

OOMPH!

WEBSITE PRIVACY NOTICE

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DISCLOSURE STATEMENT

The information contained in this document, which is not in the public domain at the time of disclosure, is confidential to Oomph Wellness Limited and the client. It shall be treated as such by those persons employed or retained by the client.

The information shall only be used by the client for the purpose for which it was originally provided. Accordingly, the contents of this document shall not be disclosed in whole or in part to any other parties without prior written consent of Oomph Wellness Limited.

The copyright in this document is owned by Oomph Wellness Limited. All material, concepts and ideas detailed in this document are confidential to Oomph Wellness Limited. This document shall not be used, disclosed, or copied in whole or in part for any purposes without the express permission of Oomph Wellness Limited.

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INTRODUCTION

We are Oomph Wellness Limited. We're a company registered in England and Wales with company number 07608774, whose registered address is at 85 Great Portland Street, First Floor, London, England, W1W 7LT. In this privacy notice we will refer to ourselves as 'we', 'us' or 'our'.

You can get hold of us in any of the following ways:

1. by phoning us on 0203 601 6363.
2. by e-mailing us at support@oomph-wellness.org; or
3. by writing to us at 85 Great Portland Street, First Floor, London, England, W1W 7LT

These terms of service document are designed to inform you about the terms of use on which you make use of our services whether as a guest or as a registered user. Use of our site includes accessing, browsing, or registering to use our site.

We take the privacy, including the security, of personal information we hold about you seriously. This privacy notice is designed to inform you about how we collect personal information about you and how we use that personal information.

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You should read this privacy notice carefully so that you know and can understand why and how we use the personal information we collect and hold about you.

We have appointed Emily Wood as our Data Protection Officer. You can contact them using the details set out above.

This Privacy Notice will be reviewed at least every 5 years. This version was last updated on 20th January 2023.

THE PURPOSE OF THIS PRIVACY POLICY

This privacy policy aims to give you information on how Oomph collects and processes your personal data in line with GDPR requirements through your use of this website and platform, including any data you may provide through this website and platform when you register to use our site, sign up to our newsletter, send us a query, when you report a problem with our site or, in the future, when our site may include a client portal.

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1 KEY DEFINITIONS

The Key terms that we use throughout this privacy notice are defined below, for ease:

DATA CONTROLLER:	Under UK data protection law, this is the organisation or person responsible for deciding how personal information is collected and stored and how it is used
DATA PROCESSOR:	A Data Controller may appoint another organisation or person to carry out certain tasks in relation to the personal information on behalf of, and on the written instructions of, the Data Controller. (This might be the hosting of a site containing personal data, for example, or providing an email marketing service that facilitates mass distribution of marketing material to a Data Controller's customer-base.)
PERSONAL INFORMATION:	in this privacy notice we refer to your personal data as 'personal information'. 'Personal information' means any information from which a living individual can be identified. It does not apply to information which has been anonymised.
SPECIAL INFORMATION:	certain very sensitive personal information requires extra protection under data protection law. Sensitive data includes information relating to health, racial and ethnic origin, political opinions, religious and similar beliefs, trade union membership, sex life and sexual orientation and includes genetic information and biometric information.

2 DETAILS OF PERSONAL INFORMATION WHICH WE COLLECT AND HOLD ABOUT YOU

Set out below are the general categories and details of retention periods in relation to those categories (see Section 8 below for more details about retention) and in each case the types of personal information which we collect, use, and hold about you.

