

IE-ITwww02

## **Website privacy notice**

# Privacy Notice

This is the privacy notice of [trading or business or organisation or company name]. In this document, "we", "our", or "us" refer to [trading or business or organisation or company name].

We are company number [company registration number] registered in [country].

Our registered office is at [address].

## Introduction

1. This is a notice to inform you of our policy about all information that we record about you. It sets out the conditions under which we may process any information that we collect from you, or that you provide to us. It covers information that could identify you ("personal information") and information that could not. In the context of the law and this notice, "process" means collect, store, transfer, use or otherwise act on information.
2. We regret that if there are one or more points below with which you are not happy, your only recourse is to leave our website immediately.
3. We take seriously the protection of your privacy and confidentiality. We understand that all visitors to our website are entitled to know that their personal data will not be used for any purpose unintended by them, and will not accidentally fall into the hands of a third party.
4. We undertake to preserve the confidentiality of all information you provide to us, and hope that you reciprocate.
5. Our policy complies with the Data Protection Act 2018 (Act) accordingly incorporating the EU General Data Protection Regulation (GDPR).
6. The law requires us to tell you about your rights and our obligations to you in regards to the processing and control of your personal data. We do this now, by requesting that you read the information provided at [www.knowyourprivacyrights.org](http://www.knowyourprivacyrights.org)
7. Except as set out below, we do not share, or sell, or disclose to a third party, any information collected through our website.

## The bases on which we process information about you

The law requires us to determine under which of six defined bases we process different categories of your personal information, and to notify you of the basis for each category.

If a basis on which we process your personal information is no longer relevant then we shall immediately stop processing your data.

If the basis changes then if required by law we shall notify you of the change and of any new basis under which we have determined that we can continue to process your information.

## **1. Information we process because we have a contractual obligation with you**

When you create an account on our website, buy a product or service from us, or otherwise agree to our terms and conditions, a contract is formed between you and us.

In order to carry out our obligations under that contract we must process the information you give us. Some of this information may be personal information.

We may use it in order to:

- 1.1. verify your identity for security purposes
- 1.2. sell products to you
- 1.3. provide you with our services
- 1.4. provide you with suggestions and advice on products, services and how to obtain the most from using our website

We process this information on the basis there is a contract between us, or that you have requested we use the information before we enter into a legal contract.

Additionally, we may aggregate this information in a general way and use it to provide class information, for example to monitor our performance with respect to a particular service we provide. If we use it for this purpose, you as an individual will not be personally identifiable.

We shall continue to process this information until the contract between us ends or is terminated by either party under the terms of the contract.

## **2. Information we process with your consent**

Through certain actions when otherwise there is no contractual relationship between us, such as when you browse our website or ask us to provide you

more information about our business, including [\[job opportunities and\]](#) our products and services, you provide your consent to us to process information that may be personal information.

Wherever possible, we aim to obtain your explicit consent to process this information, for example, by asking you to agree to our use of cookies.

Sometimes you might give your consent implicitly, such as when you send us a message by e-mail to which you would reasonably expect us to reply.

Except where you have consented to our use of your information for a specific purpose, we do not use your information in any way that would identify you personally. We may aggregate it in a general way and use it to provide class information, for example to monitor the performance of a particular page on our website.

If you have given us explicit permission to do so, we may from time to time pass your name and contact information to selected associates whom we consider may provide services or products you would find useful.

We continue to process your information on this basis until you withdraw your consent or it can be reasonably assumed that your consent no longer exists.

You may withdraw your consent at any time by instructing us [\[at email address or webpage\]](#). However, if you do so, you may not be able to use our website or our services further.

### **3. Information we process for the purposes of legitimate interests**

We may process information on the basis there is a legitimate interest, either to you or to us, of doing so.

Where we process your information on this basis, we do after having given careful consideration to:

- whether the same objective could be achieved through other means
- whether processing (or not processing) might cause you harm
- whether you would expect us to process your data, and whether you would, in the round, consider it reasonable to do so

For example, we may process your data on this basis for the purposes of:

- record-keeping for the proper and necessary administration of our [\[organisational or business\]](#)

- responding to unsolicited communication from you to which we believe you would expect a response
- protecting and asserting the legal rights of any party
- insuring against or obtaining professional advice that is required to manage [\[organisational or business\]](#) risk
- protecting your interests where we believe we have a duty to do so.

