

# Online Privacy Policy

Your privacy when  
using our website

V2.0

**SMARTY**  
Simple, honest mobile

**This policy covers our privacy practices in connection with our website; to let you know about the kinds of information we may obtain about you, how we may use that information, and who we might share it with. We're not responsible for the content or privacy practices of other websites.**

Each time you use our website you agree to the following terms.

**General Statement**

Reference to 'SMARTY' in this Privacy Policy means Hutchison 3G UK Limited.

We respect your right to privacy, and we're committed to complying with data protection and privacy laws. We'll only collect personal information about you with your permission. Any personal information you provide to us or we obtain about you, will be kept secure and confidential.

**Collection and Use of Your Personal Information**

You agree that any data you provide to us will be true, complete and accurate in all respects and you agree to notify us immediately of any changes to it.

If you are aged 16 or under, you must get your parent or guardian's consent to provide your personal information to us, otherwise you are not allowed to provide any of your personal information to us.

Your personal information may be used by us, our employees, service providers and disclosed to third parties for the following purposes. For each of these purposes, we have set out the legal basis on which we use your personal information below.

Purpose	Legal Basis for use of your Personal Information
Process any applications or registrations made by you.	The performance of a contract between you and us or in order for us to take steps prior to entering into a contract with you.
To provide products, services and information requested by you.	The legal basis will fall into one of the following four categories, depending on the communication and the purpose for which it was sent: <ul style="list-style-type: none"> <li>• our legitimate business interests in order for us to manage our relationship with you;</li> <li>• performance of a contract between you and us;</li> <li>• consent; and/or</li> <li>• compliance with legal obligations to which we are subject.</li> </ul>
To monitor and/or record communications between you and SMARTY for quality control and training purposes.	The processing is necessary for our legitimate business interests to monitor the quality of our customer services and for training purposes.
To conduct credit and fraud checks if you apply for a monthly price plan account, and to help verify your identify and to decide whether to accept your application or future application.  We and other organisations may use your personal information to make other credit decisions about you and other members of your household, and for identification purposes, debt tracing and the prevention of money laundering as well as the management of your account.	The performance of a contract between you and us or in order for us to take steps prior to entering into a contract with you.
To keep you up to date by post, telephone, email, and direct to your handset by text, picture, video and audio message with information about SMARTY, SMARTY Services, and offers and promotions subject to any marketing preferences indicated by you.	This processing is carried out with your consent or the processing is carried out for our legitimate business interests in order to conduct and manage our business.
To search the records of fraud prevention agencies in assessing any applications for SMARTY Services. If you give us false or inaccurate information and we suspect fraud, we will record this and store the records with fraud prevention agencies.  We and other companies may use this information if decisions are made about you on credit or credit-related services.	The processing is necessary for us to comply with our legal and regulatory obligations; or the processing is carried out for our legitimate business interests in order to conduct and manage our business.
To administer your account and provide our customer services.	This processing will be necessary our legitimate business interests in order for us to manage our relationship with you; or the performance of a contract between you and us.

Purpose	Legal Basis for use of your Personal Information
To manage complaints, feedback and queries.	This processing will be necessary for the performance of our contractual obligations between you and us to comply with our legal and regulatory obligations; and/or our legitimate business interests in order for us to manage our relationship with you and to enable us to improve and develop our business operations and the services.
To comply with any legal or regulatory obligations (including in connection with a court order).	This processing is necessary for compliance with legal obligations to which we are subject.
To conduct analysis for traffic and billing management, and to support product development.	This processing is necessary for our legitimate business interests to ensure that we can fulfil our obligations to you which relate to the provision of the services and to improve/develop our products and services.
To carry out our obligations arising from any contracts entered into between you and us and to provide you with the products and services requested.	The processing is necessary for the performance of our contract with you.
To contact you for market research purposes.	The processing is carried out for our legitimate business interests because it enables us to develop and improve our website and our products and services offered to you.
To notify you about changes to our website.	This processing is necessary for our legitimate business interests in order for us to manage our relationship with you.
To improve the quality of our website and to ensure that our website functions properly, for example through the use of cookies.	This processing is necessary for our legitimate business interests in order for us to facilitate navigation, to display information more effectively, and to personalise your experience while using our website; and to gather statistical information about the usage of our website in order to understand how our website are used, in order to continually improve our website design and functionality and assist us with resolving questions about them.
To enforce or apply the contracts concerning you (including contracts between you and us).	The processing is carried out for our legitimate business interests in order to conduct and manage our business; for the performance of a contract between you and us; or in connection with legal proceedings (i.e. the establishment, exercise or defence of legal claims).

