

Leask Photography - Privacy Policy

Last updated: 19 June 2019

Thank you for your interest in Leask Photography ("Leask Photography", "we," or "us"), our web site at <https://leask.photography> ("our site" or "our website"), and other services provided by us and on which a link to this Privacy Policy is displayed, and all other communications with individuals through from written or oral means, such as email or phone (collectively, together with our website, our "Service" or "Services").

This Privacy Policy ("Policy") describes the information that we gather on or through the Services, how we use and disclose such information, and the steps we take to protect such information. By visiting our website, or by purchasing or using our Services, you accept the privacy practices described in this Policy.

This Policy is part of, and is subject to, the Leask Photography Terms of Service.

1. Definitions

"Client" or "Customer" means a customer of Leask Photography.

"Client Data" means personal data, reports, addresses, digital images and other files, folders or documents in electronic form relating to a Client or a Client's event and managed by us.

"Personal Data" means any information relating to an identified or identifiable natural person.

"Photographic Data" means photographs, including those which contain images of individuals.

"Public Area" means an area of the Service that can be accessed both by Users and Visitors, without needing to log in.

"Restricted Area" means an area of the Service that can be accessed only by Users, and where access requires logging in.

"User" means an employee, agent, or representative of a Client, who primarily uses the restricted areas of the Service to access the Service in that capacity.

"Visitor" means an individual other than a User, who uses the public area, but is not a User and who has no access to the restricted areas of the Service.

2. The information collected from operating our Service

We collect different types of information from or through the Service. The legal bases for our processing of personal data are primarily that the processing is necessary for providing the Service in accordance with our Terms of Service, and that the processing is

carried out in Leask Photography's legitimate interests, which are further explained in the sections "How we use the information we collect" and "Lawful bases for processing Personal Data" of this Policy. We may also process data upon your consent, asking for it as appropriate.

Type of Data	Description
User-provided Information	<p>A Visitor, User or Client may provide, and we may collect, Personal Data. Examples of Personal Data include names, email addresses, postal address, phone numbers.</p> <p>Personal Data may also include other information, such as geographic area or preferences, when any such information is linked to information that identifies a specific individual.</p> <p>You may provide us with Personal Data in various ways. For example, when you purchase a product online, or when you provide contact details on a phone call, a contact form, or by providing a business card.</p>
Photographic Archives	<p>As our core business is photography of people, we collect Photographic Data (i.e. images of individuals).</p> <p>Typically, Photographic Data is collected as follows:</p> <ul style="list-style-type: none"> - At public performance events and the related rehearsals, for example where we have been commissioned by a Client to photograph their event and to subsequently make the photographs available for sale, typically to the Client, the performers, their families and related purchasers. - In private photography sessions, where we have been commissioned by a Client to provide photographic services for private use. <p>As we regularly photograph events with young performers, the Photographic Data we collect may include images of children as well as adults.</p>
Information collected automatically	<p>When a User or Visitor uses the Service, we may automatically record certain information from their device by using various types of technology, including cookies and "web beacons".</p> <p>This "automatically collected" information may include IP address or other device address or ID, web browser and/or device type, the web pages or sites visited just before or just after using the Service, the pages or other content the User or Visitor views or interacts with on the Service, and the dates and times of the visit, access, or use of the Service.</p> <p>We also may use these technologies to collect information regarding a Visitor or User's interaction with email messages, such as whether the Visitor or User opens, clicks on, or forwards a message.</p>
Information from other sources	<p>We may obtain information, including Personal Data, from third parties and sources other than the Service, such as our partners, advisors, and credit rating agencies.</p> <p>If we combine or associate information from other sources with Personal Data that we collect through the Service, we will treat the combined information as Personal Data in accordance with this Policy.</p>

We do not purchase "lists" of data from data vendors. We do not process any special categories (racial or ethnic origin; political, religious or philosophical beliefs; trade union membership; genetic, biometric, health or sexual information) of Personal Data.

