

## Privacy Policy

Last updated: April 2022

### 1. Introduction

1. This privacy policy sets out the basis on which we, Taymour Grahne Art Ltd (trading as **Cactus Moon Studio**) (referred to below as **we** or **us**) will process any personal data that we collect from you or that you provide to us when you use our website at [www.cactusmoon.studio](http://www.cactusmoon.studio) (**Website**), sign up to our newsletter, purchase goods or services from us, or if you otherwise interact with us.
2. Please read the following privacy policy carefully to understand how we use and protect the personal data that you provide to us. In this policy, **personal data** means any information about you personally from which you can be identified.
3. We strive to ensure that we are clear about how we will use the personal data that we collect. We process personal data in accordance with the UK General Data Protection Regulation (GDPR), Data Protection Act 2018, Privacy and Electronic Communications Regulations 2003 (as amended) and other applicable laws that regulate protection and privacy of your personal data, each as amended from time to time (**Data Protection Law**).

### 2. Who is collecting your personal data?

1. Cactus Moon Studio is the **controller** in respect of any personal data that you submit to us or that we collect from you. This means we decide what personal data we collect and what it is used for.
2. We are a company registered in England and Wales with registration number 10816639 and registered office address: 10 Portland Road, London, W11 4LA.

### 3. When we may make changes to this privacy policy?

1. We keep this privacy policy under regular review. We reserve the right to make changes to this privacy policy from time to time. Any such changes to our privacy policy will be posted to our Website so please make sure you check this privacy policy each time you use our Website. If appropriate we may contact you with the details of any significant changes to this privacy policy.
2. It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal details that you have previously provided change during your relationship with us.

### 4. Why do we need to collect your personal data?

1. We will collect any personal data or other information about you that you provide to us when you use our Website or contact us via phone/email. Please note that the Website is not intended for children (meaning anyone aged under 18) and we do not knowingly collect data relating to children.
2. This information may include personal data about you such as your name, email address, addresses, phone number, social media account user information and other relevant information about you that you decide to give to us.

3. We will collect any information contained in any correspondence between you and us. For example, if you contact us with a complaint or enquiry, we may keep a record of that correspondence. We may also ask you for information when you report a problem with our Website.
4. We may collect certain information about your visits to our Website and how you use it using 'cookies' or similar tracking technology. This may include your geographical location, IP address, device information, browser type, referral source, length of visit and number of page views and similar information. Please see our Cookies Policy for more information on how we use cookies.

#### **5. How do we use your personal data?**

1. We will use the personal data that we collect from you in accordance with this privacy policy.
2. Personal data about you will be used for:
  1. dealing with any enquiries you make;
  2. providing customer services to you (including any after-sales services);
  3. processing and fulfilling any orders you place with us;
  4. contacting you with further information about our services, including upcoming exhibitions or launches of new editions; or
  5. improving the Website or otherwise responding to any feedback you have provided us.
3. In addition to the specific uses set out above, we may use your information for the following purposes:
  1. to ensure that content from our Website is presented in the most effective manner;
  2. to send you communications regarding any products or services we have agreed to provide to you;
  3. to deal with any specific requirements you have given in relation to a particular order you have placed with us;
  4. to deal with enquiries and complaints and to notify you about changes to our services;
  5. to develop, improve the Website so as to improve your browsing and viewing experience;
  6. to use data analytics to improve our Website, marketing and customer relationships; and
  7. to provide you with marketing communications about our products, services or events. Where this marketing is conducted by electronic means (such as email, SMS and/or MMS) we will only send these where we have your prior consent or, if you are an existing customer, where communications are in relation to the same products or services that you purchased previously (or you looked to purchase with us).
4. You can ask us (or a third party) to stop sending you marketing communications at any time by following the opt-out links on any marketing communications you receive or by contacting us at any time. Where you opt out of receiving marketing communications, please note that this will not

apply to necessary communications from us in relation to your use of the Website and/or as a result of your purchase of a product or service.

## **6. When will we disclose your personal data to third parties?**

1. Other than as expressly set out in this privacy policy or as otherwise permitted under Data Protection Law, we will not share, sell or distribute any of the personal data you provide to us without your consent.
2. We may disclose your personal data in the following circumstances:
  1. to our service providers, who handle that data on our behalf and in accordance with our instructions under contract (called "**data processors**"). These include IT suppliers, third party data analysis providers, data hosting providers and agencies we use to conduct fraud and due diligence checks;
  2. to any affiliate or third-party companies and/or organisations to whom disclosure is necessary to enable us to provide you with the services or products you have purchased such as providers of shipping and delivery services or payment processors;
  3. if we are under a duty to disclose or share your personal data to comply with any legal obligation (e.g. where we have a duty to provide data to the police or courts);
  4. if our business or substantially all of our assets are acquired by a third party, in which case personal data held by us about our customers will be one of the transferred assets although your data will continue to be used for the same purposes; and
  5. where disclosure is necessary to enable us to enforce our legal rights, or to protect the rights, property or safety of our employees or where such disclosure may be required by law (including without limitation to any legal adviser, court, regulator or other relevant authority).

## **7. The terms for third party content on the Website**

1. Our Website may contain content and links to other websites that are operated by third parties. In addition, advertisements contained on our Website may operate as links to that advertiser's website, and such advertisers and third parties may also use and place cookies on your device.
2. We do not control these third-party websites, advertisements and cookies and this privacy policy does not apply to them. Any information such third parties collect by virtue of you clicking on a third-party link on our Website will be collected and used in accordance with the privacy policy of that third party. It is your responsibility to review any terms and conditions and privacy policy of such third-party websites to find out how they collect and use your personal data and to establish for what purpose they use any cookies.

