

## **VHEAVEN FIGARO DIGITAL LIMITED**

### **PRIVACY POLICY FOR OUR FIGARO DIGITAL WEBSITE**

#### **INTRODUCTION**

This is the privacy notice for the figarodigital.co.uk website and service (**Site**) owned and operated by VHeaven Limited

VHeaven Limited respects your privacy and is committed to protecting your personal data. This privacy notice will inform you as to how we look after your personal data when you visit and use our Site (regardless of where you visit it from) and tell you about your privacy rights and how the law protects you.

This privacy notice is provided in the numbered sections set out below, and you can through to any of these via the headings listed.

[You can also download a pdf version of the policy [here](#). ]

1. IMPORTANT INFORMATION AND WHO WE ARE
2. THE DATA WE COLLECT ABOUT YOU
3. HOW IS YOUR PERSONAL DATA COLLECTED
4. HOW WE USE YOUR PERSONAL DATA
5. DISCLOSURES OF YOUR PERSONAL DATA
6. INTERNATIONAL TRANSFERS
7. DATA SECURITY
8. DATA RETENTION
9. YOUR LEGAL RIGHTS

#### **1. IMPORTANT INFORMATION AND WHO WE ARE**

##### **PURPOSE OF THIS PRIVACY NOTICE**

This privacy notice aims to give you information on how VHeaven Limited collects and processes your personal data through your use of Figaro Digital/our Site, including any data you may provide through the Site when you access and use Figaro Digital, or complete any online form, such as signing up to a newsletter or similar service.

This Site is not intended for children and we do not knowingly collect data relating to children.

It is important that you read this privacy notice 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 notice supplements the other notices and is not intended to override them.

##### **CONTROLLER**

VHeaven Limited is the controller and responsible for your personal data (collectively referred to as “VHeaven”, “we”, “us” or “our” in this privacy notice).

We have appointed a data privacy manager who is responsible for overseeing questions in relation to this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact our data privacy manager using the details set out below.

Our full **CONTACT DETAILS** are:

VHeaven

Email address: [Data@figarodigital.co.uk](mailto:Data@figarodigital.co.uk)  
Postal address: 4th Floor, 6 Aztec Row, Berners Road, London N1 0PW

Telephone number: 02078703380

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. We would, however, welcome the opportunity to address your concerns before you approach the ICO so please contact us in the first instance.  
You can find the ICO here [www.ico.org.uk](http://www.ico.org.uk)

## CHANGES TO THE PRIVACY NOTICE AND YOUR DUTY TO INFORM US OF CHANGES

This version was last updated in [June 2018] and historic versions can be obtained by contacting us.

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.

## THIRD-PARTY LINKS

Our Site 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 Site, we encourage you to read the privacy notice of every website you visit.

## 2. THE DATA WE COLLECT ABOUT YOU

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include 'anonymous data', namely data where the identity has been removed.

We may collect, use, store and transfer different kinds of personal data about you.

We have identified that data into the groupings set out below:

- **Identity Data** includes first name, last name, username or similar identifier, title, date of birth and gender.
- **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 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 Site].
- **Profile Data** includes [your username and password, [subscriptions/orders made by you], [your interests, preferences, feedback and survey responses]].
- **Usage Data** includes [information about how you use Figaro Digital].
- **Marketing and Communications Data** includes [your preferences in receiving marketing from us and our third parties and your communication preferences].

[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 feature of Figaro Digital. 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** collect any **Special Categories of Personal Data** about you (for example 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). Nor do we collect any information about criminal convictions and offences.

## 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 service or a product but we will notify you if this is the case at the time.

## 3. HOW IS YOUR PERSONAL DATA COLLECTED?

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 completing online forms or by contacting us whether by email, post, phone, or otherwise. This includes personal data you provide when you; (i) apply to use the Figaro Digital service, subscribe, [or purchase other products we might offer]; (ii) create an account on our Site; (iii) subscribe to our newsletters; (iii) request marketing to be sent to you; [(iv) enter a competition, promotion or survey;] or (v) send feedback to us.
- **Automated technologies or interactions.** As you interact with our Site, 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 employing our cookies.] Please see our [cookie policy](#) for further details].
- **[ Third parties or publicly available sources.** We may receive personal data about you from various third parties [and public sources] as follows:
  - (i) Technical Data from the following parties: **(a)** analytics providers [such as Google based outside the EU]; **(b)** advertising networks and **(c)** search information providers based [inside]/[outside] the EU].
  - (ii) Contact, Financial and Transaction Data from providers of technical, payment and delivery services

## 4. HOW WE USE YOUR PERSONAL DATA

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**.

**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.

**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](#).

**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.

Click [\[here\]](#) to find out more about the types of lawful basis that we will rely on to process your personal data.

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

**PURPOSES FOR WHICH WE WILL USE YOUR PERSONAL DATA**

The table we set out below, describes the ways in which we plan to 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.

