



The website [www.moderngarden.co.uk](http://www.moderngarden.co.uk) (hereafter the "Website") is offered by:

The Modern Garden Company (hereafter "MGCO", "We" and "Us")  
1 Martins Farm, Bridge End, Newport, Saffron Walden, Essex CB11 3TL, United Kingdom

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Please do not hesitate to contact us if you have any privacy-related questions. We promise to reply as soon as possible!

## 1. Why this privacy policy?

Any person who uses the Website is a customer of The Modern Garden Company or otherwise contacts us (hereafter the "User"), and makes certain personal data available. This personal data consists of information that enables us to identify you as a natural person, irrespective of whether we actually do this. You are identifiable as soon as it is possible to create a direct or indirect connection between one or more personal data and you as a natural person.

We use and process your personal data in accordance with the GDPR and other relevant legal provisions. Each reference to the GDPR in this privacy policy is a reference to the Regulation of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation).

Via this privacy policy, every User is informed of the processing activities that The Modern Garden Company may carry out with their personal data. The Modern Garden Company reserves the right to amend this privacy policy at all times. We recommend that the User consults this document regularly.

## 2. Who processes the personal data?

### 2.1 Data controller

The Modern Garden Company is the data controller and determines solely or in cooperation with others which personal data is collected and also the purpose and means of processing of this personal data.

## 2.2. Processor(s)

The Modern Garden Company is free to make use of data processors. A processor is a natural person or legal person who processes personal data when requested by or in the name of the data controller. The processor is obliged to guarantee the security and confidentiality of personal data. The processor always acts according to the instructions of the data controller. We may make our data available to these processors. Their access is limited to the data they require to perform their task on our behalf.

The Modern Garden Company uses the following categories of processors:

- Companies we use for marketing purposes;
- Companies we use for hosting purposes;
- Companies we use for administrative purposes;
- Companies we have engaged for recruitment and selection;
- Companies we use for communication purposes;
- Companies we use for payment purposes;
- Companies we use for accounting purposes;
- Companies we use for IT system maintenance;
- Companies we use for the credit insurance of outstanding or future debts;
- Companies we use for transport;

## 3. On which legal grounds are my personal data processed?

In accordance with the GDPR, we process personal data based on the following legal grounds:

- The execution of the agreement as agreed with the User, or the execution of precontractual steps taken at his or her request; or
- Compliance with statutory or regulatory provisions, relating to the management of the contractual relationship, specifically the invoicing; or
- Our legitimate interest for the sending of information and newsletters to our clients or when we are asked questions; or
- Your explicit consent for, among other things, sending promotional offers (direct marketing) and/or newsletters.

## 4. Which personal data is processed?

The Modern Garden Company undertakes to only collect and process personal data that is relevant and necessary for the purposes for which it is processed. The following categories of personal data may be processed:

- Personal identification data (surname, first name, log-in details);
- Contact details (telephone number, fax, e-mail address, website, address, registration/VAT and/or company number, contact person);
- Financial identification data (banking data);
- Electronic identification data (IP address, location, cookies);
- Personal characteristics (gender, age);
- Professional activities (occupation, sector, employer, place of employment).

This personal data is collected when you register on the Website and/or use the contact form on our Website, and/or if you enter into an agreement with The Modern Garden Company and/or contact us in any other way. Other personal data may be collected at a later date, for example for after-sales purposes.

We also use cookies to identify the User and to provide a customised user experience, to remember their technical choices (for example the selected language), and to track and correct any errors on the Website. Consult our cookie policy for more information on the way in which we use cookies.

The User always provides the personal data to The Modern Garden Company personally and can in this way exercise a certain amount of control. If certain personal data is incomplete or appears to be incorrect, The Modern Garden Company reserves the right to postpone certain expected actions temporarily or permanently.

#### 5. For which purposes are my personal data used?

The Modern Garden Company collects your personal data to provide all Users with a safe, optimised and customised user experience. The collection of personal data is further expanded as the User makes more intensive use of our website and our services. The Modern Garden Company reserves the right to suspend or cancel certain processing operations if personal data is missing, incorrect or incomplete. Data processing is vital for the provision of our services.

The processing only takes place for the following specified purposes:

- Customer management: customer administration, order management, deliveries, invoicing, credit checks, support, complaints monitoring;
- Answering questions that are asked via any channel (for example via our contact form and/or our chat);;
- Personalised marketing and advertising if you have given your explicit consent for this. In this case, you are free to withdraw your consent at any time;
- Compliance with The Modern Garden Company legal obligations.

