

BACKGROUND:

In this Policy, unless specified otherwise, words and phrases shall have the same meanings as specified in your Services Agreement with Us.

THE STUDIO M LIMITED (“TSM”).

Company Formed in Jersey (No: 122532)

And having its Registered Office at

1-3 La Colomberie, St Helier, Jersey, JE2 4QB

TSM understands that your privacy is important to you and that you care about how your personal data is used and shared. We respect and value the privacy of our Customers and will only collect and use personal data in ways that are described here, and in a manner that is consistent with our obligations and your rights under the law.

Please read this Privacy Policy carefully and ensure that you understand it. This Privacy Policy forms a part of your Services Agreement. If you do not accept and agree with this Privacy Policy, you must contact studio@thestudiom.com and any information held will be deleted.

1. Definitions and Interpretation

In this Policy, the following terms shall have the following meanings: **“Account”**

means an account required to access and/or use Services;

“personal data”

means any and all data that relates to an identifiable person who can be directly or indirectly identified from that data. In this case, it means personal data that you have given to TSM. This definition shall, where applicable, incorporate the definitions provided in the EU Regulation 2016/679 – the General Data Protection Regulation (“GDPR”); and

“We/Us/Our”

means the said The Studio M or TSM (as above).

“you, client”

means the client or those engaged with any service provided by TSM.

2. Information About The Studio M Limited

2.1 We are not registered for GST

Our Data Protection Administrator is Max Burnett and can be contacted by email at max@thestudiom.com, telephone on 0154 888800, or by post at 3rd Floor, 1-3 La Colomberie, St Helier, Jersey, JE2 4QB.

3. What Does This Policy Cover?

This Privacy Policy applies only to our use of data gathered by Us in your use of the engaged services provided to you.

4. **Your Rights**

- 4.1 As a data subject, you have the following rights under the GDPR, which this Policy and Our use of personal data have been designed to uphold:
- 4.1.1 The right to be informed about Our collection and use of personal data;
 - 4.1.2 The right of access to the personal data We hold about you or your employees (see section 10);
 - 4.1.3 The right to rectification if any personal data We hold about you or your employees is inaccurate or incomplete (please contact Us using the details in section 11);
 - 4.1.4 The right to be forgotten – i.e. the right to ask Us to delete any personal data We hold about you or your employees or customers (We hold personal data in our secure files as images until requested to delete, as explained in section 6 but if you would like Us to delete it sooner, please contact Us using the details in section 11). Please note that deletion of certain personal data may prevent the Services from functioning;
 - 4.1.5 The right to restrict (i.e. prevent) the processing of personal data;
 - 4.1.6 The right to data portability (obtaining a copy of personal data to re-use with another service or organisation);
 - 4.1.7 The right to object to Us using personal data for particular purposes; and
 - 4.1.8 Rights with respect to automated decision making and profiling.
 - 4.1.9 If you have any cause for complaint about Our use of personal data, please contact Us using the details provided in section 11 and We will do Our best to solve the problem for you. If We are unable to help, you also have the right to lodge a complaint with Jersey's supervisory authority, the Information Commissioner's Office details of which can be found here <https://oicjersey.org/>

5. **What Data Do We Collect?**

We may collect some or all of the following personal and non-personal data:

- 5.1 name;
- 5.2 date of birth;
- 5.3 gender;
- 5.4 business/company name
- 5.5 job title;
- 5.6 profession;
- 5.7 contact information such as email addresses and telephone numbers;
- 5.8 demographic information such as post code, preferences, and interests;
- 5.9 financial information such as bank details, credit / debit card numbers; and
- 5.10 images in connection with engagement.

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6. **How Do We Use Your Data?**

- 6.1 All personal data is processed and stored securely, for no longer than is necessary in light of the reason(s) for which it was first collected. We will comply with Our obligations and safeguard your rights under the GDPR at all times. For more details on security see section 7, below.

