



Privacy Policy

Xperta (Xperta.pro Ltd) is committed to protecting and respecting the privacy of all our Users, Experts and their clients. This Privacy Policy should be understood together with our Terms and Conditions and our Acceptable Use Policy. These documents present the basis upon which any Personal Data that we collect from you, or that you provide to us, will be processed by Xperta. By using Xperta's Services, you are accepting and consenting to our practices as described in this policy.

We reserve the right to change this policy to take account of:

- any changes to Data Protection Law or other laws that may affect this policy;
- guidance issued by the ICO and others;
- issues raised by our Users, partners and end users.

Definitions

In this policy the following words have the following meanings:

Xperta the Company or the Software and Service provided and developed by Xperta.pro Ltd

User(s) Users of Xperta seeking expert services and Experts providing experts of Xperta

Expert(s) individuals offering professional services through Xperta

Us, Our, We Xperta.pro Ltd and our Staff

You, Your your organisation and its Staff

Staff your or our employees, workers, agents and sub-contractors

Site Xperta's website at <https://www.xperta.pro>

Act the Data Protection Act 1998

Data Protection Laws the Act, GDPR, the Regulation of Investigatory Powers Act 2000, the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 (SI 2000/2699), the Electronic Communications Data Protection Directive (2002/58/EC), the Privacy and Electronic Communications (EC Directive) Regulations 2003 (SI 2426/2003) and all applicable laws and regulations relating to the processing of personal data and privacy, including, where applicable, the guidance and codes of practice issued by the ICO or any other supervisory authority, and the equivalent of any of the foregoing in any relevant jurisdiction





Data Controller, Data Processor, Data Subject and Personal Data all have the meaning given to them in the Act and GDPR

Client(s) the user's clients or any third party referred within Xperta

Client Data any personal information relating to Clients including legal documentation, clinical records or clinical notes

GDPR EU General Data Protection Regulations

ICO the Information Commissioner's Office and any successor to it as data protection authority.

Changes to our Privacy Policy

Any changes Xperta makes to this Privacy Policy in the future will be posted on this page and, where appropriate, notified to you by e-mail. Please check back frequently to see any updates or changes to our Privacy Policy.

Contact, Questions or Complaints

Questions, comments and requests regarding this Privacy Policy are welcomed and should be addressed to support@xperta.pro. If you have any questions or have a complaint about this Privacy Policy please let us know us immediately.

Data Processing

Xperta as Data Controller

Xperta.pro Ltd of S3, The Old Market, Lower Market Street, Hove, BN3 1AT (registered in England and Wales, company number 11936277) will be the Data Controller in respect of User Data. As Data Controller, we determine the purposes for which and the way User Data is processed. This Privacy Policy describes the types of processing Xperta may undertake with respect to User Data.

As a User of Xperta, you permit us to be the Data Controller in respect of Personal Data which you and/or your Staff may supply to us, or that which we collect from you which relates to you and your Staff (User Data).

If we ask you to provide certain information by which you can be identified when using Xperta, our Services or by other contact methods, then you can be assured that it will only be used in accordance with this Privacy Policy.





The User as Data Controller, Xperta as Data Processor

Where you or your Staff input any Client Data which may be collected, stored and processed as a result of your use of Xperta, you will remain the Data Controller. In these cases, Xperta is a Data Processor only.

In cases where you are collecting, storing and processing Client Data, you will determine the purposes and the manner in which that Personal Data is processed. You will also be responsible for:

- informing your Staff and Clients of your Privacy Policy and practices, including the lawful grounds upon which you are processing any Personal Data;
- compliance with Data Protection Laws including all data protection and privacy laws relevant to the territory in which you operate and/or which are applicable to your Clients;
- drawing the Client's attention to this Privacy Policy;
- informing us if any Client objects to either your or our data processing.

Client Data is to be distinguished from User Data which Xperta has collected from you (our User). For example, you may have agreed to our collection, use, transfer and storage of User Data (including data of your Staff) for Xperta's own business purposes including credit checks, administration of contractual arrangements, sales and marketing.

Conditions for Processing

You will ensure that you have all the necessary and appropriate consents or notices in place to enable lawful transfer of Client Data to Xperta for the duration and purposes of the Services. You acknowledge that for the purposes of the Data Protection Laws, you will be the Data Controller and that Xperta is the Data Processor.

In processing Client Data submitted by you, Xperta will:

- process Client Data only on your written instructions unless Xperta is required by the laws of any member of the European Union or by the laws of the European Union applicable to Xperta to process Personal Data (Applicable Laws);
- ensure that it has in place appropriate technical and organisational measures, to protect against unauthorised or unlawful processing of Client Data and against accidental loss or destruction of, or damage to, Client Data, as appropriate;
- ensure that all Xperta's staff who have access to and/or process Client Data are obliged to keep the Client Data confidential; and
- not transfer any Client Data outside of the European Economic Area unless the prior written consent of the User has been obtained and the following conditions are fulfilled: The User or Xperta has provided appropriate safeguards in relation to the transfer; The data subject has enforceable rights and effective legal remedies; Xperta complies with its obligations under the Data Protection Laws by providing an adequate level of protection to any Personal Data that is transferred; and Xperta complies with reasonable instructions notified to it in advance by the User with respect to the processing of the Client Data;





- assist the User, at the User's cost, in responding to any request from a Data Subject and in ensuring compliance with its obligations under the Data Protection Laws with respect to security, breach notifications, impact assessments and consultations with supervisory authorities or regulators;
- notify the User without undue delay on becoming aware of a Personal Data breach;
- within 45 days of the date of termination or cancellation of your Contract, delete Client Data and copies thereof unless required by Applicable Law to store the Personal Data;
- maintain complete and accurate records and information to demonstrate its compliance with these obligations.

