relevant and applicable laws and regulations of the United Kingdom.

This Privacy Policy explains how we collect, process and keep your data safe. The Privacy Policy will tell you about your privacy rights, how the law protects you, and informs our employees and staff members of all their obligations and protocols when processing data.

The individuals from which we may gather and use data in the context of this website are:

- Vendors/Suppliers;
- Clients;
- Website visitors; and

any other people that the organisation has a relationship with or may need to contact.

This Privacy Policy applies to personal data processed by us during your visit to this website.

### 1.1 Who is Your Data Controller

As your Data Controller, Elmwood will determine the purposes for which and the manner in which any Personal Data is processed. Additionally, Elmwood will be responsible for your personal data as well as compliance with data protection principles.

Address:

Elmwood Design Limited,  
34 Bow Street,

London, WC2E 7AU

Privacy Contact Email: [privacy@elmwood.com](mailto:privacy@elmwood.com)

ICO Registration Number: Z6030395

Any inquiries about your data should be sent to the above email. It can also be sent directly to the company, if you prefer, in a letter to the listed address. We cannot guarantee prompt responses if physical mail is your chosen method of communication.

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

## 1.2 Elmwood's Processing as a Controller, and Processors' responsibility to you - the visitor

While managing our responsibilities as a Data Controller, we have third party providers who will deal with your data on our behalf (known as "**Processors**"). The responsibilities described below may be assigned to a processor, or may be taken to apply to the organisation as a whole. The Data Controller and our Processors have the following responsibilities:

- Ensure that all processing of Personal Data is governed by one of the legal bases laid out in the GDPR (see section 2 below for more information on those bases);
- Ensure that Processors authorised to process Personal Data have committed themselves to confidentiality or are under an appropriate statutory obligation of confidentiality;
- Implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk associated with the processing of Personal Data;
- Obtain the prior specific or general authorisation of the Controller before engaging another Processor;
- Assist the Controller in the fulfilment of the Controller's obligation to respond to requests for exercising the data subject's rights;
- Make available to the Controller all information necessary to demonstrate compliance with the obligations laid down in the GDPR and allow for and contribute to audits, including inspections, conducted by the Controller or another auditor mandated by the Controller;
- Maintain a record of all categories of processing activities carried out on behalf of a Controller;
- Cooperate, on request, with the supervisory authority in the performance of its tasks;
- Ensure that any person acting under the authority of the Processor who has access to Personal Data does not process Personal Data except on instructions from the Controller; and Notify the Controller without undue delay after becoming aware of a Personal Data Breach;

## 2 LEGAL BASIS FOR DATA COLLECTION

### 2.1 Types of Data / Privacy Policy Scope

**"Personal Data"** means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We collect, use, store and transfer different kinds of Personal Data about you which we have grouped together below. Not all of the following types of data will necessarily be collected from you, but this is the full scope of data that we collect and when we collect it from you:

- Contact Data via contact form: This covers any data relating to your phone number, addresses, email addresses and any personal data you provide in the body of your message.
  - Legal basis: Legitimate interest.
- Marketing and Communications Data: This is your preferences in receiving marketing information and other information from us for our marketing newsletters. It will include your name & email address.
  - Legal basis: Consent.
- Job application data: containing information such as your name, location, email, cv data and cover letter, we use this to decide if you are a suitable candidate for the role you have applied for.
  - Legal basis: Contract, legal obligation for any adjustment data covered by the Equality Act 2010, sensitive data will be processed according to Article 9(2)(b).
- Technical Data: This is your IP address, browser type and version, time zone setting and location, operating system and platform, and other technology on the devices you use to engage with us. This is used for the purpose of analytics, with your consent, as well as to improve site functionality.
  - Legal basis: Legitimate interest, consent.
- Client business data: This is likely to be contact information, business email address and phone number.
  - Legal basis: Contract.

For further information on the legal bases and what they mean, please refer to section 2.2 below.

During the course of our normal business activities Elmwood will not collect any special categories of Personal Data according to the UK GDPR.

Elmwood will access and use your personal data only for the purposes for which you have submitted it to us to (a) provide information to you, (b) make contact with you, (c) provide services to you, or (d) maintain the operations and security of the website and services we provide to you. We will not use your personal information for any other purposes, for example for the communication of marketing materials, unless we have your specific consent that permits us to do so.

