

# Sample360<sup>®</sup>

## SAMPLE360 PRIVACY NOTICE



Matt McAlister

MSoft eSolutions Ltd Gateway House, Old Hall Road, Bromborough, Wirral, CH62 3NX, UK



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## Privacy Notice

Last updated: See footer

### Introduction

This privacy notice provides you with details of how we collect and process your personal data through your use of our site <https://www.sample360.cloud> (“the Site” or “the Service”) and the Sample360 mobile device application (“the App”).

By providing us with your data, you warrant to us that you are a trained and authorised healthcare worker and understand how to handle and manage Patient Data and perform the Clinical tasks assigned to you by the App.

MSoft eSolutions Ltd is the data controller and is responsible for your personal data (referred to as “we”, “us” or “our” in this privacy notice).

### Contact Details

Our full details are:

Full name of legal entity: MSoft eSolutions Ltd

Company Registration Number: 3472193

Email address: [info@msoft.co.uk](mailto:info@msoft.co.uk)

Registered address: Gateway House, Old Hall Road, Bromborough, Wirral, CH62 3NX, UK

It is very important that the information we hold about you is accurate and up to date. Please let us know if at any time your personal information changes by updating your details in the My Account section of the Site.

The Site, Service and App are subject to Terms and Conditions <http://www.sample360.cloud/terms-and-conditions>

### What data do we collect about you, for what purpose and on what grounds we process it

Personal data means any information capable of identifying an individual. It does not include anonymised data.

Data we may collect about you:

- Forename
- Surname
- DOB
- Email address
- Various ID’s including Employee ID and National Identity Document ID
- Username
- Password
- Clinical Training Expiry dates
- Location of work – Address of Hospital, GP or Clinic
- Job Title
- Area of Clinical Expertise – Blood Transfusion, Haematology, Microbiology etc.
- Biometric information from the mobile device

We may process the following categories of personal data about you:

**Communication Data** that includes any communication that you send to us whether that be through email, text, social media messaging, social media posting or any other communication that you send us. We process this data for the purposes of communicating with you, for record keeping and for the establishment, pursuance or defence of legal claims. Our lawful ground for this processing is our legitimate interests which in this case are to reply to communications sent to us, to keep records and to establish, pursue or defend legal claims.

**Customer Data** that includes data relating to any purchases of goods and/or services such as your name, title, billing address, delivery address, email address, phone number, contact details, and purchase details. We process this data to supply the goods and/or services you have purchased and to keep records of such transactions. Our lawful ground for this processing is the performance of a contract between you and us and/or taking steps at your request to enter such a contract.

**User Data** that includes data about how you use our website, our software and any online services together with any data that you post for publication on our website or through other online services. We process this data to operate our website and ensure relevant content is provided to you, to ensure the security of our website, to maintain back-ups of our website and/or databases and to enable publication and administration of our website, other online services and business. Our lawful ground for this processing is our legitimate interests which in this case are to enable us to properly administer our website and our business.

**Technical Data** that includes data about your use of our website and online services such as your IP address, your login data, details about your browser, length of visit to pages on our website, page views and navigation paths, details about the number of times you use our website, time zone settings and other technology on the devices you use to access our website. The source of this data is from our analytics tracking system. We process this data to analyse your use of our website and other online services, to administer and protect our business and website, to deliver relevant website content and advertisements to you and to understand the effectiveness of our advertising. Our lawful ground for this processing is our legitimate interests which in this case are to enable us to properly administer our website and our business and to grow our business and to decide our marketing strategy.

**Marketing Data** that includes data about your preferences in receiving marketing from us and our third parties and your communication preferences. Our lawful ground for this processing is our legitimate interests which in this case are to study how customers use our products/services, to develop them, to grow our business and to decide our marketing strategy.

**Survey Data** that includes data about how you say you use our software and any positive or negative comments you have. We process this data to enable us to understand how you are using the software in order to deliver better software in the future. Our lawful ground for this processing is our legitimate interests which in this case is to enable us to grow our business.

We may use Customer Data, User Data, Technical Data and Marketing Data to deliver relevant website content and advertisements to you (including Facebook adverts or other display advertisements) and to measure or understand the effectiveness of the advertising we serve you. Our lawful ground for this processing is legitimate interests which is to grow our business. We may also use such data to send other marketing communications to you. Our lawful ground for this processing is either consent or legitimate interests (namely to grow our business).

### Sensitive Data

We do not collect any Sensitive Data about you. Sensitive data refers to data that 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. We do not collect any information about criminal convictions and offences.

Where we are required to collect personal data by law, or under the terms of the contract between us and you do not provide us with that data when requested, we may not be able to perform the contract (for example, to deliver goods or services to you). If you do not provide us with the requested data, we may have to cancel a product or service you have ordered but if we do, we will notify you at the time.