## **8. How do we keep your data secure?**

1. We employ appropriate technological and operational security measures to protect personal data we hold against any unauthorised access, any unlawful processing or loss. We have procedures in place to deal with any suspected personal data breach and we will notify you and any applicable regulator of a personal data breach where we are required to do so under Data Protection Law.

2. Data transmission over the internet is not 100% secure, and although we employ appropriate technological and organisational security measures to protect your data from unauthorised access we cannot guarantee the security of any data sent over the internet or by public communications services.

#### **9. When will we send your data internationally?**

1. The personal data that we collect from you may be transferred to, and stored in United Kingdom, countries of the European Economic Area (EEA) and the United States as part of the provision of our IT systems and data analysis services. Our IT and back-office service providers who act as our data processors may use IT equipment located in the United States and other countries outside of the EEA to hold your data. The United States is one of the countries outside the EEA whose laws are currently not considered to meet the same legal standards of protection for personal data as those set out under United Kingdom and EU Data Protection Law.
2. However, in order to safeguard your personal data, we will only permit such a transfer of your data outside the United Kingdom and/or the EEA under a contract or another appropriate mechanism which is authorised under Data Protection Law. This is to make sure that your personal data is safeguarded in accordance with the same legal standards that apply to us and to your personal data in the United Kingdom and EEA.
3. We do not share your personal data with artists or their agents, unless we have your consent and it is necessary to do so to provide you with the products or services you have purchased from us, such as when an artist is shipping a product to you directly, on our behalf.

#### **10. How long we will keep your personal data for?**

1. We will only retain your personal data for as long as is reasonably necessary to fulfil the purposes we collected it for.
2. We have data retention policy that sets out the different periods we retain personal data for in accordance with our duties under Data Protection Law.
3. The criteria we use for determining relevant data retention periods are based on:
  1. Whether we need to keep data to comply with a contract obligation, deal with any potential claims or to enforce our rights (usually the limitation period for dealing with any claims under a contract is 6 years);
  2. Various legislative requirements or guidance issued by any relevant regulatory authority under the Data Protection Law; and
  3. The purpose for which we collected that personal data and where we have identified a continued legitimate need to hold that personal data to serve such purpose (keeping a record of provenance in respect of artworks).
4. Personal data that we no longer need to hold is securely disposed of and/or anonymised, so you can no longer be identified from it. Where personal data is anonymised, we may use this information for research or statistical purposes indefinitely without further notice to you.

## 11. What is the legal basis for us processing your personal data?

1. We process your personal data for the above purposes relying on one or more of the following lawful grounds:
  1. where we agree to provide any product and/or service to you, in order to take any pre-contract steps at your request and/or to perform our contract obligations to you;
  2. where we need to use your personal data for our legitimate interests of being able to market and sell our products or services; providing our online gallery services and administering our business. We will always seek to pursue these legitimate interests in a way that does not unduly infringe on your legal rights and freedoms and, in particular, your right of privacy;
  3. where you have freely provided your specific, informed and unambiguous consent to us using your personal data for particular purposes, such as receiving electronic direct marketing; and/or
  4. where we need to collect, process or hold your personal data to comply with a legal obligation.
2. We do not collect any special categories of personal data about you (this includes data regarding your race or ethnicity, religious beliefs or information about your health).
3. We do collect, use and share aggregated data, such as statistical data, for any purposes. Aggregated data could be derived from your personal data but is not considered personal data under Data Protection Law as this data will not directly or indirectly reveal your identity.

## 12. What are your legal rights regarding your personal data?

1. Under Data Protection Law, you have a legal right to request information about the personal data that we hold about you, what we use that personal data for; who it may be disclosed to, as well as certain other related information (called a **subject access request**).
2. We try to respond to all legitimate subject access requests within one month, although in the case of complex requests, we may require longer to respond.
3. We may refuse or charge for administrative time in dealing with any manifestly unreasonable or excessive subject access requests. We may also ask for further information to locate the specific information you seek before and may apply certain legal exemptions to some of the information we disclose when responding to a subject access request.
4. You also have a number of additional rights under Data Protection Law, which are exercisable by making a request to us in writing. These rights include:
  1. that we correct personal data that we hold about you which is inaccurate or incomplete;
  2. to object to any automated processing (if applicable) that we carry out in relation to your personal data, for example if we conduct any automated credit scoring;
  3. to object to our continued use of your personal data for direct marketing purposes;
  4. that we erase your personal data without undue delay and/or to object to and/or to restrict the use of your personal data by us for any purpose unless we have a legitimate reason

for continuing to hold or use that data (for example, where you have requested that we do not send you marketing materials, we will need to keep some limited information about you to ensure that you are not contacted by us in the future); or

5. that we transfer your personal data to another party (i.e. another service provider) where the personal data has been collected with your consent or is being used to perform contract with you and we are processing that data by automated means (i.e. on computer).

### **13. How you can contact us or make a complaint?**

1. If you would like to exercise any of the above rights or if you have any concerns about how we use your personal data, please contact using the following details:

Contact: Editions Manager

Address: 10 Portland Road, London, W11 4LA

Email: [info@cactusmoon.studio](mailto:info@cactusmoon.studio)

Phone: +44 (0)20 3745 8705

2. When you make any request, we may ask you to provide us with appropriate evidence to verify your identity before we can respond.
3. If you are unhappy with the way in which we have handled your personal data, please contact us using the contact details above. If you make a request and are not satisfied with our response or believe that we are illegally processing your personal data, you are also entitled to complain to the UK's data protection regulator, the Information Commissioner's Office – see: <https://ico.org.uk/concerns/>.