By using our Services, you acknowledge that Xperta uses various third-party suppliers to provide functionality within Xperta for the User's optional use to deliver and send text and email messages. The User accepts that such use will be in accordance with the third-party suppliers' terms and conditions and their respective privacy policies. The User will ensure that it has Client consent or other authority to share Clients Data via these communications.

Xperta confirms that it will notify you if it proposes to enter into any agreements with third-party processors. In such cases, a written agreement with the third-party processor will incorporate terms which are substantially similar to those set out in this Privacy Policy for processing.

At any time on not less than 30 days' notice, Xperta may revise this part of the Privacy Policy by replacing it with any applicable controller to processor standard clauses or similar terms forming part of an applicable certification scheme (which shall apply when this policy is updated).

Xperta is not liable in respect of any Client Data which is controlled by the User in breach of Data Protection Laws or outside the scope of the permissions granted to you by the Client.

Third Party Processors (where Xperta is Data Controller)

User and Usage Data may be processed (by third party processors engaged by Xperta) outside of the EEA.

Information collected

What information do we hold?

Xperta will collect and process the following personal information:

- Information you provide to us;
- Information we collect about you; and
- Information supplied to us by third parties.

Information you provide to us

We may process the following types of Personal Data:





- User Data Information you give to us about you and your Staff;
- Client Data Information you enter into Xperta about your Clients and Services which may include, but is not limited to, Enquiry Data; and/or
- Enquiry Data Information you give to us and may include information we collect.

Information we collect

Whenever you access Xperta we will automatically collect the following information:

Usage Data Information on your usage of our Software and Services, including:

- technical information, including the Internet protocol (IP) address used to connect your computer to the Internet, and your login information;
- information about your visit, via our cookie policy; and
- information collected by third-party services responsible for error and performance monitoring of Xperta.

How we will use information?

The legal basis for processing User Data is:

- because this is necessary in order for us to supply the Services to you and perform our contract with you and/or taking steps at your request to enter such a contract;
- because this is necessary for the purposes of our legitimate interests (or those of a third party).

The legal basis for processing Client Data is:

- consent from the Client;
- because this is necessary for your use of Xperta and the supply of our Services to you in accordance with our contract; and/or
- your legitimate interests, namely the supply of your services to your Clients.

How will Xperta use personal information?

User Data may be processed for the purposes of:

- internal record keeping;
- performance and administration of the Services and Xperta;
- operating our business and the Site efficiently;
- providing you with information to improve our Services and Xperta;
- notifying you about new features, products, special offers or other information which we think you may find interesting;
- notifying you about changes to Xperta's service, the Site, Privacy Policy, the Terms of Service and the Acceptable Use Policy;





- maintaining back-ups of our databases.

Client Data may be processed for the purposes of:

- storing Client Data on Xperta;
- storing Client Data on our servers;
- supplying you with our products and Services;
- enabling and assisting us to comply with all legal, regulatory and compliance obligations to which we are subject; and
- ensuring the security of our Services, maintaining back-ups of our databases.

Usage Data may be processed:

- to administer the Site for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes;
- to improve the Site to ensure that content is presented in the most effective manner for you and for your computer;
- to allow you to participate in interactive features of the Site, as you choose to do so;
- as part of our efforts to keep the Site safe and secure;
- to measure or understand the effectiveness of advertising which may be served via the Site;
- to make suggestions and recommendations to you and other users of our Site about goods or services that may interest you or them.

If you fail to provide personal information

If you fail to provide certain information when requested, Xperta may not be able to perform the Services and hold any contract we have entered into with you as we may be prevented from complying with our legal obligations.

Change of purpose

Where we are the Data Controller (in respect of User Data and Usage Data only), Xperta will only use personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

Where we are the Data Processor, Xperta will only process Client Data in accordance with the conditions for processing set out in this policy. We shall only process Client Data relevant to a particular User's Clients, while our contract with the User is continuing and shall cease such processing:





(a) when requested by the User (b) on termination of the contract (c) on cancellation of the contract; or (d) at the request of the data subject.

Disclosure of your information

You agree that Xperta has the right to share User Data and Usage Data (but not Client Data) with:

- any member of our group, which means our subsidiaries, our ultimate holding company and its subsidiaries, as defined in section 1159 of the UK Companies Act 2006;
- selected third parties including business partners, suppliers and subcontractors for the performance of any contract we enter into with them or you (including third party IT providers, hosting and back-up service providers);
- third-party service providers who assist us with our activities, such as hosting providers, and other IT or payment service providers, may also have access to personal information held by us and may use this information on our behalf.

