



Privacy Notice for Clients

This Privacy Notice forms part of the Terms and Conditions of RKJOnline.

Clients should pay particular notice to our Terms and Conditions as well as this privacy notice.

RKJOnline is a tradename of RKJ Consulting Ltd

(Note this document owes credit in part to the Information Commissioners Office and this link & its subsequent pages <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>)

(Please also see ICO copyright statement <https://ico.org.uk/global/copyright-and-re-use-of-materials/>)

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RKJ Consulting Limited trades as RKJOnline for the purposes of Web Design, Web Hosting, Search Engine Optimisation (SEO) & Social Media services

Note “RKJWebDesign” is also a logo / brand name of RKJOnline.

Note also that RKJOnline is sometimes known as “RKJOnline Web Design Cheshire”.

This Privacy Notice has specifically been created with the General Data Protection Regulation “GDPR” in mind (more info below).

Effective Date: 25th May 2018

Review Date: The next review will be 25th November 2018

Ad Hoc reviews and changes may be necessary – see below.

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1: KEY DEFINITIONS

The following words and expressions shall have the following meanings:

“the client” means the company or individual requesting the various website design, hosting, SEO, Social Media services of RKJOnline

“the client focal point” refers to the person with whom we are in contact about the services we are providing the business. This is most often the business owner themselves but could be an employee of a bigger business, who has the authority to represent the business

“the supplier” means RKJ Consulting Ltd. - the primary designer & employees or affiliates, also trading as (but not limited to) “RKJOnline”, “RKJ Web Design”, “RKJOnline Web Design Cheshire” and “Coming Write Up”.

Note that “RKJOnline” is used frequently in this privacy notice because that is the trade name best known by our clients.

"URL" stands for uniform resource locator (otherwise known as the “domain name”);

"the Website": with regard to Web Design, Maintenance, Hosting & Search Engine Optimisation, email boxes, means the website and its content to be designed by / as designed by the Supplier for the client (known by its url/domain name).

“Intellectual Property Rights” means any patent, trademark, service mark, registered design, copyright, design right, right to extract or exploit information from a database, database rights, topography rights, rights in know-how, trade or business names and other similar rights or obligations whether registerable or not in any country, confidential information or process, any application for any of the above, and any other Intellectual Property Right recognised in any part of the world whether or not presently existing or applied for;

"IP address" stands for internet protocol address which is the numeric address for the server;

"ISP" stands for internet service provider;

"the Services" / “web services” means web design, hosting, email, Search Engine Optimisation (SEO) and any other services or facilities such as plug-ins, use of images (with appropriate copyright), blogs, social media & online business directories provided by either RKJOnline or a 3rd party (usually Fasthosts Internet Limited)

“server" means the computer server equipment supplied and operated by a 3rd party (usually Fasthosts Internet Limited) in connection with the provision of their web hosting Services;

"spam" means unsolicited and/or bulk emails;

"virus" means a computer programme that copies itself or is copied to other storage media, including without limitation magnetic tape cassettes, memory chips, electronic cartridges, optical discs and magnetic discs, and destroys, alters or corrupts data, causes damage to the user’s files or

creates a nuisance or annoyance to the user and includes without limitation computer programs commonly referred to as "worms" or "Trojan horses";

"Visitor" means a third party who has accessed the Website;

Additionally, the following words and expressions are GDPR related and shall have the following meanings:-

GDPR - The General Data Protection Regulation is a new, European-wide law that replaces the Data Protection Act 1998 in the UK. It places greater obligations on how organisations handle personal data. It comes into effect on 25 May 2018.

Data controller - A controller determines the purposes and means of processing personal data. Note that RKJOnline is a Data Controller

Data processor - A processor is responsible for processing personal data on behalf of a controller.

Personal data – Is any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier. It applies to both automated personal data and to manual filing systems.

Sensitive Data - The GDPR refers to sensitive personal data as “special categories of personal data” which include genetic data, and biometric data where processed to uniquely identify an individual, also for example, health, ethnic, religious data.

2: INTRODUCTION

Via this document, RKJOnline seeks to be transparent and provide clear, concise and accessible information about how we will gather, hold and process client personal data, according to the EU General Data Protection Regulation (GDPR), which comes into UK law on 25th May 2018.

In this context RKJOnline is a data controller.