3. How we use the information we collect

We use the information that we collect in a variety of ways in providing the Service and operating our business, including the following:

Purpose	Description
Service provision	<p>We use the information we collect to</p> <ul style="list-style-type: none"> • operate, maintain, enhance and provide all features of the Service, • to provide the photographic services and information that our Clients, Users and Visitors expect from us, • to respond to comments and questions and • to provide support to users of the Service.
Promotional Activity	<p>We may use Photographic Data for the purposes of promoting our services. Photographic Data from public events (including related rehearsals) may be used on various digital channels (including social media and email) to publicly promote our Service and to announce the availability of the event photographs for purchase. Photographic Data from private events is used in accordance with our Terms of Business and any Model Release agreements which might be established separately.</p>
Improvements	<p>We use the information, to understand and analyse the usage trends and preferences of our Clients, Users and Visitors, to improve the Service, and to develop new products, services, features, and functionality.</p>
Communications	<p>We may use a Client's, Visitor's or User's email address or other information to contact that Visitor or User</p> <ul style="list-style-type: none"> • for administrative purposes – such as customer services, support services, or billing notifications regarding their use of the Service, • for contractual purposes – such as notification to existing Clients of changes or enhancements to the Service, and • for marketing purposes – such as updates on promotions and events, relating to products and services offered by us and by third parties we work with. You can opt-out of receiving any marketing communications of this nature as described below under “Your Choices.”
Cookies and Tracking Technologies	<p>We use automatically collected information and other information collected on the Service through cookies and similar technologies to:</p> <ul style="list-style-type: none"> • personalize our Service, such as remembering a User's or Visitor's information so that the User or Visitor will not have to re-enter it during a visit or on subsequent visits, • provide customized advertisements, content, and information, • monitor and analyse the effectiveness of our Service and third-party marketing activities, • monitor aggregate site usage metrics such as total number of visitors and pages viewed, and • track your entries, submissions, and status in any promotions or other activities on the Service. <p>You can obtain more information about cookies by visiting http://www.allaboutcookies.org.</p>

Purpose	Description
Analytics	<p>We use Google Analytics to measure and evaluate access to and traffic on the Public Area of the Site.</p> <p>Google operates independently from us and has its own privacy policy, which we strongly suggest you review. Google may use the information collected through Google Analytics to evaluate Users' and Visitors' activity on our Site. For more information, see Google Analytics Privacy and Data Sharing https://support.google.com/analytics/answer/6004245.</p> <p>We take measures to protect the technical information collected by our use of Google Analytics. The data collected will only be used on a need to know basis to resolve technical issues, administer the Site and identify visitor preferences, and in this case, the data will be in non-identifiable form. We do not use any of this information to identify Visitors or Users.</p>

We do not undertake any profiling of Personal Data we collect.

4. Lawful bases for processing Personal Data

Type of Data	Description
User-provided Information	<p>Leask Photography is the Data Controller for this Personal Data.</p> <p>Our view is that the lawful basis for the processing of this data is Contractual: we need to process the data to service our contracts or to service pre-contractual requests. Contract performance could not reasonably be undertaken without this processing of Personal Data.</p>
Photographic Archives	<p>Leask Photography is the Data Controller for this Photographic Data.</p> <p>Our view is that the lawful basis for the processing of Photographic Data from public events (and related rehearsals) is Contractual: we need to process the Photographic Data to service our contracts with our Clients or to service their pre-contractual requests. We also have a Legitimate Interest: we need to process the photographic data to provide the services our Clients, their performers and their families would expect. In this respect, a Legitimate Interests Assessment has been prepared and is attached at the end of this document.</p> <p>Our view is that the lawful basis for the processing of Photographic Data from private photography sessions is Contractual: we need to process the Photographic Data to service our contracts or to service pre-contractual requests. Contract performance could not reasonably be undertaken without this processing of Photographic Data.</p>
Information collected automatically	<p>Leask Photography is the Data Controller for this Personal Data.</p> <p>Our view is that the lawful basis for the processing of this data is Consent: we need the consent of the data subject to process the data in order to measure, typically in aggregate, the performance of our services.</p>
Information from other sources	<p>Leask Photography is the Data Controller for this Personal Data.</p> <p>Our view is that the lawful basis for the processing of this data is Contractual: we need to process the data to service our contracts or to service pre-contractual requests. Contract performance could not reasonably be undertaken without this processing of Personal Data.</p>

5. To whom we disclose information

Except as described in this Policy, we will not intentionally disclose Personal Data that we collect or store on the Service to third parties without the consent of the applicable Visitor, User or Client.

