

## **Introduction**

At Duncan and Todd Opticians & Hearing Care, we are committed to providing you with high-quality service and we take data protection very seriously. We respect your and your children's privacy and are committed to protecting your and their Personal Data. This Privacy Policy will inform you as to how we look after your and their Personal Data when you visit our website (regardless of where you visit it from), as well as when you engage with us as one of our patients and tell you about your and their privacy rights and how the law protects you and your children.

You can download a pdf version of this policy here: [\[LINK\]](#).

## **Important information and who we are**

### **Purpose of this Privacy Policy**

This Privacy Policy aims to give you information on how Duncan and Todd collects and processes your Personal Data and that of your children through your use of this website, including any data you may provide through this website or otherwise when you make an appointment, sign up to our newsletter **OR** purchase a product or service **OR** take part in a competition **OR** complete a survey.

This website and its content is not intended for children, and where we do receive Personal Data that relates to children we do on the basis that it is provided by their parent or guardian. We permit parents or guardians to make appointments on behalf of their children, and on confirmation of any appointment, we provide a statement of understanding to confirm that the recipient is the parent or guardian of the child on whose behalf they are making an appointment.

It is important that you read this Privacy Policy together with any other data protection or fair processing information we may provide on specific occasions when we are collecting or processing Personal Data about you or your children (including when you book an appointment on your own or your children's behalf or you or they become a patient) so that you are fully aware of how and why we are using your or your children's Personal Data, and our reasons for sharing it with third parties. This Privacy Policy supplements other notices, fair processing and contractual information, and is not intended to override them.

It is important that you read this Privacy Policy together with any other data protection or fair processing information we may provide on specific occasions when we are collecting or processing Personal Data about you or your children (including when you book an appointment on your own or your children's behalf or you or they become a patient) so that you are fully aware of how and why we are using your or your children's Personal Data, and our reasons for sharing it with third parties. This Privacy Policy supplements other notices, fair processing and contractual information, and is not intended to override them.

### **Data Controller**

Duncan & Todd (Group) Limited is the Data Controller and responsible for your and your children's Personal Data (collectively referred to as "Duncan & Todd", "we", "us" or "our" in this Privacy Policy) for the purposes of relevant data protection law.

Duncan & Todd Limited is the legal entity which owns many opticians operating both under its own name and other trading names; including: Douglas Dickie, J M Macdonald Opticians, Browns

Opticians, James Hughes Opticians and Hearing Care. This Privacy Policy is issued on behalf of the Duncan & Todd Ltd so when we mention "Duncan & Todd", "we", "us" or "our" in this Privacy Policy, we are referring to the relevant company in the Duncan & Todd Group responsible for processing your or your children's Personal Data.

Duncan & Todd (Group) Limited is the relevant Data Controller and registered with the Information Commissioners Office as Data Controller registration number Z8311243.

We have appointed a data protection officer (DPO), who is responsible for overseeing and responding to any questions which you may have in relation to this Privacy Policy or how we deal with your or your children's Personal Data. If you have any questions about this Privacy Policy or how we deal with your or your children's Personal Data, including any requests to exercise your or your children's legal rights as a Data Subject and as referred to below, please contact our DPO using the details provided.

Contact Details

If you have any questions about this Privacy Policy or our privacy practices, please contact our DPO in the following ways:

DPO: Amicis Data t/a Clinical DPO

E Mail Address: [DuncanandToddDPO@Clinicaldpo.com](mailto:DuncanandToddDPO@Clinicaldpo.com)

Telephone: 0203 411 2848

Full name of legal entity: Duncan & Todd (Group) Limited

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK regulator for data protection issues (via their website at [www.ico.org.uk/concerns](http://www.ico.org.uk/concerns) or by telephone on 0303 123 1113) if you have any concerns or are unhappy about how we have dealt with your or your children's Personal Data. We would, however, appreciate the chance to deal with any concerns before you approach the ICO so please contact us in the first instance.

Changes To This Privacy Policy And Your Duty To Inform Us Of Any Changes

We keep our Privacy Policy and any other fair processing information provided when you book an appointment or become a patient (on your own behalf or on behalf of your children) under regular review. This version was last updated on 1 December 2021.

It is important that the Personal Data which we hold about you or your children is accurate and current. Please keep us informed if your Personal Data or that of your children changes during your or their relationship with us.

### **Third-Party Links**

This website may include links to third-party websites. Clicking on those links or enabling those connections may allow third parties to collect or share data about you or your children. We do not control these third-party websites and are not responsible for their privacy statements or practices. When you leave our website via clicking on any third-party link, we encourage you to read the Privacy Policy of every website you visit.

