

Privacy Notice

The purpose of this notice

In this privacy notice we explain how we will process your personal information obtained through your use of our One Wellbeing mobile app (“**our app**”) and through other interactions with you, for example, when you interact with us.

It is important that you read this privacy notice, together with any other privacy notice we may provide on specific occasions, so that you are fully aware of how and why we are using your data, and what data protection rights you have.

About ART Health Solutions

ART Health Solutions is a provider of data insights to help organisations make decisions that improve employee experience, wellbeing and performance. ART Health Solutions collect data via your wearable technology (Apple Watch, Garmin or Fitbit) and use the data to make recommendations to you to improve your health and wellbeing and produce anonymised health insights to third party organisations.

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Who we are and how to contact us

When we say **we**, **us** or **our** in this privacy notice, we mean ART Health Solutions Ltd, a company incorporated and registered in England and Wales with company number 11211432 and whose registered office is at 3 Airview Park, Woolsington, Newcastle upon Tyne, NE13 8BR.

For the purposes of the Data Protection Legislation, we are the **controller** of your personal data. This means that we are responsible for deciding how we hold and use personal information about you.

Our Data Protection Officer is Richard Bradley. You can contact him at richard.bradley@bulletproof.co.uk.

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Data Protection Legislation

We are committed to protecting your privacy and safeguarding your personal data. Our use of your personal data is subject to the UK General Data Protection Regulation, the UK

Data Protection Act 2018 and other UK privacy laws (together **UK Data Protection Legislation**).

If you are based in the European Union, then our use of your personal data is also subject to the EU General Data Protection Regulation and other EU privacy laws (together EU Data Protection Legislation). (together **Data Protection Legislation**).

When we say **Data Protection Legislation** in this notice, we mean both the UK Data Protection Legislation and the EU Data Protection Legislation.

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Personal data we collect

Personal data means information which relates to an identified or an identifiable individual.

Types of personal data we may collect	Examples
Identity data	title; first name; last name; project ID, date of birth, gender
Contact data	email address;
Usage data	how you use and navigate our app;
Professional data	job title; name of business or organisation; professional credentials; professional contact details
Communication data	details of enquiries submitted by you through our app or emailed to us; information collected via the app or via Microsoft Forms in relation to your workplace experience, mental wellbeing and environmental satisfaction;
IT data	logins and usernames to our portals; encrypted passwords;
Special category data	health data such as heart rate, daily steps, calories burned, sleep quality, duration and stages (collected via wearable technology devices belonging to you ie. Fitbit, Garmin and Apple Health connected to our app); cognitive performance data such as distractibility, memory and decision making collected via our app; reports generated by us using the special category data set out here;
Technical data	your IP address; your general geographic location based on your IP address; your time zone setting; the type of device you use and its operating system and version; your browser type; the platform you use and other technology on the devices you use to access our app; the pages you view on our app and how you interact with that content;

Special categories of data

We collect certain special categories of personal data about you, including information about your health, and genetic and biometric data. More specifically we collect the following:

Special category of personal data	Specifics
Health data	Heart rate, daily steps, calories burned, sleep quality, duration and stages, mental wellbeing
Cognitive performance data	Distractibility, memory and decision making

The aforementioned data is either collected via:

- a) your wearable technology devices (ie. Fitbit, Garmin and Apple Watch) that are connected to our app; and/or
- b) surveys that you complete and return to us; and/or
- c) tasks that you complete on our app.

Lawful bases for processing special categories of data

Under the Data Protection Legislation, we can only use special category personal data if we have a proper reason for doing so, for example: explicit consent, vital interests, employment etc.

We rely on **explicit consent** to process the special categories of data set out above. Consent shall be obtained on signing up to our app. If you decide to withdraw your consent at any stage of the project, then you may do so by emailing us at info@arthealthsolutions.com.

Where you provide us with your **explicit consent**, we may process the following sensitive personal data for the below specific purposes:

Special category of data	Specific purposes for processing special category data
Health data and cognitive performance data	<ul style="list-style-type: none">• to make recommendations to you on how you can improve your health and wellbeing; and• to provide anonymised health and wellbeing insights to third parties.

You have the right to withdraw consent at any time by emailing us at info@arthealthsolutions.com.

Anonymised data

We may also collect, use and share anonymised, aggregated data (including anonymised health and wellbeing data) for any purpose including marketing, scientific research, statistical or machine learning purposes. Anonymised data may be derived from your personal data but is not considered personal information in law as this information does not directly or indirectly reveal your identity. For example, we may aggregate information on how you use our website and/or app to calculate the percentage of users accessing a specific website and/or app feature.

Children's data

We do not provide goods or services to children or collect their personal data. If you believe that we have received information relating to or from persons under the age of 18 please contact us at info@arthhealthsolutions.com. If we become aware that a person under the age of 18 has provided us with personal information, we will take steps to delete such information.

