

MONKEY MUSIC LIMITED – PRIVACY NOTICE

1 IMPORTANT NOTICE

This is the Privacy Notice of **Monkey Music Limited** (Company Number **03155505**) whose registered office is at 11/12 Thrales End Business Centre, Thrales End Lane, Harpenden, Hertfordshire, AL5 3NS (“**Monkey Music**”, “**we**”, “**us**” or “**our**”) and sets out how Monkey Music collects and processes your personal data. This Privacy Notice also provides certain information that is legally required and lists your rights in relation to your personal data.

This Privacy Notice relates to personal information identifying you meaning any of our customers and their children or our suppliers or individuals who browse our website and other individuals outside our organisation with whom we interact. We refer to this information throughout this Privacy Notice as “personal data” and paragraph 2 sets out further detail of what this includes.

We take our data protection responsibilities very seriously and we comply with all applicable Data Protection Legislation in force from time to time.

For the purposes of this Privacy Notice, Data Protection Legislation means all of the following (i) the General Data Protection Regulation (Regulation (EU) 2016/679) and the retained version of that Regulation applicable in the UK pursuant to section 3 EU Withdrawal Act 2018 as amended by the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (collectively “GDPR”) and (iii) all laws (whether of the UK or any other jurisdiction) relating to the use, protection and privacy of personal data (including the privacy of electronic communications) which are from time to time applicable and in force in the United Kingdom from time to time including the Data Protection Act 2018.

Please read this Privacy Notice to understand how we may use your personal data.

This Privacy Notice may vary from time to time so please check it regularly. This Privacy Notice was updated on 25th April 2022 to include the details of our payment service providers who may receive your personal data when you make a transaction with us or our franchisees.

2 THE TYPES OF PERSONAL DATA WE COLLECT ON YOU

We may collect, use, store, share and transfer the following types of personal data about you:

- **Individual Data:** this includes personal data which relates to your identity (and that of your child if applicable), such as first name, middle name, last name, username or similar identifier, title, date of birth and gender and your contact details such as your billing address, delivery address, email address and telephone numbers that you provide to us in person, via our

website or by telephone, including the details you supply when establishing a profile on our website (including health-related personal data);

- **Account and Profile Data:** this includes personal data which relates to your account or profile on our website or app, such as your username and password, purchases or orders made by you, your interests, preferences, feedback and survey responses;
- **Audio and Visual Data:** this includes personal data which is gathered using our CCTV or other recording systems in the form of images, video footage and sound recordings that is taken at any of the venues where the Monkey Music activity is carried out or for promotional purposes;
- **Advertising Data:** this includes personal data which relates to your advertising preferences, such as information about your preferences in receiving marketing materials from us and our third parties and your communication preferences;
- **Health Data:** this includes personal data which is gathered for health and safety purposes including any accident report or claim log or any information you provide about allergies or other medical conditions during the booking process or in one of our locations;
- **Sales Data:** this includes personal data which relates to the transactions you have conducted with us, such as details about payments to and from you, details of subscriptions to our Monkey Music Club or publications;
- **Information Technology Data:** this includes personal data which relates to your use of our website, such as your internet protocol (IP) address, login data, traffic data, weblogs and other communication 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 our website; personal data gathered using cookies; and
- personal data you provide when applying to either become a franchise owner, or for a job advertised or to submit a speculative job application and/or your CV.

We may also create personal data about you if you contact us by telephone to make a complaint, for example about our services or goods, then we may make a written record of key details of the conversation so that we can take steps to address the complaint.

We also obtain and use certain aggregated data such as statistical or demographic data for any purpose ("**Aggregated Data**"). Aggregated Data may be derived from your personal data but does not directly or indirectly reveal your identity. For example, we may aggregate your Information Technology Data to calculate the percentage of users accessing a specific feature on our website. However, if we re-combine or re-connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this Privacy Notice.

In addition, we may obtain certain special categories of your data (“**Special Categories of Data**”), and this Privacy Notice specifically sets out how we may process these types of personal data.

