

Privacy Notice

Last updated September 2024

At Marsden Cloud, we understand that we have a responsibility to protect and respect your privacy and look after your personal data. Please read this privacy policy carefully as it contains important information on who we are and how and why we collect, store, use and share your personal data. It also explains your rights in relation to your personal data and how to contact us or supervisory authorities in the event you have a complaint.

We collect, use and are responsible for certain personal data about you. When we do so we are subject to the UK General Data Protection Regulation (UK GDPR). We are also subject to the EU General Data Protection Regulation (EU GDPR) in relation to goods and services we offer to individuals in the European Economic Area (EEA).

Key terms

It would be helpful to start by explaining some key terms used in this policy:

We, us, our	Marsden Cloud Ltd trading as Marsden Cloud whose registered office is 24 Eltham Court, Leeds, West Yorkshire, LS6 2TP, United Kingdom with company number 14565891 and our group companies.
Our data protection officer	Dominic Marsden Data Protection Officer, 24 Eltham Court, Leeds, West Yorkshire, LS6 2TP dpo@marsdencloud.com
Personal data	Any information relating to an identified or identifiable individual
Data subject	The individual who the personal data relates to

Personal data we collect about you

The personal data we collect about you depends on the particular products and services we provide to you. We will collect and use the following personal data about you, including but not limited to:

- your name and contact information, including email address and telephone number and company details
- proof of ID including your date of birth and proof of address eg utility bills, driving licence and passport
- your billing information, transaction and payment card information including your PayPal email address

- the details of your account with us including your account number
- the history of your account with us including support ticket history
- your contact history and purchase history
- our call recordings with you
- Information about how you use our website, IT, communication and other systems
- your responses to surveys, competitions and promotions
- your username and passwords for our products and services
- content of your emails and communications with us
- access logs
- domain name
- server images
- IP addresses
- traffic data, location data, weblogs and other communication data
- We also collect information that is provided to Marsden Cloud by potential employee candidates see Recruitment privacy policy

We collect and use this personal data for the purposes described in the section 'How and why we use your personal data' below. If you do not provide personal data we ask for, it may delay or prevent us from providing products and/or services to you.

How your personal data is collected

We collect most of this personal data directly from you—in person, by telephone, post or email and/or via our websites. However, we may also collect information:

- from publicly accessible sources, eg Companies House or HM Land Registry;
- directly from a third party, eg:
 - customer due diligence providers;
 - data brokers
- from a third party with your consent, eg your bank or building society
- from cookies on our website—for more information on our use of cookies, please see our cookie policy which is available on our website
- via our IT systems, eg:
 - from door entry systems and reception logs;
 - through automated monitoring of our websites and other technical systems, such as our computer networks and connections, CCTV and access control systems, communications systems, email and instant messaging systems;

- through our telephone systems

How and why we use your personal data

Under data protection law, we can only use your personal data if we have a proper reason, eg:

- where you have given consent;
- to comply with our legal and regulatory obligations;
- for the performance of a contract with you or to take steps at your request before entering into a contract; or
- for our legitimate interests or those of a third party.

A legitimate interest is when we have a business or commercial reason to use your personal data, so long as this is not overridden by your own rights and interests. We will carry out an assessment when relying on legitimate interests, to balance our interests against your own.

The table below explains what we use your personal data for and why.

What we use your personal data for	Our reasons
Providing products and/or services to you	To perform our contract with you or to take steps at your request before entering into a contract
Preventing and detecting fraud against you or us	For our legitimate interest, ie to minimise fraud that could be damaging for you and/or us
Conducting checks to identify our customers and verify their identity	To comply with our legal and regulatory obligations
Screening for financial and other sanctions or embargoes	
Other activities necessary to comply with professional, legal and regulatory obligations that apply to our business, eg under health and safety law or rules issued by our professional regulator	
To enforce legal rights or defend or undertake legal proceedings	Depending on the circumstances: <ul style="list-style-type: none"> — to comply with our legal and regulatory obligations; — in other cases, for our legitimate interests, ie to protect our business, interests and rights
Gathering and providing information required by or relating to audits, enquiries or investigations by regulatory bodies	To comply with our legal and regulatory obligations

