

Privacy policy

1. Introduction

- 1.1 We are committed to safeguarding the privacy of our websites visitors and service users.
- 1.2 This policy applies where we are acting as a data controller with respect to the personal data of our websites visitors and service users; in other words, where we determine the purposes and means of the processing of that personal data.
- 1.3 We use cookies on our websites. Insofar as those cookies are not strictly necessary for the provision of our websites and services, we will ask you to consent to our use of cookies when you first visit our websites.
- 1.4 Our websites and applications incorporate privacy controls which affect how we will process your personal data. By using the privacy controls, you can opt in to whether you would like to receive direct marketing communications, limit the publication of your information, and opt out of data collection processes.
- 1.5 In this policy, "we", "us" and "our" refer to Eyekandy Limited and the Eyekandy Data Protection Officer. For more information about us, see Section 13.
- 1.6 In this policy "websites" refers to www.eyekandy.com and pointandplace.com; and "applications" refers to Point&Place® and any white-labelled version thereof, as well as derivative Software Development Kits in modular form based on the master application architecture.

2. Credit

- 2.1 This document was created using a template from SEQ Legal (<https://seqlegal.com>).

3. How we use your personal data

- 3.1 In this Section 3 we have set out:
 - (a) the general categories of personal data that we may process;
 - (b) in the case of personal data that we did not obtain directly from you, the source and specific categories of that data;
 - (c) the purposes for which we may process personal data; and
 - (d) the legal bases of the processing.
- 3.2 We may process data about your use of our websites, applications and services ("**usage data**"). The usage data may include your IP address, geographical location, browser type and version, operating system, referral source, length of visit, page views and website navigation paths, as well as information about the timing, frequency and pattern of your service use. The source of the usage data is Mouseflow, Unity Analytics and AWS Analytics, jointly our analytics tracking systems. This usage data may be processed for the purposes of analysing the use of the websites, applications and services. The legal basis for this processing is our legitimate interests, namely monitoring user behaviors and for improving our websites, applications and services.

- 3.3 We may process your account data ("**account data**"). The account data may include your name and email address. The source of the account data is you or your employer. The account data may be processed for the purposes of operating our websites, providing our services, ensuring the security of our websites, applications and services, maintaining back-ups of our databases and communicating with you. The legal basis for this processing is our legitimate interests, namely the proper administration of our websites, applications and business; and the performance of a contract between you and us and/or taking steps, at your request, to enter into such a contract.
- 3.4 We may process your information included in your personal profile on a public website where you have made that information publicly available ("**profile data**"). The profile data may include your name, address, telephone number, email address, profile pictures, gender, date of birth, relationship status, interests and hobbies, educational details and employment details. The profile data may be processed for the purposes of enabling and monitoring your use of our websites, applications and services. The legal basis for this processing is our legitimate interests, namely the performance of a contract between you and us and/or taking steps, at your request, to enter into such a contract.
- 3.5 We may process your personal data that are provided in the course of the use of our applications and services ("**service data**"). The service data may include your name, address, telephone number, email address, and employment details. The source of the service data is you or your employer. The service data may be processed for the purposes of providing our services, ensuring the security of our websites, applications and services, maintaining back-ups of our databases and communicating with you. The legal basis for this processing is our legitimate interests, namely the proper administration of our business and the performance of a contract between you and us and/or taking steps, at your request, to enter into such a contract.
- 3.6 We may process information contained in any enquiry you submit to us regarding goods and/or services ("**enquiry data**"). The enquiry data may be processed for the purposes of offering, marketing and selling relevant goods and/or services to you. The legal basis for this processing is consent by request.
- 3.7 We may process information relating to our customer relationships, including customer contact information ("**customer relationship data**"). The customer relationship data may include your name, your employer, your job title or role, your contact details, and information contained in communications between us and you or your employer. The source of the customer relationship data is you or your employer. The customer relationship data may be processed for the purposes of managing our relationships with customers, communicating with customers, keeping records of those communications and promoting our products and services to customers. The legal basis for this processing is our legitimate interests, namely the proper management of our customer relationships and delivery of services.
- 3.8 We may process information relating to transactions, including purchases of goods and services, that you enter into with us and/or through our websites and applications ("**transaction data**"). The transaction data may include your contact details, your card details, business banking details, and the transaction details. The transaction data may be processed for the purpose of supplying the purchased goods and services and keeping proper records of those transactions. The legal basis for this processing is the execution and performance of a contract between you and us and/or taking steps, at your request,

to enter into such a contract and our legitimate interests, namely the proper administration of our business.

