

# DavidGray.com

## Privacy Policy

Published 24 August, 2018

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## 1. KEY SUMMARY



We process your personal information in the course of your direct interaction with us, for example: through visiting our website, buying a product from us or signing up to our newsletter.

This notice explains what data we process, why we process it, how that processing is legal and your rights.

You should not provide us with your data if you're under 18. Parents/legal guardians, please contact us using the details provided below if you are concerned that we may be processing the data of persons under the age of

18.

If you click on a third-party website, please be aware that we cannot control what data those third parties collect or share about you.

As you interact with our Website, we collect personal data using cookies. Please review our Cookie Policy [here](#).

The latest version of this Privacy Notice can be found [here](#).

## 2. ABOUT US AND THIS NOTICE

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This Privacy Notice is provided by officialCOMMUNITY (or “we” or “us”) of 2238 Dundas Street West, Toronto, Ontario M6R 3B5 who is a ‘controller’ for the purposes of the General Data Protection Regulation (EU) 2016/679. This Privacy Notice applies to all customers of officialCOMMUNITY and visitors to DavidGray.com (the “Website”).

Before you create an account on this site, you should review our Terms of Use, which can be found [here](#).

officialCOMMUNITY respects your privacy and is committed to protecting your personal data.

We ask that you read this Privacy Notice carefully as it contains important information about how we collect, process and look after your personal data in the course of interacting with us, whether by visiting the Website, buying a product from us, signing up to our newsletter or otherwise as well as your privacy rights and how the law protects you.

## How to contact us

If you need to contact us about this Privacy Notice, use the details below:

- Privacy Manager: [privacy@DavidGray.com](mailto:privacy@DavidGray.com)  
Address: 2238 Dundas Street West, Toronto, Ontario M6R 3B5  
Telephone number: 888-530-0038

This Privacy Notice is provided in a layered format so you can click through to the specific areas you would like to review. Alternatively, you can download a PDF version of the policy [here](#).

If you would like this Privacy Notice in another format (for example: audio, large print, braille), please contact us.

## Important Notice

This Website is not intended for children and we do not knowingly collect data relating to children.

## Third-Party Links

This Website may include links to third party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We not control these third-party websites and are not responsible for their privacy statements. When you leave our Website, we encourage you to read the privacy notice of every website you visit.

## Changes to this Privacy Notice

This version was last updated on 24 August 2018 and the latest version can always be found [here](#).

We may change this Privacy Notice from time to time. We will alert you by posting a notice on our website when changes are made.

## 3. USEFUL WORDS AND PHRASES



Please familiarise yourself with the following words and phrases (used in **bold**) as they have particular meanings in the **Data Protection Laws** and are used throughout this Privacy Notice:

<b>Term</b>	<b>Definition</b>
Controller	This means any person who determines the purposes for which, and the manner in which, any personal data is processed.
Data Protection Laws	This means the laws which govern the handling of personal data. This includes the General Data Protection Regulation (EU) 2016/679 and any other national laws implementing that Regulation or related to data protection.
Data Subject	The person to whom the personal data relates.
ICO (UK)	This means the UK Information Commissioner's Office which is responsible for implementing, overseeing and enforcing the Data Protection Laws in the UK.
OPCC	This means the Office of the Privacy Commissioner of Canada, the Canadian supervisory authority for data protection issues, who is responsible for implementing, overseeing and enforcing the Data Protection Laws in Canada.
Personal Data	<p>This means any information from which a living individual can be identified.</p> <p>This will include information such as telephone numbers, names, addresses, e-mail addresses, photographs and voice recordings. It will also include expressions of opinion and indications of intentions about data subjects (and their own expressions of opinion/intentions).</p> <p>It will also cover information which on its own does not identify someone but which would identify them if put together with other information which we have or are likely to have in the future.</p>

Processing	This covers virtually anything anyone can do with personal data, including: <ul style="list-style-type: none"><li>▪ obtaining, recording, retrieving, consulting or holding it;</li><li>▪ organising, adapting or altering it;</li><li>▪ disclosing, disseminating or otherwise making it available; and</li><li>▪ aligning, blocking, erasing or destroying it.</li></ul>
Processor	This means any person who processes the personal data on behalf of the controller.
Special Categories of Data	This means any information relating to: <ul style="list-style-type: none"><li>▪ racial or ethnic origin;</li><li>▪ political opinions;</li><li>▪ religious beliefs or beliefs of a similar nature;</li><li>▪ trade union membership;</li><li>▪ physical or mental health or condition;</li><li>▪ sexual life; or</li><li>▪ genetic data or biometric data for the purpose of uniquely identifying you.</li></ul>

