

COGNACITY PRIVACY NOTICE

Cognacity Health Limited and Cognacity Limited respect your privacy and are committed to protecting your personal data. This privacy policy will inform you as to how we look after your personal data and tell you about your privacy rights and how the law protects you.

There is a Glossary of technical terms at the end of this privacy policy.

This policy was last updated on: 6 February 2024.

1. IMPORTANT INFORMATION AND WHO WE ARE

1.1. Purpose of this privacy policy

1.1.1. This privacy policy gives you information on how we collect and process your personal data when you engage us to provide you with services. By “services” we mean our clinical, coaching and workshop services which are explained more fully on our website (at www.cognacity.co.uk).

1.1.2. It is important that you read this privacy policy when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data.

1.2. Controller

1.2.1. The controller of your personal data will be one of three entities, depending on which service you engage us to provide:

- If you are engaging us for the provision of clinical services (‘Clinical Services’), i.e. for the treatment of any mental health condition by members of our team of psychiatrists and/or psychologists and/or psychotherapists, the controller responsible for your personal data is Cognacity Health Limited, a company registered in England and Wales under registration number 13866879.
- If you are engaging us for the provision of coaching services and/or psychometric assessments and/or workshop/webinar delivery (‘Non-Clinical Services’), the controller responsible for your personal data is Cognacity Limited, a private limited company incorporated in England and Wales under company number 07431120.
- If you are a corporate client engaging us for the provision of Leadership Assessments, you will be the controller responsible for the personal data of the candidates we assess, and Cognacity Ltd will be the processor.

Cognacity Ltd and Cognacity Health Ltd both have their registered office at 22 Welbeck Street, London W1G 8EF. Collectively they are referred to as “Cognacity”, “we”, “us” and “our” in this privacy notice. Both entities are registered on the data protection public register – Cognacity Health Limited with registration number ZB425974, and Cognacity Limited with registration number ZA392828.

We have adopted this dual-operating structure because Cognacity Health Limited is subject to different regulatory requirements than Cognacity Ltd.

1.2.2. If you have any questions about this privacy policy, including any requests to exercise your legal rights, please contact our Data Protection Officer by emailing privacy@cognacity.co.uk.

1.2.3. You have the right to make a complaint at any time to the Information Commissioner’s Office, the UK supervisory authority for data protection issues (www.ico.org.uk). We would, however, appreciate the

chance to deal with your concerns before you approach the ICO so please contact privacy@cognacity.co.uk in the first instance.

1.3. **Your duty to inform us of changes**

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

1.4. **Third-party links**

Our website may include links to third-party websites, plug-ins and applications. For instance, on our home page you can click through to our ‘doctify’ profile, and other pages contain links to videos hosted on YouTube and our Facebook, Twitter and LinkedIn pages. Clicking on those links, or enabling those connections, may allow third parties to collect or share data about you. We do 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 policy of every website you visit.

We may, as part of our Non-Clinical Services, ask you to complete a psychometric test via our online platform which we make available at www.cognacity.digital. The platform is operated by Cognacity Limited which (as with the other services we provide) is the data controller in respect of any personal data you submit via the platform. Our lawful bases of processing personal data via this platform are set out in the table below, but please note that personal data you submit through the platform is not shared with your employer or any third party. We may anonymise personal data and – aggregated across a significantly sized group level – feed it back to your employer in the form of reports about the general wellbeing of employees within your organisation. The size of the cohort is such that no individual will be identifiable from this data. You do not have to complete the psychometric test if you do not want to (and there are no negative consequences in not completing it). The questions contained within the psychometrics all relate to the status of your mental wellbeing/resilience-levels and provide an overview of your mental health and help identify those individuals who may require additional support.

2. **THE DATA WE COLLECT ABOUT YOU**

- 2.1. Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).
- 2.2. We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows:
 - 2.2.1. **Identity Data** – includes your first name, maiden name, last name, marital status, title, date of birth and gender.
 - 2.2.2. **Contact Data** – includes your home and/or work address, your personal and/or work email addresses and telephone numbers.
 - 2.2.3. **Financial Data** – includes your bank account details and payment card details.
 - 2.2.4. **Transaction Data** – includes details about payments to and from you and other details of services you have purchased from us.
 - 2.2.5. **Technical Data** – includes your internet protocol (IP) address, 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 our website.

