

## CAR & AWAY - PRIVACY AND COOKIE POLICY

### GENERAL

We take your privacy very seriously and we ask that you read this privacy policy carefully as it contains important information on:

- the personal data we collect about you and why we collect it;
- what we do with your information;
- who your information might be shared with; and
- your rights.

This website <http://www.carandaway.com> ("**Website**") is operated by Car & Away Limited (trading as Car&Away), registered in England and Wales with registered number 09992443 and whose registered office is at 1<sup>st</sup> Floor, 1 Hotspur Lane, Wooburn Green, High Wycombe, Buckinghamshire, HP10 0AA ("**we**" or "**us**" or "**Car & Away**" or "**our**"). We are a 'data controller' for the purposes of the Data Protection Act 1998 and, after 25 May 2018, the General Data Protection Regulation (EU) 2016/679 ("**GDPR**") (together, the "**Data Protection Laws**") and we are responsible for, and control the processing of, your personal data.

This policy sets out the basis on which any personal data and sensitive personal data (both as defined below) we collect from you, or that you provide to us, will be collected, used, stored, disclosed and otherwise processed by us.

### CHANGES TO OUR PRIVACY POLICY

We may change this Privacy Policy from time to time by updating this page and we will notify you by email to the email address registered to your account.

### USEFUL WORDS AND PHRASES

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

<b>Personal Data</b>	Any information from which a living individual can be identified.  This will include information such as telephone numbers, names, addresses, email addresses, photographs, car registration number and voice recordings. It will also include expressions of opinion and indications of intentions about data subjects (and their own expressions of opinion/intentions).
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	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.
<b>Special Categories of Personal Data (or Sensitive Personal Data)</b>	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;</li> <li>• genetic data or biometric data for the purpose of uniquely identifying you; or</li> <li>• offences or alleged offences or information relating to any offences committed or allegedly committed.</li> </ul>
<b>Processing</b>	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>
<b>Data Subject</b>	The person whom the data is about.
<b>Information Commissioner</b>	The UK Information Commissioner, who is responsible for implementing, overseeing and enforcing the Data Protection Laws.

## **INFORMATION WE MAY COLLECT FROM YOU**

### **REGISTRATION OF AN ACCOUNT AND MEMBERSHIP**

To use Our Website, you will need to register and open an account on Our Website and become a member (regardless of whether or not, you are an owner or a renter). When you open such account with us and apply to become a member, the personal data we collect from you depends on whether you are registering as an owner member or a renter member:

Where you are a renter member and you wish to make a booking, the personal data we collect from you is as follows:

- payment details;
- name and address;
- email address;
- telephone number;
- driving licence number; and
- the code validation from the DVLA or your national insurance number if you would prefer Car & Away to validate your driving licence.

Where you are an owner member and you wish list your vehicle for hire, the personal data we collect from you is as follows:

- name;
- email, address;
- your telephone number; and
- vehicle registration.

### **MAKING A BOOKING**

We do not collect any additional personal data in relation to a booking for the hire of a vehicle via Car & Away.

### **IP ADDRESS**

We use your IP address to help diagnose problems with our server, and to administer our Website.

### **TELEMATICS**

We will install telematics devices in all of the Vehicles available for rental in order to collect data for driver behaviour tracking to assist members reach a quicker resolution wherever possible in the event of a dispute and to display each renter member's rating to other members. Also, it is a condition of our insurance policy with Allianz.

The telematics devices are provided by a third party, Ommove s.r.l., who will collect all the data on behalf of Car & Away. The data collected includes but is not limited to GPS and accelerometer data to track and evaluate speed, acceleration and braking, engine fault codes, accidents/impact and driving behaviour. We will receive alerts and reports over e-mail, as well as have access to the live data via a management platform provided by Ommove s.r.l. Such data shall be processed in accordance with this Privacy Policy and shall be provided on an aggregated and anonymised basis to Ommove s.r.l.