The Special Categories of Data are: (i) personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership; and (ii) the processing of genetic data, biometric data for the purposes of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation.

3 THE SOURCES FROM WHICH WE OBTAIN YOUR PERSONAL DATA

We obtain your personal data from the following sources:

- Directly from you, either in person (at our venues or otherwise), via our website, via an email from you or by telephone. This could include personal data which you provide when you:
 - place an order for our products or services;
 - create an account on our website;
 - subscribe to our publications;
 - request information on our products or services or for other marketing to be sent to you;
 - enter into a competition or promotion; and
 - complete a survey from us or give us feedback.
- Automated technologies, such as CCTV or other recording systems, cookies, server logs and other similar technologies. We may automatically collect Information Technology Data about your equipment, browsing actions and patterns by using cookies, server logs and other similar technologies. We may also receive Information Technology Data about you if you visit other websites employing our cookies. Please see our cookie policy for further details.
- Third parties, such as:
 - analytics providers (such as Google, CommuniGator and Hotjar);
 - our provider of customer feedback;
 - advertising networks (such as Facebook);
 - search information providers (such as Google);
 - providers of technical, payment and delivery services (such as YouTube, Rackspace, M Group, Stripe and Opayo); and
 - providers of social media platforms (such as FaceBook, Twitter and Instagram) for example where you share our content through social media, for example by liking us on Facebook, following or tweeting about us on Twitter.

- Publicly available sources, such as Companies House and HM Land Registry.

4 KEY INFORMATION ABOUT YOUR PERSONAL DATA

a. Data controller and contact details

- For the purposes of relevant data protection legislation, we are the controller of the personal data you provide to us and as a controller we use (or 'process') the personal data we hold on you in accordance with this Privacy Notice.
- If you need to contact us in connection with our processing of your personal data, or you wish to amend your consent preferences then you can do so by emailing us at privacy@monkeymusic.co.uk. You can also amend your consent preferences in the Parent Zone if you have registered and created an account with us.

b. How we use your personal data – matters which require your consent

- We would like to use the personal data you provide to us for a variety of different purposes. For certain of these purposes, it is appropriate for us to obtain your prior consent. These are as follows:
 - where, in the provision of our goods and services to you and your child, we need to use the information you provide to us about your child's health;
 - where we would like to use photos or images taken of you or your child in promotional materials;
 - where we have exciting new services and activities which we think you will be interested in; or
 - where an opportunity arises to work for or with Monkey Music.
- We use the consent box mechanism in the Parent Zone to obtain your consent to our using your personal data for the specific purposes set out above. You can choose to give your consent to some or all of these purposes. We will comply with the choices you make.

c. Withdrawing your consent

You may at any time withdraw the specific consent you give to our processing your personal data for those purposes set out in section 4 b above. Please visit the Parent Zone and alter the consent boxes as appropriate. When you change your choices in the Parent Zone our system will automatically update to take this into account. If you have any issues in connection with this process then please do not hesitate to contact us using the details set out above.

d. **How we use your personal data – where your consent is not obtained**

In some instances, we may not obtain your consent to our processing of your personal data and instead we can rely on another lawful basis in order to do so. As an example, this may be because we need to use your personal data in order to provide you with the services or goods you have elected to receive from us (i.e. in the ordinary course of our business), contact you in the case of an emergency or unforeseen circumstances and to improve our service offering to you over time.

