

PRIVACY AND COOKIE POLICY 25/5/2018

Welcome to the Mistura (Mistura Enterprise Ltd, Mistura Informatics Ltd and Mistura Apps Ltd) Privacy Policy. We respect your privacy and are committed to protecting your personal information. The purpose of this privacy policy is to inform you as to how we look after your personal information that you give us when you visit our website (regardless of where you visit it from) or use our applications and tell you about your privacy rights and how the law protects you. By visiting any of our websites including: www.choiceandmedication.org and www.misturainformatics.org or by registering a user account to our products and services including: C&M App, MaPPS + App and Whatsmydrug.com App you are accepting and consenting to the practices described in this policy.

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1. IMPORTANT INFORMATION

It is important that you read this privacy notice so that you are fully aware of how and why we are using your data. This privacy notice supplements the other policies and is not intended to override them.

1.1 Data Controller

The websites and applications are owned and operated by Mistura ('we'/'us'/'our') which covers all Mistura companies listed below. The companies are located in the UK and therefore adhere to any UK law. Mistura Enterprise is a limited company (trading as Choice and Medication® and trading with candm app®), registered in England and Wales under the following full company details:

Company Name:	Mistura Enterprise Limited
Company Registration Number:	7012554
VAT Number:	GB 101 1559 67

Mistura Informatics is a limited company (trading with MaPPs® and e-learning), registered in England and Wales under the following full company details:

Company Name:	Mistura Informatics Limited
Company Registration Number:	07844504
VAT Number:	GB 101 1559 67

Mistura Apps is a limited company registered in England and Wales under the following full company details:

Company Name: Mistura Apps Limited
Company Registration Number: 8523503
VAT Number: GB – PENDING TBC

All Registered Offices Located at: Arch Centre for Enterprise
Lintonville Parkway
Ashington
Northumberland
NE63 9JZ
Telephone Number: 01670 818229

For the purposes of the Data Protection Act 1998, we are the “data controller” (i.e. the company who is responsible for, and controls the processing of, your personal data). The Managing Director is the data protection officer i.e. is responsible for overseeing questions in relation to this Privacy Policy, including any requests to exercise your legal rights. You can contact our data protection officer on mobile: 07732623547 or by email at:

Dawn.price@choiceandmedication.org.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 chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

1.2 Changes To This Policy

This version was last updated in May 2018 and historic versions can be obtained by contacting us.

It is important that the personal data we hold about you is accurate and current so keep us informed if your personal data changes during your relationship with us. Consequences of inaccurate or incomplete data is outlined in the Mistura terms and conditions of use available from: www.choiceandmedication.org and www.misturainformatics.org

1.3 Third Party Links

Our websites and application may include links to third-party websites, plug-ins and supplementary applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy notice of every website you visit.

2. COLLECTION OF PERSONAL DATA

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data). We may collect, use, store and transfer different kinds of personal data about you which we have grouped together follows:

- Identity Data includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender.
- Contact Data includes your email address and billing address, delivery address, and telephone numbers.
- Profile Data includes your username and password, entries that you make on our decision aid application, purchases or orders made by you for applications, your interests, preferences, feedback and survey responses

- Technical Data includes your internet service provider name, operating system and type of web browser you used, internet protocol (IP) address, your login data, time zone setting and location, browser plug-in types and versions, and other technology on the devices you use to access our website and applications
- Usage Data includes aggregate and user-specific information on which pages you view, content searched for, page response times, length of visits to certain pages, page interaction information;
- Financial Data includes any payment information and financial details you provide in order to use the Websites or applications.
- Recruitment Data includes special category data: gender, age, ethnic origin and health information connected with disability.
- Marketing and Communications Data includes your preferences in receiving marketing from us, and your communication preferences. We do not share your data with third parties.
- We also collect, use and share Aggregated Data including statistical or demographic data. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does not directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website or application feature. 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 notice.
- Special category data: Unless you are submitting your personal data through our Recruitment or our Patient Decision Aid Application, 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 genetic and biometric data). Nor do we collect any information about criminal convictions and offences. We request that you do not enter any special categories of data when using the interactive features of our website or applications. If you volunteer any special category personal data whilst using a feature of our Websites or applications, we will process it in accordance with this Privacy Policy.

2.1 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. For full details see the Mistura terms and conditions of use available from: www.choiceandmedication.org and www.misturainformatics.org

3. HOW WE COLLECT YOUR PERSONAL DATA

We use different methods to collect data from and about you including:

3.1 Direct Interactions

You may give us your Identity, Contact and Financial Data by completing forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you apply for our products or services; register for and create an account on our websites or applications; sign up for an event run by us; subscribe to our service or publications; engage with interactive features of our websites or applications, including chat, groups and networks; request marketing to be sent to you; enter a competition, promotion or survey; or give us some feedback; to report a problem with our site; apply for a role through Recruitment; share information e.g a direct message through a social media platform.