## **MONITORING AND RECORDING COMMUNICATIONS**

We may monitor and record communications with you (such as telephone conversations and emails) for the purpose of quality assurance, training and compliance.

## **MARKETING**

We would like to provide you with information about our services, and other information which we think you may find interesting. We may send you such information by post and email provided you have given your consent when registering an account with us.

If you are a customer of ours or you have previously asked us for information on our products and services, we may send you information by email. However, in every marketing email message we send you we will give you the opportunity to unsubscribe from our mailings altogether.

We do not provide your personal data to external organisations (i.e. outside of Car & Away) for their own marketing purposes without your explicit consent. For example, to insurance companies who wish to market insurance products to you.

If at any time you do not want your information used for direct marketing purposes please contact us at [help@carandaway.com](mailto:help@carandaway.com) or on 01293 569106 and if you decide that you no longer wish to receive marketing emails from us, please either follow the unsubscribe link in one of our marketing email messages or contact us at [help@carandaway.com](mailto:help@carandaway.com) or on 01293 569106

## **PERSONAL DATA PROVIDED BY THIRD PARTIES**

We will also receive information about you from other sources in order to verify your identity, such as::

- Credit Header (checking against live credit accounts to match address, surname and forename and date of birth);
- Electoral Roll (UK Edited Electoral Roll to match address, surname and forename);
- Land Telephone (BT data covering bill payer matching address, surname and first initial); and
- National Identity Register (GBG Proprietary data to match address, surname and forename).

## **PERSONAL DATA ABOUT OTHER INDIVIDUALS**

If you give us information on behalf of someone else (including any additional drivers), you confirm that the other person has appointed you to act on his/her behalf and has agreed that you can:

- give consent on his/her behalf to the processing of his/her personal data in accordance with this Privacy Policy;
- receive on his/her behalf any data protection notices; and
- give consent to the transfer of his/her personal data abroad.

## HOW WE USE YOUR INFORMATION

The principal purposes for which we collect and store your personal and financial information are as follows:

- to process and assist with your membership application and opening an account with us;
- allow you to list your vehicle;
- allow you to reserve, book and collect a vehicle;
- authorise and collect payment;
- bill you or pay you;
- respond to your enquiries;
- improve our products and services; and
- maintain your account with us.

## HOW LONG WILL WE KEEP YOUR DATA FOR?

Data will be retained for as long as you are a member with Car & Away and then for a further period of 12 months following the end of your membership with Car & Away. **WHY**

## PROCESSING YOUR PERSONAL DATA IS LEGAL?

WHEN PERSONAL DATA IS COLLECTED?	NATURE OF PROCESSING	LEGAL BASIS FOR PROCESSING
Registration of an account and membership	To complete your membership and open your account	It is necessary for the performance of our contract with you as without this information we cannot provide the services to you.
When making a booking	To process a booking	It is necessary for the performance of our contract with you to enable you to receive and benefit from the

		<p>services. We use your contact information to get in touch with you when necessary which may include for example, contact before during and after a booking by email or by phone to assist with or administer a booking and to help improve our services.</p>
IP addresses	To support fraud detection and fault resolution	<p>It is in our legitimate interests to process your IP address in order to detect issues with our servers</p>
Telematics	To understand the way in which the renter has driven the vehicle	<p>It is in our legitimate interests to process the personal data collected from the telematics unit for the following reasons:</p> <ul style="list-style-type: none"> <li>• in order to help resolve disputes between the parties;</li> <li>• the renter must comply with his obligation to drive with reasonable care and in accordance with the law;</li> <li>• failure by the renter to drive with care could invalidate the Insurance Policy;</li> <li>• failure by the renter to drive without care brings a risk of enforcement action by authorities; and</li> <li>• failure to drive without care risks damaging or devaluing the owner's car.</li> </ul>

Marketing information	To market information	If you have opted in to receive marketing information from us in accordance with the 'Marketing' section above then we are processing your personal data on the basis of the express consents you have given us to provide the relevant marketing information.
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**WHO DO WE SHARE YOUR INFORMATION WITH?**

***General***

Car & Away does not sell, trade, or rent your personal information to others. We will not share the personal information we collect from you through our services with third parties except as described in this Privacy Policy.