We have appointed a Data Protection Officer; please contact us for further information (see bottom of this document)

This Privacy Notice forms part of our overall GDPR Management System and together with our Terms and Conditions, Terms Of Website Use and Privacy Notice for employees, explains our commitment to GDPR and to the security and confidentiality of personal data that we collect, hold and process; as well as underlining the rights of individuals to access that data.

Clients should pay particular notice to our Terms and Conditions as well as this privacy notice.

3: WHAT PERSONAL INFORMATION DO WE COLLECT AND HOLD?

- We collect and hold contact information with regard to our clients
- The information we collect from our clients is necessary for RKJOnline to fulfil its agreements, verbal contracts and obligations to provide web services to those same clients.
- We collect that information directly from our clients, usually when they first request web services from us. This can be verbally (either face to face or over the phone), via a business card or sent via email. At the time of collecting the data we make our clients aware of our privacy notices/policies and Terms and Conditions.
- This covers for example:-
 - Name (of individual client focal point for the business, who is usually but not always the business owner)
 - Client focal point's position in company – we do not always record this but we may do for larger organisations; usually the position of the client is business owner.
 - Business location address (this is sometimes a home address, when the business owner “works from home”)
 - Telephone number – the client focal point's businesses telephone number
 - Email – the client focal point's businesses email address; this may be a personal email address to start with. Once a website is built for the business, we'll hold and use the business email address
- If the client has asked us to set up business social media and/or “Google My Business” accounts, we may hold some passwords to those business accounts. To clarify, usually the business pages can be accessed by RKJOnline's staff personal accounts (this is the case for Google, Facebook and LinkedIn) as RKJOnline will be an admin or manager of the business page. For twitter, knowledge of the business userid and password are needed.
- We collect and hold only the information we need and only directly from the client
- For completeness, in terms of suppliers we use only generic business contact data i.e. no individual personal data.
- In terms of employees of which there are 2 – the 2 Directors – personal info is used for Government reporting e.g. PAYE and NI.
- We do not collect or hold any information from other sources.
- We do not collect information via Cookies or Analytics
- We do not collect or hold any sensitive, **special category**, information or financial information
- We do not collect or hold any personal information regarding **Children**
- NOTE that for the purposes of GDPR, website content is not personal information. It is business information that is in the public domain albeit some of that content will be business contact details that may well be the same as the client contact details (“personal information”) we hold.

4: WHAT DO WE DO WITH THE INFORMATION?

- All personal data we collect is used fairly, lawfully and in a transparent manner
- It is accurate and up to date; we do request our clients' keep us updated with (for example) change of address and where changes occur we update the relevant entries as soon as possible to ensure accuracy. This includes our own password protected customer database.
- It is used for limited, specifically stated purposes that are necessary for RKJOnline to fulfil its obligations to our clients i.e. information we have to have.
- We use the information to contact our clients – communications will be from the very start of supplying them web services, through to “go live” and beyond
- We use the information to respond to client queries, to keep our clients informed of progress or how we are troubleshooting any issues with their web services – basically “account management” routine communication
- We use this information to send Search Engine Optimisation (SEO) reports to our client – for those who take SEO services
- We use the information to send invoices to our clients
- We may need to use passwords to business social media accounts to fulfil “SEO” services such as to send a tweet on behalf of the business (known as “social signals”).
- We also need some of the personal information to register domain names for our clients i.e. when our client wants a new website, they must have a web address (domain name). RKJOnline always registers domain names in the name and address of the client, whilst giving RKJOnline contact info for admin purposes. **Please see “Use of Third Parties” below.**
- We may keep some email communications as “audit trails” albeit the content within is business-website related, not personal
- We do not use any personal data for any kind of automated individual decision-making
- If there was a business reason to use your personal data for a new purpose, not covered by this Privacy Notice, we will discuss this with you prior to doing so and request your agreement.
- We do not create further personal information with the data we already hold albeit we may create BUSINESS social media or BUSINESS Google accounts under our “SEO” services where a client does not already have one but requests we create one.

To clarify, much of the contact information, because it is related specifically to the business, will by nature appear in the website content (e.g. “Contact Us” info for the business).

It may also appear in “business” social media contact / about info and in “Google My Business” contact / about info. When this happens, this is business info being used for web services by the clients' supplier and according to the clients' wishes.

It is not processing of personal information by a data controller.