## 2.2 Legal Bases Explained

There are several justifiable reasons under the UK GDPR that allow the collection and processing of Personal Data. The main bases we rely upon are the following:

- **"Consent"**: Certain situations allow us to collect your Personal Data, such as when

you tick a box that confirms you are happy to receive email newsletters from us, or 'opt in' to a service.

- **“Contractual Obligations”**: We may require certain information from you in order to fulfil our contractual obligations and provide you with the promised service.
- **“Compliance with legal obligations”**: Organisations occasionally have to process data in order to comply with legal regulations and legal & regulatory requirements.
- **“Legitimate Interest”**: We might need to collect certain information from you to be able to meet our legitimate interests - this covers aspects that can be reasonably expected as part of running our business, that will not have a material impact on your rights, freedom or interests. Examples could be your address, so that we know where to deliver something to, or your name, so that we have a record of who to contact moving forwards. When legitimate interest is relied upon, Elmwood will conduct a Legitimate Interest Assessment (LIA) to validate the processing is not considered unfair or infringing on the data protection rights of any individuals we work with.

### 3 HOW WE USE YOUR PERSONAL DATA

#### 3.1 Sources of Data

We primarily obtain the data from you (including via the devices you use) while visiting the site. If we do not collect the personal data directly from you, we will also tell you the source of the personal data and, if applicable, whether it is sourced from publicly available sources.

#### 3.2 Recipients, or Categories of Recipients, of the Personal Data

When processing your data, we work with service providers who have access to your data. The categories of recipients are as follows:

- software companies that enable us to provide our services, help us to improve them and/or serve us for marketing purposes (for example, to send newsletters, emails, manage customer contacts or applications);
- public bodies and administrations to the extent that we are legally obliged to do so;
- payment service providers;
- hosting providers;
- social media platforms; and
- service companies, such as tax advisors or lawyers.

Purpose	Third parties involved
Email marketing	Hubspot CRM
Web hosting	Cloudflare
Ads/targeting	Google Analytics
External platform content	
Applicant Tracking	Sapling

For the purposes of fulfilling the contract, we may also disclose your personal data to anyone to whom we assign rights arising from the contractual relationship with you. In these instances, you will be directly informed.

### 3.3 Marketing and Content Updates

You will receive marketing and new content communications from us if you opt into receiving those communications. We may make suggestions and recommendations to you about goods or services that may be of interest to you, but only if we have a reasonable expectation that you would benefit from or be interested in these services in line with the PECR. The lawful basis for this processing is legitimate interest, and a complementary legitimate interest assessment will be conducted when required.

### 3.4 Change of Purpose

We will only use your Personal Data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your Personal Data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your Personal Data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## 4 YOUR RIGHTS AND HOW YOU ARE PROTECTED BY US

### 4.1 What Rights Do I Have Over Elmwood's Use Of My Personal Data?

As a data subject under the UK GDPR, you may have the right in law to:

- Information, in accordance with Art. 15 UK GDPR,
- Rectification, in accordance with Art. 16 UK GDPR,
- Data erasure ("right to be forgotten"), in accordance with Art. 17 UK GDPR,
- Limitation of processing, pursuant to Art. 18 UK GDPR,
- Data portability, according to Art. 20 UK GDPR and/or
- Objection to the processing, pursuant to Art. 21 UK GDPR.

To exercise these rights, you can send an email to us at any point at the following email address: [privacy@elmwood.com](mailto:privacy@elmwood.com).

We will handle any request to exercise these rights in accordance with the relevant laws, but please note that these rights may not be absolute. Elmwood may refuse or deny a request in accordance with these rules, though where possible you will be informed why this is happening.

You will not have to pay a fee to access your Personal Data (or to exercise any of the other rights). However, if your request is clearly unfounded, we could refuse to comply with your request.

We may also need to request specific information from you to help us confirm your identity and ensure you have the right to access your Personal Data (or to exercise any of your 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 you for further information in relation to your request to speed up our response

#### 4.2 Information On The Right To Object Pursuant To Article 21 (4) UK GDPR

You have the right to object at any time, to the processing of personal data concerning you which is carried out on the basis of Article 6(1)(e) or (f) of the UK GDPR; this also applies to profiling based on these provisions. We will no longer process the personal data unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing serves the assertion, exercise, or defence of legal claims.