## 2. Data Protection Principles

In dealing with your Personal Data or that of your children, we adopt the six core principles of data protection law, which are:

- **Lawfulness, Fairness And Transparency** - we process Personal Data lawfully, fairly and in a transparent manner in relation to you or your children as a Data Subject;
  - **Purpose Limitation** - we only collect Personal Data for specific, explicit and legitimate purposes. We clearly state what these purposes are in this Privacy Notice, and we only collect Personal Data for as long as necessary to complete those purposes;
  - **Data Minimisation** - we ensure that any Personal Data which we process is adequate, relevant and limited to what is necessary in relation to our stated purposes for such processing;
  - **Accuracy** - we take every reasonable step to update or remove Personal Data that is inaccurate or incomplete as soon as possible.
- Storage Limitation - we delete Personal Data when we no longer need it. Further information on relevant retention periods is set out below.

**Security, Integrity and Confidentiality** – We have put in place appropriate security measures to prevent your or your children’s Personal Data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your or your children’s Personal Data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your or your children’s Personal Data on our instructions and they are subject to a duty of confidentiality. Personal Data which we collect is stored mainly within software systems provided by Optix Business Software Limited. They hold ISO 27001 (Information Security Management) Accreditation, and as part of our own due diligence, our Data Protection Officer has reviewed data security processes in place with them.

Personal Data is also stored within local devices secured using passwords and user authentication. All of our branches offer a high level of physical security and operational rigour to ensure that any Personal Data and the devices on which that Personal Data is stored, are protected.

In the unlikely event that we lose any Personal Data, or a device upon which Personal Data is stored, or it is accessed by someone unauthorised to do so (a Personal Data Breach), we may have a duty to inform you immediately. If a Personal Data Breach has the potential to cause a serious risk to you or your children’s rights and freedoms we will also report it to the Information Commissioners’ Office in accordance with our wider data protection obligations.

## 3. The Personal Data Which We Collect

For the purposes of data protection law and this policy, “Personal Data” means any information about an individual from which that person can be identified. It does not include data where identity information has been removed (anonymous data).

We may collect, use, store and transfer different kinds of Personal Data about you or your children either through this website, via our booking system, by telephone or when you attend at any of our locations, which we have grouped together as follows:

**Identity Data includes** [first name, maiden name, last name, marital status, title, date of birth and gender].

**Contact Data includes** [postal and billing address, delivery address, email address and telephone numbers].

**Financial Data includes** [bank account and payment card details (via EPOS), and in relation to direct debit mandates].

**Transaction Data includes** [details about payments to and from you and other details of products and services you have purchased from us].

**Technical Data includes** internet protocol (IP) address, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform, and other technology on the devices you use to access this website.

**Profile Data includes** [purchases or orders made by you, your interests, preferences, feedback and survey responses and general lifestyle information relating to you or your children].

**Usage Data includes** [information about how you use our website, products and services].

**Marketing and Communications Data includes** [your preferences in receiving marketing from us and our third parties and your communication preferences].

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data could be derived from your Personal Data or that of your children, but is not considered Personal Data in law as this data will **not** directly or indirectly reveal your identity or that of your children. For example, we may aggregate Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with Personal Data so that it can directly or indirectly identify a specific individual, we treat that combined data as Personal Data which will be used in accordance with this Privacy Policy.

### **Special Category Data**

As part of the provision of our products and services to you and your children, we will need to collect **Special Categories of Personal Data**, including (but not limited to):  
details about your or your children's race or ethnicity;  
information about your or your children's health, and genetic and biometric data;  
details of current and past health, diagnoses, conditions and medication which you or your children may have been prescribed;  
medical examination results including retinal images and correspondence with your or your children's optometrist, audiologist, GP or ophthalmologist; and  
any relevant lifestyle information on your or your children's pastimes, driving information or employment history insofar as it impacts upon the provision of care via our products and services.

Where we need to collect Special Category Data relating to you or your children, we do so on the basis of the specific condition of provision of health or social care in accordance with Article 9(h) of the UKGDPR and Paragraph 2 of Schedule 1 to the Data Protection Act 2018, specifically the provision of health and social care purposes.

In particular, we use Special Category Data for the following purposes which are essential to the provision of our product and services:

To perform eye and hearing checks to understand eye / hearing health and any related medical conditions

To determine prescriptions for eyewear / hearing needs and to dispense eyewear / hearing aids.