These lawful bases are described below, along with the linked purposes for which we will process your personal data:

- i. **To register you as a new customer or supplier or member** of the Monkey Music Club we use Individual Data, Economic and Financial Data and Account and Profile Data. Our legal basis is that the processing is necessary for the performance of a contract with you and for our legitimate interest in the provision of goods and services to our customers.
- ii. **In order to perform our contractual obligations to you.** This would include our: (i) fulfilling orders you have placed for goods or services (including online), (ii) contacting you in relation to any issues with your order or where we need to provide your personal data to our franchisees and their authorised personnel (including, but not limited to, all teachers and administrative personnel) so that they may provide you with such goods or services and communicate with you about them (e.g. where there is a change to the time or location of a class); (iii) collecting and processing payments and recovering money owed. We use Individual Data, Economic and Financial Data and Sales Data for this. Our legal basis is that the processing is necessary for the performance of a contract with you, and our legitimate interest in the provision of goods and services to you and recovering sums owed.
- iii. **In order to comply with our own legal obligations, e.g. health and safety legislation,** or to assist in an investigation (e.g. from the Police) or incident at any of our venues we use Individual Data, Audio and Visual Data and Health Data. The legal basis is the processing is necessary for us to comply with the law, including social protection law in the case of a health and safety incident recorded at any of our venues or in order to protect the vital interests of you or another individual.
- iv. **In order to share your personal data with our franchisees and their authorised personnel** (including, but not limited to, all authorised teachers and administrative personnel) so that we can add your child to the register for each class. We use Individual Data, Economic and Financial Data; and Sales Data for this. Our legal basis is the processing is necessary to perform any contract entered into with you and our legitimate interest and that of our franchisees in the provision of goods and services to you.

v. **In order to use your personal data to operate our business**, but otherwise than in performing our contractual obligations to you (and includes our providing your personal data to our franchisees and their authorised personnel (such as all authorised teachers and administrative personnel) for the same purposes). These would be our **'legitimate interests'** for the purposes of data protection legislation and are as follows:

- notifying winners of online competitions;
- sending you surveys in connection with our goods and services;
- to send you important notices such as communications about changes to our terms and conditions and policies;
- to assist in the investigation of suspected illegal or wrongful activity. This includes exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction;
- to deal with any misuse of the website;
- to provide you with important real-time information (by email, telephone and SMS text message) about classes or services you have booked (e.g. a change of time or location of the class due to unforeseen circumstances);
- to send you information you have requested;
- to deal with your enquiries;
- where you have submitted an application to become a franchise owner or for a job we may for a reasonable period keep your details on file for future reference should a suitable position subsequently become available and we may send you information about job opportunities;
- to develop, deliver and improve our goods or services;
- to help us develop the Monkey Music website to be more useful to you;
- for internal purposes for hosting, research, analysis, testing, monitoring, customer communication, risk management and administrative purposes;
- to protect and defend our rights or property;
- to deal with any misuse of the website;
- to sell, make ready for sale or dispose of our business in whole or in part including to any potential buyer or their advisers; or
- in order to enforce or apply our terms of use, terms and conditions of supply and other agreements with third parties.

We use Account and Profile Data, Individual Data, Advertising and Marketing Data, Audio and Visual Data, Economic and Financial Data for this. The legal basis is that the processing is necessary for the purposes of the legitimate interests pursued by us or by a third party and where such interests are not overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

- vi. In order to use the **health-related personal data** you provide to us about your child in order to **protect the vital interests** of you and your child in situations where you are physically or legally **incapable of giving consent** for us to do so. For example, this would enable us to make this type of personal data available to each of our franchisees and their authorised personnel (such as all authorised teachers and administrative personnel) in situations where we and/or our franchisees are required to comply with a specific legal requirement and there is not time to gain your consent. This would especially be relevant in an emergency situation or simply to enable you to take classes at different venues with different franchisees. We use Individual Data and Health Data for this. The legal basis is this the processing is necessary to protect your vital interests or those of another natural person where you are physically or legally incapable of giving consent and to comply with the law, including social protection law.

5 WHO RECEIVES THE PERSONAL DATA YOU PROVIDE TO US

Except where we have stated otherwise in this Privacy Notice, we do not share your personal data with any third party that is not connected to us. The Monkey Music business operates through a franchise network, so we share the personal data we collect from you with each of our franchisees (who may also share it with their authorised teachers and administrative personnel) so that the franchisees can use your personal data for the purposes to which you have consented via the Parent Zone as well as the purposes set out in the table above.