We may be required to obtain your personal information to comply with our legal requirements, to enable us to fulfil the terms of our contract with you or in preparation of us entering into a contract with you. If you do not provide the relevant personal information to us, we may not be able to provide the service to you.

## Personal information received from other sources

We may receive personal information about you from:

- (a) **fraud prevention agencies** such as CIFAS. We and other companies may use this information if decisions are made about you on credit or credit-related services; and
- (b) commercial partners who supply goods and services to us.

### Automated decision making

When you apply for a SMARTY Service, we will obtain information from a credit reference agency, which will be used in an automated decision process to determine whether we can enter into a contract with you. If you wish for the decision to be reassessed by a person, you may do so by calling our customer services team on 0333 338 1001 or by writing to: SMARTY Customer Services, Hutchison 3G UK Ltd, PO Box 333 Glasgow G2 9AG. You can also object to a decision being taken solely by automated processing (see heading Your Rights below).

### Retention of data

We'll keep your personal information for as long as necessary for the purposes for which it was collected, to provide you with services and to conduct our legitimate business interests or where otherwise required by law. If you use 'SMARTY Services', we may hold your Communications Data for 12 months for legitimate business purposes (or longer in connection with any legal proceedings or disputes).

### Disclosure

Your personal information may also be processed by other organisations on our behalf for the purpose of processing applications, and providing information or services to you. The use of personal data for these purposes will remain under our control at all times.

We may disclose your information to other members of our group of companies, and to our or their partners, associates, agents or subcontractors and to possible successors to our business. Some of these parties may reside outside the European Economic Area (which currently comprises the Member states of the European Union plus Norway, Iceland and Liechtenstein). If we do this, your information will be treated to the same standards adopted in the UK.

We may also disclose your information for the prevention and detection of crime and to protect our interests and other users or if required to do so by law.

We may also disclose your personal information to other third parties, for example:

- in the event that we sell or buy any business or assets we will disclose your personal information 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 (or are subject to a reorganisation within our corporate group), personal information held by us will be one of the transferred assets; and
- if we are under a duty to disclose or share your personal information in order to comply with any legal obligation, or in order to enforce or apply the agreements concerning you (including agreements between you and us).

#### Where will we transfer your personal information

Your personal information will be processed both within and outside the European Economic Area (EEA). Where we transfer personal data outside of the EEA, we will implement appropriate and suitable safeguards to ensure that such personal information will be protected as required by applicable data protection law.

These measures generally include:

- Encryption and/or pseudonymisation;
- Secure Socket Layer ('SSL')

For further information as to the safeguards we implement please contact our DPA officer at the address detailed below.

#### Your Rights

You have certain rights with respect to your personal information. The rights may only apply in certain circumstances and are subject to certain exemptions. Please see the table below for a summary of your rights. You can exercise these rights using the contact details above (under the heading Your privacy when using our website).

Summary of your rights	
Right of access to your personal information	<p>You have the right to receive a copy of your personal information that we hold about you, subject to certain exemptions.</p> <p>You can download the <a href="#">Request for Access to Personal Information form</a>. If you can't download the form, we can send you a copy – please contact the Data Protection and Privacy Officer Hutchison 3G UK Ltd. Star House 20 Grenfell Road Maidenhead SL6 1EH.</p>
Right to rectify your personal information	<p>You have the right to ask us to correct your personal information that we hold where it is incorrect or incomplete.</p>
Right to erasure of your personal information	<p>You have the right to ask that your personal information be deleted in certain circumstances. For example (i) where your personal information is no longer necessary in relation to the purposes for which they were collected or otherwise used; (ii) if you withdraw your consent and there is no other legal ground for which we rely on for the continued use of your personal information; (iii) if you object to the use of your personal information (as set out below); (iv) if we have used your personal information unlawfully; or (v) if your personal information needs to be erased to comply with a legal obligation.</p> <p>You can download the <a href="#">Request for the Right to be Forgotten form</a>.</p>
Right to restrict the use of your personal information	<p>You have the right to suspend our use of your personal information in certain circumstances. For example (i) where you think your personal information is inaccurate and only for such period to enable us to verify the accuracy of your personal information; (ii) the use of your personal information is unlawful and you oppose the erasure of your personal information and request that it is suspended instead; (iii) we no longer need your personal information, but your personal information is required by you for the establishment, exercise or defence of legal claims; or (iv) you have objected to the use of your personal information and we are verifying whether our grounds for the use of your personal information override your objection.</p>
Right to data portability	<p>You have the right to obtain your personal information in a structured, commonly used and machine-readable format and for it to be transferred to another organisation, where it is technically feasible. The right only applies where the use of your personal information is based on your consent or for the performance of a contract, and when the use of your personal information is carried out by automated (i.e. electronic) means.</p> <p>You can download the <a href="#">Right to Data Portability form</a>.</p>

