

## Vaper Market

### Privacy Notice

#### INTRODUCTION

Welcome to Vaper Market. This Privacy Notice explains what we do with your personal information when you are visiting and interacting with our business programme which includes [www.vapermarket.co.uk](http://www.vapermarket.co.uk) (“**Website**”), our business portal (“**Portal**”), via the Vuse Connect Application (“**App**”) or over the phone. It describes how we collect, use and process your personal information, and how, in doing so, we comply with our legal obligations to you. Your privacy is important to us, and we are committed to protecting and safeguarding your rights.

The Website, App and Portal is intended for use by incorporated and non-corporate business customers only. If you are a consumer, please visit one of our other websites from which consumers can order and purchase products and services.

For the purpose of applicable data protection legislation British American Tobacco UK Limited, whose registered office is at Building 7, Chiswick Business Park, 566 Chiswick High Road, London, England, W4 5YG (“**we**”, “**our**” or “**us**”) is the ‘controller’ of your personal information. This means we decide why and how your personal information is used and are responsible for protecting it. Please refer to the end of this notice for our contact and company information.

We may amend this Privacy Notice from time to time. Please visit this page regularly as we will post any changes here. Where appropriate, we may also notify you of the changes by email. Please see further the section Changes below.

If you are dissatisfied with any aspect of this Privacy Notice, you may have legal rights which we have described below where relevant.

#### CONTENTS

1. [Information we collect about you](#)
2. [How we use your information](#)
3. [Verifying your age](#)
4. [Marketing](#)
5. [Use of device and software usage information](#)
6. [Automated decision-making](#)
7. [Cookies](#)
8. [Sharing your information with third parties](#)
9. [Where we store your information](#)
10. [How we safeguard your information](#)
11. [How long we keep your information](#)
12. [Your rights](#)
13. [Changes](#)

## 14. How to contact us

### 1. INFORMATION WE COLLECT ABOUT YOU

When you use the Website, App or Portal or interact with us offline we collect and use information about you in the course of providing you with our products and services and with customer support. We may collect some or all of the information listed below to help us with this:

- information that you submit online via the Website, App or Portal or give to us by phone or via the webchat function, including your name, contact details, social media handle, date of birth, age, your vaping history and preferences, login credentials and bank details. We collect this in a number of ways, including when you register for an account with us and/or make a purchase online or offline;
- information that you submit via any contact forms on the Website, App or Portal and any correspondence we have with you over email or phone or via webchat function on the Website;
- details of transactions you carry out or orders you place through the Website, App or Portal, or by phone;
- details of your marketing preferences;
- details when you enter a competition, lottery or prize draw, including any personal information contained in the entry itself;
- details you provide when you complete training and certification sessions;
- details of your rewards such as coins and badges when you interact with our App;
- details relating to our loyalty and rewards programmes;
- details you provide when you register and attend our networking events;
- technical information about your visit, including details of your visits to the Website and your navigation around the Website, traffic data, communication data, information about the device you use to access the Website, your Internet protocol (IP) address used to connect your computer to the Internet, your login information, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform; and
- extra information that you choose to tell us.

We also automatically collect information about how visitors use our Website by using cookies and similar technologies if, where they are not essential to make the Website work, you have consented to their use. To learn more about how we use cookies and how to switch them off please see our [Cookies Notice](#). Some of the personal information we collect from you is required to enable us to fulfil our contractual duties to you or to others. For example, when buying products from us, we need to collect your financial bank details in order to be able to process your payment and we need to verify your age to comply with laws that apply to us. Other items may simply be needed to ensure that our relationship can run smoothly.

Depending on the type of personal information in question and the legal grounds (i.e. the 'lawful bases') on which we may be processing it, should you decline to provide us with such data, we may not be able to fulfil our contractual requirements or, in extreme cases, may not be able to continue with our relationship with you.

For details of the lawful bases that we rely on to be able to use and process your personal information, please see [How we use your information](#).