***Insurer***

[For the purposes of the Data Protection Laws the data controller in relation to the information relating to our insurance policies is our insurer, Allianz. We or our insurer may pass information about you which is contained in Car & Away policy and supporting documentation to other insurance companies (or insurance authorised representatives with whom we either reinsure our business or who are dealing with a claim made under the policy). These companies may include Insurance Database Services Limited in respect of the Claims and Underwriting Exchange, as well as other counter-fraud organisations and claims suppliers. These companies may be located in countries outside the UK but within the European Economic Area (EEA)

Also, Allianz will receive aggregated and anonymised data from the telematics device.

***Other Members***

Car & Away enables car owners to offer and rent their vehicles to other individuals and we act as agent for both the owner of the car and the renter of the car. If you agree to a rental transaction through the Website, Car & Away may provide your personal information to the other party in that transaction as reasonably necessary to facilitate the rental. For example, Car & Away may provide your name on the condition report.

Where you are an owner or a renter, you will need to make sure that any personal data or information is wiped from the vehicle's entertainment system or SatNav system to ensure that the other party is not able to view this information. Car & Away is not responsible or liable if any personal data is visible this way.

### ***Authorities***

If you are a renter member and you fail to pay any parking fines, congestion charges, penalty notices or similar, then we may share your personal data with the relevant authority (including the police) in order for such authority to pursue avenues of redress with you,

### ***Telematics provider***

Omoove s.r.l will process your personal data as part of providing the telematics device to us but Car & Away will remain data controller and Omoove s.r.l shall only be permitted to process your personal data in accordance with our written instructions.

Also, as noted above, Omoove s.r.l will receive aggregated and anonymised data from the telematics device for its own use.

### ***Other third parties***

If Car & Away offers or promotes services in conjunction with another company, and you request those services (or additional information about them), you consent to our sharing your personal information with those parties. In those cases, we will only share the information reasonably needed to provide you with the applicable service. We may also share personal information with third parties when you give us your consent to do so. Information that is shared with third parties as described in this paragraph is subject to the privacy policies of those parties, which may differ from this Privacy Policy. Car & Away is not responsible for the acts or omissions of those third parties. We encourage you to become familiar with their practices before disclosing information directly to them.

Car & Away may disclose personal information in the good faith belief that we are lawfully authorised or required to do so, or that doing so is reasonably necessary or appropriate to comply with the law or with legal process or authorities, respond to any claims, or to protect the rights, property or safety of Car & Away, our users, our employees or the public. That includes actions we may take to protect Car & Away or our users from fraudulent, abusive, inappropriate or unlawful use of our site or marketplace.

Information about our users, including personal information, may also be disclosed or transferred as part of, or during negotiations of, any merger, sale of company assets, financing or acquisition or in any other situation where personal information may be transferred as one of the business assets of Car & Away. You understand that when you use the Website, information you post in your profile or in any other area of the site will be available to other users and in some cases may be publicly available.



## **SECURITY**

We are committed to ensuring that your information is secure. In order to prevent unauthorised access or disclosure we have put in place suitable physical, electronic and managerial procedures to safeguard and secure the information we collect, including locked cabinets and electronic password protection.

If at any point you suspect or become aware of a security incident (i.e. your password is stolen or you receive suspicious communication from someone holding themselves out to be a Car & Away employee or from a dupe website claiming to be affiliated with Car & Away), please forward the communication to us or report the incident by email to [help@carandaaway.com](mailto:help@carandaaway.com) or in writing to Car & Away at 1<sup>st</sup> Floor, 1 Hotspur Lane, Wooburn Green, High Wycombe, Buckinghamshire, HP10 0AA as soon as possible.