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GENERAL CATEGORY	TYPES OF PERSONAL DATA IN THAT CATEGORY	RETENTION PERIODS
Identity Information	This is information relating to your identity such as your name (including any previous names and any titles which you use), gender, marital status and date of birth	For the duration of the contract with us
Contact Information	This is information relating to your contact details such as e-mail address, addresses, telephone numbers	For the duration of the contract with us
Account Information	This is information relating to your account with us (including username and password)	For the duration of the contract with us
Payment Information	This is information relating to the methods by which you provide payment to us such as bank account details, credit or debit card details and details of any payments (including amounts and dates) which are made between us.	6 Years after the end of the contract term with us
Transaction Information	This is information relating to transactions between us such as details of the goods, services and/or digital content provided to you and any returns details.	6 Years after the end of the contract term with us
Survey Information	This is information which we have collected from you or which you have provided to us in respect of surveys and feedback.	6 Years after the end of the contract term with us
Marketing Information	This is information relating to your marketing and communications preferences.	For the duration of the contract with us and/or up to 24

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		months after stating preferences
Website, Platform, Device and Technical Information	This is information about your use of our website and platform and technical data which we collect (including your IP address, the type of browser you are using and the version, the operating system you are using, details about the time zone and location settings on the device and other information we receive about your device)	For the duration of the contract with us

The types of personal data we collect about you may differ from person to person, depending on who you are and the relationship between us.

3 DETAILS OF SPECIAL INFORMATION WHICH WE COLLECT AND HOLD ABOUT YOU

Special information is explained in Section 1 above. We may collect and hold the following types of information about you:

- Race
- Ethnic Origin
- Religion
- Health Conditions

Where we do hold special information about you then our retention periods are as follows:

TYPE OF SPECIAL INFORMATION	RETENTION PERIODS
All special information listed in 3.1 is collected either via manual input by yourself or via an integration with a 3 rd party system which your organisation has provided us with permission to connect with.	All special information is held by us for the duration of the contract with Oomph Wellness and for up to 6 years post the end of the contract term.

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4 DETAILS OF HOW AND WHY WE USE PERSONAL INFORMATION

We are only able to use your personal information for certain legal reasons set out in data protection law. There are legal reasons under data protection law other than those listed below, but in most cases, we will use your personal information for the following legal reasons:

1. **CONTRACT REASON:** This is to perform our obligations to you under a contract we have entered into.
2. **LEGITIMATE INTERESTS REASON:** This is where the use of your personal information is necessary for our (or a third party's) legitimate interests, so long as that legitimate interest does not override your fundamental rights, freedoms, or interests.
3. **LEGAL OBLIGATION REASON:** This is where we must use your personal information to perform a legal obligation by which we are bound.
4. **CONSENT REASON:** This is where you have given us your consent to use your personal information for a specific reason or specific reasons.

As explained in Section 3 above, there are more sensitive types of personal data which require higher levels of protection. Where we process such sensitive types of personal data, we will usually do this in the following circumstances:

- We have your explicit consent.
- Where it is necessary in relation to legal claims

So that we are able to provide you with services, we will need your personal information, if you do not provide us with the required personal information, we may be prevented from supplying the services to you.

It is important that you keep your personal information up to date. If any of your personal information changes, please contact us as soon as possible to let us know. If you do not do this, then we may be prevented from supplying the services to you.

Where we rely on consent for a specific purpose as the legal reason for processing your personal information, you have the right under data protection law to withdraw your consent at any time. If you do wish to withdraw your consent, please contact us using the details set out at the beginning of this notice.

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If we receive a request from you withdrawing your consent to a specific purpose, we will stop processing your personal information for that purpose, unless we have another legal reason for processing your personal information, in which case, we will confirm that reason to you.

We have explained below the different purposes for which we use your personal information and, in each case, the legal reason(s) allowing us to use your personal information. Please also note the following:

1. If we use the Legitimate Interests Reason as the legal reason for which we can use your personal information, we have also explained what that legitimate interest is; and
2. For some of the purposes we may have listed more than one legal reason on which we can use your personal information, because the legal reason may be different in different circumstances. If you need confirmation of the specific legal reason that we are relying on to use your personal data for that purpose, please contact us using the contact details set out at the start of this privacy notice.

