

Blue Alligator Company Privacy Notice (Last updated 22 May 2023)

Who are we?

Blue Alligator Company Limited (hereafter referred to as “BAC”) is a company incorporated in England with company registration number 01763829 and whose registered office address is 14.6 Linford Forum, Rockingham Drive, Linford Wood, Milton Keynes, MK14 6LY.

What this Privacy Notice covers?

This Privacy Notice applies to all websites, products, applications and services (collectively, the “Services”) offered by BAC and its affiliates, but excludes any Services that have separate privacy notices which do not incorporate this Privacy Notice.

This Privacy Notice describes our collection, use, disclosure, retention and protection of your personal information. This notice applies to any Services which references this Privacy Notice. Where you provide us with your personal information in any of the ways described in this notice, you agree that we may collect, store and use the information in order to perform our contractual obligations to you. You may withdraw your consent at any time, as described in this Privacy Notice.

Why do we have a Privacy Notice?

We are subject to data protection policies designed to protect data in accordance with EU data protection laws and, in particular, the requirements of Regulation (EU) 2016/679 (the General Data Protection Regulation or “GDPR”).

This Privacy Notice comes into effect on 22 May 2023 and replaces any previous Privacy Notice issued by BAC.

Your rights relating to how we use your information

If you are based within the European Economic Area (EEA) or within another jurisdiction having similar data protection laws, in certain circumstances you have the following rights:

- The right to be told how we use your information and obtain access to your information;
- The right to have your information rectified or erased or place restrictions on processing your information;
- The right to object to the processing of your information. For example, for direct marketing purposes;
- The right to have any information you provided to us on an automated basis returned to you in a structured, commonly used and machine-readable format, or sent directly to another company, where technically feasible;
- Where the processing of your information is based on your consent, the right to withdraw that consent subject to legal or contractual restrictions;
- The right to object to any decisions based on the automated processing of your personal data, including profiling;
- The right to lodge a complaint with the supervisory authority responsible for data protection matters (for example, in the UK, the Information Commissioner’s Office);

If we hold any information about you which is incorrect or if there are any changes to your details, please let us know so that we can keep our records accurate and up to date.

What personal information do we collect?

In order to have a business relationship with you we need to collect personal information from you. To the extent permissible under applicable law, we collect information about you and any other party whose details you provide us with when you:

- Register to use our Services (including free trials). We may also ask you to provide additional non-personal information about your business and your preferences;

- Pass on your business card to us;
- Place an order directly, or by using our Services;
- Complete online forms (including call back requests), take part in surveys, post on our forums, post any blogs, enter competitions or prize draws, download information such as white papers or other publications or participate in any other interactive areas that appear on or within our Services;
- Interact with us using social media;
- Contact us offline, for example by telephone, e-mail or post;

Depending on the nature of our business relationship (e.g. supplier, customer) the information we collect may include:

- Your name
- Your business name
- Your job title
- Your business address
- Your telephone number/s
- Your e-mail address(es)
- Your business VAT registration number
- Your payment/billing details

We also collect information from your devices (including mobile devices) and applications you or your users use to access and use our Services. For example, we may collect the device identification number and type, location information and connection information such as statistics on your page views, traffic to and from the sites, referral URL and your IP address.

Our Services may contain technology that enables us to:

- Check specific information from your device or systems directly relevant to your use of the Services against our records to make sure the Services are being used in accordance with our end-user agreements and to troubleshoot any problems;
- Obtain information relating to any technical errors or other issues with our Services;
- Collect information about how you and users use the functions of the features of our Services;
- Gather statistical information about the operating system and environment from which you access our Services;

You can manage your privacy settings within your browser or our applications and services (where applicable).

We may monitor and record our communications with you, including e-mails and telephone conversations. Information which we collect may then be used for training purposes, quality assurance, to record details about our Services you order from us or ask us about, and in order to meet our legal and regulatory obligations in general.

We may obtain information through mobile applications that you or your users install on their mobile devices to access and use our Services or which you or your users use to provide other services related to that mobile application (for example, to sync information from our Services with such mobile application).

If you intend to give us personal information about someone else, you are responsible for ensuring that you comply with any consent obligations under applicable data protection laws. In so far as required by applicable data protection laws, you must ensure that beforehand you have their explicit consent to do so and that you explain to them how we collect, use, disclose and retain their personal information or direct them to read this Privacy Notice.

How we use your information

To the extent permissible under applicable law, we use your information to:

- Provide any information and services that you have requested or any Services that you have ordered;
- Compare information for accuracy and to verify it with third parties; provide, maintain, protect and improve any Services and information that you have requested from us;
- Manage and administer your use of any Services you have asked us to provide;

- Manage our relationship with you (for example, customer services and support activities);
- Monitor, measure, improve and protect our content and Services and provide an enhanced, personal, user experience for you;
- Undertake internal testing of our Services to test and improve their security and performance. In these circumstances, we would anonymise any information used for such testing purposes;
- Provide you with any information that we are required to send you to comply with our regulatory or legal obligations;
- Detect, prevent, investigate or remediate, crime, illegal or prohibited activities or to otherwise protect our legal rights (including liaison with regulators and law enforcement agencies for these purposes);
- Contact you to see if you would like to take part in our customer research (for example, feedback on your use of our Services);
- To monitor, carry out statistical analysis and benchmarking, provided that in such circumstances it is on an aggregated basis which will not be linked back to you or any living individual;
- Deliver targeted advertising, marketing or information to you which may be useful to you, based on your use of our Services;
- Deliver joint content and services with third parties with whom you have a separate relationship (for example, social media providers);

