PRIVACY POLICY – SMART FARMER LIMITED

About this Privacy Policy

Your privacy is critically important to us and we recognise that it is important for you to understand how we use your personal data.

Therefore, please read the following information carefully as it contains important information regarding Smart Farmer Website and our internet and mobile applications.

This Privacy Policy explains how we use personal data about visitors to our Sites and users of our Apps and Services, including customers and potential customers and the details of employees of our customers and about individuals that get in contact with us, our suppliers, attendees to our events, and those individuals whose personal data we otherwise process in the course of our business.

We have a legal duty to protect personal data that we collect under the Data Protection Act 2018 (the “DPA”) and the General Data Protection Regulation (EU) 2016/679 as adopted into law in the UK, (the “GDPR”).

If your personal data has been added to the account of one of our customers (for example, where our customer is your employer or the organisation that you work for), please note that it is our customer’s decision to use your personal data in this way and that the customer is responsible for demonstrating that they have the right to use your personal data (this is because our customer is known as the “data controller” – this means that they determine the purposes for which your

personal data is processed). We have included some detail below about the ways that your personal data is used within our Apps and Services on behalf of your employer/our customer.

The information contained in this Privacy Policy is communicated and issued by the Smart Farmer. You can find out more about how to contact us at the end of this policy.

Where your personal data is processed by us in relation to one of our Apps, depending on the Service and the App we may be a data controller or a data processor for your personal data.

If you use one of our Apps in connection with an agreement that we have with you directly as a consumer, Smart Farmer that you contract with will be the data controller.

If you use our App in connection with an agreement that we have with your employer, we will (in nearly all cases – see below) be acting as a data processor for your personal data and your employer is the data controller.

When we are a data processor, we act on behalf your employer. A lot of the information in this privacy notice will still apply to you (in terms of the data that we process about you, where we get it from, who we share it with etc.) so you should read it even though you may also have been given similar information by your employer.

There are some instances when we provide our App when we will be a data controller even though we are contracting with your employer. We have listed these Apps and Services out below alongside the relevant data controller for each App and Service:

App/Service

Data controller

Personal data we may collect from you and how we collect it

We may collect and use your personal data in a number of ways and for various purposes including:

When you register for an account, sign up or interact with our Apps and/or Services or otherwise purchase Services from us

We collect personal data when you interact with our Apps and Services including when you sign up to our Services, download and register accounts for our Apps, provide personal data when interacting with our Apps and Services and make purchases (including processing payments) in relation to or via our Apps and Services.

This personal data may include; name and email address, phone number, mailing address, user name and password, location data (approximate location or with your consent precise location), health and wellbeing information, payment information, actions you have carried out (such as completing a check or a service on a piece of equipment, or reporting an issue), training that you have completed, your schedule/planned actions, your qualifications (including licences that you hold), details of your use of the Apps and Services (including use of reports), IP address, and any other personal data that you provide to us.

You are not obligated to provide the personal data that we request but if you chose not to do so we may not be able to provide you with all functionality of our Apps and Services or respond to any queries you have.

When you visit our Sites:

Like most website operators we collect, store and use certain personal data about you when you visit our Sites.

This personal data may include technical information, including the Internet protocol (IP) address used to connect your device to the Internet, your login information (if accessing an account with us), browser type and version, time zone setting, browser plug-in types and versions, device types, operating system, time and date of consent and platform.

It may also include information about your visit to our Sites, including the full Uniform Resource Locators (URL), clickstream to, through and from our site (including date and time), what you have viewed, searched for or purchased, page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs) and methods used to browse our Sites.

This information is used by us to administer our Sites and for internal pertains, including troubleshooting, data analysis, testing, research, statistical and survey purposes and for the control of illegal acts. We reserve the right to check these log files and data retroactively if there is reasonable suspicion of an illegal act due to concrete indications. We safeguard your interests by anonymising your IP address upon collection so that you are not identifiable.

