

## STEWART R. GREENBERG OPTICIANS LIMITED – PRIVACY POLICY

### 1. Introduction to this Policy

- 1.1. This privacy policy ("**Policy**") relates to the website at <http://www.greenberg.co.uk/>, any subdomain or any such related website and/or mobile application for such website (together the "**Website**").
- 1.2. You should read this Policy carefully as it contains important information about how we will use your Information (as defined below in clause 4.1). In certain circumstances (see below) you will be required to indicate your consent to the processing of your Information as set out in this Policy when you first submit such Information to us. For further information about consent see clause 9 below.
- 1.3. We may update this Policy from time to time in accordance with clause 17 below. This Policy was last updated 12 June 2018.

### 2. About us

- 2.1. The terms "**Greenberg**" or "**us**" or "**we**" refer to Stewart R. Greenberg Opticians Limited, the owner of the Website. We are a company registered in England and Wales under company number 01427908 whose registered office is at Churchgate House, 3 Church Road, Whitchurch, Cardiff CF14 2DX and ICO registration number Z5731513". The term "**you**" refers to the individual accessing and/or submitting Information to the Website.
- 2.2. We, as the Data Controller, can be contacted via our representative and Data Protection Officer, Stewart Greenberg via email on [support@greenberg.co.uk](mailto:support@greenberg.co.uk).

### 3. Data Protection

- 3.1. References in this Policy to:
  - 3.1.1. "**Privacy and Data Protection Requirements**" means: the Data Protection Act 1998 (until repealed) ("**DPA**"), the Data Protection Directive (95/46/EC) (until repealed) and, from 25 May 2018, the General Data Protection Regulation 2016/679 ("**GDPR**") or any equivalent provision which may replace the GDPR following the formal political separation of the United Kingdom from the European Union; the Regulation of Investigatory Powers Act 2000; the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 (SI 2000/2699); the Electronic Communications Data Protection Directive (2002/58/EC); the Privacy and Electronic Communications (EC Directive) Regulations 2003 (SI 2426/2003); and all applicable laws and regulations which may be in force from time to time relating to the processing of Personal Data and privacy, including where applicable the guidance and codes of practice issued by the Information Commissioner or any other supervisory authority, and the equivalent of any of the foregoing in any relevant jurisdiction; and
  - 3.1.2. "**Personal Data**", "**Data Controller**" and "**Data Processor**" and "**processing**" shall have the meanings given to them in the DPA or, from 25 May 2018, the GDPR.
- 3.2. For the purposes of applicable Privacy and Data Protection Requirements, we (Stewart R. Greenberg Opticians Limited) are a Data Controller and therefore we are responsible for, and control the processing of, your Personal Data in accordance with

applicable Privacy and Data Protection Requirements. "Personal Data" has a legal definition but, in brief, it refers to information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier. Such information must be protected in accordance with applicable Privacy and Data Protection Requirements.

#### **4. Information we may collect about you**

- 4.1. When you use the Website and/or when you otherwise deal with us we may collect the following information about you ("**Information**"):
  - 4.1.1. personal information including first and last name, date of birth, NHS number, photograph and/or likeness;
  - 4.1.2. contact information including current residential address, primary email address and/or primary phone number;
  - 4.1.3. your general and ocular health history, your family medical and ocular history, and any relevant sign or symptoms you tell us about;
  - 4.1.4. details of medicines, spectacles and contact lenses prescribed for you;
  - 4.1.5. details of examinations and other healthcare checks and treatments we provide;
  - 4.1.6. information relevant to your continued care from other people who care for you or know you well, such as other health professionals and relatives;
  - 4.1.7. technical information including IP address, operating system, browser type and related information regarding the device you used to visit the Website, the length of your visit and your interactions with the Website;
  - 4.1.8. information obtained through our correspondence and monitoring in accordance with clause 4.2 below; and
  - 4.1.9. details of any enquiries made by you through the Website, together with details relating to subsequent correspondence (if applicable).
- 4.2. We may monitor your use of the Website through 'cookies' and similar tracking technologies. We may also monitor traffic, location and other data and information about users of the Website. Such data and information, to the extent that you are individually identifiable from it, shall constitute Information as defined above. However, some of this data will be aggregated or statistical, which means that we will not be able to identify you individually. See clause 16 below for further information on our use of cookies.
- 4.3. Occasionally we may receive information about you from other sources, you connect with through the Website, or from any third-party websites and applications that integrate or communicate with the Website in relation to you. If so, we will add this information to the Information we already hold about you in order to help us carry out the activities listed below.