Note that we may process your personal data for more than one lawful basis depending on the specific purpose for which we are using your data. Please [contact us](#) if you need details about the specific legal basis we are relying on to process your personal data where more than one basis 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 [subscriber][customer]	(a) Identity (b) Contact	Performance of a contract with you
To process and deliver your account/subscription 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 (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	(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 services or products

<p>[ participate in a competition ] [prize draw ] [or] complete a survey:</p>	<p>(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications</p>	<p>(a) Performance of a contract with you  (b) Necessary for our legitimate interests (to study how customers use our services/products, to develop them and grow our business)</p>
<p>To administer and protect our business and our Site (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)</p>	<p>(a) Identity (b) Contact (c) Technical</p>	<p>(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</p>
<p>To deliver relevant Site content [and advertisements] to you [and measure or understand the effectiveness of the advertising we serve to you]</p>	<p>(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Technical</p>	<p>Necessary for our legitimate interests (to study how customers use our products/services, to develop them, to grow our business and to inform our marketing strategy)</p>
<p>To use data analytics to improve our Site, products/services, marketing, customer relationships and experiences</p>	<p>(a) Technical (b) Usage</p>	<p>Necessary for our legitimate interests (to define types of customers for our services (and any products), to keep our Site updated and relevant, to develop our business and to inform our marketing strategy)</p>
<p>To make suggestions and recommendations to you about services [or products] that may be of interest to you</p>	<p>(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile</p>	<p>Necessary for our legitimate interests (to develop our services and products and grow our business)</p>

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## **[AUTOMATED DECISION MAKING**

[ *any use of ADM , with/without profiling ?* ].

## **MARKETING**

Our objective is to enable you to make choices around certain personal data uses, particularly around marketing and advertising. We have established these personal data control mechanisms: [     ]

### **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 services, products 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 have [subscribed] to services from us [or purchased [products] from us] [or if you provided us with your details when you registered for a promotion or other specific interaction with us] and, in each case, you have not opted out of receiving that marketing.

### **Third-party Marketing**

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

### **Opting out**

You can ask us or third parties to stop sending you marketing messages at any time [by logging into the Site and checking or unchecking relevant boxes to adjust your marketing preferences] [or] by following the opt-out links on any marketing message sent to you or] by [contacting us](#) at any time].

Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of [a subscription you have with us or other transactions].

## **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 this Site may become inaccessible or not function properly. For more information about the cookies we use, please see our [cookie policy](#).

## **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.

## 5. DISCLOSURES OF YOUR PERSONAL DATA

We may have to share your personal data with the parties set out below for the purposes set out in the table in section 4 above (and as further detailed below).

**[Internal third parties:** Our affiliate company [ *any parent/subsidiary/affiliate?* ] [acting as joint controller or processor] based in the United Kingdom and which provides [IT and system administration services] [and] [undertakes reporting].]

**Specific External third parties** such as;

### 1. **Google Analytics (Google Inc.)**

Google Analytics is a web analysis service provided by Google Inc. (“Google”). Google utilises your personal data collected to track and examine use of our Site, to prepare reports on its activities and share them with other Google services.

Google may use the personal data to contextualise and personalise the ads of its own advertising network.

Place of processing: United States (**US**)

### 2. **Amazon Web Services (AWS) (Amazon)**

Amazon Web Services is a hosting and backend service provided by Amazon.com Inc.

These services host data and files that enable Figaro Digital to operate and be distributed for your use, as well as to provide infrastructure to run specific features or parts of Figaro Digital.

[Some of these services work through geographically distributed servers, making it difficult to determine the actual location where the Personal Data are stored.]

Place of processing: [            ]

### 3. **MailChimp (The Rocket Science Group, LLC.)**

MailChimp is an email address management and message sending service provided by The Rocket Science Group, LLC.

We use these services to manage our subscriber database which includes Contact and Marketing and Communications Data for example.

Place of processing: US

**Other external third parties:**

- [ Other service providers [acting as processors] based in [            ] who provide [IT and system administration services]. ]
- Professional advisers acting as processors or joint controllers including lawyers, bankers, auditors and insurers based in the United Kingdom who provide consultancy, banking, legal, insurance and accounting

services.

- HM Revenue & Customs, regulators and other authorities [acting as processors or joint controllers] based [in the United Kingdom] [who require reporting of processing activities in certain circumstances].
- [details of any other third parties, for example, market researchers, fraud prevention agencies, price comparison sites etc].

Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy notice.

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.

## 6. INTERNATIONAL TRANSFERS

[ We share your personal data with our affiliated [company [ ]]. This company is based in the United Kingdom currently within the European Economic Area (**EEA**) so when sharing your personal data with it we do not currently envisage transferring your data outside the EEA. [In any event] we will ensure your personal data is protected by requiring it to follow the same rules when processing your personal data. These rules are called “binding corporate rules”. For further details, see European Commission Binding corporate rules at: [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/binding-corporate-rules\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/binding-corporate-rules_en) ]

Several of our external third parties are based outside the European Economic Area (**EEA**) so their processing of your personal data will, in limited circumstances, involve a transfer of data outside the EEA.

Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- 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* at [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en)
- 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* at [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/model-contracts-transfer-personal-data-third-countries\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/model-contracts-transfer-personal-data-third-countries_en)
- 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* at [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/eu-us-privacy-shield\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/eu-us-privacy-shield_en)

Please **contact us** if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

## 7. DATA SECURITY

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 will only process your personal data on our instructions and they are subject to a duty of confidentiality.

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.

## 8. DATA RETENTION

### HOW LONG WILL YOU USE MY PERSONAL DATA FOR?

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

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.

By law we have to keep basic information about our customers (including Contact, Identity, Financial and Transaction Data) for [six] years after they cease being customers for [tax] purposes.

In some circumstances you can ask us to delete your data: see section 9 below in respect of requesting erasure 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.

## 9. YOUR LEGAL RIGHTS

Under certain circumstances, you have rights under data protection laws in relation to your personal data. These rights include the following types if “request”:

- Request access to your personal data.
- Request correction of your personal data.
- Request erasure of your personal data.
- Object to processing of your personal data.
- Request restriction of processing your personal data.
- Request transfer of your personal data.
- Right to withdraw consent.

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.

If you wish to exercise any of the rights set out above, please [contact us](#).

**NO FEE USUALLY REQUIRED**

You will not 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.

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