We will share information with other third parties:

- if we are under a duty to disclose or share your personal data in order to comply with any legal obligation, or in order to enforce or apply the Terms of Service or the Acceptable Use Policy and other agreements;
- to protect the rights, property, or safety of Xperta, our Users, or others. This includes exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction;
- to assist us in improving our products and Services. We monitor aggregated data that is collected by our Service and may share this with third parties collectively and in an anonymous way. This data will not reveal personal information.

We will not sell, rent or share User Data, Usage Data or Client Data with third parties in other ways without your consent unless we are entitled by law to do so.

Data storage

Where Xperta will store personal data?

We may hold personal information in electronic databases, such as our customer relationship management (CRM) system. We take all reasonable steps to keep any personal information we hold about you (and your Clients) secure.

We restrict access to personal information to our Staff who require that information in order to operate and develop the Services of Xperta.

All information which is provided to, or collected by, Xperta is:

- stored on Xperta's secure servers within the European Union (EU);





- hosted on secure data centre managed by our hosting partner with 24/7 manned security, CCTV, biometric access to the facility and restrictive access to the internals of the building based on authorisation levels.

Passwords and Security

Where Xperta has given you (or where you have chosen) a password which enables you to access your account, you are responsible for keeping this password confidential. Xperta asks you not to share your password with anyone.

How long Xperta will store your data?

Personal Data

We will store your personal data:

- for such time as this is required in connection with the Services we are supplying to you;
- we will erase personal data within 30 working days upon your request in compliance with your data protection rights.

Client Data

- We will store your client data for such time as this is required in connection with the Services we are supplying to you; and
- for a maximum period of 60 days from the date the Services end.
- We will delete all documents from our system immediately after they are removed by you as the data controller.
- If they are not deleted by you, we will store documents uploaded about a Client for 60 days after a case has been closed.
- We will delete all documents about a Client immediately upon request under your rights as the data controller.

Enquiry Data

- We will store your enquiry data for such time as this is required in connection with the enquiry you have raised; and
- for a period of up to 6 years from the date of your enquiry whilst this remains active.
- We will remove all enquiry data within 7 days of any request by the data controller or the ICO.

Exceptions

We may retain User Data where such retention is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another person.





Your Rights

Your rights as a data subject where Xperta is the Data Controller

If you are an individual and Xperta processes Personal Data, you have the following rights. (Please note that this is a summary of your rights. If you wish to understand your rights in detail you should read the relevant laws, guidance and regulations for a fuller explanation).

Right of access to your Personal Data

You can ask us to confirm whether or not we process your Personal Data, and where we do, request a copy from us. If your request is sent to Xperta electronically, Xperta will supply this in a commonly used electronic form, unless you request otherwise.

We will supply the data free of charge but we reserve the right to charge a reasonable fee (or refuse to act on the request) if you request additional copies of the information, or if access requests are unfounded or excessive.

There are circumstances where we may withhold the supply of your Personal Data – for instance, where the rights and freedoms of others may be affected or where we are permitted by law.

Right to request the rectification of your Personal Data

In the event that you think we hold any inaccurate or incomplete Personal Data, you can ask us to correct any inaccurate data or to complete any incomplete data we hold.

Right to request the erasure of your Personal Data (the "right to be forgotten")

Xperta will not hold any Personal Data for longer than is necessary for the purposes for which it was collected. However, in some circumstances, you may request the erasure of any Personal Data held by Xperta.

Right to request the restriction on processing of your Personal Data

In some circumstances, you may request Xperta to restrict processing of your Personal Data. You can change how we contact you in your Preferences.

Right to object to our processing of your Personal Data

You may object to Xperta's processing of your Personal Data where: *processing is based on public interests or legitimate interests pursued by us or by a third party*; or processing is for direct marketing. If you object, Xperta will stop processing the Personal Data unless: *we have compelling legitimate ground for processing the Personal Data*; or we need to process the Personal Data to establish, exercise, or defend legal claims. Processing for direct marketing will cease immediately.





Right to data portability in respect of your Personal Data.

In limited circumstances, you may have the right to request Xperta to: *supply your Personal Data in a format so that you may store it for further personal use on a private device*; transmit the Personal Data to another data controller; * transmit your Personal Data directly to another data controller to another where technically possible.

Right to complain to ICO/supervisory authority

If you believe our processing infringes Data Protection Laws, you have the right to lodge a complaint with the ICO (<https://ico.org.uk/make-a-complaint/>) or a supervisory authority responsible for data protection.

You may complain in the EU member state of your residence, place of work or the place of the alleged infringement.

Right to notification of any breach

In the unlikely event of a Personal Data breach which is likely to result in a significant risk to your rights, Xperta will notify you of the breach without undue delay. However, if your Personal Data is encrypted or otherwise unintelligible, Xperta will not be required to notify you of a breach.

Withdrawal of consent

In all cases where the legal basis for our processing of your Personal Data is consent, you have the right to withdraw that consent at any time. Such withdrawal will not affect the lawfulness of any processing in the time before you withdraw consent.

