

PRIVACY POLICY

1. Introduction

We are committed to safeguarding the privacy of our website visitors; this policy sets out how we will treat your personal data when you visit our website www.secretgardenkent.co.uk ("our website"), regardless of where you visit it from, and tells you about your privacy rights and how the law protects you. This privacy policy also applies to any personal data collected or received through means other than our website – for example via email, telephone, post or face-to-face contact.

We will ask you to consent to our use of cookies in accordance with the terms of this policy when you first visit our website. By using our website and agreeing to this policy, you consent to our use of cookies in accordance with the terms of this policy.

2. Purpose of the privacy policy

This privacy policy aims to give you information on how Secret Garden Enterprises Ltd collects and processes your personal data, including any data you may provide when (if applicable) you sign up to one or more newsletters or mailing lists, purchase a product or service, take part in a competition or survey or otherwise engage with us.

Our website is not intended for children and we do not knowingly collect data relating to children. If you are below 16 you must stop using our websites unless you have our express written consent to use it.

It is important that you read this privacy policy together with any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy policy supplements any such notices and is not intended to override them.

3. Privacy policy amendments

This version was last updated February 2021 We may update this policy from time to time by publishing a new version on our website.

You should check this page occasionally to ensure you are happy with any changes to this policy.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

4. Our details

Data Controller

This website is owned and operated by Secret Garden Enterprises Ltd

Our principal place of business Secret Garden, Mersham Le Hatch, Hythe Road, Ashford Kent TN25 6NH

You can contact us by writing to the business address given above, by using our website contact form, by email to info@secretgardenkent.co.uk or by telephone on +44(01233) 501586

Data Protection registration

We are registered as a data controller with the UK Information Commissioner's Office. 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). We would, however, appreciate the opportunity to deal with your concerns before you approach the ICO so please contact us in the first instance.

5. Third party websites

Our websites 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 websites, we encourage you to read the privacy policy/notice of every website you visit.

6. Types of personal information collected

Personal data, or personal information, 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 may collect, use, store and transfer different kinds of personal data about you which we have grouped together follows:

- **Identity Data** includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth, gender, job title and employer.
- **Contact Data** includes billing address, delivery address, email address and telephone numbers.
- **Financial Data** includes bank account and payment card details.
- **Transaction Data** includes details about payments to and from you and other details of products and services you have purchased from us.
- **Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access our websites.
- **Profile Data** includes your username and password, purchases or orders made by you, your interests, preferences, feedback and survey responses.
- **Usage Data** includes information about how you use our websites, products and services.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and your communication preferences.
- Any other personal information you choose to send us.

Aggregated Data

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. 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 policy.

We do not collect any Special Categories of Personal Data about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data) or any information about criminal convictions and offences unless it were to form part of a Third Party Vetting process.

If you fail to provide personal data

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to 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). In this case, we may have to cancel a product or service you have with us but we will notify you if this is the case at the time.

Personal data of third parties

Before you disclose to us the personal information of another person (for example a gift hamper recipient), you must obtain that person's consent to both the disclosure and the processing of that personal information in accordance with the terms of this policy.

7. How we collect your personal information

We use different methods to collect data from and about you including through:

Direct interactions.

You may give us your Identity, Contact and Financial Data by filling in forms or by corresponding with us by post, phone, email or otherwise, including face-to-face contact. This includes personal data you provide when you:

- obtain our products or services;
- create an account on our websites;
- subscribe to our service or publications;
- request marketing to be sent to you;
- enter a promotion or survey; or
- Third Party Vetting or Due Diligence Processes
- Provide us with feedback.

Automated technologies or interactions.

As you interact with our website, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, server logs and other similar technologies. We may also receive Technical Data about you if you visit other websites using our cookies.

Third parties or publicly available sources.

We may receive personal data about you from various third parties and public sources as set out below:

Technical Data from the following parties:

1. Analytics providers such as Google, some of whom are based outside the EEA;
2. Advertising networks, some of whom are based outside the EEA; and
3. Search information providers, some of whom are based outside the EEA.

Contact, Financial and Transaction Data from providers of technical, payment and delivery services, some of whom are based outside the EEA.

Identity and Contact Data from data brokers or aggregators, some of whom are based outside the EEA.

Identity and Contact Data from publicly available sources such as Companies House and the Electoral Register based inside the EEA.

Identity, Contact and Transaction Data from third party goods & services providers engaged by you and with whom we interact as part of our own contractual scope of work.

Social Media and Networking Apps or Sites.

8. Using your personal information

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.

Generally we do not rely on consent as a legal basis for processing your personal data other than in relation to sending direct marketing communications to you via email. You have the right to withdraw consent to marketing at any time by contacting us.

