

# Privacy Notice – NFM Auction

Thank you for visiting the website [nfmauction.org.uk](http://nfmauction.org.uk) (the Site), which is operated by the Sylva Foundation, an environmental charity registered in England and Wales (No.1128516) and in Scotland (No.SC041892).

In this Privacy Notice, we and/or us means the Sylva Foundation. We are data controllers in relation to the personal data referred to in this Notice.

This Notice set outs the basis on which any personal data provided to us by you, or received by us from third parties, will be used by us. Please read this Notice carefully and ensure that you understand our rights and responsibilities under it.

## Summary

Full details are set out in the relevant sections of this Notice below, but in summary:

- we generally receive personal data relating to you directly from you. For example, we will receive that data if you contact us through the Site or otherwise, if you are a user of our services (whether as a landowner or a sponsor), or if we do business with you;
- personal data may occasionally be provided to us by third parties with whom each of you and us have a separate relationship. For example, if you are a landowner then we might receive data from the Rural Payments Agency in relation to your ownership of a particular area of land;
- we use your data to provide our services to you, correspond with you, meet our legal obligations and improve our Site and services;
- we only provide your personal data to third parties for our limited business purposes or as permitted by law. We don't share your data with third party advertisers;
- we store data for specified periods for our limited business purposes;
- you have certain rights, prescribed by law, in relation to the processing of your data, such as rights to request access, rectification or deletion of your personal data;
- the Site uses cookies; and
- you can contact us to enquire about any of the contents of this Notice.

## 1. Introduction

1.1 In this Notice we explain how we will handle your personal data.

1.2 We will ask you to consent to our use of cookies in accordance with the terms of this Notice when you first visit the Site.

1.3 The Site may incorporate privacy controls for registered users. By using the privacy controls, you can specify whether you would like to receive direct marketing communications and limit some other uses of your information depending on the controls we have implemented from time to time.

## 2. How we use your personal data

2.1 In this Section 2 we have set out:

- (a) the general categories of personal data that we may process;
- (b) in the case of personal data that we did not obtain directly from you, the source and specific categories of that data;
- (c) the purposes for which we may process personal data; and
- (d) the legal bases of the processing. When we refer to a “legal basis”, we mean a lawful basis set out in Article 6 of the General Data Protection Regulation under which we conduct the relevant processing.

## **Personal data we obtain from you**

### Usage data

2.2 We may process data about your use of the Site (usage data). This may include your IP address, geographical location, browser type and version, operating system, referral source, length of visit, page views and website navigation paths, as well as information about the timing, frequency and pattern of your use. This data is obtained through our analytics tracking system. The legal basis on which we process usage data is our legitimate interest in monitoring, analysing and improving our Site and services. Often usage data will be aggregated in such a way that it contains no information pertaining to an individual at all: if so, then it will not be personal data and will no longer be governed by this Notice.

### Account data

2.3 We may process your account data (account data), being the information provided to us when you register an account via the Site, whether as a landowner or sponsor. This may include your name, email address, password, and phone number. We only obtain account data from you directly, and it may be processed for the purposes of operating our Site, providing our services, ensuring the security of our Site, maintaining back-ups of our databases and communicating with you. The legal basis on which we process account data is the performance of a contract between you and us and/or taking steps, at your request, to enter into such a contract.

### Correspondence data

2.4 We may process information contained in or relating to any communication that you send to us, whether through the Site, by email, through social media, by using live-chat functions, or otherwise. All of this information together is correspondence data. This may include the communication content and metadata associated with the communication, as well as any contact details you provide to us such as your name, email address, phone number, job title, address or social media username. The correspondence data may be processed for the purposes of communicating with you and record-keeping. The legal basis for this processing is our legitimate interest, namely the proper administration of the Site, our business and our communications.