We may collect this personal data using cookies and other technologies/identifiers such as device IDs, advertising IDs, location, IP addresses, HTML5 local storage essential and non-essential cookies.

Browser cookies are used to ensure that websites and web-based applications functions correctly, to distinguish you from other users of our Sites, Apps and Services, track visitors’ usage of web based services and websites and to remember your preferences. A cookie is a string of information that a website stores on a visitor’s computer, and that the visitor’s browser provides to the website each time the visitor returns. The Revolution Group provides a facility for website visitors to disable all non-essential cookies via a toolbar on its Sites.

We may collect anonymised technical data about your device when you use our Apps and Services.

By using our Apps and Services you agree to us collecting and using technical information about the devices you use the Apps and Services on and related software, hardware, and peripherals to improve our products and to provide services to you.

When you communicate with us or sign up for marketing materials and updates

We collect personal data when you communicate with us, enquire about our Apps and Services (including at events), contact us by phone, email or through a Site enquiry form or via functionality within our Apps, sign up to receive marketing materials from us or update information by letter, email, text message, telephone, or push notification.

We will collect the personal data that you give to us as part of these communications which may include your name, email address, telephone number, address and other information relating to your communication with us.

When you engage with or connect with us on our Sites and social media accounts

We may collect your personal data when you interact with our online blogs, social media accounts (including Facebook, Instagram, LinkedIn, and Twitter), leave a comment or a review on one of our Sites (where functionality allows). Subject to what you tell us you are happy for us to do; we may use this information for marketing purposes.

We may collect your social media handle and personal data on your social media account and the contents of your interaction with us when you mention or interact with us on social media. Our online forums and social media accounts are public, and we therefore advise that you consider carefully the decision of what information and content you wish to disclose.

When you enquire about or attend one of our events

If you enquire about or sign up to one of our events, we will collect the details that you provide to us as part of your enquiry or the sign-up process.

Subject to what you tell us you are happy for us to do; we may use this information to contact you after the event for marketing purposes.

When you connect with us through social media

You may choose to enable, login to, sign onto or link to our Apps or Services and associated accounts through your various social media or social networking services (“SNS”). If you connect your SNS with any of our Apps and Services we may collect personal data you have provided the SNS, with your consent, which is permitted under the specific SNS terms of use. You should adjust your SNS

privacy settings if you do not want to provide us this data.

When you give us permission to collect location data

Certain Apps and Services will, where you have permitted them to do so, collect and make use of location data sent from your devices whilst you are using the Apps. Certain Apps will also collect location data in the background even when you don’t have the Apps open (for example if you start recording a session via an App that uses location data, your location data will be collected for the duration of that session even if your phone screen is idle or if you are interacting with your phone in other ways). If you aren’t happy with this, you can turn off this functionality at any time by turning off the location services settings on your device. You can turn location services off, however some features of our Apps and Services require location services to operate fully. If you choose

not to provide this information, certain Apps and Services features may be unavailable or not function properly. Location data may be used to display and record your live location and movement.

We will only ever be a data processor for the location data collected by our Apps and Services. Your employer will be the data controller for this data. We may however use this location data in an aggregated form (i.e., so we can’t identify you) for our own purposes. We discuss this in more detail in the ‘How we use your personal data and what are our justifications for doing so’ section below.

When you enter one of our competitions or promotions or complete a customer or user satisfaction survey

We will process the personal data that you provide to us as part of the competition or promotion or in the satisfaction survey. This may include your name, photo (or other content that you upload) and contact details and your opinions on our Apps and Services (in satisfaction surveys).

