

# Freshwater IT Privacy Policy & Cookie Notice

Freshwater IT is one of the largest software services and solutions businesses specialising in bespoke Booking & Management Agency Software.

Registered in The Netherlands with company number 58441581 and in Australia under ACN 167 440 575 (collectively known as "FIT").

This Privacy Policy and Cookie Notice incorporates all subsidiary companies.

FIT operates the following websites: [freshwaterit.com](https://freshwaterit.com) and [freshwaterit.com.au](https://freshwaterit.com.au)

## GDPR Principles

The following principles are complied with when processing personal data:

- Data is processed fairly and lawfully
- Data is processed only for specified and lawful purposes
- Processed data is adequate, relevant and not excessive
- Processed data is accurate and, where necessary, kept up to date
- Data is not kept longer than necessary
- Data is processed in accordance with an individual's consent and rights
- Data is kept secure
- Data is not transferred to countries outside of the European Economic Area (EEA) without adequate protection

## Lawful Basis of Processing Data

The lawful basis of processing of data will always be determined prior to any data being processed. The laws for processing personal data under the GDPR are as follows:

- **Consent** – the individual has given their Consent to the processing of their personal data
- **Contractual** – processing of personal data is necessary for the performance of a contract to which the individual is a party, or for FIT to take pre-contractual steps at the request of the individual
- **Legal Obligation** – processing of personal data is necessary for compliance with a legal obligation to which FIT is subject
- **Legitimate Interests** – processing of personal data is necessary under the Legitimate Interests of FIT or a Third Party, unless these interests are overridden by the individual's interest or fundamental rights
- **Public Task** – processing of personal data is necessary for the performance of a task carried out in the public interest or in the exercise of official authority
- **Vital Interests** – processing of personal data is necessary to protect the vital interests of the individual or another individual

FIT processes personal data under one, or more, of the following Lawful Bases:

- Consent
- Contractual
- Legal Obligation
- Legitimate Interest

## Type of Personal Data Being Processed

The type of personal data being processed may include:

- Name
- Address
- Email Address
- Job Title
- Telephone Number
- Business Name
- IP Address
- Demographic information such as postcode

## How Personal Data is Collected

Personal data is obtained from one or more of the following:

- Visits and use of the above FIT websites, and Company Portals
- Use of FIT's social media
- Use of Google Analytics
- Subscribers to FIT Company updates
- Parties entering into agreements with FIT
- Requests for information about products and services offered by FIT and/or quotes
- Employment enquiries

## Why Personal Data is Collected

Personal data is collected to provide legitimate business services which include:

- For Marketing purposes
- For us to review and reply to your enquiry
- To provide an opinion for a service you have requested
- To meet our statutory monitoring and reporting responsibilities
- To handle and communicate orders, billings and payment, delivery of products and services
- To improve FIT's services and product offering

Where indicated, however, some of the information is optional and you can choose not to complete.

## How Personal Data is Used

Personal data may be used to:

- Process orders, process a request for further information, to maintain records and to provide pre and after-sales service
- Pass to another organisation to supply/deliver products or services you have purchased and/or to provide pre or after-sales service
- Carry out our obligations arising from any contracts entered into by you and us
- Carry out security checks (this may involve passing your details to our Identity Verification partners, who will check details we give them against public and private databases – this helps to protect us from credit risk and both you and us from fraudulent transactions)
- Comply with legal requirements
- We may need to pass the information we collect between subsidiaries for administrative purposes
- We may use third parties to carry out certain activities, such as processing and sorting data, monitoring how customers use our site and issuing our emails for us
- Seek your views or comments on the services we provide
- Notify you of changes to our services
- Send you communications which you have requested and that may be of interest to you. These may include information about product updates, newsletters, events, webinars
- To inform you of various promotions, goods and services that may be of interest to you. You may be contacted by post, email, telephone, SMS or such other means with carefully selected marketing communications we deem relevant to send to you in the legitimate interests of FIT as an IT service provider. Each marketing communication sent to you by FIT will provide you with the option to unsubscribe and manage your data profile and communication preferences from FIT at any time
- Process a job application
- Create a profile of your interests and preferences so that we can contact you with information relevant to you. We may make use of additional information about you when it is available from external sources to help us do this effectively

## Where Personal Data is Stored

Information collected is stored on the Company's CRM system.

As part of any services offered by FIT, information provided may be transferred to countries outside the European Economic Area ('EEA') i.e. our servers, or third party servers that are used to provide FIT services located in a country outside the EEA. By submitting your data, you consent to the transfer, storage and/or processing of your data wherever it be stored. However, if your data is transferred outside the EEA, steps will be taken to ensure appropriate security measures are in place to ensure your privacy rights continue to be protected as outlined in this Policy.

FIT websites – Previous browsing history is available to FIT employees only, to determine your interests in order that we can engage with you more effectively and improve our site. If Cookies are switched off then your previous browsing history is no longer be available to FIT (See "Cookies" below). If you do not wish for us to have your personal information, please do not fill out any of the web forms on these sites.

