

# Privacy Notice

for

**Applied Neuroscience Solutions Ltd (XCD Consulting Services Ltd  
prior to September 2018)**

trading as

**BrainTrainUK, Neuofeedback4Performance and NEUROFLOW**

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## Introduction

We are committed to protecting your privacy when dealing with your personal information. This privacy notice provides details about the information we collect about you, how we use and protect it. It also provides information about your rights.

If you have any questions about how we handle your information, please contact us at [admin@braintrainuk.com](mailto:admin@braintrainuk.com)

Applied Neuroscience Solutions Ltd is registered with the Information Commissioners Office as XCD Consulting Services Ltd, registration number Z3622692.

## Privacy Notice

This privacy notice applies to anyone who interacts with us about our products and services ('you', 'your'), in any way (for example, by email, through our website, by phone, through our app).

This privacy notice applies to you if you ask us about, buy or use our products and services. It describes how we handle your information, regardless of the way you contact us (for example, by email, through our website, by phone, through our app and so on).

### How we collect personal information

We collect personal information from you and from third parties (anyone acting on your behalf, for example, health-care providers, health care commissioners, referring consultants, parties with parental responsibility and parties acting on behalf of parties with parental responsibility). Please see below for more information.

**Where you provide us with information about other people, you must make sure that they have seen a copy of this privacy notice and are comfortable with you giving us their information.**

We collect personal information from you:

- through your contact with us, including by phone (we may record or monitor phone calls to make sure we are keeping to legal rules, codes of practice and internal policies, and for quality assurance purposes), by email, through our websites, by post, by filling in forms, by entering competitions, through social media or face-to-face (for example, in clinical consultations, planning and treatment).

We also collect information from other people and organisations.

**For all our customers, we may collect information from:**

- your parent or guardian, or person, party with parental responsibility, carer acting on behalf of a party with parental responsibility, if you are under 18 years old;

- a family member, or someone else acting on your behalf;
- doctors, other clinicians and health-care professionals, hospitals, clinics and other health-care providers;
- any service providers who work with us in relation to your product or service, if we don't provide it to you direct, such as providing you with neurofeedback services;
- organisations who carry out customer-satisfaction surveys or market research on our behalf, or who provide us with statistics and other information (for example, about your interests, purchases and type of household) to help us to improve our products and services;
- fraud-detection and credit-reference agencies; and
- sources which are available to the public, such as the edited electoral register or social media.

**If we provide you with neurofeedback services, we may collect information from:**

- your employer, if your employer is paying for the services; and
- any other party paying for the products or services we provide to you, including local authorities, insurers, public-sector commissioners and embassies.

Categories of personal information

We process two categories of personal information about you and (where this applies) your dependants:

- standard personal information (for example, information we use to contact you, identify you or manage our relationship with you); and
- special categories of information (for example, health information, information about your race, ethnic origin and religion that allows us to tailor your care, and information about crime in connection with checks against fraud or anti-money-laundering registers).

For more information about these categories of information, see below.

**Standard personal information includes:**

- contact information, such as your name, username, address, email address and phone numbers;
- the country you live in, your age, your date of birth and national identifiers (such as your National Insurance number or passport number);
- information about your employment;
- details of any contact we have had with you, such as any complaints or incidents;
- financial details, such as details about your payments and your bank details;
- the results of any credit or any anti-fraud checks we have made on you;
- information about how you use our products and services, such as insurance claims;

- information about how you use our website, apps or other technology, including IP addresses or other device information (please see our Cookies Policy for more details).

#### **Special category information includes:**

- information about your physical or mental health, including genetic information or biometric information (we may get this information from application forms you have filled in, from notes and reports about your health and any treatment and care you have received or need, or it may be recorded in details of contact we have had with you such as information about complaints or incidents, and referrals from other healthcare providers, insurance providers, quotes and records of medical services you have received), local authorities with parental responsibility, carers acting on behalf of local authorities with parental responsibility;
- information about your race, ethnic origin and religion (we may get this information from your medical or care-home preferences to allow us to provide care that is tailored to your needs);
- information about any criminal convictions and offences (we may get this information when carrying out anti-fraud or anti-money-laundering checks, or other background screening activity).

#### What we use your personal information for

We process your personal information for the purposes set out in this privacy notice. We have also set out some legal reasons why we may process your personal information (these depend on what category of personal information we are processing). We normally process standard personal information if this is necessary to provide the services set out in a contract, it is in our or a third party's legitimate interests or it is required or allowed by any law that applies. Please see below for more information about this and the reasons why we may need to process special category information.