- 3.9 We may process information that you provide to us for the purpose of subscribing to our email notifications and/or newsletters ("**notification data**"). The notification data may be processed for the purposes of sending you the relevant notifications and/or newsletters. The legal basis for this processing is consent and the performance of a contract between you and us and/or taking steps, at your request, to enter into such a contract.
- 3.10 We may process information contained in or relating to any communication that you send to us ("**correspondence data**"). The correspondence data may include the communication content and metadata associated with the communication. Our websites and applications will generate the metadata associated with communications made using the websites' and applications' contact forms or by direct email to any of our staff. The correspondence data may be processed for the purposes of communicating with you and record-keeping. The legal basis for this processing is our legitimate interests, namely the proper administration of our websites, applications and business and communications with users and customers.
- 3.11 We may process user behavior data in our applications. This data may include IP address, geographical location, browser type and version, operating system, referral source, length of visit, page views and website navigation paths, as well as information about the timing, frequency and pattern of your service use. The source of this data is Unity Analytics and Amazon Web Services Analytics Tools. This data may be processed for the purposes of analysing the use of the applications and understanding user preferences. The legal basis for this processing is our legitimate interests, namely processing data for our client (data controller) where we have supplied them with a white labelled version of our application and/or the performance of a contract between you and us and/or taking steps, at your request, to enter into such a contract.
- 3.12 We may process any of your personal data identified in this policy where necessary for the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure. The legal basis for this processing is our legitimate interests, namely the protection and assertion of our legal rights, your legal rights and the legal rights of others.
- 3.13 We may process any of your personal data identified in this policy where necessary for the purposes of obtaining or maintaining insurance coverage, managing risks, or obtaining professional advice. The legal basis for this processing is our legitimate interests, namely the proper protection of our business against risks.
- 3.14 In addition to the specific purposes for which we may process your personal data set out in this Section 3, we may also process any of your personal data where such processing is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person.
- 3.15 Please do not supply any other person's personal data to us, unless we prompt you to do so.

4. Providing your personal data to others

- 4.1 We may disclose your personal data 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, and on the legal bases, set out in this policy.
- 4.2 We may disclose your personal data to our insurers and/or professional advisers insofar as reasonably necessary for the purposes of obtaining or maintaining insurance coverage, managing risks, obtaining professional advice, or the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure].
- 4.3 We may disclose your IP address, geographical location, browser type and version, operating system, referral source, length of visit, page views and website navigation paths, as well as information about the timing, frequency and pattern of your service use to application clients insofar as reasonably necessary for analysing the use of the applications and understanding user preferences.
- 4.4 Financial transactions relating to our applications and services are handled by our financial services providers, R&S Activity Limited. We will share transaction data with our financial services providers only to the extent necessary for the purposes of processing your payments, refunding such payments and dealing with complaints and queries relating to such payments and refunds. You can find information about the payment services providers' privacy policies and practices at <http://rsactivity.co.uk>.
- 4.5 We may disclose your enquiry data to one or more of those selected third party suppliers of goods and services for the purpose of enabling them to contact you so that they can offer, market and sell to you relevant goods and/or services. Each such third party will act as a data controller in relation to the enquiry data that we supply to it; and upon contacting you, each such third party will supply to you a copy of its own privacy policy, which will govern that third party's use of your personal data.
- 4.6 In addition to the specific disclosures of personal data set out in this Section 4, we may disclose your personal data where such disclosure is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person. We may also disclose your personal data where such disclosure is necessary for the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure.

5. International transfers of your personal data

- 5.1 In this Section 5, we provide information about the circumstances in which your personal data may be transferred to countries outside the European Economic Area (EEA).
- 5.2 We may transfer your data to affiliated companies or third party service providers located outside the European Economic Area ("EEA") in jurisdictions that are not subject to an adequacy decision by the EU Commission finding them to provide an adequate level of protection of personal data, i.e. a level of protection of fundamental rights and freedoms that is essentially equivalent to that guaranteed within the EU.

However, to ensure an adequate level of protection for your personal data, we will comply, and require the compliance of our third party providers, with one of the transfer mechanisms specified in the GDPR and approved by the EU Commission. You can ask for

a copy of such appropriate safeguards by contacting the Eyekandy Data Protection Officer at dpo@eyekandy.com

- 5.3 You acknowledge that personal data that you submit for publication through our websites or services may be available, via the internet, around the world. We cannot prevent the use (or misuse) of such personal data by others.

