

# Privacy Policy

## Mobile Phones Direct Ltd trading as 'The Smartphone Company'

[Version 3 posted and effective as of 05.06.18]

Mobile Phones Direct (“we”, “us”, or “our”) operates this website <http://www.smartphonecompany.co.uk> (“our site”) and is committed to protecting and respecting your privacy and complying with applicable data protection and privacy laws.

This privacy policy (“Policy”) (together with our Terms and Conditions of Sale and Terms of Website Use) set out the basis on which any personal data we collect from you, or that you provide to us, will be processed by us. Please read the following carefully to understand our views and practices regarding your personal data and how we will treat it.

This Policy applies to personal data collected in connection with products and services offered by or from other interactions with us where a link or other reference of incorporation to this Policy is made, for example, in connection with mobile devices and accessories, websites (also including mobile websites), games, music and other types of services offered by us typically in electronic form, as well as other services such as customer care and warranty services or promotions and campaigns.

[Certain products and services collect and use personal data in accordance with their own privacy policies. Such policies prevail over this Policy to the extent of any conflict.]

Our site, products or services may, from time to time, contain links to and from the websites of other companies’, our partner networks, advisers and affiliates. If you follow a link to or from any of these websites, please note that these websites have their own privacy policies and that we do not accept any responsibility or liability for these policies. Please check these policies before you submit any personal data to these websites. We are not responsible for the privacy practices or contents of any such websites.

Mobile Phones Direct Limited is the controller and responsible for your personal data.

If you have any questions about this Policy, including any requests to exercise your legal rights, please contact us using the details set out below.

## Contact details

Full name of legal entity: Mobile Phones Direct Limited

Postal address: The Courtyard Business Centre, Thatcham, Newbury, Berkshire, RG18 4NW

Email address: [DPO@smartphonecompany.co.uk](mailto:DPO@smartphonecompany.co.uk)

You have the right to make a complaint at any time to the Information Commissioner's Office (“ICO”), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). We would, however, appreciate the opportunity to deal with your concerns before you approach the ICO so please contact us in the first instance.

## Information we may collect from you and how we collect your data

We may collect and process the following data about you:

- **Information that you provide by filling in forms on our site.** This includes information provided when you register to use our site, subscribe to our services, enter into a sales promotion or a campaign, post material or request further services, report a problem with our site or otherwise contact us.
- **If you contact us,** we may keep a record of that correspondence.
- **We may also ask you to complete surveys or provide feedback** that we use for research purposes, although you do not have to respond to them.
- **Details of transactions** you carry out through our site and of the fulfilment of your orders.

Below are examples of the categories of data collected:

- **Technical Information:** You may visit and browse our site without telling us who you are. However, certain technical information is normally collected as a standard part of your use (such as your IP-address, access times, the website you linked from, pages you visit, the links you use, the ad banners and other content you viewed, information about your devices and other technical information your browser provides us with or as may be otherwise collected in connection with certain products and services). When you use our products or services or contact us, certain additional information, such as your mobile telephone subscription number, may be transmitted to us as a standard part of that communication. Please also see the section “Use of Cookies and Web Beacons” below.
- **Information you provide us with:** When you register for our services, make a purchase, enter a sales promotion or otherwise contact us, we may ask you to provide us with information such as your name, email address, street address, previous address’s, bank details, as well as user names, passwords and other such credentials that are used to authenticate users and to validate their actions or that may be needed to provide you with the products and services you have requested or to communicate with you.
- **We may collect demographic information:** For example, your age, gender, postal code and language preferences. We may also collect other information you provide, such as your consents, preferences and feedback, information relating to your devices and other such information you provide us with. Please note that certain non-identifiable information collected from you may become personally identifiable when you provide us with your personal data. We may also obtain, in accordance with applicable law, some personal data from list-rental companies and other such publicly available sources. Some of our services may allow you to submit information about other people, for example, if you make an order for a product that you wish us to send directly to another recipient.
- **Your transactions with us:** We collect or ask for information relating to your purchase and/or use of our products and/or services and your other communications with us. Such information may include, for example, details of the queries or requests you have made, the products and services provided (including delivery details), financial details (including payments made, credit card

details, billing address, credit checks and other such financial information), details of agreements between you and us, records of contacts and communications, information and details relating to the content you have provided us with and other such transactional information. We may, in accordance with applicable law, record your communication with our customer care or with other such contact points. Certain services may involve the use of your location data. However, use of your location data for such services is subject to your consent.

We do not collect any special categories of personal data about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data). We may reference information about criminal convictions when carrying out our routine fraud prevention checks so that we can provide our services to you. Our services are not intended for children and we do not knowingly collect data relating to children.

## Uses made of the information

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.
- Where you have given consent to the processing of your personal data for one or more specific purposes.

Generally we do not rely on consent as a legal basis for processing your personal data other than in relation to sending direct marketing communications to you. You have the right to withdraw consent to marketing at any time by contacting us via the contact information set out above.

Under this Policy the following terms are defined as below.