We may disclose information to third parties if you consent to us doing so, as well as in the following circumstances:

Scenario	Description
Unrestricted information	Any information that you voluntarily choose to include in a Public Area of the Service, such as a public profile page, will be available to any Visitor or User who has access to that content.
Photographic Data	<p>Photographic Data may be disclosed in several ways.</p> <p>The most common situation is that Photographic Data may be disclosed via our website, in password protected galleries, to Clients, Users and Visitors who have provided the correct password for each individual gallery.</p> <p>Photographic Data may also be disclosed as follows:</p> <ul style="list-style-type: none"> • directly to our Clients, allowing them to access the photographs we took as part of our contract with them. • Publicly, via our social media channels, websites or other portfolio materials, or any other part of the Service, for the purposes of promoting our services, or as allowed by our Terms of Business and any Model Release forms. • Privately, to third party photographic service providers, for example for the purposes of printing photographs.
Our other service Providers	<p>We work with third party service providers who provide development, hosting, maintenance, email management, file storage, payment services and other professional services for us which are integral to the provision of our Service. These third parties may have access to, or process, the Personal Data we collect as part of providing their services to us.</p> <p>We limit the information provided to these service providers to that which is reasonably necessary for them to perform their functions. For example, our accountants would reasonably be expected to have access to a Client's billing-related Personal Data, but not to the Client's Photographic Data.</p> <p>Our contracts with our service providers require them to maintain the confidentiality of such information.</p>

Scenario	Description
Law Enforcement, Legal Process and Compliance	<p>We may disclose Personal Data, Photographic Data or other information if required to do so by law, or in the good-faith belief that such action is necessary to comply with applicable laws, or in response to a valid court order, judicial or other government subpoena or warrant, or to otherwise cooperate with law enforcement or other governmental agencies.</p> <p>We also reserve the right to disclose Personal Data or other information that we believe, in good faith, is appropriate or necessary to</p> <ul style="list-style-type: none"> • take precautions against liability • protect ourselves or others from fraudulent, abusive, or unlawful uses or activity • investigate and defend ourselves against any third-party claims or allegations • protect the security or integrity of the Service and any facilities or equipment used to make the Service available • protect our property or other legal rights, enforce our contracts, or protect the rights, property, or safety of others.
Change of ownership	<p>Information about Users and Visitors, including Personal Data and Photographic Data, may be disclosed and otherwise transferred to an acquirer, successor or assignee as part of any merger, acquisition, debt financing, sale of assets, or similar transaction, as well as in the event of an insolvency, bankruptcy, or receivership in which information is transferred to one or more third parties as one of our business assets and only if the recipient of the User or Visitor Data commits to a Privacy Policy that has terms substantially consistent with this Privacy Policy.</p> <p>Client Data may be physically or electronically transferred to an acquirer, or successor or assignee as part of any merger, acquisition, debt financing, sale of assets, or similar transaction, as well as in the event of an insolvency, bankruptcy, or receivership in which information is transferred to one or more third parties as one of our business assets, for the sole purpose of continuing the operation of the Service, and only if the recipient of the Client Data commits to a Privacy Policy that has terms substantially consistent with this Privacy Policy.</p>

6. Your Choices

6.1 Access, Correction, Deletion

We respect your privacy rights and will provide you with reasonable access to the Personal Data that you may have provided through your use of the Services.

If you wish to access or amend any Personal Data we hold about you, or to request that we delete or transfer any information about you, you may contact us as set forth in the “How to Contact Us” section. At your request, we will have any reference to you deleted or blocked in our database.

Please note that while any changes you make will be reflected in active databases instantly or within a reasonable period of time, your information may

be retained for purposes of backups, archiving, prevention of fraud and abuse, analytics, satisfaction of legal obligations, or where we otherwise reasonably believe that we have a legitimate reason to do so.

You may decline to share certain Personal Data with us, in which case we may not be able to provide to you some of the features and functionality of the Service.