We will only use your personal data for a purpose it was collected for or a reasonably compatible purpose if necessary. For more information on this please email us at [info@msoft.co.uk](mailto:info@msoft.co.uk). In case we need to use your details for an unrelated new purpose we will let you know and explain the legal grounds for processing.

We may process your personal data without your knowledge or consent where this is required or permitted by law.

We do not carry out automated decision making or any type of automated profiling.

### How we collect your personal data

We may collect data about you by you providing the data directly to us (for example by filling in forms on our Site or by using the App). We may automatically collect certain data from you as you use our website by using cookies and similar technologies. Please see our cookie policy for more details about this.

All data collected is protected by the latest SSL Certificates securing data between the devices and the Site. In some circumstances the data is further encrypted using a VPN.

### Marketing Communications

Our lawful ground of processing your personal data to send you marketing communications is either your consent or our legitimate interests (namely to grow our business).

Under the Privacy and Electronic Communications Regulations, we may send you marketing communications from us if (i) you asked for information from us about our goods or services or (ii) you agreed to receive marketing communications and in each case you have not opted out of receiving such communications since. Under these regulations, if you are a limited company, we may send you marketing emails without your consent. However, you can still opt out of receiving marketing emails from us at any time.

We will never share your personal data with any third party for their own marketing purposes.

If you opt out of receiving marketing communications this opt-out does not apply to personal data provided as a result of other transactions, such as purchases, etc.

## Disclosure of your personal data

We may have to share your personal data with the parties set out below:

- Service providers who provide IT and system administration services.
- Professional advisers including lawyers, bankers, auditors and insurers.
- Government bodies that require us to report processing activities.
- JIRA: Customer helpdesk and ticketing service.
- Your NHS Trust: Usage data, Audit data and reporting facilities.
- UKCloud: Datacentre providers, data storage.
- Third parties to whom we sell, transfer, or merge parts of our business or our assets.

We require all third parties to whom we transfer your data to respect the security of your personal data and to treat it in accordance with the law. We only allow such third parties to process your personal data for specified purposes and in accordance with our instructions.

## How and where we store your personal data

We use strict procedures and security features designed to prevent any unauthorised or unlawful access to the personal data which we control.

Personal data which we hold in relation to you will be stored securely at our Datacentre and (where relevant) at the offices of third party agencies, service providers, representatives and agents. We may also hold your personal data in secure data centres located within the United Kingdom or European Economic Area (EEA).

All Health & Patient Data will be encrypted (using industry standard methods) when being transferred from your Device to the relevant datacentre. No Health & Patient Data is stored locally within the App on your Device.

Where we have given you (or where you have chosen) a password that enables you to access certain parts of the Site, you are responsible for keeping this password confidential. We ask you not to share a password with anyone and that you use a unique password in respect of your Sample360 account.

We will retain a record of your personal data in accordance with relevant law and the following criteria:

- where we have a reasonable business need to do so, for example, in order to manage our relationship with you;
- where we are providing products and/or services to you and then for as long as someone could bring a claim against us in respect of those products or services; and/or
- in line with any legal and regulatory requirements or guidance in respect of retention periods.

As noted above, we sometimes use other organisations to process your personal data on our behalf, for example, in relation to analysis of the use of the Service. We may use service providers to help us run the Site, App or Service, some of whom may be based outside the EEA. However, it is our responsibility to ensure that if we use any such service provider that we ensure that we have the necessary safeguards in place. We may also independently audit these service providers to ensure that they meet our standards.

Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of any data

transmitted to the Site; any transmission that you make is therefore made at your own risk. However, once we have received your data, we will use strict procedures and security features designed to prevent any unauthorised or unlawful access to the same and all information you provide to us will be stored securely.

The Site may, from time to time, contain links to and from the websites of our partner networks, advertisers and affiliates (including, websites on which the App or the Services are advertised). If you follow a link to any of these websites, please note that these websites and any services that may be accessible through them will have their own privacy notices, policies and terms of use and that we do not accept any responsibility or liability for the same (and how they may be applied) or for any personal data that may be collected through those third party websites or services, such as contact and location data. Please check the relevant third party terms, notices and policies before you provide any personal data to those websites or use their services.

### Data retention

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any clinical, legal, accounting, or reporting requirements.

When deciding what the correct time is to keep the data for, we look at its amount, nature and sensitivity, potential risk of harm from unauthorised use or disclosure, the processing purposes, if these can be achieved by other means and legal requirements.

For tax purposes the law requires us to keep basic information about our customers (including Contact, Identity, Financial and Transaction Data) for six years after they stop being customers.