## **5. How long we keep your Information**

- 5.1. Subject to clause 5.2, we will keep your Data only for the purposes set out in the table below for:
  - 5.1.1. 10 years from the last day that you were seen, where the legal basis for the processing is that it is necessary;
    - (a) for the performance of the contract between us;
    - (b) where we provide services under the NHS General Optical Services contract; or
    - (c) where it is necessary for the legitimate interests we pursue, so long as it does not override the risks to your rights and freedoms.
  - 5.1.2. until your 25<sup>th</sup> birthday where you are under the age of 18;
  - 5.1.3. 7 years where the legal basis is to comply with our legal obligations, including obligations relating to the HMRC.
- 5.2. If required, we will be entitled to hold Information for longer periods in order to comply with our legal or regulatory obligations.

## 6. Legal basis for processing your information

- 6.1. From 25 May 2018, under applicable Privacy and Data Protection Requirements we may only process your Information if we have a “legal basis” (i.e. a legally permitted reason) for doing so. For the purposes of this Policy, our legal basis for processing your Information is set out in the table below.

<b>Why we will process your Information</b>	<b>The legal basis for which is...</b>
<p>providing you with our services as an optician; and</p> <p>processing, including, but not limited to, storing, recording your personal data for administrative related purposes such as, but not limited to, sending you appointment reminders, and check-up dates, as well as important news about our practice.</p>	<p>where we provide services under the NHS General Optical Services contract (such as a sight test funded by the NHS), our legal basis for processing personal data in respect of that service is performance of a task carried out in the public interest and/or in the official authority vested in us</p> <p>where we provide services outside of the NHS General Optical Services contract, the legal basis for processing this data is the performance of our contract with you</p> <p>outside of this the processing is necessary in our legitimate interests we pursue or providing you with services, subject to you raising an objection under clause 14.6, requiring us to check that our interest in the processing is not overridden by the resulting risk to your rights and freedoms</p>
<p>to operate, administer, maintain, provide, analyse and improve the Website and the services available through the Website;</p> <p>to investigate and address any comments, queries or complaints made by you regarding the Website, and any similar or related comments, queries or complaints from other users;</p> <p>to ensure that content from the Website is presented in the most effective manner for you and for your device;</p> <p>to allow you to participate in interactive features of the Website, including inputting</p>	<p>this processing is necessary for the legitimate interests we pursue, subject to you raising an objection under clause 14.6, requiring us to check that our interest in the processing is not overridden by the resulting risk to your rights and freedoms.</p>

<p>information and providing feedback;</p>	
<p>to disclose your information to selected third parties as permitted by this Policy (see clause 10 below);</p>	<p>Where this processing is not necessary for the legitimate interests we pursue, subject to you raising an objection under clause 14.6, requiring us to check that our interest in the processing is not overridden by the resulting risk to your rights and freedoms, this processing will be subject to your consent - where given separately - for that particular purpose.</p>
<p>where required by (but not limited to) any request or order from law enforcement agencies and/or HMRC in connection with any investigation to help prevent unlawful activity.</p>	<p>to comply with our legal obligations, including obligations relating to the protection of Personal Data.</p>

## 7. Special category personal data

- 7.1. We may also obtain special category data about you as discussed in clause 4 above. If so, we will process this special category data based on the table below.
- 7.2. You can ask for a copy of your special category data at any time

<b>Special Category Data</b>	<b>The legal basis for which is...</b>	<b>The separate condition for processing is...</b>
<p>Processing, including, but not limited to, storing, recording your personal data concerning health</p> <p>We may need to share special category data with healthcare professionals.</p> <p>For these purposes we will share only personal data that is necessary to share</p>	<p>where we provide services under the NHS General Optical Services contract (such as a sight test funded by the NHS), our legal basis for processing personal data in respect of that service is performance of a task carried out in the public interest and/or in the official authority vested in us</p> <p>where we provide services outside of the NHS General Optical Services contract, the legal basis for processing this data is our legitimate interest we pursue, subject to you raising an objection under clause 14.6, requiring us to check that our interest in the processing is not overridden by the resulting risk to your rights and freedoms</p>	<p>this processing is necessary for the provision of health and/or social care</p>

## 8. Children's data

- 8.1. When relying on the legal basis that it is necessary to process children's data for the performance of a contract, we consider the child's competence to understand what they are agreeing to, and to enter into a contract.
- 8.2. Where consent is required we will process children's data subject to we make sure that the child understands what they are consenting to, and we do not exploit any imbalance of power in the relationship between us.
- 8.3. When relying upon 'legitimate interests', we take responsibility for identifying the risks and consequences of the processing, and put age appropriate safeguards in place.