3.2 Automated technologies or interactions

As you interact with our websites and applications, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, server logs and other similar technologies. Please see our cookie policy below for further details.

3.3 Third parties or publicly available sources

We may receive personal data about you from various third parties and public sources as set out below in section 3.4 and 3.5. (For sharing of data with third parties please see paragraph 5.1 and paragraph 6)

3.4 Technical Data

Technical data is received from the following parties:

- (a) analytics providers such as Google Analytics based outside the EU;
- (b) advertising networks such as Facebook and Instagram based outside the EU;
- (c) search information providers such as Google based outside the EU.

3.5 Contact Data

Contact, Financial and Transaction Data from providers of technical, payment and delivery services such as Worldpay, Sagepay and GB Group based inside the EU.

Contact Data and Identity Data from publicly available sources such as Companies House and the Electoral Register based inside the EU.

4. USE OF COOKIES

Our websites or applications can use cookies. Our websites use cookies to distinguish you from other users of our website. This helps us to provide you with a good experience when you browse our website and also allows us to improve our site. By you continuing to browse our sites, you are agreeing to our use of cookies.

You block cookies by activating the setting on your browser that allows you to refuse the setting of all or some cookies. However, if you use your browser settings to block all cookies (including essential cookies) you may not be able to access all or parts of our site. Further information on deleting or controlling cookies is available at www.AboutCookies.org (www.AboutCookies.org).

COOKIE	TYPE	DURATION	DESCRIPTION
Cookie Header	Persistent	1 year	In the footer of each web page on our websites you will see a message alerting you to our use of cookies and our privacy policy. If you've seen this message once, you probably won't want to see it again. We use a cookie to remember this setting. User data is all anonymous.
Google Analytics	Persistent	1 year	To understand how people use our websites, and to discover areas on our site with issues, we use Google Analytics. Most websites use some sort of analytics program like this. The data it collects helps us see things like how many people visit our site, which country they are from, how many pages they visited, how fast our site loaded, what device they are using, what ISP they use and so on. All data collected is completely anonymous, it does not identify you as an individual in any way.
Wordpress	Persistent	1 year	Wordpress is the Content Management System (CMS) that runs our websites. It uses a cookie when logging in and out and is essential for proper website operation. It is only set if you are a registered user, so for most people it is not set at all. User data is all anonymous.
Google.com	Session	6 months	Registers a unique ID that identifies a returning users device and history for quick loading
DoubleClick.net	Session	6 months	Checks that our users and website visitors have a browser which supports cookies

5. USING YOUR PERSONAL DATA

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 legitimate interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.

Generally we do not rely on consent as a legal basis for processing your personal data other than in relation to aspects of your health that may be requested in a specific application including the ‘Patient Decision Aid Application: Whatsmydrug.com?’ and sending third party direct marketing communications to you via email or text message. In these two instances you will be required to consent and confirm you wish to submit personal information. You have the right to withdraw consent at any time using the Patient Decision Aid Application, and withdraw consent at any time to receive marketing by logging onto your user account for applications or logging onto any of our websites and providing your request via “contact us” or by contacting us via:

dawn.price@choiceandmedication.org.uk

5.1 Purposes Of Use Of Personal Data

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate. Note that we may process your personal data for more than one lawful ground depending on the special purpose for which we are using your data. Please contact us if you need details about the special legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

PURPOSE OR ACTIVITY	TYPE OF DATA	LAWFUL BASIS FOR PROCESSING (inc. basis of legitimate interest)
To register you as a new member or registered user	a. Identity b. Contact	Performance of a contract with you
To process and deliver your orders on this website, for events and products, including: a. Manage payments, fees and charges b. Collect and recover money owed to us c. Direct Debit credit reference checking - This information will be processed by Sagepay for e-commerce purposes	a. Identity b. Contact c. Financial d. Transaction e. Marketing and Communications	a. Performance of a contract with you b. Necessary for our legitimate interests (to recover debts due to us)
To carry out our obligations arising from registering as a website or application user including notifying you of services, entering you into our database, notifying you about changes to your registration and other purposes connected with your registration	a. Identity b. Contact	Performance of a contract with you
To notify specified NHS organisations and or employees of new user members where user has consented to do so	a. Identity b. Contact c. Special Data	a. Performance of a contract with you b. Necessary for our and your legitimate interests (to promote the shared decision aid)
To manage our relationship with you which will include: a. Notifying you about changes to our terms or privacy policy b. Asking you to leave a review or take a survey including sending an email asking you to rate your experience of using our applications c. Providing you with information for and asking for feedback about an event you	a. Identity b. Contact c. Profile d. Marketing and Communications	a. Performance of a contract with you b. Necessary to comply with a legal obligation c. Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/ services)

