

WHO is the CONTROLLER of your personal data?

Janice Gale (collectively referred to as "**we**", "**us**", or "**our**" in this privacy policy) is the controller of your personal data.

Our Contact Details:

If you have any questions about this privacy notice or our processing activities, we can be contacted by emailing us through our 'Email' link on the Website.

It is important that you read this privacy notice together with our Cookie Policy and our terms of use.

HOW and WHAT data do we collect about you?

We respect your privacy and are committed to protecting your personal data. This privacy notice describes how we look after your personal data when you:

- provide your contact details when you visit one of our pubs in order to assist the NHS Test and Trace and NHS Scotland Test and Protect programmes;
- visit our website ("**Website**");
- use social media profiles where you have agreed for data to be shared with us ("**Social Media Platforms**"); or
- generally engage with us including by contacting us via our Website, email or telephone with an enquiry, taking part in a competition or purchasing products or services from us ("**Engagement**").

Personal data, or personal information, means any information about an individual from which that person can be identified. We collect this information directly from you during any Engagement with you, as well as automatically through your use of our Website and indirectly from the third party providers of the Social Media Platforms or from third party marketing platforms. Depending on the nature of our interaction with you, we collect different categories of information about you from time to time which we have grouped together as follows:

Identity Data	name, username, title and place and date of birth and personal characteristics including age and gender
Contact Data	billing address, delivery address, email address and telephone numbers
Profile Data	preferences, feedback, survey responses and interests including activities noted on Social Media Platforms (for example, Facebook likes/groups)
Technical and Usage Data	information about how you use our products, services, Website and the Wifi Services such as internet protocol (IP) address, cookies, mobile device ID, any login data, browsing history, browser type and version, time zone setting and location,

	viewed pages with date and time stamp (log information), browser plug-in types and versions, operating system and platform and other technology on the devices you use to access our Website
Marketing and Communications Data	preferences in receiving communications and marketing from us
Location Data	GPS-based location information from your use of our Website, the Wifi Services or Social Media Platforms via your smartphone(s), tablet(s) or other devices

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 specific Website feature. 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 notice.

We do not process any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sexual orientation, political opinions, trade union membership, information about your health or genetic and biometric data). Nor do we process any information about criminal convictions and offences.

We do not knowingly collect personal data relating to children and have age verification processes on our Website and as part of the Wifi Services. Further, we do not market our products or services to anyone under the age of 18.

WHY do we collect your personal data?

We collect the above categories of personal data about you for the following purposes:

- To comply with the Government’s COVID-19 guidelines requiring the hospitality and leisure sector to collect contact details of visitors to their venues in order to assist the NHS Test and Trace and NHS Scotland Test and Protect programmes and help to contain the spread of COVID-19. We will only share details collected about you for this purpose with NHS Test and Trace or NHS Scotland Test and Protect if requested, and your details will not be shared or used for any other purpose;
- To communicate with you – this includes where we manage our relationship with you, where we respond to enquiries, where we invite you to events, or where we make suggestions to you about various products and services that you could benefit from;
- To maintain and optimise our Website – this includes where we need to solve performance issues, including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data, to improve the availability of the Website and to secure the Website against fraud;
- To protect our business and prevent or detect crime – this includes the use of CCTV;

- For data analytical purposes in order to improve our products/services, marketing, customer relationships and experiences;
- To improve our marketing strategies by creating profiled audience segments so that we can send relevant tailored offers and content, use data management platforms or receive information from Social Media Platforms; and
- To satisfy our legal obligations and to defend and exercise our legal rights.

We will only use your personal data for the purposes above, unless we reasonably consider that we have another appropriate reason and that reason is compatible with the original purpose. 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.

Further information on the circumstances in which we collect your data is available in Appendix 1 of this privacy notice.

What is our LEGAL BASIS for collecting your Data?

Under data protection laws, we must have a legal basis under which we process your personal data. When we collect and use your information, we do so under one of the following:

1. We have a legitimate interest as a business;
2. To perform a contract we have with you;
3. To comply with a legal obligation; or
4. If you have given us your consent.

Legitimate Interest as a business means conducting and managing our business to enable us to give you the best service and to promote and grow our business. 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 will not use your personal data for activities unless we have a compelling interest which is not overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law).

