

Privacy Policy

Flextnow Limited is a company registered in England and Wales whose registered address is Kemp House, 150-160 City Road, London EC1V 2NX (“we”, “us”, “our”) is committed to protecting the privacy and security of personal information. This privacy policy together with any other documents referred to during your use of our software and mobile application (“the Software and App”) outlines how we collect and use the information that we collect from you as one of our customers or through your use of the Software and App. It makes you aware of how and why personal information will be used, namely for the purposes of the performance of our contract with our customers, and how long it will usually be retained for. It provides you with certain information that must be provided under the General Data Protection Regulation ((EU) 2016/679) (GDPR).

This policy primarily covers how we use information relating to our customers and users of the Software and App. It is important that you read this policy, together with any other privacy notice or privacy policy we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

Our legal status

Flextnow Limited may be either a data controller or a data processor, depending on the circumstances.

We are a “data processor” for the purposes of the Data Protection Act 2018 and the General Data Protection Regulation ((EU) 2016/679) (“**GDPR**”) whilst providing our services to customers and users via the Software and App. The services, features and functionalities of the Software and App available to users are determined by the specific terms agreed to between Flextnow Limited and our customer (e.g. an employer or another entity or person that entered into a separate agreement that governs the delivery of, access to, and use of the service we provide via the Software and App). Our customer controls its use of our services and is the data controller of the information collected through the Software and App about users, and Flextnow Limited is a data processor of such information.

We are a “data controller” in very limited circumstances for the purposes of the Data Protection Act 2018 and the GDPR for any information gathered for registering as a new user of the Software and App, the management of account details and for any personal information relating to our own staff and employees.

What information is collected from customers and users?

In our capacity as data controller, we collect and process the following personal information about customers and users of the Software and App:

- Information that you provide by registering to use the Software and App. This includes information such as name, email, address, password and other identification details provided at the time of registering to use the Software and App, subscribing to our services, payment details, posting material or requesting further services;
- Bank and transaction details such as details about payments to and from you and any regular payments you arrange to pay to us;
- Records of your correspondence with us, either through the Software and App or by telephone, e-mail or post; and
- Details of your use of the Software and App including, but not limited to, cookies, traffic data, location data and other communication data and the resources and services that you access via the App.

In our capacity as data processor, we collect and process any information uploaded to the Software and App by users on behalf of our customers. This information collected is determined by the specific terms agreed to between Flextnow Limited and our customer but may typically include:

- Content uploaded to the Software and App such as user tax status, UTR numbers, proof of CSCS registration, calendar entries, job details, performance details, location details, clocking in and out information, car registration details, emergency contact details, qualifications and

certifications, management information and reports and any information you provide via the text chat function of the Software and App. Any content users upload to the Software and App is collected, used, and processed by us in accordance with our customer's instructions, including the specified terms agreed to between Flextnow Limited and our customer or as required by law. Our customer, and not Flextnow Limited, determines your use of the Software and App and your ability to use our services. Our customers may provide or remove access to our services via the Software and App, enable or disable third party integrations, manage permissions and determine any retention and export settings.

We do not normally collect "special categories" of sensitive personal data from our customers or users of the Software and App unless our customer is required by law to obtain details relating to health and allergies for the purposes of health and safety law. In the event you provide us with any special category data, we will take extra care to ensure your rights are protected.

Where do we collect your information from?

Most of the information we collect will come directly from our customers and users. We may sometimes collect additional information from third parties including other stakeholders working on projects with customers.

How do we collect your information?

We will collect personal information through different methods including:

- Direct interactions via the Software and App, telephone, email or otherwise;
- Through the service we provide to our customers; and
- Automated technologies or interactions. As users interact with the Software and App, we may automatically collect technical information about your equipment, browsing actions and patterns.

How we will use information about you:

In our capacity as a data controller, we collect personal information for the following purposes:

- To manage user accounts and account details;
- To ensure that content on the Software and App is presented in the most effective manner for users;
- Where you agree, to provide you with information, products or services that you request from us or which we feel may interest you;
- To carry out our obligations arising from any contracts, if applicable, entered into between us and you;
- To allow you to participate in interactive features of our services, when you choose to do so;
- To notify you about changes to our services or the Software and App; and
- To operate and improve the Software and App.

Any use of the information you load into the Software and App is bound by our end user terms and conditions <https://flextnow.com/end-user-license-agreement/>

We will only use personal information for the purposes for which we collect it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Why do we need this information?

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

- a) Where we need to perform a contract we are about to enter into or have entered into with users and customers.
- b) Where we need to comply with a legal obligation.
- c) 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.
- d) Where we have obtained your consent (for example to send third party direct marketing communications to you via email or text message). You have the right to withdraw consent to such marketing at any time.

Our marketing communications

In our capacity as data controller, we may use the personal information of users and customers of the Software and App to contact you to inform you about services we believe might be of interest to you via email or text message (we call this marketing communications). Users of the Software and App may receive marketing communications from us unless you have opted out or unsubscribed to receiving that marketing.

You can ask us to stop sending you marketing communications at any time by following the unsubscribe links on any marketing communications sent to you or by contacting us at any time.

Where you opt out of receiving these marketing communications, this will not apply to personal information provided to us as a result of the provision of our services and we will still be required to contact you in relation to the services we provide.