## **9. Your consent to processing**

- 9.1. As noted above, you may be required to give consent to certain processing activities before we can process your Information as set out in this Policy. Where applicable, we will seek this consent from you when you first submit Information to us or through the Website.
- 9.2. If you have previously given consent you may freely withdraw such consent at any time. You can do this by notifying us in writing (see clause 20 below).
- 9.3. If you withdraw your consent, and if we do not have another legal basis for processing your information (see clause 6 above), then we will stop processing your Information. If we do have another legal basis for processing your information then we may continue to do so subject to your legal rights (for which see clause 14 below).
- 9.4. Please note that if we need to process your Information in order to operate the Website and/or provide our services, and you object or do not consent to us processing your Information, the Website and/or those services may not be available to you.

## **10. Disclosure of your information**

- 10.1. We may disclose your Information (including Personal Data):
  - 10.1.1. to other companies within our group of companies (which means our subsidiaries, our ultimate holding company and its subsidiaries, as defined in section 1159 of the UK Companies Act 2006);
  - 10.1.2. to our business partners, service providers or third-party contractors such as software providers for our patient records and invoicing systems, financial institutions for payment services, to enable them to undertake services for us and/or on our behalf (and we will ensure they have appropriate measures in place to protect your Information);
  - 10.1.3. to healthcare professionals working at this practice and those under their supervision;
  - 10.1.4. to healthcare professionals and those under their supervision at other optical practices, but only if you have specifically asked us to pass your Information (such as your prescription) to them;
  - 10.1.5. to your GP, ophthalmologists and other healthcare providers and commissioners, and suppliers of optical appliances or similar products, in connection with your ongoing healthcare treatment;
  - 10.1.6. to any prospective buyer or seller (and their representatives) in the event that we sell or buy any business or assets;
  - 10.1.7. if we are under a duty to disclose or share Personal Data in order to comply with any legal obligation, including (but not limited to) any request or order from law enforcement agencies and/or HMRC in connection with any investigation to help prevent unlawful activity; and
  - 10.1.8. to other third parties if you have specifically consented to us doing so.

- 10.2. We may disclose aggregated, anonymous information (i.e. information from which you cannot be personally identified), or insights based on such anonymous information, to selected third parties, including (without limitation) analytics and search engine providers to assist us in the improvement and optimisation of the Website. In such circumstances we do not disclose any information which can identify you personally.
- 10.3. If our whole business is sold or integrated with another business your Information may be disclosed to our advisers and any prospective purchasers and their advisers and will be passed on to the new owners of the business.

## **11. Keeping your Information secure**

- 11.1. We will use technical and organisational measures in accordance with good industry practice to safeguard your Information.
- 11.2. While we will use all reasonable efforts to safeguard your Information, you acknowledge that the use of the internet is not entirely secure and for this reason we cannot guarantee the security or integrity of any Information that is transferred from you or to you via the internet.

## **12. Overseas transfers**

- 12.1. From time to time we may need to transfer your Information to countries outside the European Economic Area, which comprises the EU member states plus Norway, Iceland and Liechtenstein ("**EEA**").
- 12.2. Such countries may not have similar protections in place regarding protection and use of your data as those set out in this Policy. Therefore, if we do transfer your Information to countries outside the EEA we will take reasonable steps in accordance with applicable Privacy and Data Protection Requirements to ensure adequate protections are in place to ensure the security of your Information.
- 12.3. By submitting your Information to us in accordance with this Policy you consent to these transfers for the purposes specified in this Policy.

## **13. Information about other individuals**

If you give us information on behalf of a third party, you confirm that the third party has appointed you to act on his/her/their behalf and has agreed that you can: give consent on his/her/their behalf to the processing of his/her/their Information; receive on his/her/their behalf any data protection notices; and give consent to the transfer of his/her/their Information abroad (if applicable).

## **14. Your rights**

If you are an individual, this section sets out your legal rights in respect of any of your Personal Data that we are holding and/or processing. If you wish to exercise any of your legal rights you should put your request in writing to us (using our contact details in clause 20 below) giving us enough information to identify you and respond to your request.

- 14.1. You have the right to request access to information about Personal Data that we may hold and/or process about you, including: whether or not we are holding and/or processing your Personal Data; the extent of the Personal Data we are holding; and the purposes and extent of the processing.