### Lawful basis:

**“Legitimate Interest”** means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us using the contact details provided above.

**“Performance of Contract”** means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

**“Comply with a legal or regulatory obligation”** means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

**“Consent”** means where you have given consent through a statement or a clear affirmative action to the processing of your personal data for one or more specific purposes.

| Purpose/Activity  | Lawful basis for processing including basis of legitimate interest   |
|---|--|
| To register you as a new customer and fulfil your order including but not limited to:<br><br>(a) Network activations and credit searching (where applicable)<br>(b) Identity verification<br>(c) Storage of data with logistics partners to aide with customer service queries.   | Performance of a contract with you   |
| To process and deliver your order including:<br><br>(a) Manage payments, fees and charges<br>(b) Collect and recover money owed to us<br>(c) For credit status approval and/or to verify your personal data in order to supply network airtime or services<br>(d) To ensure the functionality and security of our products and services, to identify you and to prevent and investigate fraud and other misuses | (a) Performance of a contract with you<br>(b) Necessary for our legitimate interests (to recover debts due to us, to carry out fraud prevention checks, to provide secure services to you)                                 |
| To manage our relationship with you which will include:<br><br>(a) Notifying you about important changes to our terms or privacy policy<br>(b) Asking you to leave a review or take a survey or provide service feedback via third parties<br>(c) Corresponding with you to provide service updates.  | (a) Performance of a contract with you<br>(b) Necessary to comply with a legal obligation<br>(c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services) |
| To enable you to partake in a prize draw or competition.  | (a) Consent<br>(b) If you have purchased products or services from us and you have not opted out of receiving that marketing.  |

|  |   |
|--|---|
| To send to you information via newsletters and marketing information about offers and services we feel would be of interest to you, including but not limited to information about sales, handset financing, service and product renewals, cart abandons, and any other additional offers or services. | (a) Consent<br>(b) If you have purchased products or services from us and you have not opted out of receiving that marketing.   |
| To administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)  | (a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise)<br>(b) Necessary to comply with a legal obligation |
| To personalise our offering deliver relevant website content and information, products and services we feel may interest you, and measure or understand the effectiveness of the information we provide to you via the use of cookies (including third party cookies) and device information.          | Necessary for our legitimate interests (to study how customers use our products/services, to develop them, to grow our business and to inform our marketing strategy)   |
| To use data analytics to improve our website, products/services, marketing, customer relationships and experiences   | Necessary for our legitimate interests (to define types of customers for our products and services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)   |

## Marketing and promotional offers from us

We may use your personal data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services and offers may be relevant for you (we call this marketing). We may therefore contact you from time to time in relation to services which may be of interest to you or provide you with information through newsletters and collect information from you via surveys, feedback and competitions.

You will receive marketing communications from us if you have provided us with consent or you have requested information from us or purchased products or services from us or if you provided us with your details when you entered a competition or registered for a promotion and, in each case, you have not opted out of receiving that marketing.

Some of our products and services may be used to promote products and services of other companies. We do not disclose information about identifiable individuals to our advertisers or any other company, except to a member of our group (as indicated in the section on sharing your personal data below), for marketing purposes without your prior consent. We may however provide aggregate information about our users (for example, we may inform them that 500 men aged under 30 have clicked on their advertisement on any given day). We may also use such aggregate information to help advertisers reach the kind of audience they want to target (for example, women in SW1). We may make use of the personal data we have collected from you to enable us to comply with our advertisers' wishes by displaying their advertisement to that target audience.

## Third party marketing

We will get your consent before we share your personal data with any company outside our group of companies for marketing purposes.

## Opting out

You can ask us or third parties to stop sending you marketing messages at any time by following the opt-out links on any marketing message sent to you or by contacting us at any time.

Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of a product/service purchase, warranty registration, product/service experience or other transactions.

## Change of purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## If you fail to provide personal data

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with goods or services). In this case, we may have to cancel a product or service you have with us but we will notify you if this is the case at the time.

## Disclosure of your information

We may disclose your personal information to any member of our group of companies.

We may disclose your personal information to third parties for the purposes set out in the table above:

- such as mobile networks or insurance companies who process personal data for us for the purposes described in this Policy. Such parties are not permitted to use your personal data for other purposes unless you agree for them to do so within their separate terms and conditions, and we require them to act consistently with this Policy and to use appropriate security measures to protect your personal data;
- such as service providers acting as processors who may be based outside the EEA who provide IT and system administration services;
- if we sell or buy any business or assets, in which case we may disclose your personal data to the prospective seller or buyer of such business or assets;
- if we or substantially all of our assets are acquired by a third party, in which case personal data held by it about its customers will be one of the transferred assets;
- if we are under a duty to disclose or share your personal data in order to comply with any legal obligation, or in order to enforce or apply our *terms of use* or [terms and conditions of supply](#) and other agreements; or to protect the rights, property, or safety of Mobile Phones Direct Limited, our customers, or others. This includes exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction.;
- such as professional advisers acting as processors or joint controllers including lawyers, bankers, auditors and insurers based who provide consultancy, banking, legal, insurance and accounting services;
- HM Revenue & Customs, regulators and other authorities acting as processors or joint controllers based in the United Kingdom who require reporting of processing activities in certain circumstances; and
- Other third party sub-contractors, who provide services for us and/or help to provide services to you. In the event that we use sub-contractors who have access to your personal data, we ensure that there are contractual terms in place to ensure that they only process personal data to the extent that we instruct them to do so in writing and there are suitably worded confidentiality and data protection clauses in all such contracts.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes (unless we have collected consent from you on their behalf) and only permit them to process your personal data for specified purposes and in accordance with our instructions.