- 6.2 Our use of personal data will always have a lawful basis, either because it is necessary for Our performance of a contract with you, because you have consented to Our use of personal data (e.g. by subscribing to emails or for delivery of the Services), or because it is in Our legitimate interests. Specifically, We may use personal data for the following purposes:
- 6.2.1 Personalising and tailoring your experience in the Services;
 - 6.2.2 Supplying Our products and/or services to you (please note that We require your personal data in order to enter into a contract with you);
 - 6.2.3 Personalising and tailoring Our products and/or services for you;
 - 6.2.4 Replying to emails from you;
 - 6.2.5 Supplying you with emails that you have opted in to (you may unsubscribe or opt-out at any time by following an opt out link in the email, or by emailing our Data Protection Administrator, Clause 2.2
 - 6.2.6 Market research;
- 6.3 With your permission and/or where permitted by law, We may also use your data for Customer Relationship Management or marketing purposes which may include contacting you by email and/or telephone and/or text message and/or post with information, news and offers on Our services. We will not, however, send you any unsolicited marketing or spam and will take all reasonable steps to ensure that We fully protect your rights and comply with Our obligations under the GDPR and the Privacy and Electronic Communications (EC Directive) Regulations 2003.
- 6.4 You have the right to withdraw your consent to Us using your personal data at any time, and to request that We delete it; however, this may adversely affect the delivery, use and function of the Services if being continually engaged with you.
- 6.5 We do not keep personal data for any longer than is necessary in light of the reason(s) for which it was first collected. Data will therefore be retained for the duration whilst you remain a client with us, however, should your contract terminate and you are no longer a client, data will be retained after your termination date for up to 7 years unless otherwise stated. This data is required for our own company historical records and so that should you choose to return to us, we have your history on file:
- 6.5.1 Sales Order Information (5 year retention)
 - 6.5.2 Communications including Emails, Calendar & Mailing lists (10 year retention)
 - 6.5.3 Financial Data & Transactions – 7 years or as required by Jersey Tax, Bank & relevant authorities
 - 6.5.4 Images and image bank – in perpetuity until asked to delete.

7. **How and Where Do We Store Your Data?**

- 7.1 We only keep personal data for as long as We need to in order to use it as described above in section 6, and/or for as long as We have your permission to keep it.
- 7.2 Your image data is stored within GDPR compliant servers administered by Smug Mug. Link to their privacy homepage [homepage](https://www.smugmug.com/about/privacy). <https://www.smugmug.com/about/privacy>.
- 7.3 Your image data is stored within GDPR compliant servers administered by Squarespace. Link to their GDPR terms <https://support.squarespace.com/hc/en-us/articles/360000851908-GDPR-and-Squarespace>
- 7.4 We use Gmail and dual authenticated mobile email for all of the correspondence. <https://cloud.google.com/security/gdpr/>
- 7.5 We use Wunderlist to hold our client contact data a link to their GDPR compliance is <https://6wunderkinder.desk.com/customer/en/portal/articles/2939264-wunderlist-gdpr-faq>
- 7.6 We use Xero Accounting for our financial data and hold the minimal information on this system, Xero is also GDPR compliant. <https://www.xero.com/uk/campaigns/xero-and-gdpr/>.

Data security is very important to Us, and to protect your data We have taken suitable measures to safeguard and secure data.

Steps We take to secure and protect any of your data is that:

- Your data is only on safeguarded applications
- All devices that have potential access to your data and dual encryption protected. To included, laptops, mobiles and tablets.

8. **Do We Share Your Data?**

- 8.1 We may share your data with others but only with the express permission of you.
- 8.2 We may sometimes contract with third parties to supply products and services to you on Our behalf. These may include payment processing, delivery of goods, outsourcing, advertising, and marketing. In some cases, the third parties may require access to some or all of your data. Where any of your data is required for such a purpose, We will take all reasonable steps to ensure that your data will be handled safely, securely, and in accordance with your rights, Our obligations, and the obligations of the third party under the law.
- 8.3 The third party data processors used by Us and listed below are located within the EEA. Where We transfer any personal data outside the EEA, We will take all reasonable steps to ensure that your data is treated as safely and securely as it would be within the UK and under the GDPR including:
- 8.4 In certain circumstances, We may be legally required to share certain data held by Us, which may include your personal data, for example, where We are involved in legal proceedings, where We are complying with legal requirements, a court order, or a governmental authority.

9. **What Happens If Our Business Changes Hands?**

We may, from time to time, expand or reduce Our business and this may involve the sale and/or the transfer of control of all or part of Our business. Any personal data that you have provided will, where it is relevant to any part of Our business that is being transferred, be transferred along with that part and the new owner or newly controlling party will, under the terms of this Privacy Policy, be permitted to use that data only for the same purposes for which it was originally collected by Us.

10. **How Can You Access Your Data?**

You have the right to ask for a copy of any of your personal data held by Us (where such data is held). Please contact our Data Protection Administrator as detailed in Clause 2.2.

11. Contacting Us

If you have any questions about the Services or this Privacy Policy, please contact our Data Protection Administrator as detailed in Clause 2.2. Please ensure that your query is clear, particularly if it is a request for information about the data We hold about you (as under section 5, above).

12. Changes to Our Privacy Policy

We may change this Privacy Policy from time to time (for example, if the law changes). Any changes will be listed and contacted to you in new terms of business.

If you require any further information please refer to

<https://www.jerseylaw.je/laws/enacted/Pages/L-04-2018.aspx>