By law, we must have a lawful reason for processing your personal information. **We process standard personal information about you if this is:**

- **necessary to provide the services set out in a contract** – if we have a contract with you, we will process your personal information in order to fulfil that contract (that is, to provide you and your dependants with our products and services);
- **in our or a third party's legitimate interests** – details of those legitimate interests are set out in more detail below;
- **required or allowed by law.**

We process special category information about you because:

- **it is necessary for the purposes of providing our services**, including meeting our obligations to other parties and to monitor our clinical and non-clinical performance;
- **it is necessary to establish, make or defend legal claims;**

- **it is necessary for the purposes of preventing or detecting an unlawful act** in circumstances where we must carry out checks without your permission so as not to affect the outcome of those checks (for example, anti-fraud and anti-money-laundering checks or to check other unlawful behaviour, or carry out investigations with insurers and third parties for the purpose of detecting fraud);
- **it is necessary for a purpose designed to protect the public against dishonesty, malpractice or other seriously improper behaviour** (for example, investigations in response to a safeguarding concern, a member's complaint or a regulator (such as the Care Quality Commission or the HCPC) telling us about an issue);
- **it is in the public interest, in line with any laws that apply;**
- **it is information that you have made public;** or
- **we have your permission.** As is best practice, we will only ask you for permission to process your personal information if there is no other legal reason to process it. If we need to ask for your permission, we will make it clear that this is what we are asking for, and ask you to confirm your choice to give us that permission. If we cannot provide a product or service without your permission we will make this clear when we ask for your permission. If you later withdraw your permission, we will no longer be able to provide you with a product or service that relies on having your permission.

#### Legitimate Interest

We process your personal information for a number of legitimate interests, including managing all aspects of our relationship with you, for marketing, to help us improve our services and products, and in order to exercise our rights or handle claims. More detailed information about our legitimate interests is set out below.

Legitimate interest is one of the legal reasons why we may process your personal information. Taking into account your interests, rights and freedoms, legitimate interests which allow us to process your personal information include:

- to manage our relationship with you, our business and third parties who provide products or services for us;
- to provide health-care services on behalf of a third party (for example, your employer);
- to make sure that services are provided efficiently and to investigate complaints;
- to keep our records up to date and to provide you with marketing as allowed by law;
- to develop and carry out marketing activities and to show you information that is of interest to you, based on our understanding of your preferences (we combine information you give us with information we receive about you from third parties to help us understand you better);
- for statistical research and analysis so that we can monitor and improve products, services, websites and apps, or develop new ones;
- to contact you about market research we are carrying out;
- to monitor how well we are meeting our clinical and non-clinical performance expectations in the case of health-care providers or commissioners;

- to enforce or apply our website terms of use, our policy terms and conditions or other contracts, or to protect our (or our customers' or other people's) rights, property or safety;
- to exercise our rights, to defend ourselves from claims and to keep to laws and regulations that apply to us and the third parties we work with; and
- to take part in, or be the subject of, any sale, purchase, merger or takeover of all or part of the Applied Neuroscience Solutions Ltd business.

#### Marketing preferences

We may use your personal information to send you marketing by post, by phone, through social media, by email and by text.

We can only use your personal information to send you marketing material if we have your permission or a legitimate interest as described above.

If you don't want to receive emails from us, you can click on the 'unsubscribe' link that appears in all emails we send. If you don't want to receive texts from us you can tell us by contacting us at any time. Otherwise, you can always contact us to update your contact preferences.

You have the right to object to direct marketing and profiling (the automated processing of your information to help us evaluate certain things about you, for example, your personal preferences and your interests) relating to direct marketing. Please see the section about your rights for more details.

#### Sharing your information

We sometimes need to share your information with other people or organisations for the purposes set out in this privacy notice.

#### **For all customers, we may share your information with:**

- employees and associates of Applied Neurosciences Solutions Ltd;
- insurance companies you have a policy with;
- doctors, clinicians and other health-care professionals, hospitals, clinics and other health-care providers;
- suppliers who help deliver products or services on our behalf;
- people or organisations we have to, or are allowed to, share your personal information with by law (for example, for fraud-prevention or safeguarding purposes, including with the Care Quality Commission);
- the police and other law-enforcement agencies to help them perform their duties, or with others if we have to do this by law or under a court order;
- if we sell or buy any business or assets, the potential buyer or seller of that business or those assets; and
- a third party who takes over any or all of Applied Neuroscience Solution's assets (in which case personal information we hold about our customers or visitors to the website may be one of the assets the third party takes over).