#### 6. Who receives your personal data?

Your personal data is only processed for internal use within The Modern Garden Company. Your personal data will not be sold, passed on or communicated to third

parties who are not processors, unless you have given us your explicit consent for this in advance, if passing on this data is necessary for the execution of the agreement, if The Modern Garden Company is legally obliged to do so, or based on our justified interest to answer questions.

If we are asked questions related to our products, in some cases we pass these questions on to our agents and/or dealers to provide you with an answer. We do this based on our justified interest to answer your questions. These parties will only process your personal data in order to enable them to answer your questions. The agents and/or dealers have their own privacy policy, which applies to the use of your personal data. This can be consulted on the website of the agents and/or dealers in question.

## 7. How long do we store your personal data?

Your personal data will be stored for as long as necessary to pursue the objectives set out in article 5 and/or to comply with statutory retention periods. It is deleted from the database if they are no longer needed to achieve these purposes or if the User validly exercises his or her right to have the personal data deleted.

In particular, The Modern Garden Company stores your personal data as follows:

- Customer management: The personal data processed for the conclusion or settlement of a contract is stored by The Modern Garden Company for as long as necessary for the proper performance of our services and agreements. Thereafter, The Modern Garden Company will destroy them, unless The Modern Garden Company is legally obliged to store them for a longer period of time (in principle seven years).
- Order handling: The Modern Garden Company stores this information until your order has been completed and seven years after that (that is the legal retention period).
- For account details: From the date on which you last logged on to our website, your personal data will be stored for another 3 years. After this period your personal data will be deleted.
- Data obtained via our contact form: Personal data is stored until we believe you are satisfied with our response.

Cookies: see our cookie policy for the retention periods of cookies. Without prejudice to the above, The Modern Garden Company may retain your personal data when necessary for the establishment, exercise or defence of legal claims, whether in legal proceedings or in administrative or extrajudicial proceedings. The legal basis for this processing is our legitimate interests, namely the protection and exercise of our legal rights, your legal rights and the legal rights of others.

## 8. What are your rights?

### 8.1 Guarantee of lawful and secure processing of personal data

Your personal data is always processed for legitimate purposes, as stated in article 5.

They are collected and processed in an appropriate, relevant and proportional manner, and are only stored for as long as necessary to achieve the specified purposes.

## 8.2 Right of access

If you can prove your identity, you have the right to obtain information on the processing of your personal data. Therefore, you have the right to access the purposes of the processing, the categories of personal data, the categories of recipients to whom the personal data is sent, the criteria that determine the period of data retention, and the rights you can exercise relating to your personal data.

## 8.3 Right of rectification of personal data

Inaccurate or incomplete information can be rectified. It is the responsibility of the User to provide the correct personal data to The Modern Garden Company. You can contact us with a request for rectification.

## 8.4 Right to erasure of your personal data

You also have the right to the erasure of your personal data in the following cases:

- Your personal data is no longer needed for the specified purpose;
- You withdraw your consent for the processing of your personal data and there is no other legal basis to process your personal data;
- You have submitted an objection in a legal manner to the processing of your personal data;
- The processing of your personal data is unlawful;
- Your personal data must be erased on the basis of a legal obligation.

The erasure of personal data is mainly related to visibility; it is possible that the erased personal data remain stored temporarily.

If you decide to have your data erased, you may no longer have access to certain functionalities of our service. The User may no longer have access to the User area on our website.

## 8.5 Right to restrict processing

In some cases, you have the right to request restriction of the processing of your personal data. This certainly applies in the case of a dispute relating to the accuracy of personal data if the personal data are necessary within the context of legal proceedings or during the time necessary for The Modern Garden Company to determine that you have a valid right to erasure.

## 8.6 Right to object

You always have the right to object to the processing of your personal data for 'direct marketing' purposes, profiling purposes or purposes arising from the legitimate

interests of the data controller. The Modern Garden Company will cease processing your personal data unless The Modern Garden Company can demonstrate that there are compelling legal reasons to process your personal data that take precedence over your right to object to this.

#### 8.7 Right to data portability

You have the right to obtain the personal data provided to The Modern Garden Company in a structured, common and machine-readable form. You also have the right to transfer this personal data to other data controllers, unless this is technically impossible.

#### 8.8 Right to revoke your consent

You have the right to withdraw your consent at any time, for example, if you have given this consent for direct marketing purposes.

### 9. How can you exercise your rights?

If you wish to exercise your rights, you must send a written request by registered post to 1 Martins Farm, Bridge End, Newport, Saffron Walden, Essex CB11 3TL, United Kingdom or by e-mail to [info@modernngarden.co.uk](mailto:info@modernngarden.co.uk). We will reply as quickly as possible, no later than one (1) month after receipt of your request.