Cappfinity Limited

Privacy Notice – Self-Led Virtual Reality (SLVR)

Effective Date: 31/08/2023

Version number: 1.0

Introduction

Cappfinity Limited ("Cappfinity") (referred to as "We, "Our" or "Us"), is committed to protecting the privacy and security of your personal data. We have developed this privacy notice to inform you of the data we collect, what we do with your data, what we do to keep it secure as well as the Rights you have over your personal data.

Throughout this notice we refer to data protection legislation which includes (but is not limited to) the UK General Data Protection Regulation, EU GDPR, California Consumer Privacy Act and other global data protection legislation.

Cappfinity is both a data controller and a data processor, and this notice sets out how Cappfinity acts in both roles.

As we are based and headquartered in the United Kingdom (UK), we are registered with the Information Commissioners Office (the ICO) with registration number Z1879750.

You can contact our head office using the following details:

Post:

2230-2235 Regents Court
The Crescent
Birmingham Business Park
Birmingham
B37 7YE
United Kingdom

Phone: +44 (0)121 726 5900
Email: hello@cappfinity.com

We have offices in the UK, USA, Ireland and Australia and details to these offices can be found on our website www.cappfinity.com.

We have a dedicated data protection team who can also be contacted via dpo@cappfinity.com who can help with data protection matters.

We have appointed an external data protection officer (DPO) and their details are as follows:

Evalian Limited
West Lodge

Leylands Business Park
Colden Common
Hampshire
SO21 1TH
United Kingdom

Phone: +44 (0)333 050 0111
Website: www.evalian.co.uk

As we have an establishment in Ireland we are not required to formally appoint an EU GDPR Representative, but EU GDPR matters are dealt with and handled by our data protection team based in the UK.

About Us

Cappfinity is an online assessment technology organisation that offers its products and services to organisations across the globe. Its products and services are used by people and clients around the world to assess people for selection, development and transformation for job/hiring selection purposes. More information to our company and history can be found on our website www.cappfinity.com

Personal Data Collected

Due to the nature of our business and data processing activities we collect and process various categories of personal data from various data subjects. The below gives examples of different categories of personal data collected and processed across our different products:

Product Name	Product Description	Personal data
SLVR	Users use a virtual reality headset to download Cappfinity's SLVR product. Each user is either given a username and password or is asked to create one. Users are not monitored in person using this software. Data is captured on how you use the software, this includes time spent in the software and which levels they have completed. The experience is generally bespoke for different clients.	Name, Email Address, and Organisation, Scenario responses and usage information. (Optional – Date of Birth, Gender)

If during an assessment you have any questions or concerns in relation to the personal data collected and processed you can contact us using our details above.

Lawful Basis for Data Processing

The UK GDPR and EU GDPR require Cappfinity to identify appropriate lawful bases to process personal data. As mentioned above we process personal data as both a controller and a processor.

The lawful basis we rely on as a data controller are detailed below with brief examples for when they may apply:

Consent	For capturing analytical information.
Contractual Obligation	To provide our services as data processors.
Legal Obligation	To respond to law enforcement requests.

As a data processor we process personal data in line with the lawful basis determined by the data controller. This could be consent which the data controller has collected in order to ensure we as a data processor can process data on the data controller's behalf.
Consents where needed are recorded and gathered within the platforms where the consent is given.

How We Use Personal Data

We may use personal data for various activities which can include the following activities:

- Administer profiles for users on our platforms
- Action any data subject right requests
- Communicate with relevant data controllers any communications received from a data subject including (but not limited to) data subject right requests
- Process an order for a product or other service
- Handle an enquiry or complaint you have made

The above list is non-exhaustive and representative. For more information to how we use personal data for specific activities you can contact us as detailed above.

Children's Data

Our services are not specifically designed for children under the age of 16. If we do become aware of anyone using our services who may be under 16 we will take all reasonable steps to ensure we do not process their data any further and will communicate this to them directly.

Data Sharing

Due to the nature of our business there may be at times we are required to share data with other departments or members of our group organisation. Examples of this can include erasure requests and any questions or concerns regarding data protection received from other departments.

We are also required to share data with data controllers where we are acting as their data processors. This may involve (as examples) instances of where we have directly received any questions or complaints or erasure requests from any data controller clients.

Please note there may also be instances where we may need to share data with a competent law enforcement body, regulatory body, government agency, court, or other third party
where we believe disclosure is necessary (i) as a matter of applicable law or regulation or (ii) to exercise, establish or defend our legal rights.

Correspondence and Registered address:
2230 - 2235 Regents Court, The Crescent, Birmingham Business Park, Birmingham B37 7YE

International Data Transfers

As mentioned above there may be instances where we may need to transfer your data outside the UK. We may need to share your data with other Cappfinity entities or companies who are in the European Economic Area (The EU member states, Norway, Iceland, and Liechtenstein), in an adequate listed country or in other third countries who may not have similar data protection laws to the UK. If we need to transfer your information outside the UK we will take steps to ensure that appropriate security measures are taken with the aim of ensuring that your privacy rights continue to be protected as outlined in this notice.