#### **4. Information we process because we have a legal obligation**

We are subject to the law like everyone else. Sometimes, we must process your information in order to comply with a statutory obligation.

For example, we may be required to give information to legal authorities if they so request or if they have the proper authorisation such as a search warrant or court order.

This may include your personal information.

### **Specific uses of information you provide to us**

#### **5. Information provided on the understanding that it will be shared with a third party**

Our website allows you to post information with a view to that information being read, copied, downloaded, or used by other people.

Examples include:

- 5.1. posting a message our forum
- 5.2. tagging an image
- 5.3. clicking on an icon next to another visitor's message to convey your agreement, disagreement or thanks

In posting personal information, it is up to you to satisfy yourself about the privacy level of every person who might use it.

We do not specifically use this information except to allow it to be displayed or shared.

We do store it, and we reserve a right to use it in the future in any way we decide.

Once your information enters the public domain, we have no control over what any individual third party may do with it. We accept no responsibility for their actions at any time.

Provided your request is reasonable and there is no legal basis for us to retain it, then at our discretion we may agree to your request to delete personal information that you have posted. You can make a request by contacting us at [\[email address or webpage\]](#).

## **6. Complaints regarding content on our website**

Our website is a publishing medium. Anyone may register and then publish information about himself, herself or some other person.

We do not moderate or control what is posted.

OR

We attempt to moderate user generated content, but we are not always able to do so as soon as that content is published.

If you complain about any of the content on our website, we shall investigate your complaint.

If we feel it is justified or if we believe the law requires us to do so, we shall remove the content while we investigate.

Free speech is a fundamental right, so we have to make a judgment as to whose right will be obstructed: yours, or that of the person who posted the content that offends you.

If we think your complaint is vexatious or without any basis, we shall not correspond with you about it.

## **7. Information relating to your method of payment**

***First option:***

We store information about your debit or credit card or other means of payment when you first provide it to us.

We store this payment information [at your request] in order to make repeat purchasing of goods and services easier next time you visit our website.

[We also store it to help us prevent fraud.]

We take the following measures to protect your payment information:

- 7.1. We keep your payment information encrypted on our servers.
- 7.2. We do not keep all your payment information so as:
  - 7.2.1 to prevent the possibility of our duplicating a transaction without a new instruction from you;
  - 7.2.2 to prevent any other third party from carrying out a transaction without your consent
- 7.3. Access to your payment information is restricted to authorised staff only.
- 7.4. If we ask you questions about your payment information, we only show [partial detail OR the first four OR the last four digits of the debit or credit card number], so that you can identify the means of payment to which we refer.
- 7.5. [Other...]

We automatically delete your payment information [after X days OR when a credit or debit card expires].

***Second option:***

Payment information is never taken by us or transferred to us either through our website or otherwise. Our employees and contractors never have access to it.

At the point of payment, you are transferred to a secure page on the website of [WorldPay / SagePay / PayPal / MoneyBookers / Stripe] or some other reputable payment service provider. That page may be branded to look like a page on our website, but it is not controlled by us.

## **8. Information about your direct debit**

When you agree to set up a direct debit arrangement, the information you give to us is passed to our own bank [name of bank] for processing according to our instructions. We [do / do not] keep a copy.

[We keep this information only for the duration of the direct debit arrangement.]

We are registered under the direct debit guarantee scheme. This provides for the customer's bank to refund disputed payments without question, pending further investigation. Direct debits can only be set up for payments to beneficiaries that are approved originators of direct debits. In order to be approved, these beneficiaries are subjected to careful vetting procedures. Once approved, they are required to give indemnity guarantees through their banks.

## **9. Job application and employment**

If you send us information in connection with a job application, we may keep it for up to [three years] in case we decide to contact you at a later date.

If we employ you, we collect information about you and your work from time to time throughout the period of your employment. This information will be used only for purposes directly relevant to your employment. After your employment has ended, we will keep your file for [six years] before destroying or deleting it.

