

Guidance on amending your Privacy and Cookie Policy

Please note this is not intended to be legal advice, we would always recommend you take your own independent legal advice regarding your data protection compliance obligations.

Disclaimer

In order to assist you with meeting your data protection and contractual obligations, we have provided some guidance regarding what you should consider including in your privacy and cookie policies. These materials are for informational purposes only, it is your responsibility to ensure that any wording included in such policy documents is sufficient to discharge all relevant obligations and to ensure compliance with applicable laws. You should therefore take your own independent legal advice on this matter as the information contained is provided only as general information and is not guaranteed to reflect the most current legal developments or to be correct or complete.

Background

The Data Processing Addendum (DPA) requires you to ensure that privacy notice complies with data protection laws, and that you have any appropriate consents in place (clause 2.5) to enable the lawful transfer of personal data to Triptease.

The purpose of this document is to give you some guidance in how to meet these requirements, however, as outlined above this is a general guidance document, you should take your own independent legal advice regarding your own specific compliance requirements.

General

Data protection laws impose certain requirements on those companies that control and process personal data (otherwise known as 'data controllers' and 'data processors'). The DPA stipulates that you are a data controller of the personal data that is shared with Triptease and that Triptease is a data processor. You should ensure that you understand the obligations that apply to you and that you are, at all times, compliant with all applicable data protection laws. In particular, you should ensure the following:

- a. That there is an appropriate **lawful basis** for sharing personal data with Triptease so that Triptease can provide services to you. In some instances, particularly where cookies are concerned, this will be consent, in which case you should ensure that the consent wording meets the requirements of applicable data protection legislation. You should also ensure there is an appropriate mechanism to allow users to withdraw consent, and you should keep appropriate records of consent being given.
- a. Your **privacy notice** should meet the requirements of applicable data protection legislation and should include all necessary information relating to the personal data captured by any Triptease products installed on the relevant website and the fact that such data may be shared with Triptease; and
- b. Your **cookie policy** details those cookies which are used on any of your websites to capture the personal data of any data subject and sets out the purpose and the functionality of such cookies in accordance with applicable data protection legislation.

Lawful Basis

You should ensure you have an appropriate lawful basis for collecting all personal data of your customers and website users, including the personal data that you share with Triptease, or that Triptease will access through its provision of the services to you. This is likely to be either 'consent' 'legitimate interests' or 'performance of a contract' in most instances.

If you are taking consent, then this will need to meet the standard set out in GDPR.

Further information about lawful basis is available from the ICO website here:

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/>

Privacy Policy

You should ensure that:

- you supply your customers and website users with a privacy policy that meets the requirements of A.13 GDPR: <https://gdpr-info.eu/art-13-gdpr/>
- that you have clearly specified all the purposes for which you will be processing personal data, including the purpose carried out by Triptease, which is essentially to provide the hosted services operated by Triptease as described in the Terms and Conditions;
- That Triptease is clearly identified as a recipient of the personal data.

Further information about how to create your own privacy notice is available on the ICO website here:

<https://ico.org.uk/for-organisations/sme-web-hub/make-your-own-privacy-notice/>

Cookie Policy

You are required by virtue of PECR (the Privacy and Electronic Communications Regs 2003) to give 'clear and comprehensive' information to the users about what cookies are being set on their devices. Where a third party such as Triptease sets cookies on users' devices, both parties are responsible for meeting the requirements of PECR, although as outlined in the ICO guidance it makes sense for the website owner to supply this information rather than the third party.

We refer you to the ICO guidance regarding the cookie rules:

<https://ico.org.uk/for-organisations/guide-to-pecr/cookies-and-similar-technologies/>

We also refer you to Triptease's own [cookie policy](#) and suggest you include all relevant information in your cookie policy.

User Preferences

The choices that the user makes with regards to the cookies to be set on their device, needs to be communicated to Triptease so that Triptease can honour them. We refer you to Triptease's [Consent Mode Guide](#) that has relevant information on the products that will be enabled as a consequence of the user's choices.