1. Template Privacy Notice

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| **PN Version** |  |
| **Effective Date** |  |
| **Date of Last Revision** |  |
| **Approved by** |  |

**PRIVACY NOTICE**

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| **Who are we?** |
| We are [***insert full legal name of the relevant entity that is the data controller***] (“[**Distributor**]”) of [***insert address***]. We are [***insert short description of business activities for relevant entity***].We are committed to protecting the privacy of our customers. We want to provide a safe and secure environment where we deal with your personal information. This means information that identifies you personally such as your name, address or contact details or data that can be linked with such information in order to identify you.Please take the time to read this privacy notice as it explains how we collect, use and store your personal information, and the rights you have in relation to the protection of your personal information. If, at any time, you have any concern about how your personal information is being processed by us, please let us know at [***Please insert link to the contact details referred to below***.]. |

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| **What personal information do we collect about you?** |
| **Types of personal information** |
| We collect and use many different kinds of personal information to provide our products and services. The personal information we may collect about you is listed below so you can see what we may know about you. ***[Will you be collecting any other types of personal information? If so, these will need to be included. If you do not collect special categories of data, please delete.]**** **Contact Details**: Your name, where you live and how to contact you.
* **Age**: Your date of birth and/or age.
* **Social**: Your marital status, family, lifestyle or social circumstances if relevant.
* **Communications**: What we learn about you from communications and conversations between us.
* **Usage**: Usage data about how you use our products and services.
* **Technical**: Details on the devices and technology you use.
* **Financial**: Your credit card details.
* **Contractual data:** Details about any products or services that we may provide for you.
* **Special categories of data**: The law treats some types of personal information as special. We will only collect and use this information if necessary and the law allows us to do so. This personal information may include your racial or ethnic origin, health data and criminal records.
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| **Where we collect your personal information from** |
| Generally, we collect and process your information in the following ways:**Information you give us *[Please confirm whether all are applicable and whether you will be collecting information from customers in any other ways. Please delete any aspects that do not apply to your business.]**** When you obtain our products and services.
* When you talk to us on the phone or in person, including recording calls and notes we may make.
* When you use our websites, web chat or mobile device applications.
* If you complete any of our customer surveys.
* In your correspondence with us.
* If you take part in our competitions and promotions.

**Information we collect automatically when you use our services** * Payment and transaction data.
* Profile and usage data. This includes:
	+ your IP address;
	+ the security details you create and use to connect to our services;
	+ your settings and marketing choices;
	+ data we gather from devices you use to connect to our online services; and
	+ data we gather from cookies we use and other internet tracking software whilst you are using our website or mobile device applications. [For more information please refer to our cookie policy [insert link].] ***[Will you be using tracking software in this way?]***

**Information we receive from third parties*** Companies that introduce you to us.
* Social networks.
* Agents, suppliers, sub-contractors and advisers.
* Public information sources.
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| **How do we use your personal information?** |
| We collect and process your personal information for several purposes. The law states that for each purpose we must explain to you what legal grounds we are using to justify our processing. Where we process your personal information we will have one of more of the following reasons:* To provide a requested service or carry out a contract with you.
* Where we have a legal obligation.
* Where we have a legitimate interest.
* Where we have your consent.

When we have a business or commercial reason of our own to use your personal information, this is called a “legitimate interest”. Where we rely on legitimate interest for processing your information, we carry out a ‘balancing test’ to ensure that our processing is necessary and that your fundamental rights of privacy are not outweighed by our legitimate interests, before we go ahead with such processing. Here are the legal grounds for processing your personal information that are relevant to us: ***[We have included examples of activities that may be relevant. Please carefully review the below and with consultation with your legal advisor modify as appropriate.]*** **To provide a requested service or carry out a contract with you.*** To manage our relationship and communicate with you.
* To process your payments, if you purchase our products, to provide you with order updates, deals with your enquiries.
* To authenticate the identity of individuals contacting us by telephone, electronic means or otherwise.
* To administer and manage your account and associated services including updating your records.
* To manage how we work with other companies that provide services to us and our customers.
* To exercise our rights set out in agreements and contracts.
* Sharing your personal data with certain third-party service suppliers such as payment service providers.

**Where we have a legal obligation*** To comply with laws and regulations that apply to us.
* To establish, defend and enforce our legal rights.
* To deal with requests from you to exercise your rights under data protection laws.