Sub Processors

Subprocessor Name	Purpose of subprocessing	Primary location of subprocessing	Primary location of data storage
Amazon Web Services	Creation, storage and validation of user account credentials, progression data, user choice data, multiplayer sessions	Europe – London (EU West-2)	Europe – London (EU West-2)

Any queries about sub-processors used for SLVR, please contact dpo@cappfinity.com

Data Retention

We regularly review our data retention practices to ensure we only retain personal data for as long as necessary in line with our data processing activities. We have created data retention policies and accompanying data retention schedules to help document relevant retention periods.

As a data controller we will retain personal data for as long as necessary in line with various requirements, such as for example, best practice recommendations (e.g. ICO recommendations), relevant guidelines (e.g. ACAS guidance) or for as long as mandated under specific legislation (e.g. HMRC requirements). We will also determine appropriate retention periods based on our legitimate interests where identified.

As a data processor we will retain personal data for as long as required as set by our client data controllers. Where the data controller has determined the relevant retention period we will be sure to document this and notify them in advance before the deletion is carried out, normally within 30 days.

When data is needed to be deleted we will either delete manually or anonymise it if deletion is not possible.

Correspondence and Registered address:
2230 - 2235 Regents Court, The Crescent, Birmingham Business Park, Birmingham B37 7YE

What Happens If Our Business Changes Hands?

We may, from time to time, expand or reduce our business and this may involve the sale and/or the transfer of control of all or part of our business. Any personal data that you have provided will, where it is relevant to any part of our business that is being transferred, be transferred along with that part and the new owner or newly controlling party will be permitted to use that data only for the purposes for which it was originally collected by us, which can include marketing consents.

Data Security

As a global organisation we take data security seriously, and we are ISO 27001certified. We review this annually and copies of certifications can be made available upon request.

Our websites use HTTPS encryption (also referred to as SSL or TLS) on every one of its login interfaces. Our HTTPS implementation uses industry standard algorithms and certificates.

We host our product infrastructure with multi-tenant, outsourced infrastructure providers. The physical and environmental security controls are audited for SOC 2 Type III and ISO 27001 compliance, among other certifications, as per https://learn.microsoft.com/en-us/azure/compliance/ and https://aws.amazon.com/compliance/.

If we become aware of any loss, misuse, alteration of personal data we will work closely with our IT team, DPO and other parties as necessary to investigate the incident at hand. We have the relevant procedure and policies in place to investigate, mitigate and report (when needed to relevant parties) such instances.

Data Protection Rights

You have certain rights in relation to the processing of your Personal Data, these are detailed below.

- **Right to be informed**
  You have the right to know what personal data we collect about you, how we use it, for what purpose and in accordance with which lawful basis, who we share it with and how long we keep it. We use our privacy notice to explain this.
- **Right of access** (commonly known as a “Subject Access Request”)
  You have the right to receive a copy of the Personal Data we hold about you.
- **Right to rectification**
  You have the right to have any incomplete or inaccurate information we hold about you corrected.
- **Right to erasure** (commonly known as the right to be forgotten)
  You have the right to ask us to delete your Personal Data, please note that there are exceptions to this right, for example where we are required by law to keep some personal data.
- **Right to object to processing**
  You have the right to object to us processing your Personal Data. If you object to us using

Correspondence and Registered address:
2230 - 2235 Regents Court, The Crescent, Birmingham Business Park, Birmingham B37 7YE

your Personal Data for marketing purposes, we will stop sending you marketing material.

- **Right to restrict processing**
  You have the right to restrict our use of your Personal Data.
- **Right to portability**
  You have the right to ask us to transfer your Personal Data to another party.
- **Automated decision-making.** You have the right not to be subject to a decision based solely on automated processing which will significantly affect you. We do not use automated decision-making.
- **Right to withdraw consent**
  If you have provided your consent for us to process your Personal Data for a specific purpose, you have the right to withdraw your consent at any time. If you do withdraw your consent, we will no longer process your information for the purpose(s) you originally agreed to, unless we are permitted by law to do so.
- **Right to lodge a complaint**
  You have the right to lodge a complaint with the relevant supervisory authority, if you are concerned about the way in which we are handling your Personal Data.

If you would like to exercise any of the above-mentioned rights you can do so by contacting us at dpo@cappfinity.com.

Please also note that if we receive a Rights request as a data processor, we will forward the request to the client controller who may then contact you directly for additional information or to confirm if the Right is exercised or not.

How We Respond to Do Not Track Signals

Your browser settings may allow you to automatically transmit a Do Not Track signal to websites and other online services you visit. We do not alter our practices when we receive a Do Not Track signal from a visitor's browser because we do not track our visitors to provide targeted advertising. To find out more about Do Not Track, please visit http://www.allaboutdnt.com.

Concerns and Complaints

We understand you may have concerns and complaints in relation to this notice and in relation to how we process personal data. If you would like to contact us directly to talk to us about a concern or to raise a complaint, you can do so by using our contact details above.

UK Residents can also submit a complaint directly to the ICO via this link https://ico.org.uk/make-a-complaint/. If you are based elsewhere within the European Economic Area a list of supervisory authorities can be found here.

Review and Updates

Correspondence and Registered address:
2230 - 2235 Regents Court, The Crescent, Birmingham Business Park, Birmingham B37 7YE

We will review this notice and make changes to it from time to time. We recommend that you check this notice to see where changes have been made and to ensure you are able to review updated information at all times.

Correspondence and Registered address:
2230 - 2235 Regents Court, The Crescent, Birmingham Business Park, Birmingham B37 7YE