Sharing your information

We may share your information with:

- Our service providers and agents (including their sub-contractors) or third parties which process information on our behalf (e.g. internet service and platform providers, payment processing providers and those organisations we engage to help us send communications to you) so that they may help us to provide you with the Services and information you have requested or which we believe is of interest to you;
- Partners, including system implementers, resellers, value-added resellers, independent software vendors and developers that may help us to provide you with the Services and information you have requested or which we believe is of interest to you;
- Third parties used to facilitate payment transactions, for example clearing houses, clearing systems, financial institutions and transaction beneficiaries; third parties where you have a relationship with that third party and you have consented to us sending information (for example, social media sites or other third-party application providers);
- Credit reference and fraud prevention agencies;
- Regulators to meet our legal and regulatory obligations;
- Law enforcement agencies so that they may detect or prevent crime or prosecute offenders;
- Any third party in the context of actual or threatened legal proceedings, provided we can do so lawfully (for example, in response to a court order);
- Any third party in order to meet our legal and regulatory obligations, including statutory or regulatory reporting or the detection or prevention of unlawful acts; our own professional advisors and auditors for the purpose of seeking professional advice or to meet our audit responsibilities;
- Another organisation if we sell or buy (or negotiate to sell or buy) any business or assets;
- Another organisation to whom we may transfer our agreement with you, and Government departments where reporting is mandatory under applicable law;

We may share non-personally identifiable information about the use of our Services publicly or with third parties but this will not include any information that can be used to identify you.

Where is your information held?

Personal information in the European Union is protected by data protection laws but other countries do not necessarily protect your personal information in the same way.

Your personal information is primarily held within the United Kingdom. However, we may also hold this information within the EEA or with US companies that have an EU-US Privacy Shield certification.

Marketing and other automated communications

We may send automated communications to you via a third-party marketing platform. There are different types of communication that we could send to you via this platform (such as newsletters, technical alerts or for marketing purposes).

You have the ability to opt-in to each of these types of communication at the start of our business relationship. Each communication that you receive from us via this platform also includes the ability to opt-out of receiving further communications of that particular type. When you opt-in, we will transfer to the third-party only the personal information necessary to serve the communications.

We recommend that you choose to opt-in and remain opted-in for the duration of the business relationship so that we can make you aware of new features within our Services that can be of benefit to your business activities or to bring important information to your attention regarding the operation of our Services.

Other sites or services

If you follow a link from our Services to another website or service, this Privacy Notice will no longer apply. We are not responsible for the information handling practices of third party sites or services.

What happens if you withdraw your consent?

If you withdraw your consent to the use of your personal information for purposes set out in this Privacy Notice, we may not be able to provide you with access to all or parts of our Services. In these circumstances, it may not be possible for us to continue a business relationship with you.

Retention of your information

We will retain your personal information for the duration of our business relationship and afterwards for as long as is necessary and relevant for our legitimate business purposes or as otherwise permitted by applicable laws and regulation. Where we no longer need your personal information, we will dispose of it in a secure manner without further notice to you.

Data uploaded to the Blue Alligator X~Backup Service

For users of our X~Suite application that subscribe to our X~Backup service, X~Suite transmits a compressed and encrypted backup of your X~Suite database to our secure network in the UK on a daily basis.

A backup is held on your behalf for six days and can be made available to you should you require it. A backup may also be used by our support personnel solely for the purpose of investigating a technical issue that you have raised with our service desk.

In any event all backups are deleted from our network after six days.

Data uploaded to the Blue Alligator Cloud

The Blue Alligator Cloud (hereafter the "Cloud") is hosted on servers in an ISO9001 and ISO27001 accredited Tier 3 UK data centre with security, firewall and antivirus in place.

Any data that you upload and hold in the Cloud (which may contain personal information relating to your users or customers) is held and processed by you through your use of the Cloud. This includes any user accounts that you create in the Cloud on behalf of your users or customers to allow them to use our Services.

You are responsible for obtaining consent for any personal information that you hold in the Cloud. We do not collect any of this information. You are storing the data on the Cloud to enable you to carry out your business activities, not ours.

Data in the Cloud is “current”. That is, if you remove information from the data that you’re uploading to the Cloud then that information will automatically be removed from the Cloud. The Cloud resides in a mirrored virtual environment in order to ensure its resilience and almost 100% uptime. Any backups that may exist of the data in the Cloud at any given time are held short-term purely to aid this resilience. There is no concept of rolling the data in the Cloud back to an earlier point in time.

Any request that we receive relating to personal information you are holding in the Cloud will be passed onto you for your attention and you are obliged to deal with the request as appropriate (such as removal of the personal information). Any failure to meet your obligations under any applicable data protection law in relation to the request means that we may not be able to provide you with access to all or part of our Services.

Changes to this Privacy Notice

We may change this Privacy Notice from time to time. However, we will not reduce your rights under this Privacy Notice. The “last updated” reference at the start of the Privacy Notice lets you know when it was last updated.

Contacting us regarding this Privacy Notice

We do not fall within the criteria under the GDPR where we need to appoint a Data Protection Officer (“DPO”). If you have any questions, requests or concerns about this Privacy Notice and/or our processing of your personal information, you can get in touch with us at privacy@blue-alligator.com

We aim to respond to any questions, requests or concerns within 14 days and in any event within one month of receipt of a communication. Should we require additional time to fully respond to a communication then we will inform you of the reason for this within one month of receipt of a communication and give our full response within a further two months.

End of Privacy Notice