## **10. Sending a message to our support team**

When you contact us, whether by telephone, through our website or by e-mail, we collect the data you have given to us in order to reply with the information you need.

We record your request and our reply in order to increase the efficiency of our [business / organisation].

We do not keep any personally identifiable information associated with your message, such as your name or email address.

OR

We keep personally identifiable information associated with your message, such as your name and email address so as to be able to track our communications with you to provide a high quality service.



## **11. Complaining**

When we receive a complaint, we record all the information you have given to us.

We use that information to resolve your complaint.

If your complaint reasonably requires us to contact some other person, we may decide to give to that other person some of the information contained in your complaint. We do this as infrequently as possible, but it is a matter for our sole discretion as to whether we do give information, and if we do, what that information is.

We may also compile statistics showing information obtained from this source to assess the level of service we provide, but not in a way that could identify you or any other person.

## **12. Affiliate and business partner information**

This is information given to us by you in your capacity as an affiliate of us or as a business partner.

It allows us to recognise visitors that you have referred to us, and to credit to you commission due for such referrals. It also includes information that allows us to transfer commission to you.

The information is not used for any other purpose.

We undertake to preserve the confidentiality of the information and of the terms of our relationship.

We expect any affiliate or partner to agree to reciprocate this policy.

## **Use of information we collect through automated systems when you visit our website**

## **13. Cookies**

Cookies are small text files that are placed on your computer's hard drive by your web browser when you visit any website. They allow information gathered on one web page to be stored until it is needed for use on another, allowing a website to provide you with a personalised experience and the

website owner with statistics about how you use the website so that it can be improved.

Some cookies may last for a defined period of time, such as one day or until you close your browser. Others last indefinitely.

Your web browser should allow you to delete any you choose. It also should allow you to prevent or limit their use.

Our website uses cookies. They are placed by software that operates on our servers, and by software operated by third parties whose services we use.

[When you first visit our website, we ask you whether you wish us to use cookies. If you choose not to accept them, we shall not use them for your visit except to record that you have not consented to their use for any other purpose.](#)

[If you choose not to use cookies or you prevent their use through your browser settings, you will not be able to use all the functionality of our website.](#)

We use cookies in the following ways:

- 13.1. to track how you use our website
- 13.2. to record whether you have seen specific messages we display on our website
- 13.3. to keep you signed in our site
- 13.4. to record your answers to surveys and questionnaires on our site while you complete them
- 13.5. to record the conversation thread during a live chat with our support team

[\[We provide more information about the cookies we use in our cookie policy\].](#)

## **14. Personal identifiers from your browsing activity**

Requests by your web browser to our servers for web pages and other content on our website are recorded.

We record information such as your geographical location, your Internet service provider and your IP address. We also record information about the software you are using to browse our website, such as the type of computer or device and the screen resolution.

We use this information in aggregate to assess the popularity of the webpages on our website and how we perform in providing content to you.

If combined with other information we know about you from previous visits, the data possibly could be used to identify you personally, even if you are not signed in to our website.

## **15. Our use of re-marketing**

Re-marketing involves placing a cookie on your computer when you browse our website in order to be able to serve to you an advert for our products or services when you visit some other website.

We may use a third party to provide us with re-marketing services from time to time. If so, then if you have consented to our use of cookies, you may see advertisements for our products and services on other websites.

## **Disclosure and sharing of your information**

## **16. Information we obtain from third parties**

Although we do not disclose your personal information to any third party (except as set out in this notice), we sometimes receive data that is indirectly made up from your personal information from third parties whose services we use.

[No such information is personally identifiable to you.](#)

## **17. Third party advertising on our website**

Third parties may advertise on our website. In doing so, those parties, their agents or other companies working for them may use technology that automatically collects information about you when their advertisement is displayed on our website.

They may also use other technology such as cookies or JavaScript to personalise the content of, and to measure the performance of their adverts.

We do not have control over these technologies or the data that these parties obtain. Accordingly, this privacy notice does not cover the information practices of these third parties.