If your personal data is processed for the purpose of direct marketing, you have the right to object at any time to the processing of personal data concerning you for the purpose of such marketing; this also applies to profiling that is related to direct marketing.

#### 4.3 How Does Elmwood Protect Customers' Personal Data?

We are concerned with keeping your data secure and protecting it from inappropriate disclosure. Any Personal Data collected by us is only accessible by a limited number of employees who have special access rights to such systems and are bound by obligations of confidentiality. When we use subcontractors to store your data, we will not relinquish control of your Personal Data or expose it to security risks that would not have arisen had the data remained in our possession.

However, unfortunately no transmission of data over the internet is guaranteed to be completely secure. It may be possible for third parties not under the control of Elmwood to intercept or access transmissions or private communications unlawfully. While we strive to protect your Personal Data, we cannot ensure or warrant the security of any Personal Data you transmit to us. Any such transmission is done at your own risk. If you believe that your interaction with us is no longer secure, please contact us at [privacy@elmwood.com](mailto:privacy@elmwood.com).

#### 4.4 Opting Out Of Marketing Promotions

You can ask us to stop sending you marketing messages at any time by unsubscribing.

Where you opt out of receiving these marketing messages, we will continue to retain other Personal Data provided to us as a result of interactions with us not related to your marketing preferences.

## 5 YOUR DATA AND THIRD PARTIES

### 5.1 Will We Share Your Data With Third Parties?

We share non-Personal Data with third parties. We may share your Personal Data with subcontractors when necessary and with your consent. The sub-contractors are also subject to our confidentiality obligations to use it only for the purposes for which we disclose it to them and pursuant to our instructions.

We may also share Personal Data with interested parties in the event that Elmwood anticipates a change in control or the acquisition of all or part of our business or assets or with interested parties in connection with the licensing of our technology.

If Elmwood is sold or makes a sale or transfer, we may, in our sole discretion, transfer, sell or assign your Personal Data to a third party as part of or in connection with that transaction. Prior to such transfer, you will be provided with the appropriate Article 13/14 notice, and if consent is the lawful basis for processing your data we will contact you to renew this consent. In all other situations your data will still remain protected in accordance with this Privacy Policy.

We may share your Personal Data at any time if required for legal reasons or in order to enforce our terms or this Privacy Policy.

#### 5.2 Is my data shared with anyone else?

Elmwood is a part of the MSQ Partners Limited group of companies. MSQ is a group of controlled undertakings which, in accordance with the UK GDPR Art. 4 (19), Recital 37 + 48, allow for a legitimate interest in sharing certain personal data within the group. This data sharing is limited to what is necessary, and primarily applies to your application to a job position at Elmwood. Your data will not be shared with other agencies within the group or with no purpose. If your data is to be shared, you will be provided with notice.

#### 5.3 Third-Party Links

This Site 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 about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our Site, we encourage you to read the privacy policy of every website you visit.

## 6 HOW LONG WILL WE KEEP YOUR DATA?

We store your personal data only as long as it is necessary to achieve the purpose of processing. In most normal cases, we store your data if you have consented to the processing until you revoke your consent. If we need the data to perform a contract, we retain the data for as long as the contractual relationship with you exists. If we use the data on the basis of a legitimate interest, we will retain your data for as long as your interest in deletion or anonymization does not prevail. Elmwood maintains a retention policy and schedule to ensure that data is not kept longer than is necessary.

In addition, data may be stored beyond the outlined periods in certain rare circumstances where data must be kept in order to exercise legal rights or to comply with other legal obligations. In these cases, the data is deleted when a storage or retention period prescribed by law expires.

We store applicant documents for a period of six months if the application does not lead to an

employment relationship and no further storage has been agreed.

## 7 **APPLYING FOR A JOB AT ELMWOOD**

When applying for a job at Elmwood, you will be redirected to our Application Tracking System, and we have a privacy policy created specifically for that page which will answer any questions you may have related to your application.

## 8 **Cookies**

This Company website uses cookies to record log data. We use both session-based and persistent cookies, dependent upon how you use or interact with this website.