6. Retaining and deleting personal data

- 6.1 This Section 6 sets out our data retention policies and procedure, which are designed to help ensure that we comply with our legal obligations in relation to the retention and deletion of personal data.
- 6.2 Personal data that we process for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- 6.3 We will retain your personal data as follows:
- (a) Usage Data will be retained for a minimum period of one calendar month following project completion / reporting period end and for a maximum period of two years.
 - (b) Account Data, Service Data, Enquiry Data and Profile Data will be retained for a minimum period of one calendar month, and for a maximum period of one year following completion of service delivery.
 - (c) Customer Relationship Data will be retained for a minimum period of one year, and for a maximum period of two years following termination of services.
 - (d) Transaction Data will be retained for a minimum period of 7 years in line with the requirements of HMRC and UK Business regulators, and for a maximum period of ten years.
 - (e) Notification Data will be retained for a minimum period of 1 year and for a maximum period of 48 hours following request to opt out.
 - (f) Correspondence Data will be retained for a minimum period of one year, and for a maximum period of two years following termination of services.
- 6.4 In some cases it is not possible for us to specify in advance the periods for which your personal data will be retained. In such cases, we will determine the period of retention based on the following criteria:
- (a) the period of retention of any datatype not defined herein will be determined based on need and fulfilment of contractual and statutory obligations.
- 6.5 Notwithstanding the other provisions of this Section 6, we may retain your personal data where such retention is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person.

7. Amendments

- 7.1 We may update this policy from time to time by publishing a new version on our websites.

- 7.2 You should check this page occasionally to ensure you are happy with any changes to this policy.
- 7.3 We may notify you of significant changes to this policy by email.

8. Your rights

- 8.1 In this Section 8, we have summarised the rights that you have under data protection law. Some of the rights are complex, and not all of the details have been included in our summaries. Accordingly, you should read the relevant laws and guidance from the regulatory authorities for a full explanation of these rights.
- 8.2 Your principal rights under data protection law are:
- (a) the right to access;
 - (b) the right to rectification;
 - (c) the right to erasure;
 - (d) the right to restrict processing;
 - (e) the right to object to processing;
 - (f) the right to data portability;
 - (g) the right to complain to a supervisory authority; and
 - (h) the right to withdraw consent.
- 8.3 You have the right to confirmation as to whether or not we process your personal data and, where we do, access to the personal data, together with certain additional information. That additional information includes details of the purposes of the processing, the categories of personal data concerned and the recipients of the personal data. Providing the rights and freedoms of others are not affected, we will supply to you a copy of your personal data. The first copy will be provided free of charge, but additional copies may be subject to a reasonable fee.
- 8.4 You have the right to have any inaccurate personal data about you rectified and, taking into account the purposes of the processing, to have any incomplete personal data about you completed.
- 8.5 In some circumstances you have the right to the erasure of your personal data without undue delay. Those circumstances include: the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed; you withdraw consent to consent-based processing; you object to the processing under certain rules of applicable data protection law; the processing is for direct marketing purposes; and the personal data have been unlawfully processed. However, there are exclusions of the right to erasure. The general exclusions include where processing is necessary: for exercising the right of freedom of expression and information; for compliance with a legal obligation; or for the establishment, exercise or defence of legal claims.
- 8.6 In some circumstances you have the right to restrict the processing of your personal data. Those circumstances are: you contest the accuracy of the personal data; processing is

unlawful but you oppose erasure; we no longer need the personal data for the purposes of our processing, but you require personal data for the establishment, exercise or defence of legal claims; and you have objected to processing, pending the verification of that objection. Where processing has been restricted on this basis, we may continue to store your personal data. However, we will only otherwise process it: with your consent; for the establishment, exercise or defence of legal claims; for the protection of the rights of another natural or legal person; or for reasons of important public interest.