**If we provide services to you, we may share your information with:**

- your employer, if your employer is paying for the services we are providing;
- our partners, for example, solicitors, translators and interpreters, tax advisers, debt-collection agencies, credit-reference agencies, fraud-detection agencies, regulators, data-protection supervisory authorities;
- those paying for the products or services we provide to you, including insurers, public-sector commissioners and embassies;
- those providing your treatment and other benefits;
- national registries such as the Cancer Registry;
- national screening databases, such as the NHS Cervical Screening recall system;
- government authorities and agencies, including the Health Protection Agency (for infectious diseases such as TB and meningitis); and
- organisations that carry out patient surveys on our behalf (for example, NPS).
- If we share your personal information, we will make sure appropriate protection is in place to protect your personal information in line with data-protection laws.

[Anonymised and combined information](#)

We support ethically approved clinical research. We may use anonymised information (with all names and other identifying information removed) or information that is combined with other people's information, or reveal it to others, for research or statistical purposes. You cannot be identified from this information and we will only share the information in line with legal agreements which set out an agreed, limited purpose and prevent the information being used for commercial gain.

[Transferring information outside the European Economic Area \(EEA\)](#)

We deal with international organisations and use global information systems. As a result, we transfer your personal information to countries outside the EEA (the EU member states plus Norway, Liechtenstein and Iceland) for the purposes set out in this privacy notice. Not all countries outside the EEA have data-protection laws that are similar to those in the EEA and if so, the European Commission may not consider those countries as providing an adequate level of data protection by law.

We take steps to make sure that, when we transfer your personal information to another country, appropriate protection is in place, in line with data-protection laws. Often, this protection is set out under a contract with the organisation who receives that information.

[How long we keep your personal information](#)

We keep your personal information in line with set periods calculated using the following criteria:

- How long you have been a customer with us, the types of products or services you have with us, and when you will stop being our customer.
- How long it is reasonable to keep records to show we have met the obligations we have to you and by law.

- Any time limits for making a claim.
- Any periods for keeping information which are set by law or recommended by regulators, professional bodies or associations.
- Any relevant proceedings that apply.

### Your rights

You have the right to access your information and to ask us to correct any mistakes and delete and restrict the use of your information. You also have the right to object to us using your information, to ask us to transfer of information you have provided, to withdraw permission you have given us to use your information and to ask us not to use automated decision-making which will affect you. For more information, see below.

You have the following rights (certain exceptions apply).

- Right of access: the right to make a written request for details of your personal information and a copy of that personal information
- Right to rectification: the right to have inaccurate information about you corrected or removed
- Right to erasure ('right to be forgotten'): the right to have certain personal information about you erased
- Right to restriction of processing: the right to request that your personal information is only used for restricted purposes
- Right to object: the right to object to processing of your personal information in cases where our processing is based on the performance of a task carried out in the public interest or we have let you know the processing is necessary for our or a third party's legitimate interests. You can object to our use of your information for profiling purposes where it is in relation to direct marketing
- Right to data portability: the right to ask for the personal information you have made available to us to be transferred to you or a third party in machine-readable formats
- Right to withdraw consent: the right to withdraw any consent you have previously given us to handle your personal information. If you withdraw your consent, this will not affect the lawfulness of Bupa's use of your personal information prior to the withdrawal of your consent and we will let you know if we will no longer be able to provide you your chosen product or service

Please note: Other than your right to object to the use of your data for direct marketing (and profiling to the extent used for the purposes of direct marketing), your rights are not absolute: they do not always apply in all cases and we will let you know in our correspondence with you how we will be able to comply with your request.

If you make a request, we will ask you to confirm your identity if we need to, and to provide information that helps us to understand your request better. If we do not meet your request, we will explain why.

In order to exercise your rights please contact [admin@braintrainuk.com](mailto:admin@braintrainuk.com).



#### Data protection contacts

If you have any questions, comments, complaints or suggestions in relation to this notice, or any other concerns about the way in which we process information about you, please contact our Data Protection Officer and Privacy Team at [admin@braintrainuk.com](mailto:admin@braintrainuk.com).

You also have a right to make a complaint to your local privacy supervisory authority. Applied Neuroscience Solutions Ltd's main establishment is in the UK, where the local supervisory authority is the Information Commissioner:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire, United Kingdom

SK9 5AF

Phone: 0303 123 1113 (local rate) or 01625 545 745 (national rate)

You can also lodge a complaint with another supervisory authority which is based in the country or territory where:

- you are living,
- you work, or
- the alleged infringement took place.

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