It's important that the client takes responsibility for the management/admin of the social media or Google platforms and it is in their best interests to do so and thus keep overall control of the contact / about and business data on the business pages. As such, if they are not already a manager, owner or administrator of their social media accounts, they should accept requests from RKJOnline to make them a manager / owner/ admin or their social media or Google business pages that RKJOnline has set up for them albeit RKJOnline may well keep some administrative / managerial responsibilities so as to fulfil “social signals” on behalf of the client business. As manager / owner/ admin the client always retains the ability to have the final say about anything on their account, whether in the bio, about, contact info or individual posts/tweets etc.

Social media platforms / Google will have their own privacy policies & notices which will document how they gather, use or share the information on the business social media page or business Google account. It is the responsibility of each client / business owner to read the privacy policies & notices & to ensure they are happy with how the information is being handled by the specific platform. Should we wish to use your personal data for a purpose not listed in this privacy notice, we will contact you with a full explanation before any action is taken.

Opting-out of communications from RKJOnline

Note: if clients wish to opt-out of receiving information and support communications from us, they can do so at any time. Given however that the overwhelming use of client personal data IS to contact them, opting out will restrict our ability to fulfil our agreements to provide web services. Clients taking SEO can opt-out of receiving SEO reports may do so at any time.

5: WHO DO WE SHARE THIS INFORMATION WITH? USE OF THIRD PARTIES

RKJOnline considers client personal information highly confidential and respects the privacy of our clients. As such we generally will not share any client personal information except where it is necessary to fulfil our obligations to our clients so as to provide the services they have requested and pay us for. When we do this, we seek client approval first.

We would only share client personal information with other third parties if:-

- for example, a client requested a new plug-in for their website and this meant providing personal data to that 3rd party plug-in developer; we would always seek consent from the client first.
- we believe in good faith that we are legally or morally obliged to do so, such as for law enforcement, to prevent crime, to address fraud or illegal activities or for national security issues, to respond to a subpoena or court case etc.
- to protect our own rights including legal rights, to defend against legal claims, collect debt or to protect our own or safety or the safety of others

For the reason of fulfilling our agreement to provide web services to our clients, we provide requested information to our 3rd party domain registration supplier Fasthosts in order to:-

- Register client business domain names (as requested by our clients)
- Set up client business email boxes (as requested by our clients)

(Note that if clients request SSL certification which necessitates the use of a different 3rd party supplier, such information may also have to be passed on. Under these circumstances it is the client that has the account with the 3rd party and should make themselves aware of the 3rd parties' GDPR rules – RKJOnline can assist if requested.)

DOMAIN NAME REGISTRATION: To clarify, Fasthosts (or potentially another 3rd party hosting provider that it is necessary to use) requests information (usually client name and business address) from RKJOnline in order to register domains such as “.co.uk” with Nominet - the official registry for

.UK domain names; and with reputable registrars outside of the UK when international (e.g. “.com”) website domains are required.

When this occurs we explain the situation to our clients and advise they read the Terms and Conditions of the relevant registrar before continuing.

Our clients consent to the use of the personal data to register the domain and it is their choice whether – if a privacy option applies – to take that privacy option (which has a cost associated with it as set by the 3rd party suppliers).

If the privacy option is not taken then personal information associated with a domain registration such as name and address (as provided by our clients) is public.

- As at the date of publishing this privacy notice:-
 - RKJOnline is bound by the terms and conditions and Privacy Notice of Fasthosts which forms the basis of the contract between us.
 - Fasthosts has issued an updated Privacy Notice in compliance with GDPR <https://www.fasthosts.co.uk/terms/privacy-notice>
 - A Data Processing Agreement exists between Fasthosts and RKJOnline
 - It is reported that Nominet will be implementing changes to comply with GDPR – further information is here <https://registrars.nominet.uk/namespace/uk/gdpr-changes>
 - Part of this information states that ***“The .UK WHOIS will no longer display the registrant’s name or address, unless they have given permission to do so – all other data shown in the current .UK WHOIS will remain the same.”***
 - We await full clarification from international registrars about GDPR compliance.
 - ICANN (Internet Corporation for Assigned Names and Numbers) “plays a unique role in the infrastructure of the Internet. Through its contracts with registries (such as dot-com or dot-info) and registrars (companies that sell domains names to individuals and organisations), ICANN helps define how the domain name system functions and expands”. <https://www.icann.org/resources/pages/effect-2012-02-25-en>
As at the date of publishing this Privacy Notice, it is reported that ICANN has requested DPA Guidance on “Proposed Interim Model for GDPR Compliance”. We believe the outcome can only be positive for international domain registrars. <https://www.icann.org/news/announcement-2018-03-28-en> see also <https://www.icann.org/dataprotectionprivacy>
 - In needing to register an international domain (e.g. “.coms”) then it is inevitable that the name and address of the registrant is sent outside of the EEA European Economic Area. Under GDPR there are specific rules about this and so again we await full clarification from the international registrars about their GDPR compliance.
 - We have informed our “.com” clients of this situation and will inform them of further GDPR related news we hear, as and when it happens. We will of course also update this privacy notice.