While we will use all reasonable efforts to safeguard your personal data, you acknowledge that the use of the internet is not entirely secure and for this reason we cannot guarantee the security or integrity of any personal data that are transferred from you or to you via the internet. If you have any particular concerns about your information, please contact us (see 'How to contact us' below).

## **TRANSFERS OF YOUR INFORMATION OUTSIDE OF THE EEA**

We may need to transfer your personal data to our insurers and their partners.

## **WHAT RIGHTS DO YOU HAVE?**

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

- the right of access to personal data relating to you;
- the right to correct any mistakes in your information;
- the right to ask us to stop contacting you with direct marketing as specified above;
- the right to restrict your personal data being processed;
- the right to have your personal data ported to another data controller (e.g. if you decide to contract with a different supplier) where we are processing your personal data on the basis of it being necessary for the performance of a contract between us;
- the right to object to your personal data being processed where we are processing your personal data on the basis of it being in our legitimate interests or for direct marketing;
- the right to erasure;
- compensation for damage caused by contravention of the Data Protection Laws; and
- the right to complain to the ICO if you believe we have not handled your personal data in accordance with the Data Protection Laws.

These rights are explained in more detail below, but if you have any comments, concerns or complaints about our use of your personal data, please contact us (see 'How to contact us' below). 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.

## **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;
- details of the purpose for which it is being or is to be processed;
- details of the recipients or classes of recipients to whom it is or may be disclosed, including if they are overseas and what protections are used for those overseas transfers;
- the period for which it is held (or the criteria we use to determine how long it is held); and
- any information available about the source of that data.

Requests for your personal data must be made to us in writing (see 'How to contact us' above), and a copy will be retained on your personnel file.

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

If, to comply with your request, we would have to disclose information relating to or identifying another person, we may need to obtain the consent of that person if possible. If we cannot obtain consent, we may need to withhold that information or edit the data to remove the identity of that person if possible.

There are certain types of data which we are not obliged to disclose to you, which include personal data which records our intentions in relation to any negotiations with you where disclosure would be likely to prejudice those negotiations.

## **RIGHT TO CORRECT ANY MISTAKES IN YOUR INFORMATION**

You can require us to correct any mistakes in your information which we hold free of charge. If you would like to do this, please:

- email, call or write to us (see 'How can you contact us' below);
- let us have enough information to identify you (e.g. account number, user name, registration details); and
- let us know the information that is incorrect and what it should be replaced with.

## **RIGHT TO PREVENT PROCESSING OF PERSONAL DATA**

From 25 May 2018 and in accordance with the General Data Protection Regulations 2018, you may request that we stop processing your personal data temporarily if:

- you do not think that your data is accurate (but we will start processing again once we have checked and confirmed that it is accurate);
- 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 ERASURE**

From 25 May 2018 and in accordance with the General Data Protection Regulations 2018, 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 Policy;
- 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.

There may be exemptions which mean we may continue to process your data.

## **DATA PORTABILITY**

Where we are processing your personal data on the basis of being necessary in order to take steps at your request prior to entering into a contract, then from 25 May 2018 and in accordance with the General Data Protection Regulations 2018, you may ask for an electronic copy of your personal data provided to us and which we hold electronically, or for us to provide this directly to another party.

## **COOKIES**

We use cookies on our Website, which amongst other things, help us to improve your experience of our Website and to ensure that it performs as you expect it to. Cookies are text files containing small amounts of information, which are downloaded to your computer or mobile device by websites that you visit. They can improve your experience of using a website, for example, by remembering your preference settings and tracking your use of a website so that it can be improved to meet your needs. They can also help to ensure that adverts you see online are more relevant to you and your interests.

Websites must get consent to send cookies to your computer or mobile device unless the cookies are strictly necessary to provide services to you.

Turning off and deleting cookies: all web browsers allow you to limit cookie behaviour or turn off cookies with the settings or options of the browser. The steps to do this are different for each browser and you can find instructions under the Help menu of your browser.

Through your browser you can also view the cookies that are on your computer, and delete individual ones, or purge them all.