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How we collect personal data

We collect most of this information from you direct. However, we may also collect information from other sources.

Type of source	Examples
Your use of our mobile app and services	when you create an account on our app; when you use our app services; when you buy our products or services; when you submit an enquiry or feedback to us or complete our survey; when you sign up to our mailing list; when you post any information or materials on our app.
Wearable technology hardware (Apple, Garmin, Fitbit)	when you use Apple, Garmin or Fitbit wearable technology that is registered to our app (for example, if you have an Apple Watch and you have granted our app access to your Apple Health data, then we will request data every time you open the Apple Health app. If you have a Fitbit or Garmin wearable, then data is collected via an API);
Direct interactions with you	when you contact us (e.g. by phone or email);
Automated technologies or interactions	as you interact with our app/portal and advertisements, we may automatically collect technical data (as described in section <i>The personal data we collect</i> above). We collect this personal data by using cookies, server logs and other similar technologies. For further details, please see our Cookies Notice .

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How and why we use personal data

Under the Data Protection Legislation, we can only use your personal data if we have a proper reason for doing so, for example: consent, contract, legitimate interests, or legal obligation.

1. **Contract.** We will use your personal data if we need to do it to perform our obligations under a contract with you, or if it is necessary for a contract which we are about to enter with you. For example, if we need to:
 - register you as a new customer and administer your account;
 - provide our products/services to you including processing your health and wellbeing data so long as you have also provided explicit consent for us to do so;
 - manage our relationship with you (e.g. to respond to your enquiries or to notify you about changes to our products/services);
 - provide technical support.

2. **Consent.** We rely on consent as a legal basis for processing your personal data to:
 - place cookies and similar tracking technologies on your device (for further details please see our [Cookies Notice](#)); and
 - send you our blogs, newsletters or other electronic marketing communication if you are not our existing customer or if you request or expressly agree to receive such communication.

Where your permission is required, we will clearly ask you for such consent separately from the body of this privacy notice.

You have the right to withdraw consent by:

- emailing us at info@arthealthsolutions.com;
- changing your privacy settings within your account on our app;
- in case of marketing emails, by using the 'unsubscribe' link in our marketing emails; or
- in case of cookies, by using the cookie preferences settings on our app.

Even if we are not required to obtain your consent for marketing purposes, you can still opt-out of receiving marketing communications at any time, so you are still in control.

From time to time, we may ask you to confirm or update your marketing preferences.

3. **Legitimate interests.** We may process your personal data when we (or a third party) have a legitimate reason to use it, so long as this is not overridden by your own rights and interests. For example:
 - to administer and protect our business and our app (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data);
 - to manage your account and our relationship with you;

- to deal with your enquiry unrelated to a contract which we may have with you;
- to ask you to leave a review or complete a survey;
- to send you our email updates or other electronic marketing communications if you are our existing client;
- to increase our business or promote our brand through delivering relevant app content, advertisements, and marketing communications to you;
- to measure or understand the effectiveness of the advertising we provide to you;
- to improve our app/portal, products, services, marketing, and customer relationships;
- for the prevention and detection of fraud and spam; and
- for the establishment, exercise or defence of our rights under our contract with you and/or legal claims.

4. Legal obligation. We may process your personal data to comply with our legal obligation. For example, to:

- notify you about changes to our terms or privacy notice;
- address your complaint; and
- comply with a request from a competent authority.

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Marketing

Our marketing emails

We may send you emails about our products if you are our existing customer (on the basis of our legitimate interests) or, if you are our prospective customer, when you expressly agree to that (for example, by signing up to our newsletter).

Cookies and similar technologies

We may also use cookies and similar tracking technologies (for example tracking pixels in our marketing emails and website/app advertisements) and analytics services (such as Google Analytics) to collect information about your use of our app, services and your interactions with our marketing emails and advertisements.

We will ask for your consent to the use of non-essential cookies, including third party cookies. You can find further information about the cookies used on our website and the purposes they are used for by reading our [Cookies Notice](#).

Right to withdraw consent or to object to processing

You can always ask us to stop using your personal information for marketing purposes by:

- emailing us at info@arthealthsolutions.com;
 - changing your marketing preferences within your account on our app;
 - in case of marketing emails, by using the 'unsubscribe' link in our marketing emails;
- or

- in case of cookies, by using the cookie preferences settings on our app.

From time to time, we may ask you to confirm or update your marketing preferences.

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Who we share personal data with

We may share your information with third parties for the purposes set out in this notice.

