

# Privacy Policy

This privacy policy (“**Privacy Policy**”) applies to personal data that we collect from you as a customer (“**you**” or “**your**”). It provides information on what data we collect, why we collect the data, how it is used and the lawful basis on which your personal data is processed, and what your rights are under the applicable data protection and privacy laws, including the General Data Protection Regulation (“**GDPR**”).

## 1. WHO ARE WE

We are Rebecca Holmes Photography, 20 Madderfield Mews, Linlithgow, EH49 7HB. We are the data controller responsible for your personal data.

## 2. WHAT DO WE COLLECT

We collect and process the following information provided by you in the course of your initial enquiry and the formation, operation and conclusion of our contract for photography services

- **Personal information:** This includes your name, address, e-mail address; phone number; gender and date of birth; country, as well as the names, dates of birth, gender and other details about your family members and other participants in a photography session, together with and other information that you elect to provide to us.
- **Payment Information:** Information about your debit/credit card and bank account information provided by you to our payment service providers, that we require for the purpose of processing payment for our goods and services.
- **Other Information:** Personal details you choose to give when corresponding with us by phone or e-mail or visit our studio.

In providing our services we create photographs which may identify you, your family members and other participants and that may be considered personal data. Our photographs may be produced in print and digital format. You are responsible for ensuring that all participants in a photograph session have been provided with a copy of this privacy policy.

Personal data will be processed in order to perform our contract with you, fulfil legal obligations and for legitimate interests, as described below.

## 3. HOW WE USE YOUR PERSONAL INFORMATION

We use your personal information in the following ways:

- to provide you with our services and to create and deliver the products you have requested and contact you regarding your use of the services. Such use is necessary to respond to or implement your request and for the performance of the contract between you and us.
- as necessary for certain legitimate business interests, which include the following:
  - where we are asked to deal with any enquiries or complaints you make;
  - to provide postal communications which we think will be of interest to you;
  - if you ask us to delete your data or to be removed from our marketing lists and we are required to fulfil your request, to keep basic data to identify you and prevent further unwanted processing; and

- to (a) comply with legal obligations, (b) respond to requests from competent authorities; (b) protect our operations; (c) protect our rights, safety or property, and/or that of our affiliated businesses, you or others; and (d) enforce or defend legal rights, or prevent damage.
- With your consent, we may use your photographs to promote and advertise our business, including (a) in our studio and in our printed publications, presentations, promotional materials (including leaflets, brochures, stickers, bookmarks, posters, factsheets, calendars); (b) on our website and other digital advertising of our services; and (c) in social media forums such as Instagram, Pinterest and Facebook.
- We may provide you with information about goods or services, events and other promotions we feel may interest you. We will contact you by email only with your consent, if this was given at the time you provided us with the personal data.

We may use your personal data for other reasons compatible with the purposes of the data processing outlined in this Privacy Policy. There may be other occasions where personal data is processed for unrelated purposes which will be explained at that time upon notice to you. If required, we will ask for your consent to any such further processing.

As used in this Privacy Policy, “legitimate interests” means our interests in conducting and managing our business and fulfilling our obligations under our contract with you. This Privacy Notice describes when we process personal data for those legitimate interests, what these interests are and your rights. When we process your personal data for our legitimate interests, we make sure to consider and balance any potential impact on you, and your rights under data protection laws. Our legitimate interests do not automatically override your interests. We will not use your personal data for activities where our interests are overridden by the impact on you, unless we have your consent or those activities are otherwise required or permitted to by law. You have the right to object at any time to processing of your personal data that is based on our legitimate interests, on grounds relating to your particular situation (for more information on your rights, please see “Your Data Protection Rights” section below).

You acknowledge and agree that where provision of personal data is necessary to ensure compliance with legal obligations or to perform our contract with you, failure to provide relevant personal data for the abovementioned purposes may prevent us providing our goods and services to you.

#### 4. DISCLOSURE OF YOUR INFORMATION

We share your personal data with third parties in the following situations:

- **Service Providers:** we sometimes engage selected third parties who act on our behalf to support our operations, such as (i) card processing or payment services (see the section below headed “Payment Information”), (ii) IT suppliers and contractors (e.g. data hosting providers or delivery partners) as necessary to provide IT support and enable us to provide our goods/services, and (iii) providers of specialist services, including retouching, printers, framers and book binders. Pursuant to our instructions, these parties may access, process or store your personal data in the course of performing their duties to us and solely in order to perform the services we have hired them to provide.
- **Business Transfers:** if we sell our business or our company assets are acquired by a third-party personal data held by us about our customers may be one of the transferred assets.
- **Administrative and Legal Reasons:** if we need to disclose your personal data (i) to comply with a legal obligation and/or judicial or regulatory proceedings, a court order or other legal process. (ii) to enforce our Terms & Conditions or other applicable contract terms that you are subject to; (iii) to protect us, our members or contractors against loss or damage. This may include (without limit) exchanging information with the police, courts or law enforcement organisations.