Personal data we receive from other sources

If you are the account holder or are one of our customers, we may also collect the personal data of your employees or contractors that you add to your account (“Added User Data”). For example, if you have uploaded information about an accident one of your employees has had at work, or a particular driving licence classification one of your employees has achieved, you can identify personal information about that employee and you will be providing us with their personal data. It is your responsibility to comply with all applicable data protection legislation and to notify all your employees, or any third party whose personal data is added to your account in advance about the collection of their personal data in this way. If they have any further questions about how their personal data may be used by us, you should direct them to your own privacy policy for information about how you use their personal data. You should also direct them to this Privacy Policy for information on how we use their personal data. We shall not be liable in any way for any claims brought against you (or us) by any individual whose personal data you have added to an account, related to any infringement of applicable data protection legislation. You are responsible for ensuring that you are entitled to provide us with the Added User Data (including by notifying the individuals concerned that you will be adding their personal data to your account) and that we are entitled to use the Added User Data to provide you with the functionality of the relevant

Apps or Services.

How we use your personal data and what are our justifications for doing so

Whenever we use your personal data, we need to make sure that we have established a valid legal justification (known as a “lawful basis”) for that use of data. We have described the ways that we use your data and the associated lawful basis below

How and why, we use your personal data

What is our legal justification for processing your personal data

To carry out our obligations arising from any contractual agreement with you (or your employer) and to provide you with the information and Apps or Services (including our events) that you request. These may include providing the Apps and Services you request from us, responding to your queries in relation to Apps and Services, managing your account with us and the provision of services related to these purposes to us by our agreed third-party providers.

To monitor the use of our Apps and Services and to measure how satisfied the App/Services' users, customers and visitors to our Sites are, and provide customer service (including troubleshooting in connection with the Apps and Services that you are utilising or when you ask us questions by email, on the phone or on social media). This may include accessing your account to address any technical support or fix requests.

To process payments and maintain accounts and records.

We rely on our contractual arrangements with you as the lawful basis on which we collect and process your personal data in relation to your use of the Apps and Services that we provide.

Alternatively, in some scenarios, we rely on our legitimate interests as a business (for example, it is in our interests to measure customer satisfaction and troubleshoot customer issues). Where we rely on our legitimate interests, we will always make sure that we balance these interests against your rights.

To prevent or detect crime, fraud or abuses of our Apps, Services, or our Sites and to enable third parties to carry out related technical, logistical, research or other functions on our behalf related to these purposes.

In some circumstances we will use your personal data because it's necessary for us to comply with a legal obligation (for example, if we receive a legitimate request from a law enforcement agency). In other cases (such as the detection of theft, fraud or ensuring security of our website) we will rely on our legitimate interests in keeping our employees, our customers and users and our Apps, Services and Sites secure and to prevent theft and fraud. Where we rely on our legitimate interests, we will always make sure that we balance these interests against your rights.

To send you newsletters, updates, information about new products or services that we think might interest you, to send you other promotional and marketing information (including new offers), to conduct prize draws, competitions and other promotions via email, telephone or post.

To measure or understand the effectiveness of advertising we serve to you and.

To carry out market research or similar surveys.

To pass your personal data to selected third parties, who may contact you for their own marketing purposes.

Unless we are contacting you in a business-to-business capacity, we will only use your personal data to send you electronic marketing messages if we have consent from you to do so (or if you are an existing customer and have not opted out of receiving marketing materials). We will only ever rely on your consent to pass your personal data to third parties for their own marketing purposes. In some cases, we will rely on our legitimate interests to send these types of communication (our legitimate interest in marketing and advertising our products). Where we rely on our legitimate interests, we will always make sure that we balance these interests against your rights. You can amend your preferences or opt out from marketing communications by using the unsubscribe links within our marketing messages, or by contacting us using the contact details in the 'How to contact us' section below.

To find out more about the visitors to our Sites and our customers (and not to find out more about you as an individual) to ensure that the products and services that we offer are most likely to interest the visitors to our Sites and customers.

We may use cookies or other similar tracking technology to do this.

We have a legitimate interest to make sure that we are providing you with the information that we think is most relevant to you.

Where we rely on our legitimate interests, we will always make sure that we balance these interests against your rights.

We will not place cookies on your device unless you have told us that you are happy for us to do so. For information on how we use cookies, please see the 'Personal data we may collect from you and how we collect it ‘section above.