## **2. HOW WE USE YOUR INFORMATION**

The purposes for which we use your personal information and the lawful basis under data protection laws on which we rely to do this are explained below.

### **Where you have provided CONSENT**

We will rely on your consent, in certain cases, to send you the following where we invite you to opt-in::

- electronic marketing communications including by email, 'push notifications on our App and SMS; and
- personal information collected from non-strictly necessary cookies used on the Website (see our Cookies Notice for more information);

We may also rely on consent to use your name and image for publicity purposes. For example, we may rely on consent to feature winners in advertising for future competitions or prize draws.

You may withdraw your consent at any time. Please see the Marketing section below for further details.

### **Where it is required to complete or, at your request, take steps to enter into, a CONTRACT**

The use of your personal information may be necessary to perform a contract that you have with us or perform steps you request to enter into a contract. For example, when you buy products from us, we need to use your personal information to process your order, to send you the products, for billing purposes and to respond to any requests you may have. We also need to use your personal information to enable you to use some parts of the App, Website and Portal and to notify you about changes to our services.

### **Where there is a LEGAL REQUIREMENT**

We will use your personal information to comply with our legal obligations, including where the law requires us:

- to respond or assist the public authorities or the police and other criminal investigation bodies;
- to identify you when you contact us or to authenticate you when logging into your account;
- to verify the accuracy of data we hold about you;
- to comply with a request from you in connection with the exercise of your rights (for example where you have asked us not to contact you for marketing purposes, we will keep a record of this on our suppression lists in order to be able to comply with your request); and
- to carry out age verification checks (please see [Verifying your age](#) for further details).

### **Where it is in your VITAL INTERESTS**

We will use your personal information to notify you of any product safety or product recall issues.

### **Where there is a LEGITIMATE INTEREST**

We may use and process your personal information where it is necessary for us to pursue the following [legitimate interests](#) (whether ours, in connection with our business, or that of a third party), for the following purposes:

#### **Processing necessary for us to promote our business, brands and products and measure the reach and effectiveness of our campaigns**

- to communicate marketing information to you by phone or by post;
- to develop our brand and reward you with loyalty points;

- to develop your knowledge of our products through training and certification programmes;
- for analysis and insight conducted to inform our marketing strategies, and to enhance your visitor experience;
- to identify and record when you have received, opened or engaged with the Website or electronic communications (please see our Cookies Notice for more information);

Processing necessary for us to support Website, App or Portal visitors and customers with their enquiries

- to respond to correspondence you send to us and fulfil the requests you make to us relating to our products and services;

Processing necessary for us to respond to changing market conditions and the needs of our guests and visitors

- to analyse, evaluate and improve our products and services so that your visit and use of the Website, App and Portal are more useful and enjoyable (we will generally use data amalgamated from many people so that it does not identify you personally);
- to carry out (or instruct a third party to carry out on our behalf) market research and analysis (including contacting you with customer surveys) so that we can better understand you and your needs as a customer but only where we do not rely on your consent (i.e. during any period which the Website or Portal does not present you with an opt-in option for this purpose);
- for product development and statistical and scientific research purposes;
- to ensure that the Website's, App's and Portal's content is presented as effectively as possible for you;

Processing necessary for us to operate the administrative and technical aspects of our business efficiently and effectively

- to notify you about changes to our services;
- to administer the Website, App or Portal and for internal operations, including troubleshooting, testing, statistical purposes;
- for the prevention of fraud and other criminal activities;
- to verify the accuracy of data that we hold about you and create a better understanding of you as an account holder or visitor;
- for network and information security in order for us to take steps to protect your information against loss or damage, theft or unauthorised access;
- to correspond or communicate with you in relation to administrative, legal and business matters;
- for the purposes of corporate restructure or reorganisation or sale of our business or assets;
- for efficiency, accuracy or other improvements of our databases and systems, for example, by combining systems or consolidating records we hold about you;
- to enforce or protect our contractual or other legal rights or to bring or defend legal proceedings;
- to inform you of updates to our terms and conditions and policies;
- for our internal purposes, such as quality control, Website performance, system administration and to evaluate use of the Website, App or Portal, so that we can provide you with enhanced services;
- in the rare event that we stop providing the Website, App or Portal, to move and combine your personal information held within our databases relating to the Website, App or Portal with those of another similar or related online service (whether a Website, App or Portal) that we or one of our BAT entities operate. If we do so we will always email you to inform you of these changes in advance; and to enable you to participate in the features of the Website, App or Portal, when you choose to do so;