## How long Personal Data is Stored

We review our retention periods for personal data on a regular basis. We are legally required to hold some types of information to fulfil our statutory obligations. We will hold personal data on our systems for as long as is necessary for the relevant activity, or as long as is set out in any relevant contract you hold with us.

## Who has Access to Personal Data

Only FIT employees are granted access to customer information. This is ensured by the use of strict operational processes and procedures.

Staff are trained on security systems and relevant processes and procedures which are reviewed regularly for ongoing effectiveness and suitability for purpose. All employees are kept up-to-date on the FIT security and privacy practices. Employees are notified and/or reminded about the importance we place on privacy, and what they can do to ensure that customer information is protected.

Personal information provided via the Company's portals is secured using Secure Socket Layer (SSL) server and is encrypted before being transmitted. Secure pages have a lock icon or key on the bottom of web browsers such as Microsoft Internet Explorer, information supplied by you on these webpages is securely stored and can only be accessed for the purposes for which it was provided.

All IT systems are kept in a secure environment with appropriate access control.

Non-sensitive details (your email address and other requested information) are transmitted normally over the Internet, and this can never be guaranteed to be 100% secure. As a result, while we strive to protect your personal information, we cannot guarantee the security of any information you transmit to us, and you do so at your own risk. Once we receive your information, we make our best effort to ensure its security on our systems. Where we have given (or where you have chosen) a password which enables you to access certain parts of our websites, you are responsible for keeping this password confidential. We ask you not to share your password with anyone.

We will not sell or rent your information to third parties.

Third-Party Service Providers working on our behalf:

We may pass your information to our third-party service providers, agents, subcontractors and other associated organisations for the purposes of completing tasks and providing services to you on our behalf. However, when we use third party service providers, we disclose only the personal information that is necessary to deliver the service and we have a contract in place that requires them to keep your information secure.

Third-Party Product Providers we work in association with:

We work closely with various third-party product providers to bring you a range of quality and reliable products and services designed to meet your needs. When you enquire about or purchase one or more of these products, the relevant third-party product provider will use your details to provide you with information and carry out their obligations arising from any contracts you have entered into with them. In some cases, they will be acting as a data controller of your information and, therefore, we advise you to read their Privacy Policy. These third-party product providers will share your information with us which we will use in accordance with this Privacy Policy.

We may transfer your personal information to a third party as part of a sale of some or all of our business and assets to any third party including for a merger, acquisition, divestiture, or similar transaction or as part of any business restructuring or reorganisation.

We may also further transfer data if we are under a duty to disclose or share your personal data in order to comply with any legal obligation or to law enforcement. However, we will take steps with the aim of ensuring that your privacy rights continue to be protected.

## Individuals' Rights

Different rules apply depending on the type of Lawful Processing being undertaken. Many of the following individuals' rights apply, however, whatever the basis of processing:

- The right to be informed how personal data is processed
- The right of access to their personal data
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling

The accuracy of personal data is imperative. We aim to keep it updated at all times. The personal data we hold on you is available upon request by contacting [gdpr@freshwaterit.com](mailto:gdpr@freshwaterit.com). You can request that your data is updated and/or deleted at any time, unless FIT can justify that it is retained for legitimate business or legal purpose. When updating your personal data, you may be asked to verify your identity before your request can be actioned.

You can change your marketing preferences at any time by calling your FIT Account Manager, or emailing [gdpr@freshwaterit.com](mailto:gdpr@freshwaterit.com) or by clicking on the "Unsubscribe" link at the bottom of any of FIT mailings.

## Links to other websites/from other websites

FIT websites may contain links to other websites run by other organisations. FIT Privacy Policy only applies to FIT's websites and you are encouraged to read the Privacy Statements on the third party websites that you visit such as Google. FIT is not responsible for the Privacy Policies and practices of other websites even if they were accessed via a FIT website. Equally, if you link to a FIT website from a third-party site, FIT is not responsible for the Privacy Policies and practices of that third-party site.

## 16 or Under

We are concerned to protect the privacy of children aged 16 or under. If you are aged 16 or under, please get your parent/guardian's permission beforehand whenever you provide us with personal information.

## Cookies

### What are cookies?

A cookie is a text file containing small amounts of information which a server downloads to your personal computer (PC) or mobile device when you visit a website. The server then sends a cookie back to the originating website each time you subsequently visit it, or if you visit another website which recognises that cookie.

### Why do websites use cookies?

Web pages have no memory. If you are surfing from page to page within a website, you will not be recognised as the same user across pages. Cookies enable your browser to be recognised by the website. So, cookies are mainly used to remember the choices you have made – choices such as the language you prefer and the currency you use. They will also make sure you are recognised when you return to a website.

### Do all cookies do the same thing?

No, there are different types of cookies and different ways of using them. Cookies can be categorised according to their function, their lifespan and according to who places them on a website.