Note that if the services of a different 3rd party supplier is necessary (such as for the purposes of SSL) it is the client that has the account with the 3rd party and should make themselves aware of the 3rd parties’ GDPR rules – RKJOnline can assist if requested.

EMAIL BOX SETUP: When clients request mail boxes “at the business domain” we need to provide the name of the person and the requested address of the email box to Fasthosts (or any other supplier chosen).

- We never sell client (or any other) personal information to anyone
- We do not use any personal information for direct marketing means

OTHER 3rd PARTY SUPPLIERS

RKJOnline reserves the right to offer a different 3rd party supplier of hosting or other web services to our clients if this will benefit them – such as to resolve an issue that cannot otherwise be resolved. The client will be consulted and no changes will be made without the client’s written agreement. RKJOnline will make every effort to ensure GDPR compliance from any other 3rd party that is used.

SOCIAL MEDIA

Note that whilst RKJOnline does not store info that clients (or others) post on the clients’ social media, there is an agreement, when “SEO” is taken, between RKJOnline and the client that RKJOnline shares the posts that clients put up on Facebook, onto other social media platforms (and perhaps some of the content will go onto the website). This may include photos of people. This is on the understanding that the client has already sought consent from the person in the photo (or the person they are mentioning).

There is also an agreement that testimonials on PUBLIC platforms such as Facebook or Google, where usually the person leaving the testimonial / review will have a public profile that’s clear to see, will be shared on the client’s other platforms and website, again on the basis that the client agreed this is OK and the info is already public.

From 25th May 2018 each client taking SEO will agree a way forward with RKJOnline regarding sharing of social media posts and testimonials, to ensure the client is 100% happy that anyone identified in the posts of testimonials have given express consent.

6: OUR LAWFUL BASIS FOR GATHERING, HOLDING AND USING THE PERSONAL INFORMATION

RKJOnline must have a lawful reason to gather, hold and use the personal information as detailed in “3” above.

Our lawful reason will usually be “**legitimate interests**” i.e. to fulfil our legitimate interests in supplying agreed web services to our clients and in return being paid for those services.

To clarify, verbal agreements are in place to supply web services to all of our existing clients and to date all clients agree to our Terms and Conditions as published on our website.

In order to fulfil those agreements for web services we will need to contact our clients, register their choice of domain name for their website, send SEO reports, potentially use passwords of their business social media accounts to send “social signals” and also bill our clients. It is in the legitimate interests of both parties – RKJOnline as the supplier and also our clients’ – that we gather, hold and use the personal information in order to do this. It should be noted that much of that contact information is also business contact information in the public domain.

There may occasionally be times when we would like to seek (or refresh previously obtained) **Consent** from clients. If we do, then

- our clients have the right to withdraw that consent; there is more information about clients rights in section **10** below.
- display it clearly and prominently;
- ask individuals to positively opt-in;
- give them sufficient information to make a choice;
- explain the ways we will use the information
- provide a clear and simple way for them to indicate they agree to different types of processing;

Notwithstanding the above, all of the processing we do of client personal information is in the legitimate interests of parties and we do not “rely” on consents at all.

We do not rely on “**legal obligations**” in order to process client personal information but in the interests of transparency, “legal obligations” is our lawful basis for processing employee personal information – more info in our privacy policy for employees.

If we are legally obliged to share personal information (such as the examples in “5” above) then our lawful purpose would be “**legal obligations**” (e.g. a subpoena) or “**public interest**” (e.g. prevention of crime) or “**vital interests**” (e.g. protect the safety of others)

7: RETENTION OF YOUR PERSONAL INFORMATION

Principle 5 of the GDPR concerns retaining your personal data (storage limitations).