- to assess and improve our service to customers through recordings of any calls with our contact centres; and
- for other general administration including managing your queries, complaints, or claims, and to send service messages to you.

### **3. VERIFYING YOUR AGE**

As the Website, App or Portal relates to vaping and vaping products, we are legally obliged to make sure that users paying by debit card only are verified on the Website, App or Portal and are aged 18 years or over. Failing age verification will mean you cannot complete a purchase.

In order to enable us to do this we will require certain information about you. This will then be passed to our service provider, GB Group Plc, who will check it against public sources of information to deliver confirmation, usually in real time.

In order to verify your identity, we may also require you to provide demographic information (such as your gender and birth date) and other personal information which may be used by us and our service provider to verify your details and may include your passport number or driving licence number. This information is checked against secure independent data sources, such as the electoral roll, in order to help verify your identity.

The verification process may include disclosing your information to third party data providers including credit reference agencies. The data providers may check the details supplied against any particulars on any database (public or otherwise) to which they have access for verification purposes.

Any verification check with a credit reference agency will be registered as an 'unrecorded enquiry' on your credit report. An unrecorded enquiry means that the search was not made for lending purposes and it is only included on your credit report so that you know the search was made. It is not visible to lenders so it does not affect your credit rating or score when you apply for credit. As part of this process, we will not receive any additional information from the credit reference agency about you.

In some cases, we may need to ask for further information in order to verify your age. If this is necessary, we will contact you to explain why.

### **4. MARKETING**

We may collect your preferences to receive marketing information directly from us by email or SMS in the following ways:

- if you click on the link on our Website or Portal to sign up to our newsletter;
- if you register for an account on our Website or Portal and you opt in to receive email marketing information directly from us; and
- if you opt in to receive marketing information directly from us at one of our networking events.

If you do not complete a purchase and you have opted-in to receive marketing information, we may send a reminder to you about your incomplete purchase or ask why you did not complete the purchase so that we may better refine the service we offer.

From time to time, we may ask you to refresh your marketing preferences by asking you to confirm that you consent to continue receiving marketing information from us.

You have the right to opt-out of our use of your personal information to provide marketing to you in any of the ways mentioned above at any time. Please see [Your rights](#) below for further details on how you can do this.

### **5. USE OF DEVICE AND SOFTWARE USAGE INFORMATION**

We may monitor your use of the Website and record your IP address, operating system and browser type for system administration purposes.

We collect aggregated statistics data about visitors to the Website and sales and traffic patterns. This information does not identify users in any personal capacity and we do not use this information to build profiles on individual users: it just contains generalised information about the users of the Website.

## **6. AUTOMATED DECISION MAKING**

We may make automated decisions about you based on your personal information to verify your age when you attempt to buy vaping products from us (see the explanation above for further information about this). We are legally required to verify your age in respect of the vaping products we make available for sale.

We do not make any other automated decisions about you which have a legal or other significant effect on you.

## **7. COOKIES**

A cookie (and other technologies like pixels and beacons) is a small data file that is placed on your browser or the hardware of your computer or other device to allow a website to recognise you as a user when you return to the website.

We use non-strictly necessary cookies when you consent for us to do so and strictly necessary cookies on the Website. Please see our [Cookies Notice](#) for more information about the type of cookies and tracking technologies that we use on the Website and why, and how to accept and reject them.