PURPOSE	LEGAL REASON(S) FOR USING THE PERSONAL INFORMATION
To enrol you as a customer	Contract Reason.
To process your order, which includes taking payment from you, advising you of any updates in relation to your order or any enforcement action against you to recover payment.	Contract Reason. Legitimate Interests Reason (to recover money which, you owe us)
To manage our contract with you and to notify you of any changes	Contract Reason. Legal Obligation Reason.
To comply with audit and accounting matters	Legal Obligation Reason
For record keeping, including in relation to any guarantees or warranties provided as part of the	Contract Reason. Legal Obligation Reason.

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sale of goods, services and/or digital content	
To improve the goods, services, and/or digital content which we supply	Legitimate Interests Reason (in order to improve the goods, services, and/or digital content for future customers and to grow our business)
To recommend and send communications to you about goods, services, and/or digital content that you may be interested in. More details about marketing are set out in section Error! Reference source not found. below	Legitimate Interests Reason (in order to grow our business)
To ensure the smooth running and correct operation of our website/platform and or digital services	Legitimate Interests Reason (to ensure our website/platform runs correctly)
To understand how customers and visitors to our website and/or platform use the website and/or platform and interact with it via data analysis	Legitimate Interests Reason (to improve and grow our business, including our website and/or platform, and to understand our customer's needs, desires, and requirements)

Sometimes we may anonymise personal information so that you can no longer be identified from it and use this for our own purposes. In addition, sometimes we may use some of your personal information together with other people's personal information to give us statistical information and you are not identifiable from that combined data, we are able to use this.

Under data protection laws we can only use your personal information for the purposes we have told you about, unless we consider that the new purpose is compatible with the purpose(s) which we told you about. If we want to use your personal information for a different purpose which we do not think is compatible with

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the purpose(s) which we told you about then we will contact you to explain this, and what legal reason is in place to allow us to do this.

5 DETAILS OF HOW WE COLLECT PERSONAL INFORMATION AND SPECIAL INFORMATION

We usually collect, identify information, contact information, payment information, transaction information, survey information, marketing information, special information directly from you when you fill out a form, survey or questionnaire, purchase goods, services and/or digital content from us, (contact us by e-mail, telephone, in writing or otherwise). This includes personal information for yourself and your organisation including all staff information which you provide us when subscribing to our services and where applicable resident information.

We may receive some of your personal information from third parties or publicly available sources such as your organisation of employment. This may include contact information, identity information, survey information, marketing information and special information.

We may also receive website/platform, device, and technical information automatically from technologies such a cookies which are installed on our website, platform and services. To find out more about these please see our cookie policy which is available upon request.

6 DETAILS ABOUT WHO PERSONAL INFORMATION MAY BE SHARED WITH

We may need to share your personal information with other organisations or people. These organisations include:

1. Other companies in our group (who may act as joint data controllers or as data processors on our behalf) e.g., IT services, for management reporting and support.
2. Third parties who are not part of our group. These may include:
 - a. Suppliers: such as IT support services, payment providers, administration providers, marketing agencies, who are based in wither the UK or EEA.
 - b. Government bodies and regulatory bodies such as HMRC, fraud prevention agencies, who are based in the UK.

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- c. Our advisors such as lawyers, accountants, auditors, insurance companies
 - d. Our bankers
 - e. Credit reference agencies
 - f. E-mail platforms
3. Any organisation which proposes to purchase our business and assets in which case we may disclose your personal information to the potential purchaser.

Depending on the circumstances, the organisations, or people who we share your personal information with will be acting as either data processors or data controllers. Where we share your personal information with a data processor, we will ensure that we have in place contracts, which set out the responsibilities and obligations of us and them, including in respect of security of personal information.

7 DETAILS ABOUT TRANSFERS TO COUNTRIES OUTSIDE OF THE EEA

We do not transfer your personal information outside of the EEA.

8 ABOUT HOW LONG WE WILL HOLD YOUR PERSONAL INFORMATION

We will only hold your personal data for as long as necessary. How long is necessary will depend upon the purposes for which we collected the personal information (see section 4 above) and whether we are under any legal obligation to keep the personal information (such as in relation to accounting or auditing records or for tax reasons). We may also need to keep personal information in case of any legal claims.