**Where we have a legitimate interest*** To manage our relationship with you.
* For internal training and quality assurance purposes.
* To administer and manage your account and associated services including updating your records.
* To test the performance of our products, services and internal processes.
* To manage and audit our business operations including accounting.
* To collect and recover money that is owed to us.
* To run our business in an efficient and proper way. This includes managing our financial position, business capability and governance requirements.
* To develop and carry out marketing activities and to conduct market research and analysis and develop statistics.
* To study how our customers use products and services from us and other organisations.

**Where we have your consent*** To develop and carry out marketing activities.
* To study how our customers use products and services from us and other organisations.
* To communicate with you about our products and services.
* We may also from time to time ask you for your consent for other purposes, which we will explain to you at the time.

***[Please note: if you are not processing special category data of customers, the section below can be deleted]***We will not collect or use personal information that is considered by the law as special without your consent, unless the law allows us to do so. If we do, it will only be when it is necessary to establish, exercise or defend legal claims.Here are the legal grounds for processing your special category personal information which are relevant to us:* **Responding to regulatory requirements:** Showing whether we have assessed your situation in the right way; passing information to the regulator as needed to allow investigation into whether we have acted in the right way;
* **Legal claims:** Using any special categories or data as needed to establish, exercise or defend legal claims; and
* **Consent:** Telling you that we need your consent to process special categories of personal information, when that is what we rely on for doing so.
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| **How long do we keep your personal information for?** |
| We will keep your personal information for as long as you are a customer of ours. We may keep your data for up to [7 – ***please review with your advisor to determine the required period in the applicable jurisdiction***] years after you stop being a customer. The reasons we may do this are:* To respond to a question or complaint, or to show whether we gave you fair treatment.
* To study customer data as part of our own internal research.
* To comply with rules that apply to us about keeping records.

We may also keep your data for longer than [7 - ***please review with your advisor to determine the required period in the applicable jurisdiction***] years if we cannot delete it for legal or regulatory reasons.After this time, we will securely erase your information.Your personal information is important to us and we will make sure your privacy is protected. |

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| **Who do we share your personal information with?** |
| We may share your personal information with other parties in order to provide you with products and services, run our business and comply with rules that apply to us. These include the following:We will share your personal information with New Balance Athletics Inc (“**New Balance**”), who will also be a controller of your personal information which we collect about you. You can view New Balance’s privacy notice [here](https://www.newbalance.co.uk/privacy-policy.html). You should read and be familiar with this privacy notice, as it provides details as to how New Balance will process your personal information. For example, New Balance may share such personal information with its own affiliates and third-party service providers. We have no control over New Balance’s privacy notice, so please ensure you are familiar with it as it may be updated from time to time. In the event that we no longer distribute New Balance products, we will cease being a controller of your personal data, but New Balance shall continue to be a controller and may continue to process your personal information, in accordance with their privacy notice (or as otherwise notified to you by New Balance). [The transfer of your personal information to New Balance may involve a transfer outside of the EEA. See more information on this transfer below.]We may share your personal information within the [Distributor] Group primarily for business and operational purposes. As we continue to develop our business, we may sell or purchase assets. If another entity acquires us or merges with us your personal information will be disclosed to such entity. Also, if any bankruptcy or reorganisation proceeding is brought by or against us, all such information will be considered an asset of ours and as such it is possible they will be sold or transferred to third parties.We may share your personal information with third parties who perform functions on our behalf and who also provide services to us, such as professional advisors, social media networks, IT consultants carrying out testing and development work on our business technology systems and function co-ordinators. These third parties comply with similar and equally stringent undertakings of privacy and confidentiality.We may share your personal information to our appointed representatives in connection with a contracted transaction between you and us, including solicitors. These third parties comply with similar and equally stringent undertakings of privacy and confidentiality.We may also share your personal information with the following organisations:* Agents and advisers who we use to help run our business, collect what you owe and explore new ways of doing business.
* Companies that introduce you to us.
* Companies that we introduce you to.
* Companies you ask us to share your data with. ***[Please review and consider which organisations are relevant. You will need to delete and add depending on who personal data is shared with.]***

Where required we may also share your personal information with third parties to comply with a legal obligation; when we believe in good faith that an applicable law requires it; at the request of governmental authorities conducting an investigation; to detect and protect against fraud, or any technical or security vulnerabilities; to respond to an emergency; or otherwise to protect the rights, property, safety, or security of third parties, visitors to the our website, our business or the public. |

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| **What happens if you do not provide us with the information we request or ask that we stop processing your information?** |
| If you do not provide the personal information necessary, or withdraw your consent for the processing of your personal information, where this information is necessary for us to provide services to you, we will not be able to provide these services to you. |