In addition, we may disclose the personal data you provide to us to:

- our group companies and affiliates or third party data processors who may process data on our behalf for the purposes set out in the table above.
- our PR agency and provider of our App and customer feedback;
- our payment service providers such as Stripe (where you purchase any of our products via our online shop) or Opayo where you make an online booking;
- HMRC, legal and other regulators or authorities, including those who request your personal data or to report any potential or actual breach of applicable law or regulation;
- external professional advisers such as accountants, bankers, insurers, auditors and lawyers;
- law enforcement agencies, courts or other relevant party, to the extent necessary for the establishment, exercise or defence of legal rights;
- third parties where necessary for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties;
- third parties which are considering or have decided to acquire some or all of our assets or shares, merge with us or to whom we may transfer our

business (including in the event of a reorganisation, dissolution or liquidation);

- third parties operating plugins or content (such as Facebook, Twitter, Instagram) on our website which you choose to interact with.

6 PERSONAL DATA ABOUT OTHER PEOPLE WHICH YOU PROVIDE TO US

If you provide personal data to us about someone else (such as your child) you must ensure that you are entitled to disclose that personal data to us and that, without our taking any further steps, we may collect, use and disclose that personal data as described in this Privacy Notice.

Where the individual is not a child you must ensure the individual concerned is aware of the various matters detailed in this Privacy Notice, as those matters relate to that individual, including our identity, how to contact us, the way in which we collect and use personal data and our personal data disclosure practices, that individual's right to obtain access to the personal data and make complaints about the handling of the personal data, and the consequences if the personal data is not provided.

7 ACCURACY OF YOUR PERSONAL INFORMATION

It is important that the personal data we hold about you is accurate and current and we take all reasonable precautions to ensure that this is the case but we do not undertake to check or verify the accuracy of personal data provided by you. Please keep us informed if your personal data changes during your relationship with us either by logging onto your account on the website or by contacting us. We will not be responsible for any losses arising from any inaccurate, inauthentic, deficient or incomplete personal data that you provide to us.

8 TRANSFERS OF YOUR PERSONAL DATA TO OTHER COUNTRIES

It is possible that personal data we collect from you may be transferred, stored and/or processed outside the UK, specifically by Opayo.

We will not transfer your personal data to a third party located outside the UK unless we comply with applicable Data Protection Legislation and ensure that:

- the transfer is to a country approved under the applicable Data Protection Legislation as providing adequate protection; or
- there are appropriate safeguards in place pursuant to the applicable Data Protection Legislation; or
- we otherwise comply with our obligations under the applicable Data Protection Legislation by providing an adequate level of protection to any personal data that is transferred, or one of the derogations for specific situations in the applicable Data Protection Legislation applies to the transfer.

9 HOW LONG WE WILL HOLD YOUR PERSONAL DATA FOR

We will only hold your personal data for so long as is necessary for us to do in accordance with our data retention policy. The time period depends in each case on how each of our customers interact with us, we keep the length of time that we hold your personal data for under continual review. To do this we regularly review the personal data we hold and which of our customers are still attending our classes and activities.

Where we no longer need to process your personal data for the purposes set out in this Privacy Notice then we will delete your personal data from our system. This means that if you or your child does not attend a Monkey Music class for a long period of time and then return to us then we may not have retained your details. In such instances, with our apologies, you may need to register with us again in order to receive our goods and services.

10 WHY SHOULD YOU PROVIDE US WITH PERSONAL DATA?

Your personal data belongs to you and your family and we would like you to be comfortable with the level of information you disclose to us: you do not have to provide us with any personal data if you do not wish to do so.

However, please be aware that we do need to use your personal data in order to fulfil our contractual obligations to you and to provide you with the goods and services you have elected to receive. In creating a profile on our system you are providing us with the basic personal data that we need in order to do this.