## 18. Credit reference

To assist in combating fraud, we share information with credit reference agencies, so far as it relates to clients or customers who instruct their credit card issuer to cancel payment to us without having first provided an acceptable reason to us and given us the opportunity to refund their money.

## 19. Data may be processed outside the European Union

Our websites are hosted in [\[country\]](#).

We may also use outsourced services in countries outside the European Union from time to time in other aspects of our business.

Accordingly data obtained within Ireland or any other country could be processed outside the European Union.

[For example, some of the software our website uses may have been developed in the United States of America or in Australia.](#)

We use the following safeguards with respect to data transferred outside the European Union:

- [19.1. the processor is within the same corporate group as our business or organisation and abides by the same binding corporate rules regarding data processing.](#)
- [19.2. the data protection clauses in our contracts with data processors include transfer clauses written by or approved by a supervisory authority in the European Union \[, specifically that in the country of ...\]](#)
- [19.3. we comply with a code of conduct approved by a supervisory authority in the European Union \[, specifically that in the country of ...\]](#)
- [19.4. we are certified under an approved certification mechanism as provided for in the Act](#)
- [19.5. both our organisation and the processor are public authorities between whom there is either a legally binding agreement or administrative arrangements approved by a supervisory authority in the European Union relating to protection of your information](#)

## **Access to your own information**

### **20. Access to your personal information**

- 20.1. At any time you may review or update personally identifiable information that we hold about you, by signing in to your account on our website.
- 20.2. To obtain a copy of any information that is not provided on our website you may send us a request at [\[email address\]](#).
- 20.3. After receiving the request, we will tell you when we expect to provide you with the information, and whether we require any fee for providing it to you.

### **21. Removal of your information**

If you wish us to remove personally identifiable information from our website, you may contact us at [\[email address\]](#).

This may limit the service we can provide to you.

### **22. Verification of your information**

When we receive any request to access, edit or delete personal identifiable information we shall first take reasonable steps to verify your identity before granting you access or otherwise taking any action. This is important to safeguard your information.

## **Other matters**

### **23. Use of site by children**

- 23.1. We do not sell products or provide services for purchase by children, nor do we market to children.
- 23.2. If you are under 18, you may use our website only with consent from a parent or guardian

- 23.3. Certain areas of our website are designed for use by children over [15] years of age. These areas include [description or name or areas designed for children].
- 23.4. We collect data about all users of and visitors to these areas regardless of age, and we anticipate that some of those users and visitors will be children.
- 23.5. Such child users and visitors will inevitably visit other parts of the site and will be subject to whatever on-site marketing they find, wherever they visit.

## **24. Encryption of data sent between us**

We use Secure Sockets Layer (SSL) certificates to verify our identity to your browser and to encrypt any data you give us.

Whenever information is transferred between us, you can check that it is done so using SSL by looking for a closed padlock symbol or other trust mark in your browser's URL bar or toolbar.

## **25. How you can complain**

- 25.1. If you are not happy with our privacy policy or if have any complaint then you should tell us by email. Our address is [\[email address\]](#).
- 25.2. [\[You can find further information about our complaint handling procedure at webpage URL\]](#)
- 25.3. If a dispute is not settled then we hope you will agree to attempt to resolve it by engaging in good faith with us in a process of mediation or arbitration.
- 25.4. If you are in any way dissatisfied about how we process your personal information, you have a right to lodge a complaint with the Data Protection Commissioner. This can be done at <https://www.dataprotection.ie/docs/complaints/1592.htm>

## **26. Retention period for personal data**

Except as otherwise mentioned in this privacy notice, we keep your personal information only for as long as required by us:

- 26.1. to provide you with the services you have requested;
- 26.2. to comply with other law, including for the period demanded by our tax authorities;
- 26.3. to support a claim or defence in court.

## **27. Compliance with the law**

Our privacy policy has been compiled so as to comply with the law of every country or legal jurisdiction in which we aim to do business. If you think it fails to satisfy the law of your jurisdiction, we should like to hear from you.

However, ultimately it is your choice as to whether you wish to use our website.

## **28. Review of this privacy policy**

We may update this privacy notice from time to time as necessary. The terms that apply to you are those posted here on our website on the day you use our website. We advise you to print a copy for your records.

