

## PRIVACY POLICY

### WHO WE ARE AND WHAT WE DO

The **Momenta Newcastle Platform** is owned and operated by **Momenta Newcastle Ltd**, a company registered in England and Wales under company number 1237 1057, and having its registered office at 114 Manor Road, Woodstock, United Kingdom (referred to as “**we**”, “**us**” or “**our**” in this Privacy Policy).

We are a data processor (in line with article 28 GDPR definition of a processor) and responsible for processing your personal data on behalf of a health organisation which is the data controller. If you register with us or are referred to us to access any of our services, then we act as a data processor in connection with the delivery of health services to you.

The following table sets out the respective Data Controller for the various care settings we operate in:

<b>Name of Service</b>	<b>Data Controller</b>	<b>Contact Details</b>	<b>Data Processor</b>
Type 2 diabetes remission Low Calorie Diet (LCD) service	NHS England	dpo@momentanewcastle.com	Momenta Newcastle Ltd

Our data protection lead can be contacted on [DPO@momentanewcastle.com](mailto:DPO@momentanewcastle.com). If you have any questions about this Privacy Policy, including any requests to exercise your legal rights, please contact our data protection lead.

We are registered with the Information Commissioners Office (‘**ICO**’) under registration number 8KK39 and you can view more information about our registration online

We 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 sets out the basis on which any personal data we collect from you, or that you provide to us, will be processed by us. Your visit to our website or our mobile application or your referral to us and subsequent storage of your information on our participant information management system ‘iaptus’ operated under contract by Mayden Limited (collectively referred to as our “**Platform**”) is subject to the terms set out in this Privacy Policy. The policy also applies when you correspond with us in person, by letter, by phone, email or any other means. Please read the following carefully to understand our views and practices regarding your personal data and how we will treat it.

This policy is updated from time to time. The latest version updated on 5<sup>th</sup> August 2020 is published on this page of the Platform. All updated versions of the policy will be published on this page of the Platform. This policy has been updated to reflect the

changes introduced by the Data Protection Act 2018 (“**DPA**”) and the General Data Protection Regulation (“**GDPR**”).

In this Privacy Policy we seek to abide by the letter and spirit of the guidelines laid out by the ICO on their webpage on the [‘Right to be Informed’](#).

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

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). When you visit our Platform or correspond with us in person or by phone, e-mail or otherwise you may give us information that would be classed as personal data about you and others you are acting on behalf of. The information we collect from you will be dependent on your relationship with Momenta Newcastle Ltd and whether you are an organisation, Medical Practitioner, Academic, participant on our programmes and/or end user of our Platform. We may collect, use, store and transfer different kinds of personal data about you when you do so which we have grouped together follows:

- **Identity Data** which includes your first name, last name, username or similar identifier, marital status, title, date of birth and gender;
- **Contact Data** which includes your billing address, delivery address, home address and postcode, email address and telephone numbers;
- **Health Data** which includes any information about your health including your medical history and/or current health status including but not limited to data regarding exercises, patient reported outcomes, diary results, flares or episodes or other symptoms, test results, diagnoses and medications;
- **Organisation Data** which may include your organisation name, address, organisation code if relevant, contact and key staff details
- **Financial Data** which may include your bank account and/or payment card details;
- **Transaction Data** which includes details about payments to and from you and other details of services you have purchased from us;
- **Technical Data** which includes your internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this Platform;
- **Profile Data** which includes your username and password for any accounts set up to access our services, purchases or orders made by you and feedback responses;
- **Usage Data** which includes information about how you use our Platform, products and services;
- **Communications Data** which includes your preferences in receiving communications from us and our third parties;

We may collect Special Categories of Personal Data (as defined in the GDPR) about you. This may include details about your health, race or ethnicity, religious or philosophical beliefs, sex life or sexual orientation. Our health systems do not collect

any information about criminal convictions and offences. (Separately, if you accept a job offer with us it will normally be conditional on us obtaining a satisfactory Enhanced Disclosure and Barring Service check for you – this does require us collecting information about criminal convictions and offences. It is dealt with under a separate Privacy Policy for staff and employees).

Where we need to collect personal data under the terms of a contract we have with a health organisation we have 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. In this case, we may have to cancel a service you have asked us to provide but we will notify you if this is the case at the time.

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

## **KEEPING YOUR DATA SECURE**

We know that data security is important to you and it is therefore important to us. We have put in place appropriate technical and organisational security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed, including up to date virus software and personal protection on our computers and devices. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions in accordance with this policy and they are subject to a duty of confidentiality.

