

# KUDO ENERGY LIMITED PRIVACY NOTICE

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This Privacy Notice is intended to inform you (“you”, “your”, “yours” or “yourself”) how Kudo Energy Limited (registered number SC267933) whose registered office is at The Green House Forrest Estate, St John's Town Of Dalry, Castle Douglas, Dumfries & Galloway DG7 3XS, Scotland (“we”, “us” or “our”) will collect and use your personal data when you do any of the following:

- visit and browse our website [www.kudosoftware.com](http://www.kudosoftware.com);
- supply your personal data to us including through our website, in writing, and verbally;
- communicate with us in any way, either directly or in response to a communication from us, including by email, direct message, video chat, phone, and text;
- submit your personal data to us with the intention that we may use it to contact in future in connection with our services, when you order or buy any of our services, including any modification, cancellation or similar activity;
- register and sign up for our newsletter or sign up for a promotion or special offer.

Please read this Notice carefully as it contains important information on your rights in relation to your personal data and how to contact us or supervisory authorities in the event you have a complaint.

## Personal data we collect about you

The personal data we collect about you depends on the whether you are, or may be, a customer or a supplier, personnel of a customer or a supplier, a private individual, or you are browsing our website (in whichever capacity). In each case we will collect and use some or all of the following personal data about you:

INFORMATION TYPE	DETAILS
Personal information	Name, title, address, phone number(s), email address, gender, job title, work address, details of company you work for, professional experience, qualifications
Payment method information	Billing information, transactional history and purchases, amount paid for services, bank information
Newsletter information	Email address provided to sign up for our newsletter
Website use & communications	In addition to the personal information described above, we may collect your username, account ID and password, IP address, website use information, browser information, device type, location, image and video and audio recording
Other information	Any information that is relevant to your interaction with us, your visit to our website, and making an enquiry.

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We collect and use this personal data for the purposes described in the section '**How and why we use your personal data**' below.

### **How your personal data is collected**

We collect most of this personal data directly from you, but we may also collect information:

- from publicly accessible sources, e.g. Companies House
- from your company website(s) and other online sources
- from cookies on our website. See our Cookie Policy for more information.

### **How and why we use your personal data**

Under data protection law, we can only use your personal data if we have a proper reason, e.g.:

- where you have given consent;
- to comply with our legal and regulatory obligations;
- for the performance of a contract with you or to take steps at your request before entering into a contract;  
or
- for our legitimate interests or those of another.

We have a legitimate interest when we have a business or commercial reason to use your personal data, so long as this is not overridden by your own rights and interests.

The table below explains what we use your personal data for and why.

<b>What we use your personal data for</b>	<b>Our reasons</b>
Processing your enquiry, contact with you and communications	Legitimate interests
To set you up as a customer or supplier	Legitimate interests
Providing products and/or services to you	To comply with the contract with you
Communicating with you about information that directly relates to you in the course of providing services to you and/or in connection with your communication with us	Legitimate interests To comply with the contract with you
Preventing and detecting fraud against you or us	Legitimate interest, i.e. to minimise fraud that could be damaging for you and/or us
Conducting checks to identify our customers and/or suppliers and verify their identity  Screening for financial and other sanctions or embargoes	Depending on the circumstances: <ul style="list-style-type: none"> <li>• to comply with our legal and regulatory obligations</li> <li>• legitimate interests</li> </ul>
Other activities necessary to comply with legal and regulatory obligations that apply to our business, e.g.	To comply with our legal and regulatory obligations