IT and technology

We share data with providers of IT, digital, and technology products and services, which we use to operate our business:

- *Cavurin Ltd, who manage our backend system (Cipher), although all the data remains on our servers;*
- *Activity Pro, who manage our mobile app and its backend system, although all the data remains on our servers;*
- *MailGun, who are used to send our password reset emails for our mobile app;*
- *OneSignal, who are used to send out our push notifications from our mobile app.*

We impose contractual obligations on the above providers to ensure that your personal data is protected.

Other sharing

We may also:

- share your personal data with members of our staff;
- disclose your personal data to professional advisers (e.g. lawyers, accountants, auditors or insurers) who provide professional services to us;
- disclose your personal data to certain third parties if specifically requested or agreed with you (e.g. if you ask us to introduce you to a third party);
- disclose and exchange certain information with law enforcement agencies and regulatory bodies to comply with our legal obligations; and
- share some personal data with other parties, such as potential buyers of some or all of our business, potential investors, or group companies if our business undergoes a corporate re-structure.

Such data recipients will be bound by confidentiality obligations.

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International data transfers outside the United Kingdom

Transfers of personal data outside the United Kingdom are subject to special rules under the UK Data Protection Legislation.

If you are based outside the United Kingdom, we may receive and transfer your personal data directly to you to the country where you are based.

We may also transfer your personal data to providers based in the Republic of Ireland or other countries in the European Economic Area (**EEA**). The UK Government has recognised

the EEA as providing an appropriate level of protection to the data protection rights of individuals.

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International data transfers if you are based in the European Economic Area

Transfers of personal data of individuals based in the EEA outside the EEA are subject to special rules under the EU Data Protection Legislation.

We may receive your personal data from Microsoft Azure servers which are based in the European Economic Area (**EEA**). We have entered into the standard contractual data protection provisions (**Standard Contractual Clauses**) with those parties. The Standard Contractual Clauses are one of the appropriate data transfer safeguards specified in the EU Data Protection Legislation.

For information on who we may transfer your data outside the United Kingdom, please see section 'International data transfers outside the United Kingdom'.

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How long we keep personal data

We will only retain your personal data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.

To determine the appropriate retention period for personal data, we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.

For example:

- we are required to keep accounting records for seven years for tax audit purposes;
- if you sign up to our app, we will keep your data until you close your account on our app;
- if you subscribe to our updates, we will hold your data for that purpose until you unsubscribe or otherwise tell us that you no longer wish to receive such communications; or
- if you request that your data be deleted, we will start that process straight away and typically takes up to 4 months to complete.

We may also anonymise your personal data (so that it can no longer be associated with you) for analytics, research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

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Your rights

You have a number of rights in relation to your personal data, which allow you to access and control your information in certain circumstances. You can exercise these rights free

of charge, unless your request is manifestly unfounded or excessive (in which case we may charge a reasonable administrative fee or refuse to respond to such request).

Your right	Explanation
Access	This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
Rectification	The right to require us to correct any inaccuracies in your personal data.
Erasure (to be forgotten)	The right to require us to delete your personal data in certain situations.
Restriction of processing	The right to require us to restrict processing of your personal data in certain circumstances (e.g. if you contest the accuracy of the data we hold).
Data portability	The right to receive, in certain situations, the personal data you provided to us, in a structured, commonly used and machine-readable format and/or transmit that data to a third party.
To withdraw consent	The right to withdraw your consent, if we rely on your consent to use your information.
To object	The right to object at any time to your personal data being processed for direct marketing (including profiling) or, in certain other situations, to our continued processing of your personal data (e.g. processing carried out for the purpose of our legitimate interests).
Not to be subject to automated individual decision-making	The right not to be subject to a decision based solely on automated processing (including profiling) that produces legal effects concerning you, or similarly significantly affects you.

If you would like to exercise any of those rights, please contact us at info@arthealthsolutions.com. Please let us know what right you want to exercise and the information to which your request relates.

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Information security

We have appropriate security measures to prevent personal data from being accidentally lost or used or accessed unlawfully. We limit access to your personal data to those who have a genuine business need to access it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

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Complaints

We hope that our Data Protection Officer can resolve any query or concern you may raise about our use of your information. You may contact our Data Protection Officer by using the contact methods set out in the *How to contact us* section of this privacy notice.

The Data Protection Legislation also gives you a right to lodge a complaint with a supervisory authority, in the country where you work, normally live or where any alleged infringement of data protection laws has occurred. The supervisory authority in the United Kingdom is the Information Commissioner, who may be contacted at <https://ico.org.uk/make-a-complaint/>, telephone on 0303 123 1113, or by post to: Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

We would, however, appreciate the chance to deal with your concerns before you approach the supervisory authority, so please contact us in the first instance.

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Changes to this privacy notice

This privacy notice was last updated on 26/05/2023.

We may change this privacy notice from time to time; when we do, we will publish the new version of the privacy notice on our website. If you are our customer, we may also inform you via email or post.

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