Cookies are small text files sent by us to your computer, and from your computer or mobile device to us each time you visit our website. They are unique to you or your web browser. Session-based cookies last only while your browser is open and are automatically deleted when you close your browser session. Persistent cookies last until you or your browser delete them, or until they expire.

We use cookies which are not specific to your account but are unique and allow us to undertake website analytics and customization, among other similar things. If you decide to disable some or all cookies, you may not be able to use some of the functions on our website. We use third-party cookies, for example Google Analytics, and you may choose to opt-out of third party cookies by visiting their website.

Please view our [cookies page](#) for further information.

## 9 **INTERNATIONAL DATA TRANSFERS**

There is a transfer of data to third countries outside of the United Kingdom and European Union. Information we collect from you could be processed in the United States or other third countries. Some third countries, such as the United States, have not currently received an adequacy decision from the European Union or UK under Article 45 of the GDPR which means that your data may not receive the same level of protection there as it does under the UK GDPR and European GDPR.

International data transfers are made based on contractual and other guaranteed safeguards provided for by law, which are intended to ensure adequate protection of your data and which you can view on request. We rely on the rules set out in Article 49 of the GDPR or, where applicable, on safeguards pursuant to Article 46 of the GDPR. We, and our processors, strive to apply appropriate measures to protect the privacy and security of your personal data. For this reason, we only process your personal data in accordance with the practices described in our Privacy Policy.

## 10 **YOUR US PRIVACY RIGHTS**

Elmwood operates an office in the United States, and if you are a visitor from certain states you may have data privacy rights.

**California - CCPA & CPRA**



Under California law, California residents are entitled to ask us for a notice identifying the categories of personal customer information that we share with certain third parties for marketing purposes, and providing contact information for such third parties. This information is available above, but if you would like it in more detail please submit a written request to us via email at [privacy@elmwood.com](mailto:privacy@elmwood.com). You must put the statement "Your California Privacy Rights" in your request and include your name, street address, city, state, and ZIP code. We are not responsible for notices that are not labeled or sent properly, or do not have complete information.

California has passed a law called the California Consumer Privacy Act (CCPA). If the CCPA is applicable to you, you have the right to:

1. know the categories of personal information collected about you in the prior 12 months and its sources and business purpose;
2. know whether your personal information is sold or disclosed, and to whom, in prior 12 months;
3. if "sale" of info, right to opt out of the sale of your personal information;
4. access and then delete your personal information (subject to exceptions); and
5. equal service and price (non-discrimination) if you exercise your privacy rights.

"Personal Information" is defined to include information that identifies, relates to, describes, or is capable of being associated with a particular consumer or household. This includes (among other types of personal information) IP addresses, geolocation data, biometric information, and "unique identifiers" such as device and cookie IDs, Internet activity information like browsing history, commercial information such as products or services purchased or consuming histories or tendencies, and characteristics concerning an individual's race, color, sex (including pregnancy, childbirth, and related medical conditions), age (40 or older), religion, genetic information, sexual orientation, political affiliation, national origin, disability or citizenship status. Inferences drawn from personal information "to create a profile about a consumer reflecting the consumer's preferences, characteristics, psychological trends, preferences, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes" are also considered "personal information."

Contact us at [privacy@elmwood.com](mailto:privacy@elmwood.com) to exercise your CCPA rights.

**Request for Erasure.** For identity verification purposes, we requires anyone submitting an erasure request to submit the subject's full name, email address, and home address related to the subject's Elmwood communications or relationship. We rely upon this information to ensure the information on the correct individual is removed.

**Do Not Sell My Information.** We take your privacy seriously. We do not sell our members information. We are not a data broker.

If you are a California resident, you can request information regarding the disclosure, if any, of your personal information by us to third parties for the third parties' direct marketing purposes. To make such a request, please send an email to [privacy@elmwood.com](mailto:privacy@elmwood.com), subject line: CCPA Request.

## **Nevada**

You may review and request changes to your information or opt-out of the sale of your personal information at [privacy@elmwood.com](mailto:privacy@elmwood.com).

obliged to inform you of drastic changes, you will receive an email detailing these changes. For contact information, please refer to section 1.1 of this policy.

Date: 31st August, 2022