### Enquiry data

2.5 We may process information contained in any enquiry you submit to us indicating your interest in our services or business (enquiry data), such as the contents of your enquiry and any contact details you provide to us such as your name, email address, phone number, job title or address. This may be processed for the purposes of marketing relevant services to you and providing you with news about our services and operations. The legal basis for this processing is our legitimate interest,

namely ensuring that enquiries are followed up appropriately and marketing and promoting our services and operations.

#### Transaction data

2.6 We may process information relating to transactions, including bids, that you enter into with us or that we facilitate through our Site or in connection with our services (transaction data). This may include your contact details, details of any bid and, if we make or receive payments, your card or account details and the transaction details (although typically we will not have any access to your card details, and these will only be available to our payment processing service provider). The transaction data may be processed for the purpose of supplying and administering the relevant services and keeping proper records of those transactions. The legal basis for this processing is the performance of a contract between you and us.

#### Personal data we obtain from others

##### Partner data

2.7 We may process information which relates to personnel at organisations to whom we provide services, with whom we collaborate, or from whom we purchase services (partner data). For example, we may process information relating to key account contacts at our suppliers with whom we deal regularly in the course of our business or relating to collaborators with whom we work. Partner data may be processed by us in connection with the supply, receipt and administration of the relevant services. The legal basis for this processing is our legitimate interests, namely ensuring that we are able to supply, receive and administer relevant services in the course of our business.

##### Other processing by us

2.8 We may process any of your personal data identified in the other provisions of this Notice where necessary in connection with legal claims. The legal basis for this processing is our legitimate interests, namely the protection and assertion of our legal rights, your legal rights and the legal rights of others.

2.9 In addition to the specific purposes for which we may process your personal data set out in this Section 2, we may also process any of your personal data where such processing is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person.

2.10 We may process any of the personal data set out in this Section 2 in connection with backups of any element of our IT systems or databases containing that personal data. The legal basis for this processing is our legitimate interests, namely ensuring the resilience of our IT systems and the integrity and recoverability of our data.

### **3. Providing your personal data to others**

3.1 We may disclose your personal data to our insurers and/or professional advisers as necessary for the purposes of obtaining and maintaining insurance coverage, managing risks, obtaining professional advice and managing legal disputes.

3.2 We may disclose personal data to our suppliers or subcontractors in connection with the uses described in Section 2 above. For example, we may disclose:

- (a) any personal data in our possession or control to organisations which host the servers on which our data is stored. Currently our servers, including that on which the Site is hosted, are located in London.
- (b) enquiry, correspondence and partner data to our email service providers, on whose servers our correspondence may be stored temporarily or backed up longer-term, and to mail service providers; and
- (c) transaction data to our payment processing service providers, to the extent necessary for the purposes of processing your payments, refunding such payments and dealing with complaints and queries relating to such payments and refunds;
- (d) account and transaction data to other organisations for the purposes of fraud protection, credit risk reduction and debt recovery.

3.3 We may also disclose personal data relating to landowners to environmental agencies, advisory groups or Governmental authorities (together Authorities) in connection with auctions with which those Authorities are involved. If you submit any bid through the Site, then your name, contact information and other information in relation to your bid will be provided to the relevant Authority so that they may evaluate your bid and contact you if it is successful. Each Authority will be a data controller in its own right in relation to your personal data and will use your personal data as described in its own privacy policies or privacy notices.

Relevant Authorities:

FWAG SW, Hawkridge House, Summerfield Way, Wellington, Somerset, TA21 8YA

#### [Data Protection Policy & Procedures](#)

3.4 If we believe that your use of the Site or our services is unlawful or damaging to others, we reserve the right to disclose the information we have obtained through our website about you to third parties to the extent that it is reasonably necessary in our opinion to prevent, remedy or take action in relation to such conduct.

3.5 In addition to the specific disclosures of personal data set out in this Section 3, we may also disclose your personal data where such disclosure is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another person.

3.6 If any part of Sylva Foundation's business or operations is sold or transferred to, or integrated with, another organisation, your personal data may be disclosed to that organisation.