## 4. WHAT PERSONAL DATA DO WE COLLECT?



### **Information provided by you**

We collect the following information from you through our direct interactions with you, whether by submitting information through the Website or by corresponding with us by post, phone or email:

**Contact Data:** includes first name, last name, email address, telephone number, billing address, and delivery address

**Order Recipient Data:** includes first name, last name and email address, telephone number, delivery address for any person for whom you wish to buy one of our products (which we have only if you choose to provide to us)

**Profile Data:** includes your username and password, purchases or orders made by you, your interests, preferences, feedback and survey responses

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Financial Data: includes payment card details, and billing address

Transaction Data: includes details about payments to and from you and other details of products you have purchased from us

Technical Data: includes internet protocol (IP) address, your login 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 this website

Usage Data: includes information about your use of our website, products including the full Uniform Resource Locators (URL) clickstream to, through and from our website (including date and time); elements you viewed or words you searched for; page response times; download errors; length of visits; interaction information (such as scrolling, clicks, and mouse-overs)

Marketing Data: includes your preferences in receiving marketing material from us

Communications Data: includes emails and notes of conversations

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does not directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or 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.

## **Special categories of data**

We do not collect any special categories of data from you

## **Cookies**

As you interact with our Website, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data using cookies and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies. You can set your browser to refuse all or some of the browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this Website may become inaccessible or not function properly. For more information about the cookies we use, please see our cookie policy [here](#).

## **Personal information provided by third parties**

We may receive personal data about you from various third parties as set out below:

- Analytics providers such as Google (Technical Data);
- Advertising networks such as Google AdSense and the Facebook pixel (Technical Data);
- Providers of technical, payment and delivery services such as Chase Paymentech, Visa, Mastercard, AMEX, Paypal, Cybersource and Stripe (Contact, Financial and Transactional Data)

## **Personal information about other individuals**

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If you provide us with information about other individuals (e.g. your next of kin), you confirm that you have informed the relevant individuals accordingly.

## 5. WHY DO WE PROCESS YOUR PERSONAL DATA?



We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate. Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

<b>Purpose / Activity</b>	<b>Type of data</b>	<b>Lawful basis for processing including basis of legitimate interest</b>
To register you as a new customer	Contact	Performance of a contract with you
	Profile	Necessary for our legitimate interests (to record your personalised account)
To send you our newsletter or other marketing materials. To make suggestions and recommendations to you about goods or services that may be of interest to you	Contact	Consent where you have specifically opted in
	Marketing	Necessary for our legitimate interests (to grow our business and send you offers about our latest products where you have chosen not to opt out of receiving these)
	Technical	
	Usage	

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	Profile	
To process and arrange for delivery of your order including: (a) Manage payments, fees and charges (b) Collect and recover money owed to us (c) provide you with customer support services	Contact	Performance of a contract with you
	Order Recipient	Necessary for our legitimate interests (to receive payment)
	Financial	Necessary for our legitimate interests (to deliver orders to recipients at your request)
	Transaction	
	Communications	
To manage our relationship with you which will include: (a) Notifying you about changes to our terms or privacy policy (b) Asking you to leave a review or take a survey	Contact	Performance of a contract with you
	Profile	Necessary to comply with a legal obligation
	Usage	Necessary for our legitimate interests (to keep our records updated and to study how customers use our products)
	Marketing	
	Communications	

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<p>To enable you to partake in a prize draw, competition or complete a survey</p>	<p>Contact</p>	<p>Performance of a contract with you</p>
	<p>Profile</p>	<p>Necessary for our legitimate interests (to study how customers use our products, to develop them and grow our business)</p>
	<p>Usage</p>	
	<p>Marketing</p>	
	<p>Communications</p>	
<p>To administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)</p>	<p>Contact</p>	<p>Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise)</p>
	<p>Technical</p>	<p>Necessary to comply with a legal obligation</p>
<p>To deliver relevant website content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you</p>	<p>Contact</p>	<p>Necessary for our legitimate interests (to study how customers use our products, to develop them, to grow our business and to inform our marketing strategy)</p>
	<p>Profile</p>	
	<p>Usage</p>	
	<p>Marketing</p>	



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Communications

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Technical

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To use data analytics to improve our website, products, marketing, customer relationships and experiences

Technical

Necessary for our legitimate interests (to define types of customers for our products, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)

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Usage

**Promotional offers from us**

We may use your Identity, Contact, Technical, Usage and Profile Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services and offers may be relevant for you (we call this marketing).

You will receive marketing communications from us if you have requested information from us or purchased products from us and, in each case, you have not opted out of receiving that marketing.

**Opting out**

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising and our newsletters.

You can ask us to stop sending you marketing messages or our newsletter at any time by using the unsubscribe link at the bottom of every mailing or by contacting us at any time.