## **8. SHARING YOUR INFORMATION WITH THIRD PARTIES**

We will share your information primarily to ensure that we provide you with the most exciting and up to date products. We may share your information with any of the following groups:

- any of our BAT entities, where this is necessary, and in accordance with laws on data transfers;
- our payment providers when you make a purchase on the Website, App or Portal. Our payment processor operates a secure server to process your payment details. They encrypt your credit or debit card information and authorise payment directly. We only keep the last four digits of your credit or debit card in order for you to recognise and choose your payment method without having to type in payment details each time. To understand how our payment processors use your information, we recommend that you read their [privacy policies](#):  
[SagePay Privacy Policy](#)                      [PayPal Privacy Policy](#);
- tax, audit, or other authorities, when we believe that the law or other regulation requires us to share this data (for example, because of a request by a tax authority or in connection with any anticipated litigation);
- lawyers who provide us with legal and regulatory advice;
- external consultants who provide industry insights, market research and technical support;
- auditors and accountants who prepare and examine financial records, assess financial operations and assist in becoming more efficient;
- to facilitate our reward card services;
- IT technical support functions, IT consultants and third-party analytics service providers who carry out testing, research and development work on our business technology systems;
- third party market research providers who provides industry insights and assists with product development;

- third parties for the purposes of credit card clearance, credit reference, order fulfilment, delivery, customer support services and storage services;
- third party outsourced IT providers where we have an appropriate data processing agreement (or similar protections) in place;
- if a BAT entity merges with or is acquired by another business or company in the future, we may share your personal information with the new owners of the business or company, as well as with any administrators or insolvency practitioners, where they are involved (and provide you with notice of this disclosure); and
- if we have to share your information to comply with legal or regulatory requirements (for example, for age verification purposes), or if we have to enforce or apply our [Terms and Conditions](#) or any other agreements or to protect our rights, property or our customers, etc. This may involve exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction.

We may share the non-personal aggregated statistics data about visitors to the Website with third parties for analytics and statistical purposes.

## 9. WHERE WE STORE YOUR INFORMATION

Your personal information may be transferred outside of the UK and the European Economic Area (EEA) to the third parties described in [Sharing your information with third parties](#).

We want to make sure that your personal information is stored and transferred in a way which is secure. We will therefore only transfer data outside of the UK and EEA where it is compliant with data protection legislation and the means of transfer provides adequate safeguards in relation to your data, for example:

- by way of an intra-group agreement between BAT entities, incorporating the current standard contractual clauses adopted by the European Commission, the UK Information Commissioner's Office or other competent body for the transfer of personal information to jurisdictions without adequate data protection laws;
- by way of a data transfer agreement with a third party, incorporating the current standard contractual clauses adopted by the European Commission, the UK Information Commissioner's Office or other competent body for the transfer of personal information to jurisdictions without adequate data protection laws;
- by transferring your data from entities within the UK and EEA to entities in other jurisdictions by way of a valid international transfer framework;
- by transferring your data to a country where there has been a finding of adequacy by the European Commission, the UK Information Commissioner's Office or other competent body in respect of that country's levels of data protection via its legislation;
- where it is necessary for the conclusion or performance of a contract between ourselves and a third party and the transfer is in your interests for the purposes of that contract; or
- where you have consented to the transfer.

Where we transfer your personal information outside the UK and EEA and where the country or territory in question does not maintain adequate data protection standards, we will take all reasonable steps to ensure that your data is treated securely and in accordance with this Privacy Notice. You can ask to see these by contacting us using the contact details below.

## 10. HOW WE SAFEGUARD YOUR INFORMATION

We care about protecting your information. That's why we put in place appropriate measures that are designed to prevent unauthorised access to, and misuse of, your personal information.

We are committed to taking all reasonable and appropriate steps to protect the personal information that we hold from misuse, loss, or unauthorised access. We do this by having in place a range of appropriate technical and organisational measures, including encryption measures and disaster recovery plans.

If you suspect any misuse or loss of or unauthorised access to your personal information please let us know immediately by contacting our Head of Legal using the details provided at the end of this notice.