- 2.2.6. **Profile Data** – includes your interests, preferences, feedback and survey responses.
- 2.2.7. **Usage Data** – includes information about how you use our website and services.
- 2.2.8. **Marketing and Communications Data** – includes your preferences in receiving marketing from us and our third parties and your communication preferences.
- 2.2.9. **Health Data** – includes any information relating to your health that you, or a third party on your behalf, provides to us. Health Data is sensitive personal data to which UK GDPR applies special rules.
- 2.3. Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example to provide you with our services). In that case, we may have to cancel the provision of services to you but we will notify you if that is the case at the time

3. HOW IS YOUR PERSONAL DATA COLLECTED?

We use different methods to collect data from and about you including through:

- 3.1. Direct interactions. You may give us your Identity Data, Contact Data, Financial Data, Profile Data, Marketing and Communications Data and Health Data in person at our clinic or by corresponding with us by post, phone, email, filling in forms on our website, accessing online portals or otherwise. This includes personal data you provide when you:
 - 3.1.1. instruct us to provide you with any of the services we offer;
 - 3.1.2. provide us with information in order to allow us to provide you with our services or otherwise fulfil our obligations pursuant to any contract we have with you;
 - 3.1.3. subscribe to any publications or information on our website;
 - 3.1.4. request marketing to be sent to you;
 - 3.1.5. respond to any survey we provide to you; or
 - 3.1.6. give us any feedback.

4. HOW WE USE YOUR PERSONAL DATA

4.1. When we will use your personal data (pursuant to Article 6 of the UK GDPR)

- 4.1.1. We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:
 - Where you have explicitly consented to our use of your personal data (this is typically for marketing purposes). You have the right to withdraw such consent at any time by contacting us via the means set out in paragraph 1.2.2 above.
 - Where we need to perform the contract we are about to enter into or have entered into with you.
 - Where it is necessary for our legitimate interests (or those of a third party) e.g performing a contract with your employer, and your interests and fundamental rights do not override those interests.
 - Where we need to comply with a legal or regulatory obligation.

4.2. Purposes for which we will use your personal data

4.2.1. 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.

4.2.2. Health Data requires an additional special condition to be satisfied if we are to process it lawfully. We have set out in the table below the special condition that we will satisfy in relation to the use of your Health Data.

4.2.3. 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 via the means set out in paragraph 1.2.2 above 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.

<i>Purpose / Activity</i>	<i>Type of data</i>	<i>Lawful basis for processing (including basis of legitimate interest)(Article 6)</i>	<i>Special condition for processing of Health Data (Article 9)</i>
To register you as a new client	Identity Data Contact Data Financial Data Health Data	Performance of a contract with you Necessary for our legitimate interests (performing a contract with your employer)	Provision of health or social care treatment (UK GDPR, Art. 9(2)(h))
Processing of data received from GPs or other third parties	Identity Data Contact Data Health Data	Necessary for our legitimate interests (performing a contract with you or your employer)	Provision of health or social care treatment (UK GDPR, Art. 9(2)(h))
To provide you with clinical services in accordance with the terms of any contract we have entered into with you (or your employer)	Identity Data Contact Data Health Data	Performance of a contract with you Necessary for our legitimate interests (performing our contract with your employer)	Provision of health or social care treatment (UK GDPR, Art. 9(2)(h))
To provide you with coaching services in accordance with the terms of any contract we have entered into with you (or your employer)	Identity Data Contact Data Health Data	Performance of a contract with you Necessary for our legitimate interests (performing our contract with your employer)	Provision of health or social care treatment (UK GDPR, Art. 9(2)(h))
To provide you with webinar/workshop services in accordance with the terms of any contract we have entered into with you (or your employer)	Identity Data Contact Data	Performance of a contract with you	Provision of health or social care treatment (UK GDPR, Art. 9(2)(h))