Ensuring business policies are adhered to, eg policies covering security and internet use	For our legitimate interests, ie to make sure we are following our own internal procedures so we can deliver the best service to you
Operational reasons, such as improving efficiency, training and quality control	For our legitimate interests , ie to be as efficient as we can so we can deliver the best service to you at the best price
To manage complaints, feedback and queries	<p>Depending on the context, this processing will be necessary for:</p> <ul style="list-style-type: none"> —the performance of our contractual obligations between you and us; —us to comply with our legal and regulatory obligations; and/or —our legitimate business interests in order for us to manage our relationship with you and to enable us to improve and develop our business operations and the Services.
Ensuring the confidentiality of commercially sensitive information	<p>Depending on the circumstances:</p> <ul style="list-style-type: none"> —for our legitimate interests, ie to protect trade secrets and other commercially valuable information; —to comply with our legal and regulatory obligations
Statistical analysis to help us manage our business, eg in relation to our financial performance, customer base, product range or other efficiency measures	For our legitimate interests, ie to be as efficient as we can so we can deliver the best service to you at the best price
Preventing unauthorised access and modifications to systems	<p>Depending on the circumstances:</p> <ul style="list-style-type: none"> —for our legitimate interests, ie to prevent and detect criminal activity that could be damaging for you and/or us; —to comply with our legal and regulatory obligations
Protecting the security of systems and data used to provide the goods and services	<p>To comply with our legal and regulatory obligations</p> <p>We may also use your personal data to ensure the security of systems and data to a standard that goes</p>

	beyond our legal obligations, and in those cases our reasons are for our legitimate interests, ie to protect systems and data and to prevent and detect criminal activity that could be damaging for you and/or us
Updating and enhancing customer records	<p>Depending on the circumstances:</p> <ul style="list-style-type: none"> —to perform our contract with you or to take steps at your request before entering into a contract; —to comply with our legal and regulatory obligations; —for our legitimate interests, eg making sure that we can keep in touch with our customers about existing orders and new products
Ensuring safe working practices, staff administration and assessments	<p>Depending on the circumstances:</p> <ul style="list-style-type: none"> —to comply with our legal and regulatory obligations; —for our legitimate interests, eg to make sure we are following our own internal procedures and working efficiently so we can deliver the best service to you
<p>Marketing our services to:</p> <ul style="list-style-type: none"> —existing and former customers; —third parties who have previously expressed an interest in our services; —third parties with whom we have had no previous dealings. 	For our legitimate interests, ie to promote our business to existing and former customers
External audits and quality checks, eg for ISO and the audit of our accounts	<p>Depending on the circumstances:</p> <ul style="list-style-type: none"> —for our legitimate interests, ie to maintain our accreditations so we can demonstrate we operate at the highest standards; —to comply with our legal and regulatory obligations

<p>To share your personal data with members of our group and third parties that will or may take control or ownership of some or all of our business (and professional advisors acting on our or their behalf) in connection with a significant corporate transaction or restructuring, including a merger, acquisition, asset sale, initial public offering or in the event of our insolvency</p> <p>In such cases information will be anonymised where possible and only shared where necessary</p>	<p>Depending on the circumstances:</p> <ul style="list-style-type: none"> —to comply with our legal and regulatory obligations; —in other cases, for our legitimate interests, ie to protect, realise or grow the value in our business and assets
<p>For debt recovery purposes</p>	<p>This processing is necessary for the performance of our contractual obligations between you and us.</p>

Links to other websites

Where we provide links to websites of other organisations, this privacy notice does not cover how that organisation processes personal information. We encourage you to read the privacy notices on the other websites you visit.

Marketing

We will use your personal data to send and/or show you updates by email and telephone or for existing customers in your control panel about our products and/or services, including exclusive offers, promotions or new and existing products and/or services.

We have a legitimate interest in using your personal data for marketing purposes (see above 'How and why we use your personal data'). This means we do not usually need your consent to send you marketing information. If we change our marketing approach in the future so that consent is needed, we will ask for this separately and clearly.