### How does FIT use cookies?

Our website uses the following types of cookie:

**Technical cookies:** We try to give our visitors an advanced and user-friendly website that adapts automatically to their needs and wishes. To achieve this, we use technical cookies to show you our website, to make it function correctly. These technical cookies are absolutely necessary for our website to function properly.

**Functional cookies:** We also use functional cookies to remember your preferences and to help you to use our website efficiently and effectively, for example by remembering your preferred currency and language that you viewed earlier. These functional cookies are not strictly necessary for the functioning of our website, but they add functionality for you and enhance your experience.

**Analytics cookies:** We use these cookies to gain insight into how our visitors use the website, to find out what works and what doesn't, to optimise and improve our website and to ensure we continue to be interesting and relevant. The data we gather includes which web pages you have viewed, which referring/exit pages you have entered and left from, which platform type you have used, date and time stamp information and details such as the number of clicks you make on a given page, your mouse movements and scrolling activity, the search words you use and the text you type while using our website. We also make use of analytics cookies as part of our online advertising campaigns to learn how users interact with our website after they have been shown an online advertisement, which may include advertisements on third-party websites. We will not know who you are, and only obtain anonymous data.

**Commercial cookies:** We use these to show you FIT advertisements on other websites. This is called “retargeting” and it aims to be based on your browsing activities on our website, such as the destinations you have been searching for, the products you have viewed and the prices you have been shown.

## How long do FIT cookies stay active?

The cookies we use have varying lifespans. The maximum lifespan we set on some of them is five years from your last visit to our website. You can erase all cookies from your browser any time you want to.

## How can you recognise FIT cookies?

You can find our cookies in your browser settings.

## Does FIT use third-party cookies?

Yes, FIT uses the services of trusted and recognised online advertising and marketing companies. FIT may also use third-party providers for analytical purposes. To enable their services, these companies need to place cookies.

The providers we use are committed to building consumer awareness and establishing responsible business and data management practices and standards.

When it comes to online advertising and marketing companies, we strive to only work with companies that are members of the Network Advertising Initiative (NAI) and/or the Interactive Advertising Bureau (IAB). Members of NAI and IAB adhere to industry standards and codes of conduct. NAI and IAB members allow you to opt out of the behavioural advertising.

Visit [www.networkadvertising.org](http://www.networkadvertising.org) and [www.youronlinechoices.com](http://www.youronlinechoices.com) to identify the NAI members that may have placed an advertising cookie file on your computer. To opt out of an NAI or IAB member’s behavioural advertising programme, simply check the box that corresponds to the company from which you wish to opt out.

In order to control the collection of data for analytical purposes by Google Analytics, you may want to visit the following link: <https://tools.google.com/dlpage/gaoptout>

## Use of re-targeting functions on the website

Activation of interest-related advertising using “re-targeting”. All FIT websites use “re-targeting Tags” which is a JavaScript element positioned in the website source code. When a user visits a page that contains a re-targeting tag, the provider of the online advertising (e.g. Google) places a cookie on the user’s computer and organises the advertising in accordance with retargeting target group lists. This cookie is subsequently used to activate re-targeting campaigns (“Interest-related advertising”) on other websites. Studies have proven that integrating interest-related advertising is of greater interest for the Internet user than an advert which has no direct relation to the person’s interest and previously visited websites.

## Who has access to FIT cookie data?

Only FIT has access to FIT cookies. Cookies placed by third parties can be accessed by these third parties.

## How can you manage your cookie preferences?

Using your browser settings in, for example, Internet Explorer, Safari, Firefox or Chrome, you can set which cookies to accept and which to reject. Where you find these settings depends on which browser you use. Use the “Help” function in your browser to locate the settings you need.

If you choose not to accept certain cookies, you may not be able to use some functions on our website. And opting out of an online advertising network does not mean that you will no longer receive or be subject to online advertising or marketing analysis. It means that the network from which you opted out will no longer deliver ads tailored to your web preferences and browsing patterns.

## Does FIT use web beacons?

As well as using cookies, FIT sometimes uses web beacons. A web beacon is a tiny graphic image of just one pixel that’s delivered to your computer either as part of a web page request or in an HTML email message. Either directly or through service providers, we use these pixels as part of our online advertisements either on our website or on third-party websites to learn whether a user who is being shown an online advertisement also makes a reservation; to track conversion with partner websites and to analyse the traffic patterns of users to optimise the services we bring to you.

## Questions, Complaints and Subject Access Requests (SARs)

Any questions or Subject Access Requests (SARs) should be sent to: [gdpr@freshwaterit.com](mailto:gdpr@freshwaterit.com)

You have a right to lodge a complaint in the event that you believe that FIT has not upheld the rights, obligations and responsibilities set out in this Privacy Policy. Please send any complaints to: [gdpr@freshwaterit.com](mailto:gdpr@freshwaterit.com)

## Review of this Policy

This Policy is regularly reviewed. It was last updated 25 May 2018.