At any time, you may object to the processing of your Personal Data, on legitimate grounds, except if otherwise permitted by applicable law. If you believe your right to privacy granted by applicable data protection laws has been infringed upon, please contact Leask Photography at cameron@leask.photography. You also have a right to lodge a complaint with data protection authorities.

6.2 Analytics

You may opt out from the collection of navigation information about your visit to the Site by Google Analytics by using the Google Analytics Opt-out feature <https://tools.google.com/dlpage/gaoptout>.

6.3 Opting out from Commercial Communications

If you receive marketing communications from us, you may unsubscribe at any time by following the instructions contained within the email or by sending an email to the address provided in the “How to Contact Us” section.

Please be aware that if you opt-out of receiving marketing email from us, you will continue to receive administrative and contractual messages from us regarding the Service.

6.4 Subject Access Requests

You have a right to make a Subject Access Request. Requests will be fulfilled within 30 days of us receiving your request. You can make a request by emailing cameron@leask.photography and using “Subject Access Request” as the subject line. Data you have transferred to us can be made available for this purpose, providing it is still stored by us.

There may be costs associated with your Subject Access Request, for example if you require copies of every image we hold of you, as it can take significant time and resource to respond to a request of this nature. These costs will be made clear to you when you make your request.

7. Third-Party Services

The Service may contain features or links to web sites and services provided by third parties. A typical example of this would be an embedded YouTube video. Any information you provide on third-party sites or services is provided directly to the

operators of such services and is subject to those operators' policies, if any, governing privacy and security, even if accessed through the Service.

Leask Photography is not responsible for the content or privacy and security practices and policies of third-party sites or services to which links or access are provided through the Service. We encourage you to learn about third parties' privacy and security policies before providing them with information.

8. Use of Cookies

The following types of cookies are used in the Service:

Scenario	Description
Strictly necessary, or essential cookies	These cookies are essential in order to enable you to move around the website and use its features, such as accessing secure areas of the website. Without these cookies services you have asked for cannot be provided. These cookies don't collect information that identifies a visitor.
Performance cookies	These cookies collect information about how visitors use a website, for instance which pages visitors go to most often, and if they get error messages from web pages. These cookies don't collect information that identifies a visitor. All information these cookies collect is aggregated and therefore anonymous. It is only used to improve how a website works.
Functionality cookies	These cookies allow the website to remember choices you make (such as your user name, language or the region you are in) and provide enhanced, more personal features. For instance, a website may be able to provide you with local weather reports or traffic news by storing in a cookie the region in which you are currently located. These cookies can also be used to remember changes you have made to text size, fonts and other parts of web pages that you can customise. They may also be used to provide services you have asked for such as watching a video or commenting on a blog. The information these cookies collect may be anonymised and they cannot track your browsing activity on other websites.

9. Minors and Children's Privacy

Protecting the privacy of young children is especially important, and we recognise that a substantial component of our business relates to the photography of children. Our Service of selling photographs is not directly targeted to children, but we do recognise that children are a substantial component of our audience.

We do not knowingly collect Personal Data from children under the age of 13 without obtaining parental consent. If we learn that Personal Data has been collected on the Service from persons under 13 years of age and without verifiable parental consent, then we will take the appropriate steps to delete this information.

If you are a parent or guardian and discover that your child under 13 years of age has obtained an Account on the Service, or you have any concerns about our Services in

relations to your child's privacy, then you may contact us by sending an email to the address provided in the "How to Contact Us" section.

10. Data Security

We follow generally accepted industry standards to protect the information submitted to us, both during transmission and once we receive it. We maintain administrative, technical and physical safeguards to appropriately protect Personal Data against accidental or unlawful destruction, accidental loss, unauthorized alteration, unauthorized disclosure or access, misuse, and any other unlawful form of processing of the Personal Data in our possession.

This includes, for example,

- the use of firewalls to restrict access to services
- password protection and other access and authentication controls
- SSL technology to encrypt data during transmission through public internet
- Use of file encryption and encrypted storage technologies

However, no method of transmission over the Internet, or method of electronic storage, is 100% secure. We cannot ensure or warrant the security of any information you transmit to us, and you do so at your own risk. We also cannot guarantee that such information may not be accessed, disclosed, altered, or destroyed by breach of any of our physical, technical, or managerial safeguards.

