

# Privacy Policy and Notice

## Introduction

- 1.1 Balmacara Mains is committed to safeguarding the privacy of persons for whom we process Personal Data. In this policy we explain how we use and treat Personal Data ( your personal information through use of this website) that is processed by us, in accordance with data protection legislation, and with the General Data Protection Regulation ('GDPR'). It is important that you read this privacy and cookie policy, together with any other privacy policy or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about you, so that you are fully aware of how and why we are using your data. This privacy and cookie policy supplements the other notices and is not intended to override them. This website is not intended for children and we do not knowingly collect data relating to children.
- 1.2 Personal Data includes any information relating to an identified or identifiable natural person ('Data Subject') who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, location data, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
- 1.3 Processing, for the purpose of this Privacy Notice, means any operation or set of operations which is performed on Personal Data or on sets of Personal Data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaption or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
- 1.4 By consenting to this Privacy Notice you are giving us permission to process your Personal Data specifically for the purposes identified within this Privacy Notice.
- 1.5 You have a right to withdraw your consent to our processing your Personal Data at any time, and we have outlined the process for such a withdrawal within this Privacy Notice.

## Processing Personal Data

- 2.1 We will only process such Personal Data which is adequate, relevant and limited to what is necessary for processing.
- 2.2 We are the controller responsible for your personal data but use the technology services of a third-party data processor to process your personal data for the purpose of accepting and confirming your bed and breakfast booking. The data processor is called Sirvoy Limited, a company registered in the Republic of Ireland ('Sirvoy'). Whenever Sirvoy performs this data processor service on behalf of a hotel or similar business, such as ours, your personal data is also governed by Sirvoy's data privacy policy. Please refer to: <https://sirvoy.ca/privacy-policy>. Sirvoy takes data protection and your privacy very seriously. It has the relevant organizational and technical security measures in place to protect your personal information and to keep it confidential.
- 2.2 We may collect, use, store and transfer different kinds of personal data about you sourced from either our website or while you are at our place of business, which we have grouped together as follows:
  - **Identity Data** includes first name, last name.
  - **Contact Data** includes billing address, email address and telephone numbers.
  - **Financial Data** includes payment card details.
  - **Transaction Data** includes details about payments to and from you and other details of products and services you have purchased from us.
  - **Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this website; website usage statistics and backlinks
  - **Profile Data** includes purchases or orders made by you, your interests and preferences.
  - **Usage Data** includes information about how you use our website, products and services, including traffic data.
  - **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences (you can inform us at any time you no longer require our email notifications
  - **Security and Compliance** - information required so as to keep our website secure and prevent fraud; information required to verify compliance with the terms and conditions governing the use of our website (including monitoring private messages sent through our 'Contact Us' page on our Site); and
  - We do not collect any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data). Nor do we collect any information about criminal convictions and offences.
  - Where we need to collect personal data by law, or under the terms of a contract (including booking, enquiry or purchase) we have with you and you fail to provide that data when requested, we may not be able to perform the

- contract (including booking, enquiry or purchase) we have or are trying to enter into with you (for example, to provide you with goods or services). In this case, we may have to cancel a product or service you have with us, but we will notify you if this is the case at the time.
- Any other personal information that you choose to send to us.
- 2.3 Generally we do not rely on consent as a legal basis for processing your personal data other than:
- (a) if you are not our existing customer or represent a corporate business, and you have given us your business card; or
  - (b) in relation to sending third party direct marketing communications to you via email or text message.
- 2.4 Before you disclose to us the Personal Data of another person, you must obtain that person's consent to both the disclosure and the processing of that Personal Data in accordance with this policy.
- 2.5 We will process Personal Data for the following lawful purposes:
- (a) Legitimate interests of our business. These include, the marketing, operations and administration of our business, debt recovery, processing of accounts.
  - (b) Performance of a service.
  - (c) Compliance with a legal obligation placed on us.
  - (d) To protect the vital interests of either yourself or another person.

### **Disclosing Personal Data**

- 3.1 We may disclose your Personal Data to any of our employees, officers, insurers, professional advisers, agents, suppliers or subcontractors insofar as reasonably necessary for the purposes set out in this policy.
- 3.2 We may disclose your Personal Data obtained from you visiting our Site to our agents, insofar as reasonably necessary for the purposes set out in this policy.
- 3.3 We will not, without your express consent, supply your Personal Data to any third party for the purpose of their or any other third party's marketing.
- 3.4 Any third party who we share your Personal Data with are obliged to keep your details securely and when no longer needed, to dispose of them in accordance with our approved procedures.
- 3.5 If we wish to pass your Special Personal Data on to a third party, we will only do so once we have obtained your explicit consent unless we are required to do so by law.
- 3.6 We may disclose your Personal Data:
- (a) to the extent that we are required to do so by law.
  - (b) in connection with any ongoing or prospective legal proceedings.
  - (c) in order to establish, exercise or defend our legal rights (including providing information to others for the purposes of fraud prevention and reducing credit risk);
  - (d) to the purchaser (or prospective purchaser) of any business; or asset that we are (or are contemplating) selling.
- 3.7 Except as provided in this policy, we will not provide your Personal Data to third parties without first obtaining your consent.