## **4. International transfers of your personal data**

4.1 In this Section 4, we provide information about the circumstances in which your personal data may be transferred to countries outside the European Economic Area (EEA).

4.2 The hosting facilities for our Site and systems are located within the EEA, in London. As mentioned above, we may change hosting facilities but will ensure that all data is hosted within the EEA.

4.3 Some of the third parties to whom we may transfer your personal data, discussed in Section 3, may be located outside the EEA or may transfer your personal data to their own service providers located outside the EEA. If so, then we will ensure that transfers will only be made to countries in

respect of which the European Commission has made an "adequacy decision", or otherwise will only be made with appropriate safeguards, such as the use of standard data protection clauses adopted or approved by the European Commission. You may contact us to enquire about such safeguards so that you may obtain a copy of them or so that we may direct you to them.

## **5. Retaining and deleting personal data**

5.1 This Section 5 sets out our data retention policies, which are designed to help ensure that we comply with our legal obligations in relation to the retention and deletion of personal data.

5.2 Personal data that we process for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.

5.3 We will retain and delete your personal data as follows:

- (a) usage data will be retained for twelve months from collection, and then deleted;
- (b) enquiry, correspondence and partner data will be retained for the period of the enquiry, chain of correspondence or partner relationship and then deleted after twelve months;
- (c) account data will be retained for as long as you have an account on the Site, and will be deleted six months after account closure;
- (d) partner and transaction data will be retained for up to seven years after performance of the relevant service or transaction.

5.4 We may retain your personal data where such retention is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person.

5.5 We may anonymise certain data (for example, bids placed through the Site and aggregated usage data) such that no individual can be identified from it, and may retain any such data indefinitely.

## **6. Amendments**

We may update this Notice from time to time by publishing a new version on the Site. You should check occasionally to ensure you are happy with any changes to this Notice, although we will notify you of material changes to this Notice using the contact details you have given us.

## **7. Your rights**

7.1 In this Section 7, we have summarised the rights that you have under data protection law. Some of the rights are complex, and not all of the details have been included in our summaries. You can read guidance from the Information Commissioner's Office at [www.ico.gov.uk](http://www.ico.gov.uk) for a fuller explanation of your rights.

7.2 Your principal rights under data protection law are:

- (a) the right to access;
- (b) the right to rectification;
- (c) the right to erasure;
- (d) the right to restrict processing;
- (e) the right to object to processing;

(f) the right to data portability; and

(g) the right to complain to a supervisory authority.

7.3 You have the right to confirmation as to whether or not we process your personal data and, where we do, to access to the personal data, together with certain additional information. That additional information includes details of the purposes of the processing, the categories of personal data concerned and the recipients of the personal data. Providing the rights and freedoms of others are not affected, we will supply to you a copy of your personal data. The first copy will be provided free of charge, but additional copies may be subject to a reasonable fee.

7.4 You have the right to have any inaccurate personal data about you rectified and, taking into account the purposes of the processing, to have any incomplete personal data about you completed.

7.5 In some circumstances you have the right to the erasure of your personal data. These might include if:

- (a) the personal data are no longer necessary for the purposes for which they were collected or otherwise processed; or
- (b) the processing is for direct marketing purposes.

However, there are certain general exclusions of the right to erasure, for example where processing is necessary for compliance with a legal obligation or in connection with legal claims.

7.6 In some circumstances you have the right to restrict the processing of your personal data. Where processing has been restricted on this basis, we may continue to store your personal data and will observe the restrictions on processing except in the case of processing permitted by applicable law (for example, in connection with legal claims or for reasons of public interest).

7.7 You have the right to object to our processing of your personal data on grounds relating to your particular situation, but only to the extent that the legal basis for the processing is that the processing is necessary for:

- (a) the performance of a task carried out in the public interest or in the exercise of any official authority vested in us; or
- (b) the purposes of the legitimate interests pursued by us or by a third party.

If you make such an objection, we will cease to process the personal information unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or if the processing is for legal claims.