### **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 or on behalf of your children, 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 or on your children's behalf (for example, to provide you or them with our products or services). In this case, we may have to cancel any product or service you or they receive from us (or any appointment) but we will notify you if this is the case at the time.

### **4. How Is Personal Data Collected?**

We use different methods to collect data from and about you or your children, including through:

**Direct Interactions Relating To Your Or Your Children's Treatment Or Our Products and services.** You may give us your or your children's Identity, Contact and Financial Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes Personal Data you provide when you:

enquire about our products or services;

book or confirm an appointment with us (in which case we will send a confirmation and a courtesy reminder before an appointment is due);

request marketing to be sent to you about our products or services;

enter a competition, promotion or survey;

provide us with a review of our products or services;

raise a query, complain or provide other feedback about our products or services; or contact us for any other reason.

**Automated Technologies Or Interactions.** As you interact with our website, we will 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 [LINK] for further details.

**Third Parties Or Publicly Available Sources.** We will receive Personal Data about you or your children from various third parties and public sources, including Special Category Data and other Personal Data from the National Health Service and related providers or from other healthcare providers or institutions you have authorised to provide us with Personal Data to facilitate the

provision of our products and services. We may also receive Personal Data relating to you or your children from governmental or law enforcement agencies, and may combine it with information from other public sources.

Technical Data from the following parties:

- (a) analytics providers [such as Google based outside the UK];
- (b) advertising networks [such as [Facebook, Google and Twitter based [inside **OR** outside] the UK]; and

Contact, Financial and Transaction Data from providers of technical, payment and delivery services based inside the UK.

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

## **5. How We Use Personal Data**

We will only use your Personal Data or that of your children when the law allows us to do so. Most commonly, we will use your or your children's 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, either directly or on behalf of your children.

Where it is necessary for our legitimate interests (or those of a third party) and your or your children's interests and fundamental rights do not override those interests.

Where we need to comply with a relevant legal obligation.

More information about the types of lawful basis that we will rely on to process your or your children's Personal Data is set out below. Generally, we do not rely on consent as a legal basis for processing your or your children's Personal Data although we will obtain your consent before sending third party direct marketing communications to you via email or text message. You have the right to withdraw consent to marketing at any time by contacting us.

### **Purposes For Which We Will Use Personal Data**

We have set out below, in a table format, a description of all the ways in which we plan to use your Personal Data or that of your children, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Please Note that we may process your Personal Data or that of your children for more than one lawful ground depending on the specific purpose for which we are using it. Please contact us if you need details about the specific legal ground we are relying on to process your or your children's Personal Data where more than one ground has been set out in the table below.

<b>Purpose/Activity</b>	<b>Type Of Data</b>	<b>Lawful Basis For Processing Including Basis Of Legitimate Interest</b>
To register you or your children as a new customer or patient and to communicate in relation to the provision of treatment through our products or services	(a) Identity (b) Contact (c) Special Category Data	Performance of a contract with you
To process and deliver your order including: (a) Manage payments, fees and charges (b) Collect and recover money owed to us	(a) Identity (b) Contact (c) Financial (d) Transaction	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to recover debts due to us)
To manage our relationship with you or your children which will include: (a) Notifying you about changes to our terms of business or Privacy Policy (b) Asking you to leave a review or take a survey (c) Making recommendations in relation to treatment (d) Arranging appointments, check-ups, reminders and treatment (e) Providing general eye and hearing health information (f) Notifying you in relation to any changes to our services which may inconvenience you (g) Responding to complaints and/or queries	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications (e) Special Category Data	(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) (d) You have consented to receive the information
To enable you to partake in a prize draw, competition, offer or to complete a survey to enable us to adapt our products and services to ensure that they are relevant to you or your children	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Special Category Data	(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) (c) You have consented to receive the information
To administer and protect our	(a) Identity (b) Contact	(a) Necessary for our legitimate

<p>business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)</p>	<p>(c) Technical</p>	<p>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</p>
<p>To deliver relevant website content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you</p>	<p>(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Technical (g) Special Category Data</p>	<p>(a) 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) (b) You have consented to receive the information</p>
<p>To use data analytics to improve our website, products/services, marketing, customer relationships and experiences</p>	<p>(a) Technical (b) Usage</p>	<p>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) You have given consent</p>
<p>To make suggestions and recommendations to you about products or services that may be of interest to you</p>	<p>(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile (f) Marketing and Communications (g) Special Category Data</p>	<p>You have consented to receive the information.</p>

**Marketing**

We strive to provide you with choices regarding certain Personal Data uses, particularly around marketing and advertising.