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

Compliance 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, such as anti-money laundering legislation.

With your consent, this can only be relied on by us as a legal basis for processing where your consent has been freely given, is unambiguous and clear (i.e. you have actively opted into a service we provide by ticking a box). If you provide us with your consent to process your data at any point on our Website or on a Social Media Platform, you can withdraw it at any time, and we will stop all processing activities that were based on consent as a legal basis for processing. Please note we may still process the data if we have another lawful basis for processing (in most instances, this will be for a more limited purpose e.g. back-up storage or to record a withdrawal).

Further information on the relevant purposes and linked legal basis are set out in Appendix 1 of this privacy notice.

Where we need to collect personal data due to a legal or regulatory obligation, or in relation to the performance of a contract, and you do not provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with goods or services). We will notify you of this at the time.

WHO do we share your personal data with?

In order to ensure that we provide the best service to you, we may from time to time have to share your personal data with the parties set out below for the purposes and on the legal basis as set out in the table in Appendix 1:

- **External third parties** – we share your personal data with third parties which include:

- NHS Test and Trace or NHS Scotland Test and Protect in connection with the collection of contact details at our pubs for COVID-19 contact tracing purposes;
- first and third party advertising companies and media agencies for marketing and research purposes;
- marketing agencies based within and outside the EEA and UK who provide promotional and prize fulfilment services on our behalf;
- our data storage provider(s) based within the EEA and UK who securely stores consumer data obtained through competitions on our behalf;
- third party providers of social media platforms (including Facebook);
- courts, parties to litigation and professional advisers where we reasonably deem it necessary in connection with the establishment, exercise or defence of legal claims;
- a purchaser or parties interested in purchasing any part of our business.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. Where third parties act as processors on our behalf, we only permit them to process your personal data for specified purposes and in line with our instructions.

International transfers

Our external third parties may be based outside the UK or the EEA. Whenever we transfer your personal data out of the UK or the EEA, we ensure that the same level of protection is afforded to it by ensuring at least one of the following safeguards are put in place:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission. For further details, see [European Commission: Adequacy of the protection of personal data in non-EU countries](#);
- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe. For further details, see [European Commission: Model contracts for the transfer of personal data to third countries](#); and
- Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between the Europe and the US. For further details, see [European Commission: EU-US Privacy Shield](#).

How SECURE is my data?

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 are subject to a duty of confidentiality.

Unfortunately, no transmission of information over the internet can be completely secure, and you should also note that the security of information depends in part on the security of the computer you use to communicate with us and the security you use to protect account information and passwords, so please take care to protect this information.

Our Website includes 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, plug-ins or applications and are not responsible for their privacy statements. We encourage you to read the privacy notice of every website you visit and third party service/application that you use.

How LONG will my personal data be used for?

We will only retain your personal data to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Further retention details for specific aspects of your personal data are noted in Appendix 1.

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

What MARKETING and PROFILING activities do we carry out?

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising. We may use your Identity Data, Profile Data, Technical and Usage Data

and Location Data to form a view on what we think you may want or what may be of interest to you and to understand your purchasing trends. This profiling activity is used as part of how we decide which products, services and offers may be relevant (we call this marketing).

You will receive tailored marketing communications from us if you have:

- requested information from us;
- purchased goods or services from us; and/or
- provided your details for the purposes entering a competition or registering for a promotion.

You will not receive marketing communications from us in any of the above scenarios if you have opted out of receiving that marketing. Where you have not opted out, you will only receive marketing communications from us in the above scenarios if the marketing is confined to online advertisements or marketing that is not direct to you. We will only send direct electronic marketing (e.g. via emails or SMS), where we have your express opt-in consent.

You can ask us, or third parties acting on our behalf, to stop sending you marketing messages at any time by emailing us through our 'Email' link on the Website. Where you opt out of receiving these marketing messages, we will no longer conduct any marketing unless you opt-in again at a later point. Please note that where we have another lawful basis for processing, we will continue to process personal data for other purposes – for example, we may process information provided to us in connection with an Engagement on the basis of contract necessity.

You can also set your browser or device to refuse all or some cookies including advertising cookies – please see our separate Cookie policy or more detail on this.