We rely on our contractual arrangements with you as the lawful basis for this processing. In some cases, we rely on our legitimate interests as a business to send you these updates. Where we rely on our legitimate interests, we will always make sure that we balance these interests against your rights.

We have a legitimate interest to respond to your contact for the purposes of administering our business. Where we rely on our legitimate interests, we will always make sure that we balance these interests against your rights.

Our use of aggregated data

We may also collect, use, and share aggregated data (i.e., so we can’t identify you) such as statistical or demographic data to establish statistics about the behaviour of users of our Apps and Services (as a whole, not about individuals). We may also use aggregated location data to identify trends and to provide information to third parties. This aggregated data may be derived from personal data for

which we are a data controller or a data processor.

We may use this aggregated data internally to improve and develop our Apps and Services, display this information publicly or provide it to others for our commercial benefit. However, we do not disclose any personal data that may identify you unless you expressly ask us to as part of the Services. For example, we may use location data to determine that accident rates are higher in certain areas, that machinery seems to break down more than others.

Aggregated data could be derived from your personal data but is not considered personal data in law as this data will not directly or indirectly reveal your identity. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy policy.

How we share your personal data

Third party suppliers and service providers involved in our relationship with you:

Like most businesses, we work with third party suppliers and service providers as part of the day-to-day operation of our business. Certain personal information may be shared with third parties, contractors and service providers who assist Smart Farmer to provide or to improve our Apps and Services. Some of these trusted suppliers will process your personal data on our behalf and provide services to us such as website hosting, delivery fulfilment (including our third-party software developers) and taking payments on our behalf.

We will always make sure that we require them to meet agreed standards for the protection of your data and they will only ever be allowed to use the data to provide services to us and not for their own commercial purposes.

Other scenarios in which we might share your personal data:

with our professional advisors including tax, legal or other corporate advisors who provide professional services to us and our wider corporate group.

with analytics providers or search engines, including Google, that enable us to optimise and improve your website experience (for more information on our use of cookies and similar technologies, please see the ‘Personal data we may collect from you and how we collect it’ section above).

with regulators, law enforcement or fraud prevention agencies, as well as our legal advisers, courts, the police, and any other authorised law enforcement bodies, for the purposes of investigating any actual or suspected criminal activity or other regulatory or legal matters etc.

if we consider selling or buying any business or assets, we will disclose your personal data to any prospective sellers or buyers of such business or assets.

in the event of any insolvency situation (e.g., administration or liquidation).

if we, or substantially all our assets, are acquired by a third party, in which case personal data held by us about our members and customers will be one of the transferred assets.

to enforce or apply our purchase terms, website terms of use or other terms and conditions in place between us.

to protect the rights, property or safety of our employees, our customers, or others. This includes exchanging personal data with other companies and organisations (including without limitation the local police or other local law enforcement agencies) for the purposes of employee and customer safety, crime prevention, fraud protection and credit risk reduction.

if we are under a duty to disclose or share your personal data to comply with any legal obligation or regulatory requirements, or otherwise for the prevention or detection of fraud or crime.

Security

The security of your personal information is important to us, and we have put physical, technical, operational, and administrative strategies, controls and measures in place to help protect your personal data from unauthorised access, use or disclosure as required by law and in accordance with accepted good industry practice. We will always keep these under review to make sure that the

measures we have implemented remain appropriate.

Please be aware that unfortunately (and as you will probably already know) internet transmissions are never completely private or secure. Although we will do our best to protect your personal data, we cannot guarantee the security of your data and any message or information you send using the Apps, Services or our Sites may be read or intercepted by others even if there is a special notice that a particular transmission is encrypted.

Where we have given you (or where you have chosen) a password which enables you to access certain parts of our Apps, Services or Sites you are responsible for keeping this password confidential and you should not share a password with anyone.

Where your personal data may be processed

All personal data that we process about you is stored on secure servers and in secure data centres in the UK and the European Economic Area (“EEA”).