7.8 You have the right to object to our processing of your personal data for direct marketing purposes (including profiling for direct marketing purposes). If you make such an objection, we will cease to process your personal data for this purpose.

7.9 To the extent that the legal basis for our processing of your personal data is consent, or the performance of a contract with you, and such processing is carried out by automated means, you have the right to receive your personal data from us in a structured, commonly used and machine-readable format. However, this right does not apply where it would adversely affect the rights and freedoms of others.

7.10 If you consider that our processing of your personal information infringes data protection laws, you have a legal right to lodge a complaint with a supervisory authority responsible for data protection. You may do so in the EU member state of your habitual residence, your place of work or the place of the alleged infringement.

7.12 You may exercise any of your rights in relation to your personal data by written notice to us.

## **8. About cookies**

8.1 A cookie is a file containing an identifier (a string of letters and numbers) that is sent by a web server to a web browser and is stored by the browser. The identifier is then sent back to the server each time the browser requests a page from the server.

8.2 Cookies may be either "persistent" cookies or "session" cookies: a persistent cookie will be stored by a web browser and will remain valid until its set expiry date, unless deleted by the user before the expiry date; a session cookie, on the other hand, will expire at the end of the user session, when the web browser is closed.

8.3 Cookies do not typically contain any information that personally identifies a user, but personal information that we store about you may be linked to the information stored in and obtained from cookies.

## **9. Cookies that we use**

9.1 We may use cookies for the following purposes:

- (a) authentication - we use cookies to identify you when you visit the Site and as you navigate the Site;
- (b) status - we use cookies to help us to determine if you are logged into the Site;
- (c) security - we use cookies as an element of the security measures used to protect user accounts, including preventing fraudulent use of login credentials, and to protect our Site and services generally;
- (d) analysis - we use cookies to help us to analyse the use and performance of the Site; and
- (e) cookie consent - we use cookies to store your preferences in relation to the use of cookies more generally.

## **10. Cookies used by our service providers**

10.1 Our service providers use cookies and those cookies may be stored on your computer when you visit the Site.

10.2 We use Google Analytics to analyse the use of the Site. Google Analytics gathers information about website use by means of cookies. The information gathered relating to the Site is used to create reports about the use of the Site. Google's privacy policy is available at: [google.com/policies/privacy](https://www.google.com/policies/privacy)

## **11. Managing cookies**

11.1 Most browsers allow you to refuse to accept cookies and to delete cookies. The methods for doing so vary from browser to browser, and from version to version. You can obtain up-to-date

information about blocking and deleting cookies via the support pages made available by your browser operator.

11.2 Blocking all cookies will have a negative impact upon the usability of many websites.

11.3 If you block cookies, you may not be able to use all the features on our Site.

## **12. Our details**

12.1 Our principal place of business is the Sylva Foundation's offices are at Little Wittenham Road, Long Wittenham, Oxfordshire, OX14 4QT, United Kingdom.

12.4 You can contact us:

- (a) by post, using the postal address for the Sylva Foundation given above;
- (b) using the contact form on the Site; or
- (c) by telephone at 01865 408018; or
- (d) by email at [nfmauction@sylva.org.uk](mailto:nfmauction@sylva.org.uk)

12.5 Sylva Foundation's Data Protection Officer is Dr Gabriel Hemery, who can be contacted by email at [info@sylva.org.uk](mailto:info@sylva.org.uk).

## **13. Third Parties and Security**

13.1 The Site contains links to third party websites and refers to third party service providers and other entities. If you follow a link to any third-party website or deal with any third-party entity referred to on the Site, then you should note that these third parties may have their own privacy and cookie policies, and that we are not responsible for their use of any personal data which you may provide to them. You should ensure that you have read and understood any relevant policies.

13.2 Although we do our best to ensure the security of personal data provided to us (and to use only reputable service providers), any transmission of data via the Internet is by its nature insecure and we cannot guarantee the security of any personal data you provide to us.