If you have any question regarding our privacy policy, please contact us.

# Explanatory notes

## Privacy policy notice

## General notes

The EU Data Protection Directive (95/46/EC), implemented as the General Data Protection Regulation, or the GDPR, comes into force from May 2018.

In the Ireland, the rights and obligations that the GDPR brought are written into a new law called the Data Protection Act 2018.

The requirements under the new law are similar in extent to existing data protection law in Ireland. If your business complies with existing law, then the changes you need to make are likely to be small.

The possible implications for non-compliance are now much more severe. In theory, the Data Protection Commissioner (the DPC) has the power to fine a business for non-compliance.

However, as with other EU law regarding selling to consumers we believe that the DPC in practice is unlikely to fine many small businesses and organisations without having first given a warning. Having a privacy notice (such as one based on this template) that shows some effort to comply with the law is likely, in our opinion, to generate enough goodwill with the DPC to avoid a fine in the first instance.

Updating your website privacy notice is not the only requirement for compliance with the GDPR. You are also likely to need to change how customers and visitors can access personal data held about them, and create new procedures for obtaining compliance to collect and use personal data.

You may also need to update other legal documents, in particular, your website terms and conditions.

### Using this template as the basis for your privacy notice

Your privacy policy should be concise (while also being comprehensive), transparent, easy to understand and easily accessible.

We aim to balance those qualities in this document. However, we cannot know exactly how your business works, so you may need to edit the document significantly in certain places.

We offer this template free as an example of a Net Lawman document. We hope that you like it, and that you may buy other documents and services from us in the future.



Regardless of the price, we assert our copyright in the document. Our standard licence terms apply.

In addition to these paragraph specific guidance notes to help you edit the template, we also publish a free, more general guide to editing our legal documents, which you can download at:

<https://www.netlawman.ie/uploads/Editing%20Legal%20Document%20Templates.pdf>

If you have any questions, please contact us at [support@netlawman.ie](mailto:support@netlawman.ie)

## Paragraph specific notes

Numbered notes refer to specific numbered paragraphs in the template.

### Identification of the owner of the website

The Act requires that you identify the business or the organisation that operates the website. Using the domain name as the business name is not enough. You need to provide a business or organisation name and an address.

In practice, you may decide that you do not want to provide your name and address (for your own privacy reasons). You may be more likely to get away with doing this if you don't trade from your website.

If you have appointed a data protection officer, you should name that person here using words such as "Our Data Protection Officer is [Name]". Most businesses or organisations that use this template will not be large enough to require one.

### Introduction

Leave these items in place unless there is a good reason to edit or remove. Each of these items has been carefully considered in the context of this document and has been included for a purpose.

1. This paragraph sets out the purpose of the document and explains terms used throughout it.
2. If a visitor is not happy with your privacy policy, there is little he or she can do except leave your website. This paragraph reminds him or her of that recourse.
3. This is a statement of intent, designed to reassure visitors, but also any regulator.
4. As above.

5. This statement demonstrates awareness of the Act and compliance. It should also reassure visitors.
6. A key requirement of the law is that you tell your visitors and customers that they have rights with respect to how their personal information is processed. Rather than cluttering your privacy notice with an explanation of the law, we recommend referring your visitors to this explanatory website.
7. A statement designed to reassure site visitors.

### **The bases on which we process information about you**

A requirement of the Act is that you tell the data subject why you process the data and which legal basis you have chosen to use as the justification to process his or her data.

Most websites will process different types of data on different bases. The two most likely to apply are “Contract” (after the visitor has accepted your terms and conditions) and “Consent” (after the visitor has agreed to your use of his or her data – usually by taking some affirmative action such as clicking on a button). Some data may also be processed because of a legal requirement or a legitimate interest.

All the bases are described at:

<http://www.knowyourprivacyrights.org/legitimate-uses/>

The reasons why you process the data arise as a result of the basis. If there is a contract, there is a contractual obligation to carry out the service. If the basis is consent, then there will probably be some benefit to the data subject of you using the information.

You may want to edit these sections in minor ways (certainly where we have highlighted in blue).