You have the right to opt out of receiving marketing communications at any time by:

- contacting us by email, phone or post - see below: 'How to contact us'
- using the 'unsubscribe' link in emails;
- updating your marketing preferences within your control panel;

We may ask you to confirm or update your marketing preferences if you ask us to provide further products and/or services in the future, or if there are changes in the law, regulation, or the structure of our business.

Who we share your personal data with

You agree that we may share your personal data with:

- third parties we use to help deliver our products and/or services to you, eg payment service providers, service providers and delivery companies;
- other third parties we use to help us run our business, eg marketing agencies, debt collection agencies or website hosts;

- third parties approved by you, eg third party payment providers;
- our insurers and brokers;
- our banks;

We only allow those organisations to handle your personal data if we are satisfied they take appropriate measures to protect your personal data.

We or the third parties mentioned above occasionally also share personal data with:

- our and their external auditors, eg in relation to the audit of our or their accounts, in which case the recipient of the information will be bound by confidentiality obligations;
- our and their professional advisors (such as lawyers and other advisors), in which case the recipient of the information will be bound by confidentiality obligations;
- law enforcement agencies, courts, tribunals and regulatory bodies to comply with our legal and regulatory obligations;
- other parties that have or may acquire control or ownership of our business (and our or their professional advisers) in connection with a significant corporate transaction or restructuring, including a merger, acquisition, asset sale, initial public offering or in the event of our insolvency—usually, information will be anonymised but this may not always be possible. The recipient of any of your personal data will be bound by confidentiality obligations.

Who we share your personal data with – in more detail

More details about some of the companies who we share your personal data with and why are set out in the table available on our website, this list is not exhaustive. If you would like more information about who we share our data with and why, please contact us (see '**How to contact us**' below).

Who we share your personal data with – further information

If you would like more information about who we share our data with and why, please contact us (see 'How to contact us' below).

Where your personal data is held

Personal data may be held at our offices and those of our group companies, third party agencies, service providers, representatives and agents as described above (see above: 'Who we share your personal data with').

Some of these third parties may be based outside the UK/EEA. For more information, including on how we safeguard your personal data when this happens, see below: 'Transferring your personal data out of the UK and EEA'.

How long your personal data will be kept

We will not keep your personal data for longer than we need it for the purpose for which it is used and different retention periods apply for different types of personal data.

If you no longer have an account with us or we are no longer providing goods or services to you, we will delete or anonymise your account data after seven years.

Following the end of the of the relevant retention period, we will delete or anonymise your personal data.

Transferring your personal data out of the UK

Countries outside the EEA and the UK have differing data protection laws, some of which may provide lower levels of protection of privacy.

It is sometimes necessary for us to transfer your personal data to countries outside the UK and EEA. In those cases we will comply with applicable UK and EEA laws designed to ensure the privacy of your personal data.

We will transfer your personal data to:

- our service providers located outside the UK; and
- our group companies located outside the UK

As we are based in the UK we will also transfer your personal data from the EEA to the UK.

Under data protection laws, we can only transfer your personal data to a country outside the UK/EEA where:

- in the case of transfers subject to UK data protection law, the UK government has decided the particular country ensures an adequate level of protection of personal data (known as an 'adequacy regulation') further to Article 45 of the UK GDPR. A list of countries the UK currently has adequacy regulations in relation to is available [here](#). We rely on adequacy regulations for transfers to the following countries: countries in the EEA and Switzerland.
- in the case of transfers subject to EEA data protection laws, the European Commission has decided that the particular country ensures an adequate level of protection of personal data (known as an 'adequacy decision') further to Article 45 of the EU GDPR. A list of countries the European Commission has currently made adequacy decisions in relation to is available [here](#). We rely on adequacy decisions for transfers to the following countries: United Kingdom, Canada and Switzerland.
- there are appropriate safeguards in place, together with enforceable rights and effective legal remedies for you; or
- a specific exception applies under relevant data protection law.

Where we transfer your personal data outside the UK, we do so on the basis of an adequacy regulation or (where this is not available) eg legally-approved standard data protection clauses recognised or issued further to Article 46(2) of the UK GDPR. In the event we cannot or choose not to continue to rely on either of those mechanisms at any time, we will not transfer your personal data outside the UK unless we can do so on the basis of an alternative mechanism or exception provided by UK data protection law and reflected in an update to this policy.