### **Retaining Personal Data**

- 4.1 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.
- 4.2 Unless we advise you otherwise, we will retain your Personal Data in accordance with legal requirements and best practice.

### **Security of Personal Information**

- 5.1 We will take reasonable technical and organisational precautions to prevent the loss, misuse or alteration of your personal information.
- 5.2 We will store all the personal information you provide on our secure (password- and firewall-protected) servers as provided by our third-party data processor Sirvoy.
- 5.3 You acknowledge that the transmission of information over the internet is inherently insecure, and we cannot guarantee the security of data sent over the internet.

## Amendments

- 6.1 We may update this policy from time to time by publishing a new version on our website.
- 6.2 You should check this page occasionally to ensure you are happy with any changes to this policy.
- 6.3 We may notify you of changes to this policy, by email.

## Your Rights

You have the following rights regarding the Personal Data which we hold about you:

- 7.1 right of access – you have the right to request a copy of the information that we hold about you.
- 7.2 right of rectification – you have a right to correct Personal Data that we hold about you that you think is inaccurate or incomplete.
- 7.3 right to be forgotten – in certain circumstances you can ask for the Personal Data which we hold about you to be erased from our records.
- 7.4 right to restriction of processing – in certain circumstances you have a right to restrict the processing of Personal Data.
- 7.5 right of portability – you have a right to have the Personal Data we hold about you transferred to another organisation.
- 7.6 right to object – you have the right to object to certain types of processing, such as direct marketing: and
- 7.7 right to object to automated processing, including profiling – you have the right not to be subject to the legal effects of automated processing or profiling.

## Complaints Procedure and Right to Legal Redress

- 8.1 In the event that we refuse your request under rights of access, we will provide you with a reason why.
- 8.2 If you wish to make a complaint about how your Personal Data is being processed by us, or any third party on our behalf, we would be grateful if you would in the first instance contact our Data Protection Officer, who will endeavour to resolve your issue to your satisfaction.
- 8.3 You also have the right to complain directly to the Information Commissioner's Office and seek other legal remedies.

## Third Party Websites

- 9.1 Our website may include hyperlinks to, and details of, third party websites.
- 9.2 We have no control over, and are not responsible for, the privacy policies and practices of third parties.
- 9.3 We use Google Analytics to analyse the use of our website. Our analytics service provider generates statistical and other information about website use by means of cookies. The information generated relating to our website is used to create reports about the use of our website. Our analytics service provider's privacy policy is available at: [Google's Privacy & Terms site](#).

## Updating Personal Data

10.0 You are responsible for letting us know if the Personal Data that we hold about you needs to be corrected or updated.

## Transfers of Personal Data to Third Countries

11.0 If we need to transfer Personal Data for processing to a Third Country (which is to say a country outside of the EU), we will only do so, where we have either:

- (a) taken an adequacy decision;
- (b) lawful binding corporate rules are in place;
- (c) lawful model contract clauses are in place;
- (d) we have obtained your specific consent to the proposed transfer, and you have been advised of the possible risks of such transfers;
- (e) the transfer is necessary for the performance of a contract between us, or are part of the implementation of pre-contractual measures taken at your requests;
- (f) the transfer is necessary for the conclusion or performance of a contract concluded in the interested of you, and  
us, and another party;
- (g) the transfer is necessary for important reasons of public interest;
- (h) the transfer is necessary for the establishment, exercise or defence of legal claims; and / or
- (i) the transfer is necessary in order to protect the vital interests of you or others, where you are physically or

legally incapable of giving legal consent.

## Cookies

- 12.1 Our website uses cookies.
- 12.2 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.
- 12.3 We use only persistent and session cookies on our website.
- 12.4 Most browsers allow you to refuse to accept cookies.
- 12.5 If you block cookies, you may not be able to use all the features on our website.
- 12.6 You can delete cookies already stored on your computer.
- 12.7 We also use Google Analytics on our website. Our analytics service provider generates statistical and other information about website use by means of cookies.

## Amendments

- 13.1 We may update this policy from time to time by publishing a new version on our website.
- 13.2 This version was last updated in July 2020.

## Our Details

- 14.1 This website is owned and operated by Blackstream Limited, company registration number: 04431279
- 14.2 We are registered in England under registration number and our registered office is at 77 Wilkins Road, Oxford, OX4 2JB, England. Our website address is: [www.ontheloch.com](http://www.ontheloch.com)
- 14.3 Our principal place of business is at Balmacara Mains, Glaick, by Kyle of Lochalsh, Highland, Scotland IV40 8DN
- 14.4 You can contact us:
  - (a) by post, using either of the postal addresses, given above.
  - (c) by telephone or 01599 566 240
  - (d) by email [info@ontheloch.com](mailto:info@ontheloch.com)
- 14.5 Our Data Protection Officer is Douglas Ross Craig and can be contacted using the any of the details referred to in the above clause.

**Users may opt-out at any time of receiving future mailings or completely remove their details from our databases; see the choice/opt-out section below. Please email [privacy@ontheloch.com](mailto:privacy@ontheloch.com) or click on the below.**

- Name

<input type="text"/>	FIRST	<input type="text"/>	LAST
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- Email:
- Phone number:
- Confirm

**Please remove my personal data from the ontheloch.com website.**