More importantly, you should make design changes to how your website works so as to obtain explicit consent, or have a visitor agree to your terms earlier in your relationship.

For most websites, contract is the strongest basis for processing. If you can design your website experience such that a visitor agrees to your terms early on, before providing personal information, you will have fewer grounds for complaints. For example, you might reduce the requirement to provide detailed information when a visitor registers a basic account on your website, but place more content or functionality in an area of the website that requires the visitor to have such an account. At the registration point, the visitor must tick a box to say that he or she has read and agrees to your terms and conditions.

If you are relying on consent, then you might design a banner to appear when a visitor first arrives at your site (for example, encouraging him or her to read your cookies policy). That banner might have two buttons – one that gives explicit agreement and one that doesn't. If the visitor does not give explicit consent, then you redirect him or her to another "safe" website or state that certain functionality will be limited.

Positive action needs to be taken by the visitor when agreeing to anything – pre-ticked boxes or close buttons don't count as affirmative action.

Legitimate Interests is a basis that is fairly subjective. For it to be used, you must have decided that there is a legitimate interest, that processing the data is necessary to protect that interest, and that the data subject's interests (or other interests) do not override it. In some circumstances, it is most appropriate, but if possible, we would recommend using Contract or Consent as better alternatives. The reason is simply that the data subject is less likely to complain if he or she has clearly asked you to process his or her data.

Data subjects have a legal right to see the personal information you hold about them. You need both an internal process as to how to provide this, and a means for the data subject to request the information.

If the data subject is a registered visitor, then providing his or her data in an account area is a good way of providing this data. You can also provide a way of giving consent to use of the data in the same place.

If the data subject does not have an account, then you should give either an e-mail address or a physical address to which the data subject can send a request for his or her information.

Lastly, for each basis you need to state when you stop processing the data. We suggest that you don't edit our text.

### **Specific uses of information you provide to us**

This section provides more information about specific types of information. The paragraphs within it are as much designed to reassure a visitor reading your policy than to aid compliance with the law.

## **5 Information provided on the understanding that it will be shared with a third party**

This paragraph serves as a reminder that information that a visitor posts on your website may be available for public viewing, and that you cannot be held responsible if someone else copies it and uses it without the author's permission.

It creates a licence for you to use it in any way you wish, which may be useful.

You should provide a way for someone to contact you and request that content is removed. This could be as simple as an e-mail address.

## **6 Complaints regarding content on our website**

This paragraph is a reminder to visitors that moderation of all user generated content is not always viable.

It shows that you take complaints about content seriously, and also that a decision to remove content remains with you.

## **7 Information relating to your method of payment**

There are two options here. Delete whichever is not relevant.

The first covers the situation where you do record card information. You should edit the “measures to protect your information” so that they are relevant to your business.

The second covers the situation where card information stays with the payment service provider.

If you don't take payment at all, of course delete this paragraph completely.

## **8 Information about your direct debit**

If you do not take payment by direct debit, delete this paragraph. Otherwise edit the wording in blue appropriately.

## **9 Job application and employment**

The purpose of this paragraph is to set out for how long personal information is processed. It is a requirement of the Act.

## **10 Sending a message to our support team**

We suggest you keep this paragraph in your notice. However, you should edit it to suit how your organisation works.

## **11 Complaining**

This paragraph deals with how information collected as a result of a complaint is used. It should not be confused with an explanation of how to complain (which is dealt with later). We suggest you leave this paragraph as is.

## **12 Affiliate and business partner information**

Information relating to affiliates is not subject to the Act. This paragraph should reassure business partners.

## **13 Cookies**

The start of this paragraph is an explanation of what cookies are.

It is good practice to display a message when a visitor first comes to your website asking whether he or she accepts use of cookies. The paragraph in blue supports this.

We take the approach here of not listing every single cookie.

The reason is that you not know this information yourself, especially if you use third party add-ons or plug-ins to your website. For example, Google provides visitor tracking software (Analytics) that is popular. It could at any point change the name or purpose of the many cookies it uses without telling you.

There are so many cookies that software you use is likely to place that to list them here would increase the size and complexity of the notice, and to keep the notice up-to-date as they change would be time consuming.