RKJOnline documents where we keep the personal (contact data) under ICO Step 2 “Personal Information You Hold and How Shared”, part of our GDPR management System.

It underlines that we do not hold any more or different data than we need to.

Our policy on retention is to delete contact info as soon as possible after a client leaves us at the point we are sure we don’t need to contact them (even just to help them) any more – bearing in mind that “contacting them” IS the processing we carry out. So essentially, your personal data is securely deleted as soon as the relationship between us ends.

We may however have to keep copies of invoices we have sent clients, for legal (HMRC) reasons and they would be retained as per HMRC guidelines.

Retention of employee data (essentially data about ourselves – the 2 Directors) is held as per legal obligations to the Government.

8: HOW DO WE KEEP YOUR PERSONAL DATA SECURE?

One of the GDPR Principles (f) relates to security, integrity & confidentiality.

It states that personal data is “processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.”

RKJOnline is diligent with and respectful of the personal data provided by our clients. We build strong relationships with our clients based on goodwill and have verbal contracts to provide the web services and products they ask us to provide.

RKJOnline takes the security and confidentiality of client data very seriously and has undergone a thorough security audit, changing any procedure or measure where we felt it in the clients’ best interests to do so.

Additionally we build security and confidentiality into everything we do, particularly IT based work.

Examples of appropriate security measures to guard against loss, theft, damage, destruction are locked and alarmed premises, password protected computers and phones, and strong password protected spreadsheets, client website passwords stored in “Steganos” – an encrypted password manager system - erasure of cookies, cache, browsing history etc. each time a browser is closed.

Only the 2 RKJOnline employees know how to access passwords, guarding against unlawful access to the data. Firewall(s) and virus-checking are installed on computers i.e. laptops and PCs.

Systems are regularly backup up with personal data files on devices that are stored under lock and key.

The lists of measures we take are extensive and (for the purposes of the regulator, should it wish to see them) are documented in a database that covers the following:-

- Computer Security
- Mobile Phones
- Email Security
- Fax security
- Hardcopy security
- Website security
- Premises security
- Staff Training and experience

No unauthorised processing can take place – we process only what our clients expect us to process and we have only the 2 employees – the 2 Directors – no other staff are employed and thus nobody else (someone who was unauthorised) would be able to process the personal data.

The professional backgrounds of both RKJOnline staff lends themselves to security and risk analysis and awareness and we adopt a “Privacy By design” approach throughout our web services “lifecycle”.

All measures we take are reviewed and are systems are checked and tested for vulnerabilities. We’ll employ new or different security measures as technology or circumstances allow. We regard security as “work in progress” – it never stops.

Client business websites - It should be noted that websites after Go Live (and after the client has paid RKJOnline) are the responsibility of and the copyright of the client. The information in them is business information (save for any Woo Commerce site that chose to hold personal customer information – more info below). Never the less RKJOnline took pre-emptive steps to assist clients with questions they may have about their websites, when working to comply with GDPR for their OWN business.

If any client wishes to change the content of their website for privacy reasons they may do so – for example, if they wanted to change the content in the “About” page or Contact Page. We have maintenance agreements and work to quickly respond to any request for updates and changes.

For transparency: Websites designed by RKJOnline do not currently have SSL certification (are not “HTTPS” websites) and do not have encryption of data in transit (encryption is not mandatory under GDPR). This is explained to the client before agreement to continue with website development and acceptance of RKJOnline’s Terms and Conditions underlines the customer’s acceptance. It is the responsibility of the customer to assess any risk, be mindful of data protection (and GDPR) laws and rules and to consider limiting data requested from website visitors.

To that extent, contact forms which send data unencrypted to the client business are generally not used on RKJOnline-developed websites. If there are any exceptions then the client(s) have

discussed the matter with RKJOnline before GDPR implementation and before deciding to use such forms and take full responsibility for the security of their own customers' personal data. (This is a "data in transit" matter).

Similarly with "data held" in mind, RKJOnline has reviewed Woo Commerce sites built for clients (who on the whole use the Woo Commerce option to SHOW products and NOT sell them – thus avoiding any "data in transit issues" at time of an order) and generally no personal data is held on those sites. If there are any exceptions then the client(s) have discussed the matter with RKJOnline before GDPR implementation and before deciding to store customer personal data and take full responsibility for the security of that personal data.