We may use your or your children’s Identity, Contact, Technical, Usage and Profile Data to form a view on what we think you or your children may want or need in relation to treatment and our products and services, or what may be of interest to you or them. 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 if you have consented to receive marketing materials.



You can ask us 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 or your local branch at any time.

## 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 [COOKIE POLICY](#)

## Change Of Purpose

We will only use your or your children's 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 would like an explanation as to how any processing for a new purpose is compatible with the original purpose, please contact us.

If we need to use your or your children's 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 or your children's Personal Data without your or their knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## 6. Disclosures Of Your Personal Data

We may share your or your children's Personal Data with the parties set out below for the purposes set out in the table above.

- Internal Third Parties.
- External Third Parties.
  
- Specific third parties as referred to above, including Optix
  
- 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 or your children's Personal Data in the same way as set out in this Privacy Policy.

We require all third parties to respect the security of your or your children's Personal Data (including Special Category Data) and to treat it in accordance with the law. We do not allow our third-party service providers to use Personal Data for their own purposes and only permit them to process Personal Data for specified purposes and in accordance with our instructions and the terms of an appropriate legal agreement.

A full list of third party processors is available from our DPO, and includes our patient management software providers which have appropriate security measure in place, lens manufacturers, frame manufacturers, contact lens manufacturers, hearing device manufacturers and payment processors.

Your data is also stored within our own IT systems, which are secured to prevent access or intrusion by anyone who is not authorised to have access to your data. Our practices are operated to ensure that all records and equipment holding your personal data are physically protected

We may also need to share your or your children's Personal Data (including Special Category Data) with other healthcare providers, including within the NHS, where this is needed to ensure you receive appropriate treatment and care.

## **7. International Transfers**

Our operations are based in the UK, and your personal information is generally processed within the UK and countries within the European Economic Area (EEA). In some instances, we may transfer your personal information to third countries, for example, where our suppliers or cloud service providers are situated outside the UK and EEA.

If the recipient is situated in a third country that has not received an adequacy decision from the relevant regulator, we will ensure additional safeguards are in place including the use of applicable international data transfer agreements/standard contractual clauses.

Any further questions, please let me know

## **8. Data Retention**

### **How Long Will You Use Personal Data For?**

We will only retain your or your children's Personal Data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. We may retain your or your children's Personal Data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.

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 Personal Data, the purposes for which we process Personal Data and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.

By law we have to keep basic information about our customers (including Contact, Identity, Financial and Transaction Data) for six years after they cease being customers for tax purposes.

In some circumstances you can ask us to delete your or your children's Personal Data: please see the section **Your Legal Rights** below for further information.

In some circumstances we will anonymise your or your children's 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 or them.

## 9. Your Legal Rights

Under certain circumstances, you and your children have rights under data protection laws in relation to your Personal Data.

You and your children have the right to:

**Request access** to your or their 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 or your children and to check that we are lawfully processing it.

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

**Request erasure** of your or their 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 or they also have the right to ask us to delete or remove your or their Personal Data where you or they have successfully exercised your or their right to object to processing (see below), where we may have processed your or their information unlawfully or where we are required to erase your or their Personal Data to comply with a relevant legal requirement. Note, however, that we may not always be able to comply with a request for erasure for specific legal reasons which will be notified to you, if applicable, at the time of your or their request.

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

**Request restriction of processing** of your or their Personal Data. This enables you to ask us to suspend the processing of your or their Personal Data in the following scenarios:

If you want us to establish the data's accuracy.

Where our use of the data is unlawful but you do not want us to erase it.

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.

You have objected to our use of your or their Personal Data but we need to verify whether we have overriding legitimate grounds to use it.

**Request the transfer** of your or their Personal Data to you or to a third party. We will provide to you, or a third party you have chosen, your or your children's Personal Data in a structured, commonly used, machine-readable format.

**Withdraw consent at any time** where we are relying on consent to process your or their Personal Data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent on your own or on your children's behalf. If you withdraw your or their consent, we may not be able to provide certain products or services to you or them. We will advise you if this is the case at the time at which consent is withdrawn.

If you wish to exercise any of the rights set out above on your own behalf or that of your children, please contact our DPO using the details set out above.

**No Fee Usually Required**

You will not have to pay a fee to access your or your children's Personal Data (or to exercise any of the other rights). However, we may charge a reasonable fee if your or their request is clearly unfounded, repetitive or excessive. Alternatively, we could refuse to comply with your or their 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 or that of your children, and ensure your or their right to access your or their Personal Data (or to exercise any of your or their 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 could take us longer than a month if a request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

Policy Last Updated Dec 2021