Listing every cookie's file name, purpose and expiration period could be done in a separate cookie notice, linked from this paragraph.

We prefer the approach of explaining in what ways they are used. Add or delete to this list as appropriate.

## **14 Personal identifiers from your browsing activity**

Most web servers log requests for pages. We suggest you leave this paragraph as is, even if you don't use this information.

## **15 Our use of re-marketing**

Re-marketing is the name given to the practice of advertising your products and services on third party websites based on pages on your website that the visitor has already seen.

It requires you as the website owner to be the client of an advertising service provider.

When a visitor visits a page of your website, the advertiser's software through your website places a cookie on the visitor's computer. When he or she visits another webpage on a third party website, you can choose whether or not to pay to show him or her an advert for your product or service.

For example, you might sell fruit from your website. A visitor visits a page about the health benefits of eating a particular tropical fruit. Later, the same visitor visits another website about cookery, and specifically a page that describes a recipe that requires the tropical fruit. Both your website and the cookery website use the same advertising service provider. You can choose

to pay to have your adverts for that tropical fruit to be displayed on the cookery website.

The advertising service provider usually allows you to specify exactly what criteria must be met in order to display your advert, making re-marketing a cost efficient way of advertising.

Some people feel very strongly about re-marketing. It can elicit fears of “being followed around the web”, particularly if the topic of the advert is sensitive.

You can choose to delete this paragraph entirely if you do not use re-marketing. However, keeping it in place will allow you to experiment with different types of display marketing later.

## **Disclosure and sharing of your information**

### **16 Information we obtain from third parties**

This paragraph is a reminder to visitors that you may use third party information provision services. Delete if not appropriate to your organisation.

### **17 Third party advertising on our website**

Delete if not appropriate to your organisation.

### **18 Credit reference**

We suggest that you leave this paragraph in place even if you have no immediate intention of liaising with debt collectors. It may be a useful “reminder” to users of your website.

### **19 Data may be processed outside the European Union**

It is a legal requirement to tell the visitor if his or her information is processed outside the EU. It is especially important if you have your own business operations outside the EU.

If you want to be as compliant as possible, you should also identify carefully whether you use services outside the EU. You may use, for example, a US-based online software service to provide your chat system.

In practice, it might be very difficult to identify exactly where software has been written, whether the software house processes your data in any way, and where this might take place.

The clause giving examples (in blue) could be deleted entirely if you don’t want possibly to mislead readers.

The safeguards (bullet points at the end of the paragraph) seem verbose, but are copied verbatim from the legislation. Choose the most appropriate (one, maybe two) and delete the others.

## **Access to your own information**

Under the Act, a data subject has a right to access information about him or her, and a right for that information to be kept up-to-date and only for as long as required.

You should leave these three paragraphs in place, editing the addresses.

## **Other matters**

### **23 Use of site by children**

Under Ireland law, you cannot form a contract with a child. So a child cannot agree to your terms and conditions, which means that he or she cannot agree to your terms regarding use of his or her information. Additionally, only a parent or guardian can give consent.

So it is very difficult to have a lawful basis for processing personal information about children.

Additionally, personal information about children is regarded as more sensitive than the same information about an adult. The consequences for data breaches could be much greater.

We suggest you edit this paragraph to suit your website and keep it in.

### **24 Encryption of data sent between us**

This paragraph is included to reassure visitors. If you do not use SSL then remove the paragraph.

### **25 How you can complain**

This paragraph sets out standard wording that tells visitors how to make a complaint.

It gives you a stronger argument to use arbitration or mediation as a means of resolving a complaint, rather than going to court.

In any case, you must tell visitors to your site about their right to complain to the supervisory body, the Data Protection Commissioner.

### **26 Retention period for personal data**

It is a requirement of the Act to tell data subjects for how long personal information will be kept. This paragraph is a catch-all if the information is not provided elsewhere.

Basic law relating to limitation for bringing a claim, contract matters, tax and other areas often requires data to be retained for six years. You will be “safe” if you specify that period for commercial transactions.

**27 Compliance with the law**

Leave this paragraph in place.

**28 Review of this privacy policy**

Leave this paragraph in place.

## **End of notes**