No financial data is ever held or transmitted – any RKJOnline WooCommerce site that allows customers to BUY, uses a PayPal Gateway for payment processing. Please also see "Transfers of data outside of the EEA" below, to complete the overall picture of "data held" for Woo Commerce sites.

RKJOnline business website - The information in it is business information which we have control over. For example what the ABOUT or CONTACT pages say about the 2 employees is what those 2 employees have agreed should be said (and coded the info). We do not use contact forms (no data in transit issues) or hold any customer or employee information on site.

We use Cookies but not to gather personal information – see our Cookie Policy.

Additionally, most RKJOnline WordPress websites (those non-SSL sites) have standard SQL databases on servers which reside in the UK, at the premises of our 3rd party supplier Fasthosts. Fasthosts data centres have ISO 27001 certification (more info here <https://www.fasthosts.co.uk/about/data-centre>) and passwords residing on the databases are in a protected format.

Furthermore Fasthosts contacted RKJOnline with its updated Privacy Notice in accordance with GDPR – this is public & it can be read here:- <https://www.fasthosts.co.uk/terms/privacy-notice>

Note that if the services of a different 3rd party supplier is necessary (such as for the purposes of SSL) it is the client that has the account with the 3rd party and should make themselves aware of the 3rd parties' GDPR rules – RKJOnline can assist if requested.

Security Breaches - if we did suffer a security breach which affected our ability to protect your personal information, we would report it to you as soon as possible.

We have a data breach policy and response plan in place.

It's highly unlikely that a personal data breach at RKJOnline could result in a risk to clients' rights and freedoms. However we will notify the ICO if such an event occurred.

We would also follow ICO advice here:-

<https://ico.org.uk/for-organisations/report-a-breach/> and here <https://ico.org.uk/for-organisations/report-a-breach/personal-data-breach/>

It is also the case, under Article 32 of the GDPR that any EEA based 3rd party supplier RKJOnline uses must report a breach to us with undue delay. In the event of any breach we would also work with affected individuals and ICO to put things right.

We will then review the incident and take learnings for future mitigation.

9: TRANSFERS OF PERSONAL DATA OUTSIDE OF THE EEA (EUROPEAN ECONOMIC AREA)

AS the ICO states here <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/international-transfers/> “The GDPR imposes restrictions on the transfer of personal data outside the European Union, to third countries or international organisations.

These restrictions are in place to ensure that the level of protection of individuals afforded by the GDPR is not undermined.”

It also explains that “you may transfer personal data where the organisation receiving the personal data has provided adequate safeguards. Individuals’ rights must be enforceable and effective legal remedies for individuals must be available following the transfer”.

ICO further explains that “The GDPR provides derogations from the general prohibition on transfers of personal data outside the EU for certain specific situations” and goes on to list examples, such as:-

- made with the individual’s informed consent;
- necessary for the performance of a contract between the individual and the organisation or for pre-contractual steps taken at the individual’s request;
- necessary for the performance of a contract made in the interests of the individual between the controller and another person;

RKJOnline does not transfer, hold or process client personal information to a country outside the European Union, to third countries or international organisations.

However in the interest of transparency, we explain:-

- As mentioned above, we provide some personal information to our 3rd party supplier Fasthosts (or to a different supplier where that has been necessary e.g. for the purposes of SSL) so that they can arrange domain registrations for our clients.

A minority of our clients have “.com” domains and hence there is a strong probability that the personal data will have been sent to an international domain registrar based outside of the EU (at the time of publication of this privacy notice we are aware of the international registrar generally used and are very happy with their reputation and the fact it is reported they are pursuing GDPR compliance). It should also be noted that ICANN – as mentioned above – is reported to have requested GDPR guidance.

All of our “.com” clients have been made aware of this situation; as such – even though it is not RKJOnline that may need to transfer personal contact details outside of the EU – we believe that informed consent has been given. Without registering the domain, the client cannot have a website. This could also be argued as “pre-contractual steps”.