If you believe your Personal Data has been compromised, please contact us as set forth in the "How to Contact Us" section.

If we learn of a security systems breach, we will inform you and the authorities of the occurrence of the breach in accordance with applicable law.

11. Data Retention

We only retain the Personal Data collected from a User for as long as that Client's account is active or otherwise, and thereafter for a limited period as long as we need it to fulfil the purposes for which we have initially collected it, unless otherwise required by law.

We will retain and use information as necessary to comply with our legal obligations, resolve disputes, and enforce our agreements as follows:

Scenario	Retention policy
Photographic Data	<p>Images in our photographic archives are kept for a minimum of 10 years.</p> <p>For operational reasons some of the images in our photographic archives may be marked as discarded. Discarded images are reviewed periodically and may be deleted at any time, normally within 6 months of capture.</p> <p>Deleted images may continue to exist in backups for up to 12 months beyond deletion.</p>

Scenario	Retention policy
Analytics data	Where Google Analytics collects data associated with cookies, user identifiers, or advertising identifiers, this can be regarded as Personal Data and is deleted 26 months after the most recent interaction.
Other data	All records of our Service, including (but not limited to) emails, financial & contractual records, and other communication logs, are retained in accordance with the relevant business law (e.g. https://www.gov.uk/running-a-limited-company/company-and-accounting-records) and for a minimum of 7 years.

In very limited circumstances, a small proportion of records may be deemed to be of permanent legal or historical significance and will be stored on a permanent basis.

1 2. Settings

Although we may allow you to adjust your privacy settings to limit access to certain Personal Data, please be aware that no security measures are perfect or impenetrable. We are not responsible for circumvention of any privacy settings or security measures on the Service.

Additionally, we cannot control the actions of other users with whom you may choose to share your information. Further, even after information posted on the Service is removed, caching and archiving services may have saved that information, and other users or third parties may have copied or stored the information available on the Service. We cannot and do not guarantee that information you post on or transmit to the Service will not be viewed by unauthorized persons.

1 3. Data Transfer

We may transfer, process and store Personal Data we collect through the Services in centralized databases and with service providers located in the EU and in other countries. Other countries may not have the same data protection framework as the country from which you may be using the Services.

If we transfer Personal Data to service providers in non-EU countries, we will ensure the Personal Data is protected by us as described in this Privacy Policy and we will ensure that the service providers concerned are working with us under GDPR-compliant processing agreements.

1 4. Data Controller and Data Processor

Cameron Leask, on behalf of Leask Photography, is registered as a Data Controller with the UK Information Commissioner's Office, registration number ZA349936.

Except as provided in this Privacy Policy, Leask Photography does not independently cause Client Data containing Personal Data stored in connection with the Services to be transferred or otherwise made available to third parties, except to third party

subcontractors who may process such data on behalf of Leask Photography in connection with our provision of Services to Clients. Such subcontractors are required to have a written data processing agreement with Leask Photography, demonstrating their compliance with the requirements of GDPR.

The Client or the User is the data controller under the Regulation for any Client Data containing Personal Data, meaning that the Client or User controls the way such Personal Data is collected and used, as well as the determination of the purposes and means of the processing of such Personal Data.

1 5. Changes and updates to this policy

This Policy document may be updated from time to time. If we modify the Policy, we will make it available through the Service, and indicate the date of the latest revision, and will comply with applicable law.

Your continued use of the Service after the revised Policy has become effective indicates that you have read, understood and agreed to the current version of the Policy.

1 6. How to contact us

Please contact us with any questions or comments about this Policy, your Personal Data, our use and disclosure practices, or your consent choices by emailing cameron@leask.photography

Leask Photography

Legitimate Interests Assessment

Legitimate Interests Assessment originally completed by Cameron Leask, 7 May 2018
Last reviewed and updated: 19 June 2019

Purpose of processing

This Legitimate Interests Assessment covers our **processing of Photographic Data from public events (and any related rehearsals)**.