- 14.2. You have the right to have any inaccurate information we hold about you be corrected and/or updated. If any of the Information that you have provided changes, or if you become aware of any inaccuracies in such Information, please let us know in writing giving us enough information deal with the change or correction.
- 14.3. You have the right in certain circumstances to request that we delete all Personal Data we hold about you (the 'right of erasure'). Please note that this right of erasure is not available in all circumstances, for example where we need to retain the Personal Data for legal compliance purposes. If this is the case, we will let you know.
- 14.4. You have the right in certain circumstances to request that we restrict the processing of your Personal Data, for example where the Personal Data is inaccurate or where you have objected to the processing (see clause 14.6 below).
- 14.5. You have the right to request a copy of the Personal Data we hold about you and to have it provided in a structured format suitable for you to be able to transfer it to a different data controller (the 'right to data portability'). Please note that the right to data portability is only available in some circumstances, for example where the processing is carried out by automated means. If you request the right to data portability and it is not available to you, we will let you know.
- 14.6. You have the right in certain circumstances to object to the processing of your Personal Data. If so, we shall stop processing your Personal Data unless we can demonstrate sufficient and compelling legitimate grounds for continuing the processing which override your own interests. If, as a result of your circumstances, you do not have the right to object to such processing then we will let you know.
- 14.7. You have the right in certain circumstances not to be subject to a decision based solely on automated processing, for example where a computer algorithm (rather than a person) makes decisions which affect your contractual rights. Please note that this right is not available in all circumstances. If you request this right and it is not available to you, we will let you know.
- 14.8. You have the right to object to direct marketing at any time.

## **15. Complaints**

If you have any concerns about how we collect or process your Information then you have the right to lodge a complaint with a supervisory authority, which for the UK is the UK Information Commissioner's Office ("ICO"). Complaints can be submitted to the ICO through the ICO helpline by calling 0303 123 1113. Further information about reporting concerns to the ICO is available at <https://ico.org.uk/concerns/>.

## **16. 'Cookies' and related software**

- 16.1. Our software may issue 'cookies' (small text files) to your device when you access and use the Website and you will be asked to consent to this at the time (e.g. when you first visit our website). Cookies do not affect your privacy and security since a cookie cannot read data off your system or read cookie files created by other sites.
- 16.2. Our Website uses cookies and other tracking and monitoring software to: distinguish our users from one another; collect standard Internet log information; and to collect visitor behaviour information. The information is used to track user interactions with the Website and allows us to provide you with a good experience when you access the

Website, helps us to improve our Website, and allows us to compile statistical reports on Website visitors and Website activity.

- 16.3. You can set your system not to accept cookies if you wish (for example by changing your browser settings so cookies are not accepted), however please note that some of our Website features may not function if you remove cookies from your system. For further general information about cookies please visit <https://ico.org.uk/global/cookies/>.

## **17. Changes to this Policy**

- 17.1. We keep this Policy under regular review and may change it from time to time. If we change this Policy we will post the changes on this page, and place notices on other pages of the Website as applicable, so that you may be aware of the Information we collect and how we use it at all times. You are responsible for ensuring that you are aware of the most recent version this Policy as it will apply each time you access the Website.
- 17.2. This Policy was last updated 12 June 2018.

## **18. Links to other websites**

- 18.1. Our Website may contain links to other websites. This Policy only applies to our Website. If you access links to other websites any Information you provide to them will be subject to the privacy policies of those other websites.
- 18.2. We have no control over third party websites or systems and accept no legal responsibility for any content, material or information contained in them. Your use of third party sites or systems will be governed by the terms and conditions of that third party. It is your responsibility to ensure you are happy with such third-party terms and conditions.
- 18.3. The display of any hyperlink and/or reference to any third-party website, system, product or service does not mean that we endorse that third party's website, products or services and any reliance you place on such hyperlink, reference or advert is done at your own risk.

## **19. Accessibility**

This Policy aims to provide you with all relevant details about how we process your Information in a concise, transparent, intelligible and easily accessible form, using clear and plain language. If you have any difficulty in reading or understanding this Policy, or if you would like this Policy in another format (for example audio, large print or braille), please get in touch with us.

## **20. Contact us**

We welcome your feedback and questions on this Policy. If you wish to contact us, please email us or our Data Protection Officer at [support@greenberg.co.uk](mailto:support@greenberg.co.uk) or call on 02920 471010.