Where we ask for your consent to process your personal data, you are free to withdraw any consent you may give. In addition you are entitled to object to any other processing of your personal data we carry out where we do so in accordance with our own legitimate interests, a list of which is set out in the table above (please also see below for a list of your rights in this respect). Please note, however, that where you do withdraw your consent or otherwise object to our processing of your personal data then this may impact our ability to provide you with goods and services (e.g. if we cannot contact you to tell you about a venue change or if you withdraw consent to our using any health-related information you provide about your child).

11 YOUR RIGHTS IN RELATION TO YOUR PERSONAL DATA

We set out below a summary of the rights available to you in connection with your personal data. These rights exist in addition to your ability to withdraw your consent via the Parent Zone to our processing your personal data for those purposes set out above.

a. **Your right to access your personal data in our possession**

You have the right to obtain from us confirmation as to whether or not we are processing your personal data and, where that is the case, access such personal data and be made aware of the information set out in this Privacy Notice in relation to such data.

If you would like to exercise this right, please contact us using the contact details set out above. We do not usually charge for this but if we consider the request to be excessive or involve a disproportionate amount of labour on our part we reserve the right to apply an administration fee of £10 (or the sum permitted under applicable law) to respond to any such request by you.

b. **Your right to have inaccurate personal data rectified**

You have the right to obtain from us the rectification of inaccurate personal data that we hold and which concerns you. We will do this without undue delay. If you would like to exercise this right, please contact us using the contact details set out above.

c. **Right to erasure (“right to be forgotten”)**

You have the right to obtain from us the erasure of personal data that we hold and which concerns you. This right applies in the following circumstances:

- where the relevant personal data is no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- where you withdraw your consent using the mechanism set out above;
- where we have processed your personal data other than in accordance with the purposes set out in this Privacy Notice or unlawfully; or
- where the relevant personal data have to be erased in order to comply with law.

If you would like to exercise this right, please contact us using the contact details set out above. We will do this without undue delay unless there is a legal reason as to why we should not comply with your request.

d. **Right to restriction of processing**

You have the right to restrict the way we process your personal data in the following circumstances:

- if you contest the accuracy of the relevant personal data, we will suspend our processing of your personal data for such a period as we require in order to verify the accuracy of such personal data;
- the processing of the relevant personal data is unlawful and you would prefer that we restrict how we process it rather than delete the data altogether; and

- where we no longer need the relevant personal data for the purposes of processing it, but the personal data are required by you for the establishment, exercise or defence of legal claims.

If you would like to exercise this right, please contact us using the contact details set out above.

e. **Right to object to processing of personal data**

In addition to your ability to withdraw your consent via the Parent Zone, you have the right:

- to object, on grounds relating to your particular situation, that any processing of your personal data that we undertake to which you have not consented but which is necessary for the purposes of our legitimate interests or those of a third party (a list of which is set out above) including profiling based on those provisions. In such instances we will no longer process the relevant personal data unless we can demonstrate to you compelling legitimate grounds for the processing which override your interests, rights and freedoms or for the establishment, exercise or defence of legal claims; and/or
- to object at any time to our processing your personal data for direct marketing purposes, which includes profiling to the extent related to such direct marketing. In such instances we will cease to process your personal data for such purposes.

If you would like to exercise these rights, please contact us using the contact details set out above.

f. **Right to data portability**

You have the right to receive from us the personal data concerning you which you have provided to us, in a structured, commonly used and machine readable format and have the right to transmit those data to another controller without hindrance from us. This right shall include the right to require us to transmit the relevant personal data to another controller on your behalf, where technically feasible.

If you would like to exercise this right, please contact us using the contact details set out above.

g. **Right to lodge a complaint about us to the Information Commissioner**

You are entitled to complain to the Information Commissioner's Office about the way we process your personal data. Please see <https://ico.org.uk/concerns/> for how to do this.

12 **Links to other websites**

This policy only applies to Monkey Music. If you link to another website from the Monkey Music website, you should remember to read and understand that website's privacy policy as well. We are not responsible for any use of your personal data that is made by unconnected third party websites.