In some circumstances we may anonymise your personal data for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

### Your legal rights

Under data protection laws you have rights in relation to your personal data that include the right to request access, correction, erasure, restriction, transfer, to object to processing, to portability of data and (where the lawful ground of processing is consent) to withdraw consent.

You can see more about these rights at:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

If you wish to exercise any of the rights set out above, please email us at [info@msoft.co.uk](mailto:info@msoft.co.uk).

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive or refuse to comply with your request in these circumstances.

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made several requests. In this case, we will notify you.

If you are not happy with any aspect of how we collect and use your data, you have the right to complain to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). We should be grateful if you would contact us first if you do have a complaint so that we can try to resolve it for you.

### Third party links

This website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy notice of every website you visit.

### Cookies

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly. For more information about the cookies we use, please see our cookie policy – <http://www.sample360.cloud/cookie-policy>

### Your rights

You have several important legal rights regarding the way personal data relating to you is used. You can find more information about your rights on the Information Commissioner's Office website – please see <https://ico.org.uk/for-the-public/>

We have outlined below the key rights which we believe may be relevant to your use of the Site, App, and Service.

If you would like to exercise any of these rights, then please contact us using the contact information provided below. Please note that you may be asked to provide us with reasonable proof of your identity so that we can be sure that we are discussing or providing your personal data with, or to, you (or if someone is making a request on your behalf, we need to check that they have the authority to do so).

### Access to information

You have the right to access certain information we hold about you so that you can be aware of, and verify the lawfulness of, the processing we undertake.

You can exercise your right of access by making what is generally referred to as a 'subject access request'.

We will review each request which we receive and if we agree that we are obliged to provide personal data to you then we will (subject to certain limited exceptions provided under the relevant law) amongst other things: (i) describe it to you; (ii) tell you why we are holding it; (iii) tell you who it could be disclosed to; and (iv) let you have a copy of it (this may include providing an electronic copy).

### Right to have information corrected

If you identify that any personal data that we hold about you is wrong, inaccurate or out of date then you may ask us to correct or update it. Please contact us via the details provided below and we will review each request and respond accordingly.



### Right of erasure and the right to stop or limit our processing of your personal data

The right of erasure is also known as the 'right to be forgotten'. You have the right to ask us to erase data we hold about you. Alternatively, you can ask us to stop or to limit any processing we are undertaking in respect of your personal data. These rights arise if we no longer have a valid reason to do so or if we have held it for too long.

These are not absolute rights but every request we receive will be considered carefully and we will respond accordingly (providing grounds for any decision we make).

### Right to withdraw consent

You are free to withdraw any consent which you have given to us in relation to our use of your personal data at any time. Please note that not all uses which we make of your personal data require your consent (for example, if we need to use that information in order to provide a service you have requested then we do not need your consent in order to do so). If you choose to withdraw consent in respect of Health & Patient Data, then you will no longer be able to use that functionality in respect of the Service.

### Right to object

You have the right to object to the processing of your personal data at any time. This effectively allows you to stop or prevent the processing of your personal data.

An objection may be in relation to all the personal data we hold (as a controller) about you or only to certain information. It may also only relate to a particular purpose we are processing the data for.

You have the right to object where we are processing your personal data for direct marketing purposes by following the opt-out links on any marketing message sent to you or by contacting us at any time. Save in relation to direct marketing communications this is not an absolute right but every request we receive will be considered carefully and we will respond accordingly (providing grounds for any decision we make).

### Right to complain

If you are unhappy about the way in which we have processed your personal data then you have a right to raise the issue or to lodge a complaint with the Information Commissioner's Office – as noted above please see <https://ico.org.uk/for-the-public/> for further details.

### Changes to our privacy notice

We will keep this privacy notice and we may update it from time to time (for example, to reflect changes we might make to our services or to reflect changes in the law or best practice). Any changes we may make to our privacy notice in the future will be posted on this page. We encourage you to visit this page periodically so that you are aware of any changes which have been made. In addition, changes may be notified to you by e-mail or when you next start the App or log onto the Site. The new terms may be displayed on-screen and you may be required to read and accept them to continue your use of the Service.

### Contact Details

If you have any comments or concerns regarding our privacy notice, or the manner in which we handle your personal data or if you would like to exercise any of the rights outline above then please do feel free to contact us by one of the following means:

By post: FAO Data Protection Officer, MSoft eSolutions Ltd, Gateway House, Old Hall Road, Bromborough, Wirral, CH62 3NX, UK

By email: [info@msoft.co.uk](mailto:info@msoft.co.uk)

We will consider your comments and respond accordingly. Please note that if you have a 'support' query (for example you are having issues in accessing the service) then please refer to our support site.