Where we transfer your personal data outside the EEA we do so on the basis of an adequacy decision or (where this is not available) eg legally-approved standard data protection clauses issued further to Article 46(2) of the EU GDPR. In the event we cannot or choose not to continue to rely on either of those mechanisms at any time we will not transfer your personal data outside the EEA unless we can do so on the

basis of an alternative mechanism or exception provided by applicable data protection law and reflected in an update to this policy.

Any changes to the destinations to which we send personal data or in the transfer mechanisms we rely on to transfer personal data internationally will be notified to you in accordance with the section on 'Changes to this privacy policy' below.

Your rights

You have the following rights, which you can exercise free of charge:

Access	The right to be provided with a copy of your personal data
Rectification	The right to require us to correct any mistakes in your personal data
Erasure (also known as the right to be forgotten)	The right to require us to delete your personal data—in certain situations
Restriction of processing	The right to require us to restrict processing of your personal data in certain circumstances, eg if you contest the accuracy of the data
Data portability	The right to receive the personal data you provided to us, in a structured, commonly used and machine-readable format and/or transmit that data to a third party—in certain situations
To object	The right to object: —at any time to your personal data being processed for direct marketing (including profiling); —in certain other situations to our continued processing of your personal data, eg processing carried out for the purpose of our legitimate interests unless there are compelling legitimate grounds for the processing to continue or the processing is required for the establishment, exercise or defence of legal claims
Not to be subject to automated individual decision making	The right not to be subject to a decision based solely on automated processing (including profiling) that produces legal effects concerning you or similarly significantly affects you
The right to withdraw consents	If you have provided us with a consent to use your personal data you have a right to withdraw that consent easily at any time

You may withdraw consents by contacting us (see ‘How to contact us’ below)
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Withdrawing a consent will not affect the lawfulness of our use of your personal data in reliance on that consent before it was withdrawn

For more information on each of those rights, including the circumstances in which they apply, please contact us (see ‘How to contact us’ below) or see the [Guidance from the UK Information Commissioner’s Office \(ICO\) on individuals’ rights](#).

If you would like to exercise any of those rights, please:

- email, call or write to us—see below: ‘How to contact us’; and
- provide enough information to identify yourself (eg your full name, address and customer or matter reference number) and any additional identity information we may reasonably request from you;
- let us know what right you want to exercise and the information to which your request relates.

Keeping your personal data secure

We have appropriate security measures to prevent personal data from being accidentally lost, or used or accessed unlawfully. We limit access to your personal data to those who have a genuine business need to access it. Those processing your personal data will do so only in an authorised manner and are subject to a duty of confidentiality. We continually test our systems and our Data Centre is ISO 27001 certified, which means we follow top industry standards for information security.

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

If you want detailed information from Get Safe Online on how to protect your personal data and other information and your computers and devices against fraud, identity theft, viruses and many other online problems, please visit www.getsafeonline.org. Get Safe Online is supported by HM Government and leading businesses.

Third Party Data Processing

In this section, End Users are defined as individuals who visit, access, use and/or interact with our Customers’ websites or email account. When an End User visits a customer website or send/receives email from a customer email address, we process Personal Data contained in server logs. Such Personal Data may include IP address and name of individual (if contained within a domain name or email address).

How to complain

Please contact us if you have any queries or concerns about our use of your personal data (see below ‘How to contact us’). We hope we will be able to resolve any issues you may have.

You also have the right to lodge a complaint with:

- the Information Commissioner in the UK

The UK's Information Commissioner may be contacted using the details at <https://ico.org.uk/make-a-complaint> or by telephone: 0303 123 1113.

Changes to this privacy policy

We may change this privacy notice from time to time, and any changes will be posted on this page. The updated privacy notice will take effect as soon as it has been updated.

How to contact us

You can contact us and our Data Protection Officer by email if you have any questions about this privacy policy or the information we hold about you, to exercise a right under data protection law or to make a complaint.

Our contact details:

0113 526 3826

Data Protection Officer,
24 Eltham Court,
Leeds,
West Yorkshire,
LS6 2TP,
United Kingdom

dpo@marsdencloud.com