Unfortunately, the transmission of information via the internet is not completely secure. Although we will apply our normal procedures and comply with legal requirements to protect your information, we cannot guarantee the security of your information transmitted to the Website and any transmission is at your own risk.

The Website, App or Portal may from time to time contain links to and from other apps or websites. If you follow a link to any of those apps or websites, please note that those sites ought to have their own privacy policies and that we do not accept any responsibility or liability for those sites or for their privacy policies. Please check those privacy policies before you submit your information to those apps or websites.

## 11. HOW LONG WE KEEP YOUR INFORMATION

We will keep your information relating to orders you have placed with us as required by law or other regulation (for example, because of a request by a tax authority or in connection with any anticipated litigation).

**If you have registered an account with us:** we will store your personal information for as long as your account is open. If you no longer wish to hold an account with us, you can go into "My Account" on the Website, App or Portal and select the option to delete your account. By doing so, we will delete your account and remove you from our mailing list if you are on there. However, as noted above, we may still retain details of orders you have placed with us for legal or regulatory reasons.

**If you have signed up to receive email or SMS marketing from us:** we will store your personal information for as long as you are subscribed to our email or SMS marketing list (unless your account has been closed). If you unsubscribe or are otherwise removed from our marketing list, we will keep your email address or telephone number on our suppression list to ensure that we do not send you marketing emails or SMS.

**If you have contacted us with a complaint or query:** we will store your personal information for as long as is reasonably required to resolve your complaint or query.

The exceptions to the above are where:

- we have carefully considered whether we need to retain your personal information after the periods described above to potentially establish, bring or defend legal proceedings or to comply with a legal or regulatory requirement;
- we actually bring or defend a legal claim or other proceedings during the period we retain your personal information, in which case we will retain your personal information until those proceedings have concluded and no further appeals are possible;
- you exercise your right to require us to retain your personal information for a period longer than our stated retention period (see further [Right to restrict processing](#) below);
- you exercise your right to have the information erased (where it applies) and we do not need to hold it in connection with any of the reasons permitted or required under the law (see further [Right to erasure](#) below); or



- in limited cases, a court or regulator requires us to keep your personal information for a longer or shorter period.

When it is no longer necessary to retain your data, we will delete the personal information that we hold about you from our systems (either by erasing or anonymising that data). After that time, we may retain aggregated data (from which you cannot be identified) and retain it for analytical and statistical purposes.

## **12. YOUR RIGHTS**

You have a number of rights in relation to your information under data protection law. In relation to certain rights, we may ask you for information to confirm your identity and, where applicable, to help us to search for your personal information. Except in rare cases, we will respond to you within one month from either: (i) the date that we have confirmed your identity; or (ii) where we do not need to do this because we already have this information, from the date we received your request.

### **Right to object**

This right enables you to object to us processing your personal information where we do so for one of the following reasons:

- where we rely on our legitimate interests to do process your information;
- to enable us to perform a task in the public interest or exercise official authority;
- to send you direct marketing materials and where your right to withdraw consent does not apply; or
- for scientific, historical, research, or statistical purposes.

Except for the purposes for which we are sure we can continue to process your personal information, we will temporarily stop processing your personal information in line with your objection until we have investigated the matter. If we agree that your objection is justified in accordance with your rights under data protection laws, we will permanently stop using your personal information for those purposes. Otherwise we will provide you with our justification as to why we need to continue using your personal information.

### **Right to withdraw consent**

Where we have obtained your consent to process your personal information for certain activities (for example, for marketing), you may withdraw this consent at any time and we will cease to use your personal information for that purpose unless we consider that there is an alternative legal basis to justify our continued processing of your data for this purpose, in which case we will inform you of this condition. If you withdraw your consent, our use of your personal information before you withdraw is still lawful.

To withdraw your consent to marketing communications, please use the unsubscribe tool in the relevant communication or update your preferences in the account section on the App.