- 8.7 You have the right to object to our processing of your personal data on grounds relating to your particular situation, but only to the extent that the legal basis for the processing is that the processing is necessary for: the performance of a task carried out in the public interest or in the exercise of any official authority vested in us; or the purposes of the legitimate interests pursued by us or by a third party. If you make such an objection, we will cease to process the personal information unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing is for the establishment, exercise or defence of legal claims.
- 8.8 You have the right to object to our processing of your personal data for direct marketing purposes (including profiling for direct marketing purposes). If you make such an objection, we will cease to process your personal data for this purpose.
- 8.9 You have the right to object to our processing of your personal data for scientific or historical research purposes or statistical purposes on grounds relating to your particular situation, unless the processing is necessary for the performance of a task carried out for reasons of public interest.
- 8.10 To the extent that the legal basis for our processing of your personal data is:
- (a) consent; or
 - (b) that the processing is necessary for the performance of a contract to which you are party or in order to take steps at your request prior to entering into a contract,
- and such processing is carried out by automated means, you have the right to receive your personal data from us in a structured, commonly used and machine-readable format. However, this right does not apply where it would adversely affect the rights and freedoms of others.
- 8.11 If you consider that our processing of your personal information infringes data protection laws, you have a legal right to lodge a complaint with a supervisory authority responsible for data protection. You may do so in the EU member state of your habitual residence, your place of work or the place of the alleged infringement.
- 8.12 To the extent that the legal basis for our processing of your personal information is consent, you have the right to withdraw that consent at any time. Withdrawal will not affect the lawfulness of processing before the withdrawal.
- 8.13 You may exercise any of your rights in relation to your personal data by written notice to us by methods specified in this Section 8.

9. About cookies

- 9.1 A cookie is a file containing an identifier (a string of letters and numbers) that is sent by a web server to a web browser and is stored by the browser. The identifier is then sent back to the server each time the browser requests a page from the server.
- 9.2 Cookies may be either "persistent" cookies or "session" cookies: a persistent cookie will be stored by a web browser and will remain valid until its set expiry date, unless deleted by the user before the expiry date; a session cookie, on the other hand, will expire at the end of the user session, when the web browser is closed.
- 9.3 Cookies do not typically contain any information that personally identifies a user, but personal information that we store about you may be linked to the information stored in and obtained from cookies.

10. Cookies that we use

10.1 We use cookies on our websites for the following purposes:

- (a) Authentication - we use cookies to identify you when you visit our websites and as you navigate our websites. Cookies used for this purpose are:

- (i) mf_user: 1st party cookie, persistent: A cookie for checking if the user is new or returning. This cookie establishes whether the user is a returning or first time visitor. This is done simply by a yes/no toggle - no further information about the user is stored. This cookie has a lifetime of 90 days.

- (ii) PHPSESSID: To store the logged in user's username and a 128bit encrypted key. This information is required to allow a user to stay logged in to a web site without needing to submit their username and password for each page visited. Without this cookie, a user is unable to proceed to areas of the web site that require authenticated access. The cookie is deleted when the browser is closed

- (b) Analysis - we use cookies to help us to analyse the use and performance of our websites and services. Cookies used for this purpose are:

- (i) mf_[session]: 1st party cookies, session lifetime: A cookie for identifying the browser session. This cookie identifies the browser session while it happens. The cookie is deleted as soon as the session ends, meaning when the user leaves the website

- (ii) _gat - A Google plugin creates a new cookie named _gat that has a one minute timeout. This cookie does not store any user information; it's just used to limit the number of requests that have to be made to doubleclick.net.

- (iii) _gid - the Google Analytics analytics.js library sets cookies to both identify and throttle requests. This cookie is used to distinguish users and has an expiration of 24-hours.

- (iv) _ga - the Google Analytics analytics.js library sets cookies to both identify and throttle requests. This cookie is used to distinguish users and has an expiration of 2-years.

- (c) Vimeo (vuid) is a cookie used by our third party supplier to return to us video play data

We may change the cookies we place from time to time, and you can verify the cookies we place on your computer using <http://www.cookie-checker.com/check-cookies.php?url=eyekandy.com>