Data Retention

The retention of data will be regularly reviewed and permanently deleted when it is no longer required to fulfil any potential legal obligation, fulfil our contract or agreements, resolve disputes or respond to enquiries (i.e., when we no longer need it in connection with our relationship with you). This retention period may depend on whether you are visiting our Sites or using our Apps and Services and on whether we need to retain your personal data to comply with applicable laws.

By law we must keep basic information about our customers (including contact, identity, financial and transaction data) for six years after they cease being customers for compliance purposes.

In some circumstances we will anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes, in which we may use this information indefinitely without further notice to you.

Your rights in relation to your personal data

You have several rights in relation to your personal data as set out below. If you would like to exercise any of those rights (or if you have any queries about this Privacy Policy or the way that we use your data, please email the relevant data controller for your personal data by using the contact details set out in the ‘How to contact us’ section below.

If your employer is the data controller for your personal data, we recommend that you get in touch with them directly. We will pass any request that we receive for which we are not the data controller to the data controller.

Erasure

A right to require us to erase personal data held by us about you. This right will only apply where (for example): we no longer need to use the personal data to achieve the purpose we collected it for; or where you withdraw your consent if we are using your personal data based on your consent; or where you object to the way we process your data (in line with your right to object, below).

Restriction

In certain circumstances, a right to restrict our processing of personal data held by us about you. This right will only apply where (for example): you dispute the accuracy of the personal data held by us; or where you would have the right to require us to erase the personal data but would prefer that our processing is restricted instead; or where we no longer need to use the personal data to achieve the purpose we collected it for, but you require the data for the purposes of dealing with legal claims

Portability

In certain circumstances, a right to receive personal data, which you have provided to us, in a structured, commonly used, and machine-readable format. You also have the right to require us to transfer this personal data to another organisation, at your request

Objection

A right to object to our processing of personal data held by us about you where the processing of such data is necessary for the purposes of our legitimate interests, unless we are able to demonstrate, on balance, legitimate grounds for continuing to process personal data which override your rights, or which are for the establishment, exercise or defence of legal claims

Not to be subject to automated processing

A right for you not to be subject to a decision based solely on an automated process, including profiling, which produces legal effects concerning you or similarly significantly affect you

Withdrawal of consent and objection to marketing

A right to withdraw your consent, where we are relying on it to use your personal data (for example, to provide you with marketing information about our services or products). You can object to direct marketing at any time.

Third party websites

Our Apps, Services and Sites may contain links to and from the websites of our partner networks, affiliates and other external sites that are not operated by us. If you click on a third-party link, you will be directed to that third party’s site. We strongly advise you to review the privacy policy and terms and conditions of every site you visit. We have no control over, and assume no responsibility or liability for the content, privacy policies or practices of any third-party sites, products or services. We may collect personal data that you share with third party sites through our services.

Our Apps, Services and Sites may sometimes include instructional videos. These videos are available on YouTube and are made available on our Apps, Services and Sites by our use of the YouTube API Service. When you click on these YouTube videos, you:

agree to be bound by the YouTube terms of service which can be found here – (https://www.youtube.com/t/terms); and

you acknowledge that your personal data will be processed by YouTube in accordance with Google’s privacy policy which can be found here – http://www.google.com/policies/privacy.

Privacy Policy Changes

Although most changes are likely to be minor, we may change our Privacy Policy from time to time, and in our sole discretion. We encourage visitors and users to frequently check this page for any changes to our Privacy Policy.

This Privacy Policy was last updated on 18/12/2021.

Queries or Complaints

We encourage you to contact us first if you have any queries, comments or concerns about the way we handle your data (our details are in the section immediately below). We will try to put things right.

How to contact us: -

Smart Farmer Limited

64 West High Street

Forfar

DD8 1BJ

Email: marc@smartfarmerapp.co.uk

Tel: 07860928665

Or you can also contact us using the forms on our Sites or via any “contact us” functionality available as part of our Apps or Services.