### **Right of access ('Data Subject Access Requests')**

You may ask us for a copy of the information we hold about you at any time, and request us to modify, update or delete such information. If we provide you with access to the information we hold about you, we will not charge you for this unless permitted by law. If you request further copies of this information from us, we may charge you a reasonable administrative cost. Where we are legally permitted to do so, we may refuse your request. If we refuse your request we will always tell you the reasons for doing so.

If you would like to request access to your information, it would assist us with dealing with your request if you could use the subject heading 'Data Subject Access Request', or quote this over the phone, when

contacting us. Please note that this is not mandatory and we will still deal with any requests without this reference.

### **Right to erasure**

You have the right to request that we erase your personal information in certain circumstances. Normally, this right exists where:

- the data is no longer necessary;
- you have withdrawn your consent to us using your data, and there is no other valid reason for us to continue;
- the data has been processed unlawfully;
- it is necessary for the data to be erased in order for us to comply with our obligations under law; or
- you object to the processing of your data and we are unable to demonstrate overriding legitimate grounds for our continued processing.

We would only be entitled to refuse to comply with your request for erasure in limited circumstances and we will always tell you our reason for doing so.

When complying with a valid request for the erasure of data we will take all reasonably practicable steps to delete the relevant data.

### **Right to restrict processing**

You have the right to request that we restrict our processing of your personal information in certain circumstances, for example if you dispute the accuracy of the personal information that we hold about you, you object to our processing of your personal information for our legitimate interests or you require us to keep it in connection with legal proceedings. If we have shared your personal information with third parties, we will notify them about the restricted processing unless this is impossible or involves disproportionate effort. We will, of course, notify you before lifting any restriction on processing your personal information.

We may only process your information whilst its processing is restricted if we have your consent or are legally permitted to do so, for example for storage purposes, to protect the rights of another individual or company or in connection with legal proceedings.

### **Right to rectification**

You have the right to request that we rectify any inaccurate or incomplete personal information that we hold about you. If we have shared this personal information with third parties, we will notify them about the rectification unless this is impossible or involves disproportionate effort. You may also request details of the third parties to whom we have disclosed the inaccurate or incomplete personal information. Where we think that it is reasonable for us not to comply with your request, we will explain our reasons for this decision.

You can access and update certain parts of your information by logging into your account on the App.

### **Right of data portability**

If you wish, you have the right to transfer your personal information between service providers where we rely on your consent or the performance of your contract as the lawful basis to use that information. In effect, this means that you are able to transfer the details we hold on you to another third party. To allow you to do so, we will provide you with your data in a commonly used machine-readable format so

that you can transfer the data. Alternatively, we may directly transfer the data for you if technically possible.

### **Rights relating to automated decisions**

In certain circumstances, you may contest a decision made about you based purely on automated processing and where the processing is not required by law. You may also ask us to stop making such decisions using automated processing alone.

### **Right to complain**

You have the right to lodge a complaint with your local supervisory authority which is the Information Commissioner's Office in the UK. You can contact them in the following ways:

- Phone: 0303 123 1113
- Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)
- Post: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

### **How to exercise your rights**

If you would like to exercise any of these rights, please contact us on the details provided under [How to contact us](#). Please note that we may keep a record of your communications to help us resolve any issues that you raise.

## **13. CHANGES**

We may make changes to this Privacy Notice at any time by posting a copy of the modified notice on the Website, App or Portal or, where appropriate, by sending you an email with that notice. Any changes will take effect 7 days after the date of our email or the date on which we post the modified terms on the Website, App or Portal, whichever is the earlier.

## **14. HOW TO CONTACT US**

If you have any queries about this Privacy Notice, including your rights in relation to your personal information, please contact Head of Legal by post at:

British American Tobacco UK Limited  
Building 7, 566 Chiswick High Road,  
London,  
W4 5YG.

If you wish to contact us with any general queries or concerns, you can use our [Contact Us](#) page or email us at [info@vapermarket.co.uk](mailto:info@vapermarket.co.uk).

When contacting us by email or post, please use the subject heading 'Data protection query' so that we can direct your query to the appropriate department and deal with it promptly.