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| **Do we make automated decisions concerning you?** |
| No, we do not carry out automated decision making. ***[We assume no automated decision making is carried out but if this assumption is not correct, you will need to seek legal advice as to the wording which needs to be included in this section.]*** |

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| **Do we use Cookies to collect personal data on you?** |
| To provide better service to you on our websites, we use cookies to collect your personal data when you browse. See our cookie policy here for more details. ***[Please include a link to your cookies policy]*** |

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| **[Do we transfer your personal information outside the EEA?** |
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| We may transfer your personal information to [●] in [●] ***[Please include details of any (approved) transfers outside of the EEA]*** and to New Balance in the United States. When we do this, we will make sure that it is protected to the same extent as in the EEA as we will put in place appropriate safeguards to protect your personal data, which may include standard contractual clauses (for more information, see: <https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/standard-contractual-clauses-scc_en>).If we otherwise transfer your personal information outside the EEA, we’ll use one of these safeguards:* Transfer it to a non-EEA country with privacy laws that give the same protection as the EEA.
* Put in place appropriate safeguards to protect your personal data, which may include standard contractual clauses (for more information, see: <https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/standard-contractual-clauses-scc_en>).]
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| **What are your rights?** |
| By law, you have a number of rights when it comes to your personal information. Please contact us using the contact details below to exercise any of your rights. Further information and advice about your rights can be obtained from the data protection regulator in your country. |
| **Rights** | **What does this mean?** |
| * + 1. The right to object to processing
 | You have the right to object to certain types of processing, including processing for direct marketing (i.e. if you no longer want to be contacted with potential opportunities). |
| * + 1. The right to be informed
 | You have the right to be provided with clear, transparent and easily understandable information about how we use your information and your rights. This is why we’re providing you with the information in this privacy notice. |
| * + 1. The right of access
 | You have the right to obtain access to your information (if we’re processing it), and certain other information (similar to that provided in this privacy notice).This is so you’re aware and can check that we’re using your information in accordance with data protection law. |
| * + 1. The right to rectification
 | You are entitled to have your information corrected if it’s inaccurate or incomplete. |
| * + 1. The right to erasure
 | This is also known as ‘the right to be forgotten’ and, in simple terms, enables you to request the deletion or removal of your information where there’s no compelling reason for us to keep using it. This is not a general right to erasure; there are exceptions. |
| * + 1. The right to restrict processing
 | You have rights to ‘block’ or suppress further use of your information. When processing is restricted, we can still store your information, but may not use it further. We keep lists of people who have asked for further use of their information to be ‘blocked’ to make sure the restriction is respected in future. |
| * + 1. The right to data portability
 | You have rights to obtain and reuse your personal information for your own purposes across different services. For example, if you decide to switch to a new provider, this enables you to move, copy or transfer your information easily between our IT systems and theirs safely and securely, without affecting its usability. |
| * + 1. The right to lodge a complaint
 | You have the right to lodge a complaint about the way we handle or process your personal information with your national data protection regulator. |
| * + 1. The right to withdraw consent
 | If you have given your consent to anything we do with your personal information, you have the right to withdraw your consent at any time (although if you do so, it does not mean that anything we have done with your personal information with your consent up to that point is unlawful). This includes your right to withdraw consent to us using your personal information for marketing purposes. |

We usually act on requests and provide information free of charge, but may charge a reasonable fee to cover our administrative costs of providing the information for:

* baseless or excessive/repeated requests, or
* further copies of the same information.

Alternatively, we may be entitled to refuse to act on the request.

Please consider your request responsibly before submitting it. We’ll respond as soon as we can. Generally, this will be within one month from when we receive your request but, if the request is going to take longer to deal with, we’ll come back to you and let you know.

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| **How will we contact you?** |
| We may contact you by phone or email. If you prefer a particular contact means over another please just let us know. |

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| **How can you contact us or get more help?** |
| If you have any questions about this privacy notice, or would like to exercise any of your rights, please contact us by writing to us at the address below: ***[insert entity name]******[insert responsible contact for privacy matters such as DPO if applicable – if there is a DPO appointed, the details should be provided in this notice]******[insert contact email]******[insert address]***If you are unhappy about any aspect of the way we collect, share or use your personal information, please let us know using the contact details above. You also have a right to complain to the relevant regulator for data protection. |

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| **How will you know if we change this privacy notice?** |
| We may need to make changes to this privacy notice at any time. If we make any material change to how we collect your personal information, or how we use or share it, we will update the privacy notice on our website, and we will inform you of these changes by our normal means of communicating with you, including by email, or by post. |