Purpose / Activity	Type of data	Lawful basis for processing (including basis of legitimate interest)(Article 6)	Special condition for processing of Health Data (Article 9)
		Necessary for our legitimate interests (performing our contract with your employer)	
To provide you with Leadership assessment services in accordance with the terms of any contract we have entered into with you	Identity Data Contact Data	Performance of a contract with you Necessary for our legitimate interests (performing our contract with the organisation recruiting you)	Provision of health or social care treatment (UK GDPR, Art. 9(2)(h))
To invoice you or a third party for our services including managing payments, fees and charges and recovering money owed to us. Where we invoice you direct we use a third party billing company.	Identity Data Contact Data Financial data	Performance of a contract with you Necessary for our legitimate interests (performing our contract with your employer)	Provision of health or social care treatment (UK GDPR, Art. 9(2)(h))
To refer externally to a third party medical professional /service provider outside of Cognacity	Identity Data Contact Data Health Data	Performance of a contract with you Necessary for our legitimate interests (performing a contract with your employer)	Provision of health or social care treatment (UK GDPR, Art. 9(2)(h))
To provide written follow up correspondence and referral letters/prescription records to maintain continuity of care. This administrative service is outsourced.	Identity Data Contact Data Health Data	Necessary for our legitimate interests (providing an effective service in maintaining communication with all third party clinicians and next of kin)	Provision of health or social care treatment (UK GDPR, Art. 9(2)(h))
To provide a 24/7 confidential helpline service to provide immediate assistance in the time of crisis	Identity Data Contact Data Health data	Performance of a contract with you (this is an implied contract as you provide the information voluntarily in order to receive this service) Necessary for our legitimate interests (performing a contract with your employer)	Provision of health or social care treatment (UK GDPR, Art. 9(2)(h))
To manage our relationship with you including asking you to leave a review of our services or take a survey	Identity Data Contact Data	Necessary for our legitimate interests (to keep our records updated, to ascertain how our clients use our services and to develop our services and grow our business)	N/a
To maintain clinical standards and best practice by auditing patient records periodically	Identity Data Contact Data Health data	Necessary for our legitimate interests (to ensure all clinicians follow best practice to ensure the safety of our patients)	Provision of health or social care treatment (UK GDPR, Art. 9(2)(h))

<i>Purpose / Activity</i>	<i>Type of data</i>	<i>Lawful basis for processing (including basis of legitimate interest)(Article 6)</i>	<i>Special condition for processing of Health Data (Article 9)</i>
To supplement our workshop delivery/coaching services by the use of on-line psychometric questionnaires	Profile Data Health Data Identity Data	Performance of a contract with you Necessary for our legitimate interests (performing our contract with your employer)	Provision of health or social care treatment (UK GDPR, Art. 9(2)(h))
Fulfilling our regulatory obligations (and co-operating with our regulators)	Profile Data Identity Data Health Data	Necessary for compliance with a legal obligation to which we are subject	Necessary for reasons of substantial public interest (UK GDPR, Art. 9(2)(g)) – (6) statutory and government purpose
Complying with a legal obligation (such as a court order requiring us to release information)	Profile Data Identity Data Health Data	Necessary for compliance with a legal obligation to which we are subject	Necessary for the establishment, exercise or defence of legal claim (UK GDPR, Art. 9(2)(f))
Complying with a legal obligation (such as bringing or defending a legal claim)	Profile Data Identity Data Health Data	Necessary for compliance with a legal obligation to which we are subject	Necessary for the establishment, exercise or defence of legal claim (UK GDPR, Art. 9(2)(f))
Marketing of our psychometrics/workshop/coaching services	Identity Data	You have provided explicit consent	n/a
Anonymising personal data for the purposes of internal auditing and collating clinical data/benchmarks	Identity Data Contact Data Health Data	Necessary for our legitimate interests (using data to benchmark our performance)	Archiving, research and statistics (UK GDPR, Art. 9(2)(j))
Keep staff, patients and premises safe and secure via use of surveillance cameras	Identity data	Necessary for our legitimate interests (using equipment to ensure safety of all personnel and premises)	n/a

4.3. Marketing

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

- 4.3.2. We may use your Identity Data to form a view on products or services that 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).
- 4.3.3. You will receive marketing communications from us if you have requested information from us or engaged us to provide you with services and, in each case, you have not opted out of receiving that marketing.

4.4. **Third-party marketing**

We do not share your personal data with any other company for marketing purposes.

4.5. **Opting-out**

You can ask us, or third parties, to stop sending you marketing messages at any time by following the opt-out links on any marketing message sent to you or by contacting us via the means set out in paragraph 1.2.2 above.

4.6. **Procedure for a Data Breach**

The GDPR introduces a duty to report certain types of personal data breach to the relevant supervisory authority (ICO). This will be undertaken within 72 working hours of Cognacity being made aware of the breach.