## Summary of your rights

Right to object to the use of your personal information	You have the right to object to the use of your personal information in certain circumstances. For example (i) where you have grounds relating to your particular situation and we use your personal information for our legitimate interests (or those of a third party) including for profiling; and (ii) if you object to the use of your personal information for direct marketing purposes, including profiling (to the extent it relates to direct marketing).
Right to object to decision which is based solely on automated processing	You have the right in certain circumstances not to be subject to a decision which is based solely on automated processing without human intervention.
Right to withdraw consent	You have the right to withdraw your consent at any time where we rely on consent to use your personal information.
Right to complain to the relevant data protection authority	You have the right to complain to the relevant data protection authority, which is, in the case of SMARTY, the Information Commissioner's Office, where you think we have not used your personal information in accordance with data protection law.

## Other terms and conditions

You should read this policy in conjunction with our website terms and conditions (which apply to your use of this website), our Terms for SMARTY Services (which apply to your use of SMARTY Services). Our customer privacy statement concerning your use of SMARTY Services is contained within the 'Privacy Notice' found in Section 13 of our Terms for SMARTY Services.

### Collection and use of technical information

We use 'session' cookies which enable a visitor's web browser to 'remember' which pages on this website have already been visited. We may also map and analyse visitor usage patterns to help us develop the site and enhance a visitor's experience.

Depending on the type of browser you are using, you may be able to configure your browser so that:

- (i) you are prompted to accept or reject cookies on an individual basis or
- (ii) to prevent your browser from accepting any cookies at all. You should refer to the supplier or manufacturer of the web browser for specific details about cookie security.

We may collect and store certain 'technical information' about your visit to this site, such as

- the IP address from which you access this website
- the type of browser and operating system used to visit this site
- the date and time of your visit(s) to this site
- clickstream data which reveals the activities of visitors around this website (for example the pages you access and products browsed)
- the website address of the website from which you accessed this site.

Such data are used only to analyse trends, administer and improve our website and the services we offer, track movement through our website and gather statistical information about visits to the website.

### Notification of changes

If we change this Privacy Policy we will post the amended Policy on our website so that you are always aware of how we collect, use and disclose your personal information.

Access to your personal information. (Subject Access Request)

You have the right to obtain a copy of the personal data which we may hold about you.

Please write to the  
Data Protection and Privacy Officer  
Hutchison 3G UK Ltd.  
Star House  
20 Grenfell Road  
Maidenhead  
SL6 1EH

Alternatively email: [dpa@smarty.co.uk](mailto:dpa@smarty.co.uk)

We may ask you to provide proof of your identity and residence and may charge £10 to cover our administrative costs.

### Monitoring of Your Communications

We may monitor and/or record communications between you and SMARTY for quality control and training purposes.

### Other terms and conditions

You should read this Policy in conjunction with our website terms and conditions (which apply to your use of this website), our Terms of Sale/Supply of Products (which apply to the purchase of products by you via this website) and the Terms for SMARTY Services (which apply to your use of SMARTY Services). Our customer privacy statement concerning your use of SMARTY Services is contained within the 'Privacy Notice' found in Section 13 of our Terms for SMARTY Services.

# Glossary of technical terms used

**Web browser** – The software you use to read web pages such as Microsoft Internet Explorer, Netscape Navigator and Opera.

**IP address** – The identifying details for your computer (or your internet company's computer), expressed in 'internet protocol' code (for example 192.168.72.34). Every computer connected to the web has a unique IP address (which may be permanent or change each time you access the internet).

**Cookies** – Small pieces of information, stored in simple text files, placed on your computer by a web site. Cookies can be read by the web site on your subsequent visits. The information stored in a cookie may relate to your browsing habits on the web page, or a unique identification number so that the web site can 'remember' you on your return visit. Generally speaking, cookies do not contain personal information from which you can be identified, unless you have furnished such information to the web site.