#### 5. PAYMENT INFORMATION

Any credit/debit card payments and other payments you make will be processed by our third-party payment providers and the payment data you submit will be securely stored and encrypted by our payment service providers using up to date industry standards. Please note that we do not ourselves directly process or store the debit/credit card data that you submit.

We store and use this card or payment information for the purpose of processing any future payments that you make for additional goods and services. We will store this data in accordance with our legal obligations under applicable law and only for so long as legally permitted.

You may choose to opt out of us holding your card or payment data although this means that you will need to re-supply us with card/payment details for the purpose of making any future purchases.

## 6. DATA TRANSFERS

Your personal data will be transferred to and stored in countries other than the country in which the information was originally collected, including the United States and other destinations outside the European Economic Area (“**EEA**”) to our service providers for the purposes described above.

Please note that the countries concerned may not provide the same legal standards for protection of your personal data that you have in the United Kingdom or EEA. Where we transfer your personal data to countries outside of the EEA we will take all steps to ensure that your personal data continue to be protected. We will implement appropriate safeguards for the transfer of personal data to our service providers in accordance with the applicable law, such as relying on our service providers’ Privacy Shield certification or implementing standard contractual clauses for data transfers. If you would like to receive more information on the safeguards that we implement, including copies of relevant data transfer contracts, please contact us as indicated below.

## 7. DATA RETENTION

Personal data will not be held for longer than necessary with regard to the purposes of the data processing outlined in this Privacy Policy, subject to any retention periods provided by applicable laws and regulations. We apply criteria to determine the appropriate periods for retaining personal data depending on its purpose, nature, and sensitivity and any retention periods provided by applicable laws and regulations. For example, we retain your personal data for two years after your photography session and we retain digital files of your photographs for two years. When you consent to receive marketing communications, we will keep your data until you unsubscribe. Upon expiry of the applicable retention period we will securely destroy your personal data in accordance with applicable laws and regulations.

## 8. YOUR DATA PROTECTION RIGHTS

Certain applicable data protection laws give you specific rights in relation to your personal data. In particular, you have the following rights in relation to your personal data:

- **Right of access:** If you ask us, we will confirm whether we are processing your personal data and, if so, provide you with a copy of that personal data along with certain other details.
- **Right to rectification:** If your personal data is inaccurate or incomplete, you are entitled to ask that we correct or complete it. If we shared your personal data with others, we will tell them about the correction where possible.
- **Right to erasure:** You may ask us to delete or remove your personal data, such as where our legal basis for the processing is your consent and you withdraw consent. We may continue processing personal data where this is necessary for a legitimate interest in doing so, as described in this Privacy Policy.
- **Right to restrict processing:** You may ask us to restrict or ‘block’ the processing of your personal data in certain circumstances, such as where you contest the accuracy of the data or object to us processing it. We will tell you before we lift any restriction on processing.

- **Right to data portability:** You have the right to obtain your personal data from us that you consented to give us or that was provided to us as necessary in connection with our contract with you. We will give you your personal data in a structured, commonly used and machine-readable format. You may reuse it elsewhere.
- **Right to object:** You may ask us at any time to stop processing your personal data on grounds relating to your particular situation, and we will do so:
  - If we are relying on a legitimate interest to process your personal data -- unless we demonstrate compelling legitimate grounds for the processing or
  - If we are processing your personal data for direct marketing.
- **Right to withdraw consent:** If we rely on your consent to process your personal data, you have the right to withdraw that consent at any time. This will not affect the lawfulness of processing of your data before we received notice that you wished to withdraw your consent.
- **Right to lodge a complaint with the data protection authority:** If you have a concern about our privacy practices, including the way we handled your personal data, you can report it to the UK data protection authority (the Information Commissioner's Office or ICO), or, as the case may be, any other competent data protection authority of an EU member state that is authorised to hear those concerns (you may find EU Data Protection Authorities' contact information here).

If you wish to exercise any of these rights please contact us as described in the "Contact" section below. We may also need to ask you for further information to verify your identity before we can respond to any request.

## 9. CONTACT

Questions, comments or requests regarding this Privacy Policy should be addressed to Rebecca Holmes, [rebecca@rebeccaholmesphotography.com](mailto:rebecca@rebeccaholmesphotography.com).