## IP addresses

We may collect information about your computer, including where available your Internet protocol (IP) address, operating system and browser type, for system administration and to report aggregate information to our advertisers. This is statistical data about our users' browsing actions and patterns, and does not identify any individual.

## Use of cookies and web beacons

When you visit our site, information is placed on your computer to allow us to recognise your computer. This information is commonly in the form of a text file known as a "cookie". Cookies are small pieces of data stored on your computer's hard drive, rather than on the website. We use cookies:

- that are strictly necessary to enable you to move around our site or to provide certain basic features. We use cookies to enhance the functionality of our site by storing your preferences, for example. We also use cookies to help us to improve the performance of our site to provide you with a better user experience;
- for website traffic analysis and anonymous demographic profiling so that we may improve our services; and
- to enable us to identify your device, or you when you have logged into our site and to collect certain information about your computer, including your IP address, your computer's operating system, your browser type and the address of any referring websites. Our use of cookies is intended to provide benefits to you, such as eliminating the need for you to enter your password frequently during a session or the need to re-enter items you place in a shopping cart if you do not finish a transaction in a single visit.

We may use so-called web beacons (or "pixel tags") in connection with our site. However, we do not use them to identify individual users personally. Web beacons are typically graphic images that are placed on a website and they are used to count visitors to a website and/or to access certain cookies. This information is used to improve our services. Web beacons do not typically collect any other information than the information your browser provides us with as a standard part of any Internet communication. If you turn off cookies, the web beacon will no longer be able to track your specific activity. The web beacon may, however, continue to collect information of visits from your IP-address, but such information will no longer be unique.

If you do not wish to receive cookies, or want to be notified before they are placed, you may set your web browser to do so, if your browser so permits. Please understand that if cookies are turned off, you may not be able to view certain parts of this site that may enhance your visit. Some of our business partners whose content is linked to or from this site may also use cookies or web beacons. However, we have no access to or control over these cookies.

## Data Quality

We take steps to keep the personal data we possess accurate and up-to-date and to delete out of date or otherwise incorrect or unnecessary

personal data.

As certain products and services may allow you to manage your profile, we encourage you to access your personal data from time to time to ensure that it is correct and up-to-date. Please remember that it is your responsibility to provide us with correct details as well as to update the personal data you have provided us with in case of any changes.

## Security

While there are always risks associated with providing personal data, whether in person, by phone, via the internet or otherwise, and no technology is completely safe or “tamper” or “hacker” proof, we take appropriate technical and organisational information security measures to prevent and minimise such risks.

Such measures include, where appropriate, the use of firewalls, secure server facilities, encryption, implementing proper access rights management systems and processes, careful selection of processors and other technically and commercially reasonable measures to provide appropriate protection for your personal data against unauthorised use or disclosure.

Where appropriate, we may also take back-up copies and use other such means to prevent accidental damage or destruction to your personal data.

If a particular part of our site supports online transactions, all information you provide to us is stored on our secure servers. Any payment transactions will be encrypted using an industry standard security measure, such as the one available through “Secure Sockets Layer” (“SSL”), to protect the confidentiality and security of online transactions. Where we have given you (or where you have chosen) a password which enables you to access certain parts of our site, you are responsible for keeping this password confidential. We ask you not to share a password with anyone.

Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of your data transmitted to our site; any transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access.

In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

## Data Retention

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

## International transfers

Some of our external third party providers are based outside the European Economic Area (“EEA”) so their processing of your personal data may involve a transfer of data outside the EEA.

Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission. For further details, see [European Commission: Adequacy of the protection of personal data in non-EU countries](#).
- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe. For further details, see [European Commission: Model contracts for the transfer of personal data to third countries](#).
- Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between the Europe and the US. For further details, see [European Commission: EU-US Privacy Shield](#).

Please contact us if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

## Your rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data. You have the right to:

**Request access** to your personal data (commonly known as a “data subject access request”). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

**Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

**Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

**Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

**Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

**Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

**Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please contact us using the contact details provided above.

**No fee usually required**

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

**What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

**Time limit to respond**

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

## Changes to our privacy policy

We may from time to time change this Policy or change, modify or withdraw access to this site at any time with or without notice. Any changes we may make to this Policy in the future will be posted on this page. We recommend that you re-visit this Policy from time to time to learn of any such changes to this Policy.