11. Cookies used by our service providers

- 11.1 Our service providers use cookies and those cookies may be stored on your computer when you visit our websites.
- 11.2 We use Google Analytics to analyse the use of our websites. Google Analytics gathers information about websites use by means of cookies. The information gathered relating to our websites is used to create reports about the use of our websites. Google's privacy policy is available at: <https://www.google.com/policies/privacy/>. The relevant cookies and cookie usage can be seen at <https://developers.google.com/analytics/devguides/collection/analyticsjs/cookie-usage>
- 11.3 We use Unity Analytics to capture IP address, geographical location, browser type and version, operating system, referral source, length of visit, page views and website navigation paths, as well as information about the timing, frequency and pattern of your service use in our applications. You can view the privacy policy of this service provider at <https://unity3d.com/legal/privacy-policy>
- 11.4 We use Amazon Web Services Analytics to capture IP address, geographical location, browser type and version, operating system, referral source, length of visit, page views and website navigation paths, as well as information about the timing, frequency and pattern of your service use in our applications. You can view the privacy policy of this service provider at <https://aws.amazon.com/privacy/>
- 11.5 We use Mouseflow Analytics to record length of visit, page views and website navigation paths, as well as information about the timing, frequency and pattern of your service use. This service uses cookies for analytical purposes. You can view the privacy policy of this service provider at <https://mouseflow.com/privacy/>. The relevant cookies are available at http://help.mouseflow.com/knowledge_base/topics/what-is-your-cookie-policy
- 11.6 We use Intercom to provide a live chat service and to generate sales leads. This service uses cookies for technical, location and usage information. You can view the privacy policy of this service provider at <https://www.intercom.com/terms-and-policies#privacy>. The relevant cookies are available at <https://www.intercom.com/terms-and-policies#cookie-policy>
- 11.7 We use iTunes Connect App Analytics for app download, usage, app performance, and crash data. You can view the privacy policy of this service provider at <https://www.apple.com/uk/legal/privacy/en-ww/>
- 11.8 We use Google Play Statistics to for app download, usage, app performance, and crash data. You can view the privacy policy of this service provider at <https://policies.google.com/privacy>
- 11.9 Point&Place Application (which is wholly owned by Eyekandy Limited) uses Amazon Web Service Mobile SDK to capture user behavior within the App – these events include clicks on category, clicks on subcategory, clicks on share buttons, clicks to take screenshot,

clicks when objects are placed, clicks on return to product page, and time durations associated to these events. Each event is tagged to a randomly generated Client ID and Session ID which remain unassociated to any user personal information. The sequence of events, tagged to the session and client ID, is stored in secure Servers on AWS Pinpoint and AWS S3 Data Bucket where it is stored securely for a period of 3 years after which it is deleted. We have included a section in the settings menu where you can *opt out* of this data collection process. Data collected from our application are subject always to clause 4 of this Policy. You can view the privacy policy of this service provider at <https://aws.amazon.com/privacy/>

11.10 Point&Place Application uses Apple's TrueDepth API which is the current software for facial recognition. Our application has an Augmented Reality "wearables": function that allows the user to "wear" certain objects. The TrueDepth API allows the App to map facial data upon which to mount wearable objects (e.g. Headphones). No facial-recognition data is collected or stored on our servers. You will be required to allow the App access your device camera for the application to function fully.

12. Managing cookies

12.1 Most browsers allow you to refuse to accept cookies and to delete cookies. The methods for doing so vary from browser to browser, and from version to version. You can however obtain up-to-date information about blocking and deleting cookies via these links:

- (a) <https://support.google.com/chrome/answer/95647?hl=en> (Chrome);
- (b) <https://support.mozilla.org/en-US/kb/enable-and-disable-cookies-websites-preferences> (Firefox);
- (c) <http://www.opera.com/help/tutorials/security/cookies/> (Opera);
- (d) <https://support.microsoft.com/en-gb/help/17442/windows-internet-explorer-delete-manage-cookies> (Internet Explorer);
- (e) <https://support.apple.com/kb/PH21411> (Safari); and
- (f) <https://privacy.microsoft.com/en-us/windows-10-microsoft-edge-and-privacy> (Edge).

12.2 Blocking all cookies will have a negative impact upon the usability of many websites. If you block cookies, you will not be able to use all the features on our websites.

13. Our details

13.1 The websites and applications, and their associated trademarks are wholly owned and operated by Eyekandy Limited.

13.2 Eyekandy Limited is registered in England and Wales under registration number 09482425, and our registered office is at Unit 2, The Technology Park, Colindeep Lane, Colindale, London, NW9 6BX, United Kingdom.

13.3 Our principal place of business is at Unit 2, The Technology Park, Colindeep Lane, Colindale, London, NW9 6BX, United Kingdom.

13.4 You can contact us:

- (a) by post, to the postal address given above;
- (b) using our websites contact form (<https://eyekandy.com/contact-us>);
- (c) by telephone, on the contact number published on our websites contact form from time to time; or
- (d) by email, using info@eyekandy.com

14. Data Protection Officer

14.1 Our data protection Officer can be contacted via email at dpo@eyekandy.com