What we use your personal data for	Our reasons
under health and safety law or rules issued by our professional regulator	
To enforce legal rights or defend or undertake legal proceedings	Depending on the circumstances: <ul style="list-style-type: none"> <li>• to comply with our legal and regulatory obligations</li> <li>• in other cases, legitimate interests, i.e. to protect our business, interests, and rights</li> </ul>
Gathering and providing information required by or relating to audits, enquiries or investigations by regulatory bodies	To comply with our legal and regulatory obligations
Ensuring business policies are adhered to, e.g. policies covering procurement, ethical trading and security	Legitimate interests, i.e. to make sure we are following our own internal procedures so we can deliver the best service to you
Operational reasons, such as improving efficiency, training and quality control	Legitimate interests, i.e. to be as efficient as we can so we can deliver the best service to you at the best price
Ensuring the confidentiality of commercially sensitive information	Depending on the circumstances: <ul style="list-style-type: none"> <li>• legitimate interests, i.e. to protect trade secrets and other commercially valuable information</li> <li>• to comply with our legal and regulatory obligations</li> </ul>
Statistical analysis to help us manage our business, e.g. in relation to our financial performance, customer and supplier base, product range or other efficiency measures	Legitimate interests, i.e. to be as efficient as we can so we can deliver the best service to you at the best price, or to ensure cost-effectiveness and efficiency in the supply chain
Preventing unauthorised access and modifications to systems	Depending on the circumstances: <ul style="list-style-type: none"> <li>• legitimate interests, i.e. to prevent and detect criminal activity that could be damaging for you and/or us</li> <li>• to comply with our legal and regulatory obligations</li> </ul>
Protecting the security of systems and data used to provide the goods and/or services	To comply with our legal and regulatory obligations  We may also use your personal data to ensure the security of systems and data to a standard that goes beyond our legal obligations, and in those cases our reasons are for our legitimate interests, i.e. to protect systems and data and to prevent and detect criminal activity that could be damaging for you and/or us
Updating customer and/or supplier records	Depending on the circumstances: <ul style="list-style-type: none"> <li>• to perform our contract with you or to take steps at your request before entering into a contract</li> </ul>

What we use your personal data for	Our reasons
	<ul style="list-style-type: none"> <li>to comply with our legal and regulatory obligations</li> <li>legitimate interests, e.g. making sure that we can keep in touch with our customers about existing orders and new products</li> </ul>
Statutory returns	To comply with our legal and regulatory obligations
Ensuring safe working practices, staff administration and assessments	Depending on the circumstances: <ul style="list-style-type: none"> <li>to comply with our legal and regulatory obligations</li> <li>legitimate interests, e.g. to make sure we are following our own internal procedures and working efficiently so we can deliver the best service to you</li> </ul>
Marketing our products and/or services to: <ul style="list-style-type: none"> <li>existing and former customers;</li> <li>third parties who have previously expressed an interest in our services</li> </ul>	Legitimate interests, i.e. to promote our business
Credit reference checks via external credit reference agencies	Legitimate interests, i.e. to ensure our customers are likely to be able to pay for our products and services
External audits and quality checks, e.g. for ISO or Investors in People accreditation and the audit of our	Depending on the circumstances: <ul style="list-style-type: none"> <li>legitimate interests, i.e. to maintain our accreditations so we can demonstrate we operate at the highest standards</li> <li>to comply with our legal and regulatory obligations</li> </ul>
To share your personal data with members of our group and third parties that will or may take control or ownership of some or all of our business (and professional advisors acting on our or their behalf) in connection with a significant corporate transaction or restructuring, including a merger, acquisition, asset sale, initial public offering or in the event of our insolvency. In such cases information will be anonymised where possible and only shared where necessary	Depending on the circumstances: <ul style="list-style-type: none"> <li>to comply with our legal and regulatory obligations</li> <li>in other cases, for our legitimate interests, i.e. to protect, realise or grow the value in our business and assets</li> </ul>

## Marketing

We have a legitimate interest in using the personal data of personnel who work for a customer or supplier for marketing purposes. This means we do not usually need your consent to send you marketing information. If we change our marketing approach in the future so that consent is needed, we will ask for this separately and clearly.

We give such personnel the right to opt out of receiving marketing communications at any time by:

- sending an email to [support@kudossoftware.com](mailto:support@kudossoftware.com)

We may ask commercial personnel to confirm or update marketing preferences if they ask us to provide further products and/or services in the future, or if there are changes in the law, regulation, or the structure of our business.

We will always treat personal data with the utmost respect and never sell or share it with other organisations.

### **Who we share your personal data with**

Where necessary we routinely share personal data with:

- External hosting providers for the administration of our website, for example our video chat host and our newsletter distributor
- Mailing houses; we transfer your name and address to mailing houses to send out brochures
- Our affiliates and companies in the Natural Power family of companies, who may use your information in the same way as we can under this notice
- Our professional advisors, our insurers and bank(s) and auditors for the purpose of seeking professional advice or to meet our audit responsibilities

We only allow those organisations to handle your personal data if we are satisfied, they take appropriate measures to protect your personal data.