In practice, this typically applies to event photography where:

- Leask Photography has been asked by the event organiser to take photographs
- We have no practical mechanism to contact each individual (or, in the case of children, their parents/guardians) attending the event who might appear in the photographs of the event (collectively these individuals are referred to below as the “subjects”)
- We therefore have no way to directly collect consent from those individuals, but we are contracted to provide photography services.

Our Assessment is as follows:

Test	Considerations
Purpose test	<p>We process this data in order to be able to provide photographic services to the event organiser.</p> <p>We will benefit from this (a) by receiving a fixed fee or similar remuneration from the event organiser and/or (b) by selling copies of the photographs to the subjects.</p> <p>Apart from Leask Photography, the event organiser, and the subjects, nobody else benefits from the photography services. There are no wider public benefits.</p> <p>If the photography services are not provided then the event will not be photographed meaning that there is no visual record of the event, which will be detrimental to the event organiser and potentially also to the subjects.</p> <p>Leask Photography performs no profiling or other data analysis based on the photographic data. Other laws are being complied with.</p> <p>Data processing is completed by staff with relevant PVG/disclosure certificates and photographs are used solely for the purposes of the contract with the event organiser.</p>

Test	Considerations
Necessity test	<p>This processing is essential to the provision of event photography services to the event organiser.</p> <p>The processing is proportionate to this purpose and limited only to preparing and selling the images as per the contract with the Event Organiser.</p> <p>If the processing is not undertaken then the purpose cannot be achieved.</p> <p>The purpose cannot be achieved by processing less data or processing the same data in a different or less intrusive way.</p>
Balancing test	<p>Considering the Nature of the Personal Data:</p> <ul style="list-style-type: none"> - This processing activity does not meet any of the tests on the ICO's Data Protection Impact Assessment Checklist and a DPIA is therefore not required. - The data being processed is not in a special category or related to criminal offences. - The data being processed is photographic and is not correlated to any other data source or database. - The data being processed may include pictures of children (e.g. performing in a dance display). The data does not otherwise relate to vulnerable people. <p>Considering Reasonable Expectations:</p> <ul style="list-style-type: none"> - We may have an existing relationship with the subjects (for example if we have previously sold photographs to the subjects, e.g. from previous similar events) but for the purposes of this Legitimate Interests Assessment we have assumed that we do not have an existing relationship. - The photographic data will be collected at an event where the event organiser has notified the subjects that a photographer will be present (this is part of our standard event photography contracts). - The subjects will usually, but not always, be aware that their photograph is being taken. - Data is not obtained from third parties: Leask Photography takes the photographs and therefore collects the data. - Data is collected at the event being photographed. It is not correlated with other data sources (e.g. photographs from other events). - The intended purpose of event photography is widely understood by event organisers and subjects. There is no new or innovative data analysis being performed. - It is common for events to be photographed. <p>Considering Likely Impact:</p> <ul style="list-style-type: none"> - The possible impact on the subjects is limited to the sale of an image of themselves to the event organiser and, if the contract for photography services allows it, the use of the image by the event organiser and/or by Leask Photography in the promotion of their services. Subjects may also be able to access the photographs of other subjects from the same event. - Individuals will not lose control of their personal data. The worst-case scenario is that a photograph is acquired by another subject from the same event. - Since 2008 we have encountered four individuals who did not want their photographs to be available online. Our processing steps include stages to allow subjects to opt out of being photographed if possible. If it is not

Test	Considerations
	<p>possible, we also have process steps to identify and remove any such pictures from the photographic data as soon as possible after an event.</p> <ul style="list-style-type: none"> - An individual can contact us at any time to request removal as per our privacy policy. We publish our privacy policy on our website and we are happy to explain our processing to individuals at any time. - We have adopted a variety of safeguards to minimise impact including: <ul style="list-style-type: none"> o Password-protected photo galleries o Passwords are only made available to event attendees, at the venue, and via the event organiser. Leask Photography does not disclose the passwords. o Online galleries are populated with watermarked low-resolution images to reduce any possibility of data processing by third parties.
Decision	On the basis of this Legitimate Interests Assessment Leask Photography believes we can rely on Legitimate Interests for this processing.