If the breach is likely to result in a high risk of adversely affecting an individuals' rights and freedoms, Cognacity must also inform those individuals without undue delay. Where the services are paid for by an individual's employer, that employer will also be notified within the same time frame.

Cognacity will provide the following information to individuals when informing them about a breach:

- The nature of the personal data breach;
- The name and contact details of our data protection officer;
- A description of the measures taken, or proposed to be taken, to deal with the personal data breach; and
- Measures taken to mitigate any possible adverse effects.

4.7. **Change of purpose**

- 4.7.1. We will only use your personal data 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 you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us via the means set out in paragraph 1.2.2 above.
- 4.7.2. If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.
- 4.7.3. Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

5. **DISCLOSURES OF YOUR PERSONAL DATA**

- 5.1. We may have to share your personal data with third parties set out below for the purposes set out in the table in paragraph 4.2.3 above.
 - 5.1.1. Internal Third Parties as set out in the glossary (clause 10) to this privacy policy.
 - 5.1.2. External Third Parties as set out in the glossary (clause 10) to this privacy policy.
 - 5.1.3. 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 policy.
- 5.2. We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers 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.

6. INTERNATIONAL TRANSFERS

We have designed our services and the IT infrastructure we use to provide those services with our duties and obligations under data protection legislation in mind. This is known as ‘privacy by design’. In particular:

- where we use IT systems to host our clients’ and patients’ personal data, we use servers and hardware physically located in the UK; and
- where we use third-party software applications in the course of our provision of services (for instance, video conferencing software), those applications will also use servers and hardware physically located in the UK/EU.

- 6.1. When we share your personal data with Internal Third Parties or External Third Parties it may involve transferring your data outside the European Economic Area (“**EEA**”).
- 6.2. Whenever we transfer your personal data outside the EEA, we may ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:
 - 6.2.1. Your personal data will be transferred to a country that has been deemed to provide an adequate level of protection for personal data by the European Commission.
 - 6.2.2. Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe.

7. DATA SECURITY

- 7.1. We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. We use two-factor authentication log-ons to all Microsoft/Windows accounts and all data is encrypted at rest and in transit. Where we use third-party software, we ensure that the third-party has sufficient security measures in place. In addition, we limit access to your personal data to those employees, associates, 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.

- 7.2. 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.

8. DATA RETENTION

- 8.1. How long will you use my personal data for?

- 8.1.1. We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

- 8.1.2. To determine the appropriate retention period for your 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.

- 8.1.3. Details of retention periods for different aspects of your personal data can be obtained by contacting us via the means set out in paragraph 1.2.2 above.

- 8.1.4. In some circumstances you can ask us to delete your data: see Request erasure in paragraph 9.1.3 below for further information.

- 8.1.5. 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.

9. YOUR LEGAL RIGHTS

- 9.1. Under certain circumstances, if you are an individual, you have rights under data protection laws in relation to your personal data as set out below:

- 9.1.1. Request access to your personal data (commonly known as a “data subject access request”). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

- 9.1.2. Request correction of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

- 9.1.3. Request erasure of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

- 9.1.4. Object to processing of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

- 9.1.5. Request restriction of processing of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data’s

accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

9.1.6. Request the transfer of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

9.1.7. Withdraw consent at any time where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain services to you. We will advise you if this is the case at the time you withdraw your consent.

9.2. If you wish to exercise any of the rights set out above, please contact us via the means set out in paragraph 1.2.2 above.

9.3. **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). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

9.4. **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.

9.5. **Time limit to respond**

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.

10. **GLOSSARY**

10.1. Comply with a legal obligation means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

10.2. Internal Third Parties means our employees, contractors, agents or officers engaged in the provision of our services to you.

10.3. External Third Parties means:

10.3.1. Service providers acting as data processors who provide us with payment processing, IT and system administration services.

10.3.2. Professional advisers including bankers, solicitors, auditors and insurers who provide us with banking, legal, insurance and accounting services.

- 10.3.3. HM Revenue & Customs and other authorities or regulated bodies who require reporting of processing activities in certain circumstances.
 - 10.3.4. Medical professionals in circumstances where we refer you for medical treatment.
 - 10.3.5. Providers who deliver administrative services/functions to assist us in running our business and providing our services, to include secretarial services, on-line training services, HR resources and a confidential helpline service.
- 10.4. Legitimate interest means the interest of our business in conducting and managing our business to enable us to give you the best service and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law).
- 10.5. Performance of a contract means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.
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