registered for on our site		
To enable you to plan, record and enter information and records on our applications or website, partake in a prize draw, competition or complete a survey	a. Identity b. Contact c. Profile e. Usage f. Marketing and Communications	a. Performance of a contract with you b. Necessary for our legitimate interests (to study how customers use our products/services, to develop them and grow our business)
To administer and protect our business and this website (inc. troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data) and to ensure that content from our site is presented in the most effective manner on your computer	a. Identity b. Contact c. Technical	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) b. Necessary to comply with a legal obligation
To deliver relevant website content to you and measure or understand the effectiveness of the information we serve to you	a. Identity b. Contact c. Profile e. Usage f. Marketing and Communications g. Technical	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	a. Technical b. Usage	Necessary for our legitimate interests (to define types of customers for products/services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)
To make recommendations and suggestions to you about goods or services that may be of interest to you	a. Identity b. Contact c. Technical d. Usage e. Profile	Necessary for our legitimate interests (to develop our products/services and grow our business)
To process your application for a job with in Mistura	a. Identity b. Contact c. Recruitment	a. Necessary for our legitimate interests (to grow our business) b. Compliance with legal obligations associated with employment c. Your specific consent

5.2. MARKETING

We strive to provide you with choices regarding certain personal data uses, particularly around marketing of Mistura Products and Services only. Within your user account you can view and make certain decisions about your personal data use.

- **Promotional Offers and Newsletters From Us**

We may use your Identity, Contact, Technical, Usage and Profile 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). You will receive marketing communications from us only if you have requested information from us, registered on our website or purchased goods or services from us within the last 24 months and, in each case, you have not opted out of receiving that marketing.

- **Third-Party Marketing**

We do not share your personal data with any company outside the Mistura companies for marketing purposes.

- **Opting Out**

You can ask us to stop sending you marketing messages at any time by logging into our Websites or applications and checking or unchecking relevant boxes to adjust your marketing preferences or 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 including registration for our applications, product/service experience or other transactions, please see paragraph 5

above.

- **Cookies**

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly. For more information about the cookies we use, please see paragraph 4 above.

- **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 any unrelated purpose, we will notify you first and we will explain the legal basis that 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.

- **Interactive Services**

There are parts of our website which permit registered users to post user generated content. All content posted in such areas must comply with our terms. We ask you not to enter content, which contains personal information.

6. DISCLOSURE OF YOUR PERSONAL DATA

When you contribute content to public or shared areas of our websites or applications you will be credited as the contributor using your username. This accreditation will appear on the service and will therefore be visible to other users. The default setting for the user ID is your first name and surname. You can change these fields is by logging in to your profile. We may have to share your personal data with the parties set out below for the purposes set out in the table in paragraph 5 above.

- External Third Parties as set out in the Glossary.
- Worldpay, Sagepay and GB Group assist in the processing of Financial Information for the purposes of delivering e-commerce services as specified in paragraph 5 above.
- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets.

Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy notice.

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 or for marketing and only permit them to process your personal data for specified purposes in delivering the contract with you and in accordance with our instructions.

7. INTERNATIONAL TRANSFERS

Some of our external third parties are based outside the European Economic Area (EEA) so their processing of your personal data will 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
- 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

(https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/data-protection/data-transfers-outside-eu/model-contracts-transfer-personal-data-third-countries_en).

- 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

(https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/data-protection/data-transfers-outside-eu/eu-us-privacy-shield_en).

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

8. SECURITY MEASURES

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. 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.

Where you have access to a secure area of our websites or applications, you are responsible for keeping your login details and password(s) confidential and protected. We ask you not to share your password with anyone. You can change your password at any time by logging in. We accept no responsibility or liability if a third party obtains and uses your ID or password. Please see Mistura terms and conditions for further information.

You must tell us immediately if you believe someone may have access to or use of this information.

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.

9. DATA RETENTION

How long will you use my personal data for?

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.

We will keep basic information about our members and registered users (including Contact, Identity, Financial and Transaction Data) for **two years after** they cease being members or logging into our websites or applications. In some circumstances you can ask us to delete your data: see below paragraph 10 below for further information. In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

10. YOUR LEGAL RIGHTS

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

10.1 Your Rights. 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.** This is where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation that 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 lawful 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 our data protection officer dawn.price@choiceandmedication.org.uk or using the contact details set out at the beginning of this policy.

10.2 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.

10.3 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.

10.4 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.

11. GLOSSARY

11.1 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 special activities by Contacting us. 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.

11.2 External Third Parties

Legitimate third parties we may share personal data with includes:

- Survey Monkey, based in the US, who provide services in connection with surveying members.
- Dotmailer, based in the EU, who provide customer mailing services and who sub-contract services to Microsoft Azure, Google Cloud Platform, Cloud are, Dynmark International Ltd, Amazon Web Services, GGR Communications, Red SMS, GTT, Interxion, Zayo, Magnetic One, Brooklands Mailing Services.
- Webex, based in the US, who provide webinar services for event attendees.
- GB Group, based in the EU, who provide identification verification 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.
- Facebook, based in the US, we upload data to Facebook to allow us to target advertising that is relevant to you
- Instagram, based in the US, we upload data to Instagram to allow us to target advertising that is relevant to you