- We have reviewed our cloud “fallback” system to ensure no personal data is sent outside of the EEA. Indeed it isn't sent outside of the UK. Note that website content (words, photos or other media, coding) is sent to a cloud system outside of the EEA but that is already in the public domain and NOT personal data, albeit the public business contact information may be the same as that which we hold for the client.
- For any Woo Commerce client who holds customer personal data on their website, “fallback” would not be to a cloud system outside of the UK – our internal backup measures are strong and these would be employed.
Woo Commerce clients are also bound by its privacy policy
<https://automattic.com/privacy/>
- We have Australian-based clients whose data is used for business contact with them and for social media bios or posts (business data) – no other use.

10: YOUR RIGHTS

Under GDPR legislation, the following rights are provided for regarding the processing of your personal information:-

- The right to be informed
- The right of access (SUBJECT ACCESS REQUESTS)
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling.

Note that whilst these rights apply generally to all personal information, some of the rights apply only in certain circumstances; the information below clarifies this.

There are rules concerning any circumstances where we need not comply, whether or not we can charge a fee, the time limit we have to respond to you and the fact we will need to confirm your identity before we can respond to requests – an essential security measure that is in your best interests.

Each individual policy or statement we have written, within our own GDPR Management System, explains these.

• The Right To Be Informed

- <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-be-informed/>
- Individuals have the right to be informed about the collection and use of their personal data. This is a key transparency requirement under the GDPR.

- We must provide individuals with information including: our purposes for processing their personal data, our retention periods for that personal data, and who it will be shared with. This is called ‘privacy information’.
- This right is covered in the RKJOnline Policy Document “Right To be Informed as well as in this Privacy Notice. Please contact us for a copy of the policy.
- And a spreadsheet to record request is also part of our overall GDPR Management System

- **The Right Of Access**

- <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-of-access/>
- Individuals have the right to access their personal data and supplementary information.
- The right of access allows individuals to be aware of and verify the lawfulness of the processing
- This right is covered in RKJOnline’s Policy Document “Right Of Access” and in our Policy “**Subject Access Requests**”. Please contact us for a copy of the policies
- And a spreadsheet to record request is also part of our overall GDPR Management System

- **The Right To Rectification**

- <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-rectification/>
- The GDPR includes a right for individuals to have inaccurate personal data rectified, or completed if it is incomplete.
- An individual can make a request for rectification verbally or in writing.
- RKJOnline has one calendar month to respond to a request.
- In certain circumstances we can refuse a request for rectification.

This right is closely linked to the controller’s obligations under the accuracy principle of the GDPR (Article (5)(1)(d)).

This right is covered in RKJOnline’s policy document “Right Of Rectification”. Please contact us for a copy of the policy

And a spreadsheet to record request is also part of our overall GDPR Management System

- **The Right To Erasure**

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-erasure/>

- Under GDPR, one of the individual’s rights is the right to erasure – otherwise known as the right to be forgotten.
- *“Under Article 17 of the GDPR individuals have the right to have personal data erased. This is also known as the ‘right to be forgotten’. The right is not absolute and only applies in certain circumstances.”*

- This right is covered in RKJOnline’s policy document “Right of Erasure”. Please contact us for a copy of the policy
- And a spreadsheet to record request is also part of our overall GDPR Management System

- **The Right To Restrict Processing**

- Individuals have the right to request the restriction or suppression of their personal data.
- This is not an absolute right and only applies in certain circumstances.
- When processing is restricted, we are permitted to store the personal data, but not use it.
- An individual can make a request for restriction verbally or in writing.
- RKJOnline has one calendar month to respond to a request.
- This right has close links to the right to rectification (Article 16) and the right to object (Article 21).
- This right is covered in RKJOnline’s policy document “Right To Restrict Processing”. Please contact us for a copy of the policy
- And a spreadsheet to record request is also part of our overall GDPR Management System

- **The Right To Data Portability**

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-data-portability/>

RKJOnline has produced a statement about this as part of our overall GDPR Management System. Please contact us for a copy of the statement.

We do not believe that Data Portability is something RKJOnline is bound by as we do not use any sort of automated processing.

In addition as we use “legitimate interests” as a lawful basis to process client data (contact info) **this right is not applicable under those circumstances.**

- **The Right To Object**

RKJOnline has produced a policy about this as part of our overall GDPR Management System. Please contact us for a copy of the policy.

Individuals have the right to object to:

- processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling);
- direct marketing (including profiling); and
- Processing for purposes of scientific/historical research and statistics.

We use legitimate interests for our lawful basis when processing client data (contact info).