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

## **HOW WE WILL COLLECT YOUR DATA**

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

- **Direct interactions.** You may give us any of the categories of data identified above by filling in forms on our Platform or by corresponding with us in person or by phone, e-mail or otherwise. This includes personal data you provide when you:
  - register to use our Platform or service;
  - access our services through the Platform;
  - request marketing or other communications to be sent to you;
  - give us some feedback.
- **Medical Practitioners:** Medical practitioners may transfer relevant personal data and Special Categories of Personal Data to us in order to refer you to our service, with your prior consent. If your use of the Platform involves you communicating with Medical Practitioners then we may receive personal data and Special Categories of Personal Data from them whilst they deliver their medical services to you. You explicitly consent to the processing of this

personal data and Special Categories of Personal Data as part of your use of the Platform and in accordance with this Privacy Policy.

- **Academics:** If your use of the Platform involves you communicating with Academics then we may receive personal data and Special Categories of Personal Data from them whilst they help you to monitor your health condition. You explicitly consent to the processing of this personal data and Special Categories of Personal Data as part of your use of the Platform and in accordance with this Privacy Policy.
- **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources such as analytics providers, advertising networks and/or search information providers based inside the EEA. We may also receive information about you from a Medical Practitioner, Academic or other organisation whom you authorise to enter personal data on your behalf into the Platform or send us personal data on a referral form, such as GP practices, hospitals or medical device companies.
- **Contact, Financial and Transaction Data (if applicable)** from providers of technical, payment and delivery services inside the EEA.

## **WHY WE WILL USE YOUR DATA**

The lawful basis for Momenta Newcastle Ltd processing your personal data are set out in Article 6.1.b of the GDPR. Processing is necessary for the performance of a contract, to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract. We operate under a contract with the health organisation that is paying for and / or providing and monitoring your care, we provide a behavioural intervention and a health information system to support this. We operate under the legitimate interest of this health organisation, Article 6.1.e of GDPR, processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. The health organisation is appointed by the Secretary of State for health as a commissioner and / or provider of healthcare. We also process special categories of personal data – data concerning your health. We operate under the legitimate interest of the health organisation: 9.2.h Processing is necessary for the purposes of preventative or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health and social care or treatment or the management of health or social care systems and services on the basis of union or member state law or pursuant to a contract with a health professional, health provider or commissioner. In this instance your health organisation has contracted with us to provide a behavioural intervention with a system to help us record, manage and report on your participation and outcomes.

Click [here](#) to find out more on the Information Commissioner's Office website about the types of lawful basis that we will rely on to process your personal data.

## **DISCLOSING YOUR PERSONAL DATA**

We may have to share your personal data with the parties below in order to provide our services to you. We require all third parties to respect the security of your personal data and to treat it in accordance with the law, and when they are

processing personal data on our behalf 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 and in accordance with the law. Examples of our third parties include:

- Sub-contractors for the performance of any contract we enter into with them or you;
- Service providers acting as processors who provide IT and system administration services;
- (where applicable) Medical Practitioners to allow them to deliver their medical services to you;
- (where applicable) Academics to allow them to help you manage and/or monitor your health condition;
- (where applicable) to other third-parties that you authorise to help manage and/or monitor your health condition;
- Medical device regulators (e.g. the Medicines and Healthcare products Regulatory Agency in the UK) in the performance of their powers and obligations under applicable medical devices legislation the Medical Devices Directive 93/42/EC (whilst still in force) and the Medical Devices Regulation (EU) 2017/745 (when in force);
- Professional advisers including lawyers, bankers, auditors and insurers based who provide consultancy, banking, legal, insurance and accounting services.

If you are using our Platform within the United Kingdom or the European Economic Area (EEA) then we do not transfer your personal data outside the EEA. Visitors from outside this jurisdiction will involve transfers outside the EEA.

### **CHANGE OF PURPOSE**

We will only use your personal data for the purposes for which we have 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, then please contact us.

If we need to use your personal data for an unrelated purpose, we will contact the data controller who will notify you and we will explain the legal basis which allows them to authorise us to do so.

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.

### **HOW WE MAY COMMUNICATE WITH YOU**

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

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

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

You can ask us or third parties to stop sending you marketing messages at any time emailing us at [DPO@momentanewcastle.com](mailto:DPO@momentanewcastle.com) by following the opt-out links on any marketing message sent to you or by contacting us at any time.

## **HOW LONG WE WILL KEEP YOUR DATA**

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for under our contract with the health organisation, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal data and your Special Categories of Personal Data (so that it can no longer be associated with you) in which case we may use this information indefinitely and in whatever way we deem appropriate without further notice to you. We may also share and commercialise this anonymised data with third parties at our discretion and in any we deem fit, including but not limited to allowing us and them to improve the services that are delivered to you.