We or the third parties mentioned above occasionally also share personal data with:

- our and their external auditors, e.g. in relation to the audit of our or their accounts, in which case the recipient of the information will be bound by confidentiality obligations;
- our and their professional advisors (such as lawyers and other advisors), in which case the recipient of the information will be bound by confidentiality obligations;
- law enforcement agencies, courts, tribunals and regulatory bodies to comply with our legal and regulatory obligations;
- other parties that have or may acquire control or ownership of our business (and our or their professional advisers) in connection with a significant corporate transaction or restructuring, including a merger, acquisition, asset sale, initial public offering or in the event of our insolvency - usually, information will be anonymised, but this may not always be possible. The recipient of any of your personal data will be bound by confidentiality obligations.

### **Where your personal data is held**

Personal data may be held at our offices and those of our group companies, third party agencies, service providers, representatives and agents as described above.

Some of these third parties may be based outside the UK[/EEA]. For more information, including on how we safeguard your personal data when this happens, see below: '**Transferring your personal data out of the UK[ and EEA]**'.

### **How long your personal data will be kept**

We will not keep your personal data for longer than we need it for the purpose for which it is used.

If you no longer have an account with us, you no longer provide goods and/or services to us or we are no longer providing goods and/or services to you, we will delete or anonymise your data after 2 years.

## Transferring your personal data out of the UK and EEA

It is sometimes necessary for us to transfer your personal data to countries outside the UK and EEA. In those cases, we will comply with applicable UK and EEA laws designed to ensure the privacy of your personal data.

## Your rights

You have the following rights, which you can exercise free of charge:

Access	The right to be provided with a copy of your personal data
Rectification	The right to require us to correct any mistakes in your personal data
Erasure (also known as the right to be forgotten)	The right to require us to delete your personal data (subject to exemptions)
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
Data portability	The right to receive 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 (in certain situations)
To object	The right to object: <ul style="list-style-type: none"><li>• at any time to your personal data being processed for direct marketing (including profiling);</li><li>• in certain other situations to our continued processing of your personal data, e.g. processing carried out for the purpose of our legitimate interests unless there are compelling legitimate grounds for the processing to continue or the processing is required for the establishment, exercise or defence of legal claims</li></ul>
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

For more information on each of those rights, including the circumstances in which they apply, please see the Guidance from the UK Information Commissioner's Office (ICO) on individuals' rights.

If you would like to exercise any of those rights, please:

- email, call or write to us - see below: **'How to contact us'**; and
- provide enough information to identify yourself and any additional identity information we may reasonably request from you;
- let us know what right you want to exercise and the information to which your request relates.

## Keeping your personal data secure

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 personal data will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures 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.

### How to complain

Please contact us if you have any queries or concerns about our use of your personal data (see below 'How to contact us'). We will aim to resolve any issues you may have.

You also have the right to lodge a complaint with:

- the Information Commissioner in the UK; and
- a relevant data protection supervisory authority in the EEA state of your habitual residence, place of work or of an alleged infringement of data protection laws in the EEA.

The UK's Information Commissioner may be contacted using the details at <https://ico.org.uk/make-a-complaint> or by telephone: 0303 123 1113.

### How to contact us

You can contact us and/or our Data Protection Officer by post, email or telephone if you have any questions about this Notice or the information we hold about you, to exercise a right under data protection law or to make a complaint.

Our contact details are shown below:

Our contact details	Our Data Protection Officer's contact details
The Green House Forrest Estate, St John's Town Of Dalry, Castle Douglas, Dumfries & Galloway, DG7 3XS <a href="mailto:support@kudossoftware.com">support@kudossoftware.com</a> +44 (0) 1644 430 008	Fred. Olsen House, White House Road, Ipswich, IP1 5LL <a href="mailto:dataprotection@fredolsen.co.uk">dataprotection@fredolsen.co.uk</a> 07826 924470

We have appointed **Natural Power Consultants (Ireland) Limited** to be our data protection representative within the EEA. They can be contacted at [Suite 6, The Mall, Beacon Court, Sandyford, Dublin 18, D18 A3W8, Ireland.

### Changes to this Notice

We may change this privacy notice from time to time. You are encouraged to revisit our website from time to time to ensure you are reading the current version of this notice.