



GDPR Information for Data Controllers

Introduction

This document is for Data Controllers or Data Processors involved in adding Fresh Relevance to a website for visitors in Europe (EU, EEA, or UK). You can always find the latest version here: <https://www.freshrelevance.com/contact/legal>

How to Contact Us

1. Are you a responsible for GDPR compliance for one of our clients or potential clients and need additional information?
2. Or are you an individual and want to enforce your GDPR rights? [See GDPR rights for individuals.](#)
 - a. If Fresh Relevance holds personal data about you because you have a relationship with one of our business clients, please contact them.
 - b. If we hold personal data about you for any other reason, or if you have previously contacted our client but think they are not responding properly, then contact us.
 - c. NB: because of data protection, we can only take some kinds of action if we are able to confirm your identity **and** be sure you are the same person as the data subject for whom we hold data.

Then contact us by email at gdpr@freshrelevance.com

What do you need to know?

1. Does the Fresh Relevance system hold sensitive data such as passwords or credit card numbers?
 - No
2. What are the contact details for the Fresh Relevance GDPR data protection officer?
 - Peter Austin, DPO, Fresh Relevance Ltd.
Contact Fresh Relevance by email at gdpr@freshrelevance.com
3. What other Data Processors does Fresh Relevance use?
 - Fresh Relevance data for UK and European clients is stored and processed in Ireland (EU), using Amazon Web Services (AWS) as data processor.
4. Has Fresh Relevance carried out a Data Protection Impact Assessment (DPIA) and does Fresh Relevance only collect and keep the data it needs?
 - Yes. Our data collection meets GDPR Principles and is not a high risk to data subjects. We will not collect or store sensitive customer data, unless you instruct us to and can justify your decision.
5. Does Fresh Relevance transfer Personal Data outside the EU?
 - No. All data for European and UK clients is stored in the EU.
6. Has Fresh Relevance carried out a Consent and Legitimate Interests Assessment (LIA)?
 - Yes.
 - You **do not** need to ask consent for almost all marketing activities, providing they are the sort of thing that your customers will expect to happen. Including personalization of web and email, or triggered emails such as cart abandon, browse abandonment, and post-purchase confirmations, because you have a good legitimate interest for these.
 - You **do** need to ask consent to send bulk marketing emails, because they are more intrusive.
7. How do I include Fresh Relevance in handling our Subject Access Requests?
 - Fresh Relevance has implemented all necessary support. See below.

What do you need to do?

1. Make sure any forms or pages which collect personal data such as email address say what you will do, e.g.:
 - We process your personal data with care, as described in our [linked] privacy notice.
2. Your privacy or legal page must include Fresh Relevance, e.g. it could say:
 - “This website stores information about your account, your orders, and products which interest you. It is used to manage your account and process your orders.
 - Personal data may be used to send triggered emails, such as cart abandonment and purchase confirmation emails.
 - Personal data may be used to personalize marketing, for example to suggest products that are related to your previous shopping”.
3. If you are a Data Controller, you need a Data Processing Addendum (DPA) between you and Fresh Relevance as Data Processor, to comply with GDPR Article 28. You should already have a DPA as an addendum to your contract, so take a look. If you really don't have one, use the “GDPR Data Processing Addendum” on <https://www.freshrelevance.com/legal-documents>: print it, sign and scan it, and email the signed copy to us.
4. Update your cookie documentation. First add the two Fresh Relevance cookies below. Then when integration with Fresh Relevance is complete, this may use some more essential session cookies, so click **Help|Privacy and Permissions| Cookie Advice| View all cookies**, and add the session cookie details.
 - “tms_VisitorID: stores a unique id for the device. This is used to keep track of your shopping.
 - tms_wsip: records whether you are using modern web browser that supports a more efficient communication channel called web sockets”.
5. Improve privacy. If some of your staff do not need to see personal data, use **Settings|Users** to unset **Permissions|Can view bulk data** for their accounts.
6. Set the retention time on **Settings|Other Settings|Data Retention Policies** to the appropriate number of days for identified and unidentified visitors.

7. For more information, logon, click **Help|Privacy and Permissions** and visit the links under the headings "Privacy and Permission Status (for All Laws)" and "GDPR Advice". There is information about other world privacy laws on this same page.

GDPR Subject Access Requests

The GDPR provides several rights for individuals. Here is how we can help...

- **The right of access**

Under the GDPR, individuals will have the right to obtain: confirmation that their data is being processed; access to their personal data; and other supplementary information

<https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/the-right-of-access/>

Use Fresh Relevance to search by email address for the person¹, click the "download" button to retrieve their data, and attach it to your response. The data format is JSON which is a structured, commonly used and machine-readable format. There is also an API call to retrieve person data. Contact us for more information.

- **The right to rectification**

Individuals are entitled to have personal data rectified if it is inaccurate or incomplete. If you have disclosed the personal data in question to third parties, you must inform them of the rectification where possible. You must also inform the individuals about the third parties to whom the data has been disclosed where appropriate.

<https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/the-right-to-rectification/>

Correct the data in your e-commerce system. Then use Fresh Relevance to search by email address for the person¹ and delete them. Fresh Relevance will automatically collect correct data for them from your website as they use it, in the normal way.

- **The right to erasure**

The right to erasure is also known as 'the right to be forgotten'.

<https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/the-right-to-erasure/>

Delete the person from your e-commerce system. Then use Fresh Relevance to search by email address for the person¹ and delete them.

○ **The right to restrict processing**

Under the DPA, individuals have a right to 'block' or suppress processing of personal data. The restriction of processing under the GDPR is similar. When processing is restricted, you are permitted to store the personal data, but not further process it. You can retain just enough information about the individual to ensure that the restriction is respected in future.
<https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/the-right-to-restrict-processing/>

Use Fresh Relevance to search by email address for the person¹ and press the button labelled "Do Not Process (GDPR)". There is also an API call to set do not process.

○ **The right to data portability**

The right to data portability allows individuals to obtain and reuse their personal data for their own purposes across different services. You must provide the personal data in a structured, commonly used and machine readable form...

This right does not apply to most person data, for example not the log of which marketing and products each individual has seen. *It only applies:*

- *to personal data an individual has provided to a controller;*
- *where the processing is based on the individual's consent or for the performance of a contract; and*
- *when processing is carried out by automated means*

<https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/the-right-to-data-portability/>
<https://ico.org.uk/media/1624219/preparing-for-the-gdpr-12-steps.pdf>

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- **The right to object**

Individuals have the right to object to: processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling); direct marketing (including profiling); and processing for purposes of scientific/historical research and statistics.

<https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/the-right-to-object/>

Use Fresh Relevance to search by email address for the person¹ and press the button labelled "Do Not Process (GDPR)". There is also an API call to set do not process.

- **Rights in relation to automated decision making and profiling.**

The GDPR provides safeguards for individuals against the risk that a potentially damaging decision is taken without human intervention.

<https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/rights-related-to-automated-decision-making-and-profiling/>

Fresh Relevance is unaffected by this right, because *the right does not apply when a decision does not have a legal or similarly significant effect on someone*. The processing that we do is not important.

We are increasingly using AI, for example to predict the kind of products and marketing that will appeal to anonymous visitors. This is unaffected by the GDPR, because our AI models are only trained using anonymous data, never "personally identifiable information".

Footnote ¹ : To search for an email address, click "Reports|Other Reports|Shoppers", enter the email address and click "Search".