If you fail to provide personal information:

If you fail to provide certain information when requested either by law, or under the terms of a contract we have with you and you fail to provide that information when requested, we may not be able to perform the contract we have or are trying to enter into with you. In this case, we may have to reject your application but we will notify you if this is the case at the time.

Automated decision-making:

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making.

Data sharing

Where we are acting in our capacity as data controller, we may share personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so. Third party providers we may share your information with include:

- Business partners, suppliers and sub-contractors for the performance of any contract we enter into with them or you;
- Advertisers and advertising networks that require the data to select and serve relevant adverts to you and others. Analytics and search engine providers that assist us in the improvement and optimisation of the Software and App;
- Auditors, accountants and financial organisations;
- Insurers, solicitors, professional advisers and consultants
- HMRC;
- Central and local government;
- Local authorities;
- Debt collection agencies;
- Police forces, courts and tribunals.

Any third parties will be bound by contractual provisions with us and only have access to personal data to perform the described purposes and may not use it for other purposes. Further, they must process the personal data in accordance with this Privacy Policy and as permitted by the GDPR, the Data Protection Act 2018, the Privacy and Electronic Communications (EC Directive) Regulations 2003 and the E-Privacy Regulations when it comes into effect.

Where we are acting in our capacity as a data processor (e.g. providing our services to customers), we will only disclose information to third parties under the following circumstances:

- If we employ companies and individuals to perform functions on our behalf, we may need to disclose personal information to these parties for the performance of the purposes set out in this Privacy Policy, or, for example, for sending postal mail and email, removing repetitive information from user lists, analysing data and providing marketing assistance;
If we or a substantial part or all of our assets are acquired by a third party;
- If we have been legitimately asked to provide information for legal or regulatory purposes or as part of legal proceedings or prospective legal proceedings, or to protect the rights, property, or safety of us, our users, customers or others; or
- Where you have expressly consented to us doing so.

We require all third parties to respect the security of personal information and to treat it in accordance with the law. We do not allow any third-party service provider to use personal information for their own purposes and only permit them to process personal information for specified purposes and in accordance with our instructions.

Data security

We have put in place appropriate security measures to prevent personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to personal information to those employees, agents, contractors and other third parties who have a business need-to-know. They will only process personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and the Information Commissioner's Office of a suspected breach where we are legally required to do so.

Data retention

We will only retain personal information 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. Details of retention periods for different aspects of personal information are available upon request. After this period, we will securely destroy personal information in accordance with data protection law.

Where personal information is stored

The personal information that we collect is stored within the European Economic Area (EEA). However, it may be necessary to transfer and store personal information at a destination outside EEA in certain circumstances. It may also be processed by organisations operating outside the EEA who work for us, on our behalf or for one of our suppliers. Such suppliers maybe engaged in, among other things, the fulfilment of our obligations to users and customers in regards to the provision of our services. We will take all steps reasonably necessary to ensure that personal information is treated securely and in accordance with this policy and, in the event that personal information is transferred outside the EEA, shall ensure that this is carried out subject to the requirements of the GDPR.

Your rights

Flextnow Limited may be either a data controller or a data processor, depending on the circumstances (see "**Legal Status**" above for further details). Whilst providing our services to customers and users via the Software and App, we are a data processor as we are simply providing a service for our customers. We do not decide what information is provided to us nor are we responsible for the accuracy

of the information provided. Any questions that you may have relating to your personal information and your rights under data protection legislation should be directed to the customer (e.g. the entity or person that entered into a separate agreement that governs the delivery of, access to, and use of the service we provide via the Software and App) as the data controller, not Flextnow Limited.

Where we are a data controller (e.g. registration of new accounts or for our own employees), the following rights may apply:

Right to request a copy of your information

You can request a copy of your information which we hold (this is known as a subject access request).

Right to correct any mistakes in your information

You can require us to correct any incomplete or inaccurate information.

Right to request erasure of your personal information

This enables you to ask us to delete or remove personal information where there is no good reason for us to continue to process it.

Right to object to processing

You have the right to object to processing 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.

You can ask us to stop contacting you for direct marketing purposes. If you would like to do this, please email us using the details below.

Right to request the restriction of processing

You have the right to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.

Right to request the transfer of your personal information to another party

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal information, or request that we transfer a copy of your personal information to another party, please contact us using the contact details below.

Right to withdraw consent

In the limited circumstances where you may have provided consent to the collection, processing and transfer of personal information for a specific purpose, individuals have the right to withdraw consent for that specific processing at any time. To withdraw your consent, please contact us using the contact details below. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

Please note, there are some specific circumstances where these rights do not apply and we can refuse to deal with your request.

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

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

There may be circumstances where we will refer your request to our customer as a data controller and therefore the party responsible for the processing of personal information.

Complaints

If you have a concern about the way we are collecting or using personal information, we would ask that you raise your concern with us in the first instance by e-mailing Info@flextnow.com.

Alternatively you can make a complaint to the Information Commissioner's Office at <https://ico.org.uk/concerns/> or write to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Contact details

If you have any questions about this privacy policy or how we handle personal information, please contact legal@flextnow.com

Changes to this privacy policy

We reserve the right to update this privacy policy at any time, and we will provide you with a new privacy policy when we make any substantial updates.