Purposes for which we will use your personal data

We have set out below, in a table format, a description of all the ways we may use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate. We may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please **Contact us** if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To register you as a new customer	(a) Identity (b) Contact	Performance of a contract with you
To process and deliver your order including: (a) Manage payments, fees and charges (b) Collect and recover money owed to us	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests (including to recover debts due to us)
To manage our relationship with you which will include: (a) Notifying you about changes to our terms or privacy policy (b) Asking you to leave a review or take a survey (c) Contacting you regarding re-order of goods and services on subsequent anniversaries or gifting occasions after we have supplied goods or services to you.	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services)
To enable you to take part in a prize draw, competition or complete a survey	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communication	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to study how customers use our products/services, to develop them and grow our business)
To administer and protect our business and our websites (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity (b) Contact (c) Technical	(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with a legal obligation
To deliver relevant website content and advertisements to you and measure or understand the	(a) Identity (b) Contact (c) Profile	Necessary for our legitimate interests (to study how customers use our products/services, to develop them, to grow

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
effectiveness of the advertising we serve to you	(d) Usage (e) Marketing and Communications (f) Technical	our business and to inform our marketing strategy)
To use data analytics to improve our websites, products/services, marketing, customer relationships and experiences	(a) Identity (b) Contact (c) Technical (d) Usage	Necessary for our legitimate interests (to define types of customers for our products and services, to keep our websites updated and relevant, to develop our business and to inform our marketing strategy)
To make suggestions and recommendations to you about goods or services that may be of interest to you	(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile	Necessary for our legitimate interests (to develop our products/services and grow our business)

Financial transaction data

All financial transactions placed on our website are handled through our payment services provider, World Pay..We will share information with our payment services provider only to the extent necessary for the purposes of processing payments you make via our website, refunding such payments and dealing with complaints and queries relating to such payments and refunds.

Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising. It is entirely your choice whether you consent to us providing you with direct electronic marketing – we will only do so where you have given us your consent to do so.

Third-party marketing

We will get your express opt-in consent before we share your personal data with any third party for marketing purposes.

Promotional offers from us

We may use your Identity, Contact, Technical, Usage and Profile Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services and offers may be relevant for you (we call this marketing).

You will receive marketing communications from us if you have requested information from us or purchased goods or services from us or if you provided us with your details when you entered a competition or registered for a promotion and, in each case, you have opted in to receiving that marketing.

Opting out

You can ask us to stop (and to ask third parties to whom we have provided your personal data to stop) sending you marketing messages by contacting us at any time.

Cookies

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of our websites may become inaccessible or not function properly.

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.

9. Disclosing personal information

We may disclose your personal information to any of our employees, insurers, professional advisers, suppliers or subcontractors insofar as reasonably necessary for the purposes set out in this policy. We may disclose your personal information to any member of our group of companies (this means our subsidiaries, our ultimate holding company and all its subsidiaries) insofar as reasonably necessary for the purposes set out in this policy.

We may disclose your personal information:

- (a) to the extent that we are required to do so by law;
- (b) in connection with any ongoing or prospective legal proceedings;
- (c) in order to establish, exercise or defend our legal rights (including providing information to others for the purposes of fraud prevention and reducing credit risk);
- (d) to the purchaser (or prospective purchaser) of any business or asset that we are (or are contemplating) selling; and
- (e) to any person who we reasonably believe may apply to a court or other competent authority for disclosure of that personal information where, in our reasonable opinion, such court or authority would be reasonably likely to order disclosure of that personal information.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions. Except as provided in this policy, we will not provide your personal information to third parties.

10. Retaining personal information

This section sets out our data retention policies and procedure, which are designed to help ensure that we comply with our legal obligations, accounting or reporting requirements in relation to the retention and deletion of personal information.

Personal information that we process for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.

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.

Notwithstanding the other provisions of this section we will retain documents (including electronic documents) containing personal data:

- to the extent that we are required to do so by law;
- if we believe that the documents may be relevant to any ongoing or prospective legal proceedings; and
- in order to establish, exercise or defend our legal rights (including providing information to others for the purposes of fraud prevention and reducing credit risk).

In some circumstances you can ask us to delete your data. Please see the Glossary definition for 'Request Erasure' below for further information.

In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

11. Security of your personal data

We will take reasonable technical and organisational precautions to prevent the loss, misuse or alteration of your personal information.

All electronic financial transactions entered into through our website will be protected by encryption technology.

You acknowledge that the transmission of information over the internet is inherently insecure, and we cannot guarantee the security of data sent over the internet.

You are responsible for keeping the password you use for accessing our website confidential; we will not ask you for your password (except when you log in to our website).

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

12. Your legal rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data.

If you wish to exercise any of those rights (as further detailed in the Glossary), please contact us.

No fee usually required

You will not usually have to pay a fee to access your personal data (or to exercise any of the other rights). However, 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.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your 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.

Time limit to respond

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.

13. Glossary

LAWFUL BASIS

Legitimate Interest means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. 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 do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by **contacting us**.

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

Comply 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.

THIRD PARTIES

External Third Parties

- Service providers based both within and outside the EEA who provide IT and system administration services.
- Suppliers of goods and services comprising part of our provision to you, based both within and outside the EEA.
- Professional advisers including lawyers, bankers, auditors and insurers based both within and outside the EEA who provide consultancy, banking, legal, insurance and accounting services.
- HM Revenue & Customs, regulators and other authorities based in the EEA.
- Customs and Excise Authorities and other government departments based both within and outside EEA.
- Companies House
- Recruitment Agencies
- Accrediting bodies such as Cyber Essentials
- Professional consultants including IT providers, website developers, marketing based both within and outside the EEA.

YOUR LEGAL RIGHTS

You 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 and to check that we are lawfully processing it.

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, though we may need to verify the accuracy of the new data you provide to us.

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. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

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 override your rights and freedoms.

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.

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 products or services to you. We will advise you if this is the case at the time you withdraw your consent.