## **YOUR LEGAL RIGHTS**

Under certain circumstances, you have rights under data protection laws in relation to your personal data. Please click on the links below to access the ICO's website to find out more about these rights:

- [Request access to your personal data;](#)
- [Request correction of your personal data;](#)
- [Request erasure of your personal data;](#)
- [Object to processing of your personal data;](#)
- [Request restriction of processing your personal data;](#)
- [Request transfer of your personal data;](#) and
- [Right to withdraw consent.](#)

If you wish to exercise any of the rights set out above, please Contact us. If you are unhappy with how we are processing your personal data, you have the right to complaint to the ICO. The Information Commissioner can be contacted at:

Wycliffe House  
Water Lane

Wilmslow  
Cheshire  
SK9 5AF

<https://ico.org.uk/concerns/>

## **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.

## **WHAT WE MAY NEED FROM YOU**

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

## **TIME LIMIT TO RESPOND**

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.

## **COOKIES**

If you'd like to manage your use of cookies or completely turn off cookies, then you can do so by amending your cookie settings in your internet browser. Please note that if you do limit or block cookie use on our Platform then the functionality of both the Platform and our services may be affected.

Consider whether you want a digital log of your visit to our Platform to be recorded in your browser. If you don't want a record to be kept, you can choose to delete your browser history afterwards or view our pages in incognito mode / private browsing, which won't store your browser history, cookies, or search history after you've closed your browsers. However, you are not invisible. Using incognito mode / private browsing does not hide your browser history from your internet service provider, us or your employer (if you are using a company device).

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this Platform may become inaccessible or not function properly.

Our Platform uses cookies to distinguish you from other users of our Platform. This helps us to provide you with a good experience when you browse our Platform and also allows us to improve our Platform. By continuing to browse the Platform, you are agreeing and give your consent to our use of cookies.

A cookie is a small file of letters and numbers that we store on your browser or the hard drive of your computer if you agree. Cookies contain information that is transferred to your computer's hard drive.

We use or may use the following cookies:

- **Strictly necessary cookies.** These are cookies that are required for the operation of our Platform. They include, for example, cookies that enable you to log into secure areas of our Platform, use an online service or make use of e-billing services.
- **Analytical/performance cookies.** They allow us to recognise and count the number of visitors and to see how visitors move around our Platform when they are using it. This helps us to improve the way our Platform works, for example, by ensuring that users are finding what they are looking for easily.
- **Functionality cookies.** These are used to recognise you when you return to our Platform. This enables us to personalise our content for you, greet you by name and remember your preferences (for example, your choice of language or region).
- **Targeting cookies.** These cookies record your visit to our Platform, the pages you have visited and the links you have followed. We will use this information to make our Platform and any advertising displayed on it more relevant to your interests. We may also share this information with third parties for this purpose.

You can find more information about the individual cookies we use or may use in future and the purposes for which we use or may use them in the table below:

Cookie	Name	Purpose	More information
Cloudflare	__cfduid	<ul style="list-style-type: none"> <li>Used by Cloudflare to identify trusted web traffic</li> </ul>	3 <sup>rd</sup> party cookie
Stripe	__stripe_mid And __stripe_sid And m And nsr	<ul style="list-style-type: none"> <li>These cookies are necessary for making credit card transactions on the Site. The service is provided by Stripe.com which which allows online credit card transactions without storing card information.</li> </ul>	3 <sup>rd</sup> party cookie
Twitter	local_storage_support_test	<ul style="list-style-type: none"> <li>This cookie is used in context with the local storage function in the browser. This function allows the Site to load</li> </ul>	3 <sup>rd</sup> party cookie

		faster by pre-loading certain procedures	
Google Analytics	_ga,_gid, collect	Used to distinguish users. •	First Party Cookie
GoogleTag Manager	_gat	Used for Google Tag Manager.	First Party Cookie
Twitter	_widgetsettings		
You Tube	GPS, PREF, VISITOR_INFO1_LIVE, YSC, yt-remote-cast-installed, yt-remote-connected-devices, yt-remote-device-id, yt-remote-fast-check-period, yt-remote-session-app, ytr-remote-session-name	Used to store user preferences / other unidentified purposes	3rd Party Cookie
DoubleClick	IDE, test_cookie	Used to distinguish users.	3rd Party Cookie
Linkedin	lidc	Used for tracking use of embedded services	3rd Party Cookie
Google	NID	Used to register a unique ID that identifies a returning user's device	3rd Party Cookie

Please note that third parties (including, for example, advertising networks and providers of external services like web traffic analysis services) may also use cookies, over which we have no control. These cookies are likely to be analytical/performance cookies or targeting cookies.

Except for essential cookies, all cookies will expire after variable times from a single session to 1 day through to 3 years.