Where you opt out of receiving these marketing messages or newsletters, this will not apply to personal data provided to us as a result of a product purchase, product experience or other transactions.

**Third-party marketing**

We will get your express opt-in consent before we share your personal data with any third party company for marketing purposes.

## 6. HOW IS PROCESSING YOUR PERSONAL DATA LAWFUL?

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## **Personal Data**

As set out in the table above, we are allowed to process your personal data for the following reasons and on the following legal bases:

## **Legitimate interests**

We are permitted to process your personal data if it is based on our ‘legitimate interests’ i.e. we have good, sensible, practical reasons for processing your personal data which is in the interests of DavidGray.com.

To do so, we have considered the impact on your interests and rights, and have placed appropriate safeguards to ensure that the intrusion on your privacy is reduced as much as possible.

You can object to processing that we carry out on the grounds of legitimate interests. See the section headed “Your Rights ” to find out how.

## **Contract**

It is necessary for our performance of the contract you have agreed to enter with us. If you do not provide your personal data to us, we will not be able to carry out our obligations under the terms of your contract.

## **Legal Obligation**

We are subject to legal obligations to process your personal data for the purposes of complying with applicable regulatory, accounting and financial rules, health and safety and to make mandatory disclosures to government bodies and law enforcements.

## **Consent**

Sometimes we want to use your personal data in a way that is entirely optional for you, such as sending you email notification via the DavidGray.com Newsletter. On these occasions, we will ask for your consent to use your information. You can withdraw this consent at any time using the “Unsubscribe” link present in the footer of every newsletter we send.

## **Legal Claims**

We need to process your personal data if we are required to process your personal data to defend or establish a legal claim.

## 7. WHEN WILL WE DELETE YOUR DATA

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Our main rule is not to keep your data for longer than we need to in order to meet all the purposes we included in the section “Why do we process your personal data?” 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 requirements.

For example, if you are a member, we will keep your data for the time your membership lasts; then, we will keep that data if we need it to comply with a legal obligation or for research or statistics purposes, but if we do not need all the data you provided at first instance, we will delete the remaining data.

In general, we have set out that the following categories of personal data will be kept for the following periods:

<b>Personal Data</b>	<b>Retention Period</b>
Technical Data	7 years
Contact, Identity, Financial and Transaction Data	6 years after individual ceases being customers
Usage Data	7 years
Profile Data	7 years
Marketing Data	7 years
Communications Data	7 years
Order Recipient Data	7 years

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

## 8. WHO WILL HAVE ACCESS TO YOUR PERSONAL DATA

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Below is listed some of our key service providers that act as our processors who will have access to your personal data. If you would like to know the names of our other service providers please contact us using the details at the start of this Privacy Notice.

- Order fulfilment service providers (acting as data processors on our behalf) as follows:
  - Warehouse service providers such as MusicToday based in the US, and Isotope Music based in Canada and the UK
- Shipping service provider such as DHL, USPS, Canada Post, Royal Mail
- Payment processing service providers such as Chase Paymentech, Cybersource, Paypal
- Customer service providers such as Freshdesk which may have servers based in the USA
- Hosting service providers such Microsoft Azure with website privacy policy [here](#) and WP Engine with website privacy policy [here](#)
- Email management service providers such as MailUp based in Italy
- Third party social media plugins such as Facebook and Twitter to connect you with your social network and which can be disabled by adjusting your privacy settings on the relevant social media site.
- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy notice.

We require all third party processors to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party processors to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

In addition, we share your personal data with the following entities who act as separate controllers of your personal data. We provide them with your name and contact details so that they can contact you separately in order to arrange services/benefits directly with you, or to note you on our company group policies. You should review their privacy notices to find out how they process your personal data. If you have any queries or complaints about how they process your personal data by them, please contact them separately using the contact information provided on their website.

- Third party social media plugins such as Facebook and Twitter to connect you with your social network and which can be disabled by adjusting your privacy settings on the relevant social media site.

We will also share your personal data with the police, other law enforcements or regulators where we are required by law to do so. We may also transfer your personal data on the sale, transfer or reorganisation of our business. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this Privacy Notice.

## **Transfers of your personal data outside the EEA**

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We may need to transfer your personal data collected within the European Economic Area (the “EEA”) to the United States of America and Canada, both of which are located outside the EEA, for the purpose of:

Where our service providers are based in Canada and the United States of America and provide their services to us from those countries.

Any transfer of your data will be carried out in accordance with the law to safeguard your privacy rights and give you remedies in the unlikely event of a security breach or to any other similar approved mechanisms. If you want to know more about how data is transferred, please contact us using the details in the section above.