We have set out above the details of our retention period for different types of data. You can find them in section 2 and in section 3.

9 AUTOMATED DECISION MAKING

‘Automated decision making’ is where a decision is automatically made without any human involvement. Under data protection laws, this includes profiling. ‘Profiling’ is the automated processing of personal data to evaluate or analyse certain personal aspects of a person (such as their behaviour, characteristics, interests and preferences).

Data protection laws place restrictions upon us if we carry out automated decision making (including profiling) which produces a legal effect or similarly significant effect on you.

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We do carry out automated decision making (including profiling) which produces a legal effect or similarly significant effect on you. The legal reason for this is legitimate interest reason to improve and grow our business, and to ensure the smooth running and correct operation of our website and or our platform.

10 YOUR RIGHTS UNDER DATA PROTECTION LAW

Under data protection laws you have certain rights in relation to your personal information, as follows:

1. **RIGHT TO REQUEST ACCESS:** (this is often called 'subject access'). This is the right to obtain from us a copy of the personal information which we hold about you. We must also provide you with certain other information in response to these requests to help you understand how your personal information is being used.
2. **RIGHT TO CORRECTION:** This is the right to request that any incorrect personal data is corrected, and that any incomplete personal data is completed.
3. **RIGHT TO ERASURE:** (This is often called the 'right to be forgotten'). This right only applies in certain circumstances. Where it does apply, you have the right to request us to erase all your personal information.
4. **RIGHT TO RESTRICT PROCESSING:** This right only applies in certain circumstances. Where it does apply, you have the right to request us to restrict the processing of your personal information.
5. **RIGHT TO DATA PORTABILITY:** This right allows you to request us to transfer your personal information to someone else.
6. **RIGHT TO OBJECT:** You have the right to object to us processing your personal information for direct marketing purposes. You also have the right to object to us processing personal information where our legal reason for doing so is the Legitimate Interest Reason (see section 4 above) and there is something about your particular situation which means that you want to object to us processing your personal information. In certain circumstances you have the right to object to processing where such processing consists of profiling (including profiling for direct marketing).

In addition to the rights set out in section 10, where we rely on consent as a legal reason for using your personal information, you have the right to withdraw your consent. Further details about this are set out in section 4.

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If you want to exercise any of the above rights in relation to your personal information, please contact us using the details set out at the beginning of this notice. If you do, make a request then please note:

- We may need certain information from you so that we can verify your identity.
- We do not charge a fee for exercising your rights unless your request is unfounded or excessive.
- If your request is unfounded or excessive then we may refuse to deal with your request.

11 MARKETING

You may receive marketing from us about similar products, goods, and services, where either you have consented to this, or we have another legal reason by which we can contact you for marketing purposes.

However, we will give you the opportunity to manage how or if we market to you. In any email which we send you, we provide a link to either unsubscribe or opt-out, or to change your marketing preferences. To change your marketing preferences, and/or to request that we stop processing your personal information for marketing purposes, you can always contact us on the details set out at the beginning of this notice.

If you do request that we stop marketing to you, this will not prevent us from sending communication to you which are not to do with marketing (for example in relation to services which you have purchased from us).

We do not pass your personal information on to any third parties for marketing purposes.

12 COMPLAINTS

If you are unhappy about the way that we have handled or used your personal information, you have the right to complain to the UK supervisory authority for data protection, which is the Information Commissioner's Office (ICO). Please do contact us in the first instance if you wish to raise any queries or make a complaint in respect of our handling or use of your personal information, so that we can discuss this with you and to take steps to resolve the position. You can contact us using the details set out at the beginning of this privacy notice.

13 THIRD-PARTY WEBSITES

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Our website and/or platform may contain links to third party websites. If you click and follow those links, then these will take you to the third-party website. Those third-party websites may collect personal information from you, and you will need to check their privacy notices to understand how your personal information is collected and used by them.

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