Please note that other than the profiling activities described here, we do not carry out any automated decision making processes which could have a legal or significant impact on you.

What are my RIGHTS?

Under certain circumstances, you have various rights in relation to your personal data under data protection laws. If you wish to exercise any of these rights, please email us through our 'Email' link on the Website.

You will not have to pay a fee to access your data or exercise any of your other rights, but please note that we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

In order to respond to any request in relation to your data access rights, we may need to request specific information from you to help us confirm your identity. We may also contact you to ask you for further information in relation to your request to speed up our response.

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

You have the right to:

Object to processing of your 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 your personal data for direct marketing purposes. In some cases we may demonstrate that we have compelling legitimate grounds to process your information which overrides your rights and freedoms.

You also have the right to:

- **Request access** to your personal data (commonly known as a "**data subject access request**"). This enables you to receive a copy of the personal data we hold about you;
- **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected;
- **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it, or where you have successfully exercised your right to object to processing (see box above);
- **Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your 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 as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it;
- **Request the transfer** of your personal data to you 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 you initially provided consent for us to use or where we used the information to perform a contract with you; and
- **Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain services to you. We will advise you if this is the case at the time you withdraw your consent.

You also 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). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance using the details at the start of this notice.

This version was last updated in July 2020.

Appendix 1

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest	Retention period
To collect your contact details in accordance with Government guidelines when you visit one of our pubs in order to assist the NHS Test and Trace and NHS Scotland Test and Protect programmes	<ul style="list-style-type: none"> • Identity • Contact Limited to first name, surname, telephone number, the date, time and name of the pub visit	Necessary for the legitimate interest of NHS Test and Trace and NHS Scotland Test and Protect in being able to carry out contact tracing effectively during the COVID-19 pandemic	21 days from the date of collection
Where we perform the contract we have in place with you for the purchase of products, including managing payments, fees and charges	<ul style="list-style-type: none"> • Identity • Contact • Financial and Transactional Data 	Performance of a contract with you; and To perform our legal obligations	After the duration of your contract with us has expired, our online sales records will be retained by us for 7 years or longer if required by tax or corporate bookkeeping
To manage our relationship with you and communicate with you, which may include: <ul style="list-style-type: none"> • responding to any specific requests made by you; • sending you newsletters or alerts that you have asked to receive; • notifying you about changes to our terms or privacy policy 	<ul style="list-style-type: none"> • Identity • Contact • Profile • Usage • Marketing and Communications 	Performance of a contract with you; and Necessary for our legitimate interests (for running our business)	Customer services will retain all information for 1 year from when the compliant/issue/incident is resolved If you no longer wish to receive any e-mails/alerts from us, you can unsubscribe at any time, and we will remove your email address within 30 days of receiving your unsubscribe notification, unless it requires to be retained for other purposes as listed in this privacy notice
To administer and protect our business and our Website (including troubleshooting, data	<ul style="list-style-type: none"> • Identity • Contact 	Necessary for our legitimate interests (for running our business, provision of	26 months from Website visit

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analysis, testing, system maintenance, support, reporting and hosting of data)	<ul style="list-style-type: none"> • Technical and Usage 	administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise); and Necessary to comply with a legal obligation	
To deter crime and ensure the personal safety and security of visitors and staff through the use of CCTV	<ul style="list-style-type: none"> • Identity 	Necessary for our legitimate interests (to protect the safety and security of visitors and staff and assist in criminal investigations)	Video footage will be retained for a limited time before it is automatically deleted. The retention of CCTV is determined by any specific requirements as specified by the local licensing authority in the premises licence, as well as the need to investigate health and safety incidents or criminal incidents, including in connection with any legal proceedings or requests from law enforcement authorities
To make suggestions and recommendations to you	<ul style="list-style-type: none"> • Contact 	Necessary for our legitimate interests (to	Data will be processed until an opt-out /

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about goods or services that may be of interest to you and to issue tailored marketing content and offers to you	<ul style="list-style-type: none"> • Profile • Technical and Usage • Marketing and Communications • Location 	maintain the relevance of our brand and reputation and to grow our business by issuing tailored offers); and Where required by privacy laws and for any direct marketing, consent	objection is received or consent is withdrawn as applicable, after which point it will be anonymised save that we will retain details of the opt-out/objection