## **How we keep your personal data secure**

We strive to implement appropriate technical and organisational measures in order to protect your personal data against accidental or unlawful destruction, accidental loss or alteration, unauthorised disclosure or access and any other unlawful forms of processing. We aim to ensure that the level of security and the measures adopted to protect your personal data are appropriate for the risks presented by the nature and use of your personal data. We follow recognised industry practices for protecting our IT environment and physical facilities.

In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

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

We require all third parties to respect the security of your personal data and to treat it in accordance with the Data Protection Laws.

## 9. YOUR RIGHTS



As a data subject, in certain circumstances, you have the following rights under the Data Protection Laws:

- the right to object to processing of your personal data;
- the right of access to personal data relating to you (known as data subject access request);
- the right to correct any mistakes in your information;
- the right to restrict processing;
- the right to ask us to stop contacting you with direct marketing;
- the right to prevent your personal data being processed;
- the right to have your personal data ported to another controller;
- the right to withdraw your consent;

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- the right to erasure; and
- rights in relation to automated decision making.

These rights are explained in more detail below. If you want to exercise any of your rights, please contact us (please see “How to contact us”).

We will respond to any rights that you exercise within a month of receiving your request, unless the request is particularly complex, in which case we will respond within three months.

Please be aware that there are exceptions and exemptions that apply to some of the rights which we will apply in accordance with the Data Protection Laws.

## **Right to object to processing of your personal data**

You may object to us processing your personal data where we rely on a legitimate interest as our legal grounds for processing.

If you object to us processing your personal data we must demonstrate compelling grounds for continuing to do so. We believe we have demonstrated compelling grounds in the section headed “How is processing your personal data lawful”.

## **Right to access personal data relating to you**

You may ask to see what personal data we hold about you and be provided with:

- a copy of the personal data;
- details of the purpose for which the personal data is being or is to be processed;
- details of the recipients or classes of recipients to whom the personal data is or may be disclosed, including if they are overseas and what protections are used for those overseas transfers;
- the period for which the personal data is held (or the criteria we use to determine how long it is held);
- any information available about the source of that data; and
- whether we carry out an automated decision-making, or profiling, and where we do information about the logic involved and the envisaged outcome or consequences of that decision or profiling.

To help us find the information easily, please provide us as much information as possible about the type of information you would like to see.

## **Right to correct any mistakes in your information**

You can require us to correct any mistakes in your information which we hold. If you would like to do this, please let us know what information is incorrect and what it should be replaced with.

## **Right to restrict the processing of personal data**

You may request that we stop processing your personal data temporarily if:

- you do not think that your data is accurate. We will start processing again once we have checked whether or not it is accurate;

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- the processing is unlawful but you do not want us to erase your data;
- we no longer need the personal data for our processing, but you need the data to establish, exercise or defend legal claims; or
- you have objected to processing because you believe that your interests should override our legitimate interests.

## **Right to ask us to stop contacting you with direct marketing**

You can, at any time, object to the processing of your personal data for the purposes of direct marketing. This right to object is absolute and we must stop processing for direct marketing purposes when you object.

## **Right to data portability**

You may ask for an electronic copy of your personal data which we hold electronically and which we process when we have entered into a contract with you. You can also ask us to provide this directly to another party.

## **Right to withdraw consent**

You may withdraw any consent that you have given us to process your personal data at any time. This means that we will not be able to carry out any processing which required use of that personal data.

## **Right to erasure**

You can ask us to erase your personal data where:

- you do not believe that we need your data in order to process it for the purposes set out in this Privacy Notice;
- if you had given us consent to process your data, you withdraw that consent and we cannot otherwise legally process your data;
- you object to our processing and we do not have any legitimate interests that mean we can continue to process your data; or
- your data has been processed unlawfully or have not been erased when it should have been.

## **Rights in relation to automated decision making**

You have the right to have any decision that has been made by automated means and which has a significant effect on you reviewed by a member of staff and we will consider any objections you have to the decision that was reached.

## **No fee usually required**

You will not have to pay a fee to access your personal data (or to exercise any of the other rights)

## **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

## **Time limit to respond**

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We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

## **What will happen if your rights are breached?**

You may be entitled to compensation for damage caused by contravention of the Data Protection Laws.

## **Complaints to the regulator**

It is important that you ensure you have read this Privacy Notice – and if you do not think that we have processed your data in accordance with this notice – you should let us know as soon as possible.

You have the right to make a complaint at any time to the OPCC in Canada (information about how to do this is available on its website [www.priv.gc.ca/en/](http://www.priv.gc.ca/en/)) or the ICO in the UK (information about how to do this is available on its website at [www.ico.org.uk](http://www.ico.org.uk).)

We would, however, appreciate the chance to deal with your concerns about data protection before you approach the Privacy Commissioner so please contact us in the first instance.