You can set (accept or decline) your cookie preferences when you arrive at our Website via the pop-up consent buttons. We do not allow third party cookies on our site.

Unless the cookie is a strictly necessary cookie, you can withdraw your consent to our cookies at any time even if you have previously consented. Although, please do remember that if you do not consent to our functionality cookies, parts of our Website will not work.

For example, to watch new content video on our website such as tutorial videos or customer experience videos. For this reason we will occasionally send you prompts which allow you to consent to a cookie you have previously rejected.

The table below explains what cookies we use on our Website, why we use them and whether they are strictly necessary or another type of cookie e.g. "functionality" or "performance" cookies. We also state in the table whether a cookie is a "persistent" or "session" cookie. The difference is that:

- Persistent cookies remain on your device between browsing sessions. They are activated each time you visit the website that created that particular cookie. For example, where a "persistent cookie" is used on a website to remember your log-in details, you will not need to enter those details each time you visit that website.
- Session cookies allow website operators to link the actions of a user during a browser session. A browser session starts when you open the browser window and finishes when you close the browser window. Session cookies are created temporarily. Once you close the browser, all session cookies are deleted.

Some of the cookies listed below are those set by our Website when you visit – [www.carandaway.com](http://www.carandaway.com).

### **Strictly necessary**

Strictly necessary cookies are essential to enable you to receive a service on a website. For example, cookies to operate online shopping baskets, do your internet banking or to comply with the law (e.g. such as to keep your information safe). We would not be able to operate our Website without using the "strictly necessary" cookies listed below.

Cookie	Name	Purpose	Persistent/ Session	More information

### Performance

Performance 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 do not collect information that identifies a visitor. Any information collected by these cookies is anonymous. We only use such information to improve our Website.

Cookie	Name	Purpose	Persistent/ Session	More information
Google Analytics	_utma _utmb _utmc _utmv _utmz	These cookies are used to collect anonymous information about how visitors use our site. We use the information to compile analytical reports which help us improve our website. The cookies collect information such as the number of visitors to our website, how they arrived there (e.g. directly from the internet or through linking from another website) and tracking which webpages they visited.	Persistent	<a href="http://www.google.co.uk/policies/privacy">www.google.co.uk/policies/privacy</a>

### Functionality

Functionality cookies allow the website to remember choices you make (such as your log in details) and customised preference settings (e.g. text size). They also enable enhanced, more personal features, e.g. a website may be able to provide you with local weather reports or traffic news by using a cookie to remember which region you are in. These cookies are also used to provide services you have asked for such as watching a video. Information collected by "functionality" cookies may or may not be anonymised, but they cannot track your browsing activity on other websites.

Cookie	Name	Purpose	Persistent/ Session	More information
	CnAKey	To enable an authenticated users session to be persisted throughout the site	Session	

### Targeting

These cookies collect information about your browsing habits to make advertising relevant to you and your interests. These cookies collect the most information about users.

Cookie	Name	Purpose	Persistent/ Session	More information
None used				

### CORRECT/UPDATE

If you would like to update your contact information, please use your Account Page. If you have any trouble using the Account Page, please contact Car & Away customer service at [help@carandaway.com](mailto:help@carandaway.com).

### HOW TO CONTACT US

Car & Away welcomes your questions and comments about privacy, and what we do. Please feel free to e-mail us at [help@carandaway.com](mailto:help@carandaway.com). If you need to reach us by mail,

please write to: Car & Away Limited at its registered address at 1<sup>st</sup> Floor, 1 Hotspur Lane, Wooburn Green, High Wycombe, Buckinghamshire HP10 0AA.

### COMPLAINTS TO THE INFORMATION COMMISSIONER

If you do not think that we have processed your data in accordance with this privacy policy, please contact us in the first instance.

If you are not satisfied, you can complain to the ICO. Information about how to do this is available on the ICO's website at [www.ico.org.uk](http://www.ico.org.uk).