- **Rights related to automated decision making including profiling**

- Article 22 doesn't apply to RKJOnline's processing of client personal data
- Article 22 applies to solely automated individual decision-making, including profiling, with legal or similarly significant effects.
- Our processing does not match this definition – we do not carry out any profiling and/or automated decision-making.
- We will still comply with the GDPR principles.
- We will still identify and record our lawful basis for the processing.
- We still have processes in place so people can exercise their rights.
- Individuals have a right to object to profiling in certain circumstances. Our statement on the right to object also clarifies we do not operate in the way described. Please contact us for a copy of the statement.

Further information can be found at the UK regulator's website here:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

You may exercise your rights by contacting RKJOnline at the normal email address you, as a client use – or see the bottom of this privacy notice for contact info. Please detail the personal information and the right(s) that you refer to.

We respectfully remind clients that if they choose not to share personal data with us, it is highly unlikely we can fulfil our agreement to provide web services to them.

11: YOUR RESPONSIBILITIES

- All clients may have a level of access to their own websites and access to their own email box. They must keep access ids and passwords secure and confidential and not disclose them to any third party. They must advise us immediately if they believe someone else has gained access to their website or mailbox.
- Client must keep us updated with any changes to the personal information we need to hold about them such as contact information and must ensure the information we have is accurate.
- Websites and social media business pages we create for clients are at their own request and become their own copyright when the final balance is paid to RKJOnline at or shortly after Go Live.

- Clients must ensure they have administrative access to their social media platforms; if a client leaves RKJOnline without access, RKJOnline reserves the right to “de-admin” itself from that account
- Clients take full responsibility for data protection laws when sharing anything on their business social media that may identify a person and the onward sharing of that onto any of their other platforms or their website. Where, under SEO, RKJOnline re-shares posts a client has put up, the client must make clear they have any appropriate consent required.
- Clients must make clear to RKJOnline where testimonials posted on public accounts can be shared on other platforms and the client website
- As such each client is responsible for their own GDPR compliance and that includes website and social media compliance
- Prior to GDPR coming into force RKJOnline contacted all clients and set time aside to make changes where it was felt appropriate to client websites.
- If clients require other changes they should contact RKJOnline at the usual email address they use and we’ll seek to complete the work ASAP under current “maintenance” agreements. For example, where clients wish to add their own privacy notices, privacy policies, terms of use, terms and conditions to their business websites.
- Clients are the data controllers of any personal data they may have collected (and then hold and/or process) as a result of any web service we have provided (e.g. via a website visitor interaction).
- Hence, for example, any personal data collected by the client business and stored on the WordPress Database (and potentially processed) is the responsibility of the client.
- For another example, where a visitor clicks a link to the business clients’ email address and sends the business an email from their own (visitor) email – that data (and how it might be held and processed) is the responsibility of the client business.
- Clients are responsible for protecting user/website visitor personal information they collect, hold and/or process and responsible for complying with all relevant legislation such as via the GDPR.

Note that where the use of a different 3rd party supplier is necessary, it is the client that has the account with the 3rd party (e.g. a different hosting supplier for SSL) and should make themselves aware of the 3rd parties’ GDPR rules – RKJOnline can assist if requested.)

12: TO CONTACT US OR MAKE A COMPLAINT ABOUT HOW WE USE YOUR PERSONAL INFORMATION

If you have any questions or comments or you wish to make a complaint, please email your usual RKJOnline contact or use this email address:- gdpr@rkjonline.com

If we cannot resolve your complaint and wish to escalate it, you may contact the regulator – the **Information Commissioner's Office** - who is responsible for handling complaints about the use of personal information: <https://ico.org.uk/global/contact-us/>

“Our helpline and live chat services are usually available between 9am and 4:30pm, Monday to Friday (excluding bank holidays).”

Helpline: - 0303 123 1113

<https://ico.org.uk/concerns/> to “Report a Concern”

Contact Form at: <https://ico.org.uk/global/contact-us/email/>

Postal Address of Head Office: Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

13: CHANGES TO THIS PRIVACY NOTICE

RKJOnline reserves the right to amend or update this Privacy Notice at any time. The updates or amendments are effective immediately. If we believe that any of the changes are substantial, we'll let our clients know, usually by email.

It is however our client's responsibility to check back and review the Privacy Notice regularly for any changes.

Clients should pay particular notice to our Terms and Conditions as well as this privacy notice.