

The Body Shop At Home™ Consultant Privacy Notice - UK

The Body Shop International Limited, a company registered at Watersmead, Littlehampton, West Sussex BN17 6LS, United Kingdom, ("TBS", "we" or "us") has prepared this Privacy Notice ("Notice") for individuals who run their own independent The Body Shop At Home™ business ("Consultant" or "you") as we have to process your personal information. The purpose of this Notice is to give you information about how TBS collects, processes, stores and otherwise uses, information about you, and your rights in relation to that information.

TBS needs to process your personal information in order for you to perform crucial aspects of your Consultant Agreement, such as facilitating payments to you and selling products to customers.

In certain limited circumstances we may need to ask for your specific consent to process your personal information for a particular purpose. Where we do so, you will be entitled to withdraw your consent at any time by contacting us as set out at the end of this Notice. However in most cases we will process your personal information for the reasons set out in this Notice and it won't be appropriate or necessary for you to provide consent.

We may update this Notice from time to time, for example if we implement new systems or processes that involves the use of personal information. All updates to this Notice will be communicated to you via email and on Be Inspired.

Your rights in relation to your personal information, and details of how organisations should protect it are included in the EU General Data Protection Regulation (the "GDPR"), which is a European law.

What categories of personal information does TBS collect about me and why does TBS use it?

"Personal information" means any information relating to you. TBS will collect, process and use the following categories and types of personal information about you:

- **identification data**, such as your name, signature, email address, address, landline, citizenship, passport/national identification data, driver's licence information;
- **information about you**, such as your date and place of birth, gender;
- **information about being a Consultant**, such as the contract start date, details of your regional manager, information about the commissions you receive and trips/incentives reached or conferences and meetings attended, bank account details and payment dates;
- **complaint handling information**, such as the handling of any complaints about you or other Consultants, together "Consultant Information".

We collect and use this Consultant Information for a variety of reasons linked to your work as a Consultant. The exact reasons that we collect and use the Consultant Information will differ depending on how you are engaged as a Consultant. To help clarify these we have set out below a list of reasons why we collect and use this information (the "Processing Purposes") along with examples of some of the Consultant Information used for each of the Processing Purposes:

- **administering and processing your application**, including identification data, information about you and contact details;
- **administering and providing Commission payments for being a Consultant**, including contact details, information about the sales you have made and levels you have reached, and details of your bank account;
- **complying with applicable laws** along with the administration of those requirements, including tax laws which involves the processing of identification data;
- **monitoring and ensuring compliance with applicable policies and procedures and laws**, including conducting investigations into compliance with the Consultant's Agreement, which involves the processing of identification data, contact details, and information about being a Consultant;
- **communicating with you and third parties** (such as existing or potential business partners, suppliers, customers, end-customers or government officials) which involves the processing of identification data, contact details, information about being a Consultant and organisational data;

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- **responding to and complying with requests and legal demands from regulators or other authorities** in the UK which involves the processing of identification data, contact details, information about being a Consultant, your commission and organisational data;
- **complying with corporate financial responsibilities**, including audit requirements (both internal and external) and cost/budgeting analysis and control which involves the processing of identification data, contact details, information about being a Consultant, your commissions, and organisational data.

In addition to the collection, processing and use of the Consultant Information, TBS collects, processes and uses the following special categories of personal information about you which we describe as "**Sensitive Information**":

- **criminal records data**, in the event that TBS has conducted or received the results of criminal records background checks in relation to you, where relevant and appropriate to your role as a Consultant;
- **race or ethnicity data** such as information contained in your passport or other citizenship and right to work documentation, and information which you have provided to TBS for the purposes of compliance checking.

Why does TBS need to collect, process and use my Consultant Information and Sensitive Information?

Both the Consultant Information and Sensitive Information are needed by TBS to carry out a variety of activities that are linked to being a Consultant and TBS's compliance with its obligations as a result of those services and as a business.

We are required to explain to you the legal bases for our collecting, processing and use of your Consultant Information and Sensitive Information as listed below:

For Consultant Information, our legal bases are:

- performance of the contract with you; compliance with legal obligations, in particular element in the areas of, data protection law, tax law, and corporate compliance laws; the legitimate interests of TBS, TBS affiliates or other third parties (such as existing or potential business partners, suppliers, customers, end-customers or governmental bodies or courts); your consent, where that is appropriate, meets the requirements of data protection law and has been separately obtained; protection of vital interests of you or of another individual; performance of a task carried out in the public interest or in the exercise of official authority vested in TBS.

For Sensitive Information, our legal bases are:

- explicit consent as allowed or required by local data protection law; to carry out the obligations and to exercise the specific rights of TBS or you in the field of social security and social protection law as permitted by local data protection law; to protect the vital interests of you or of another individual where you are physically or legally incapable of giving consent; public data as made public manifestly by you; to establish, exercise or defend legal claims or whenever courts are acting in their judicial capacity; and for substantial public interest as permitted by local data protection law.

We want to be as clear with you as possible over what this means, so where we talk about legitimate interests of TBS or third parties, this can include:

- implementation and operation of a group-wide organisational structure and group-wide information sharing;
- right to freedom of expression or information, including in the media and the arts;
- customer Relationship Management and other forms of marketing;
- prevention of fraud, misuse of IT systems, or money laundering;
- operation of a whistleblowing scheme;
- physical security, IT and network security;
- business investigations e.g. intellectual property law breaches;
- proposed mergers and acquisitions.

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When relying on the legitimate interests basis for processing your personal information, we will balance the legitimate interest pursued by us and any relevant third party with your interest and fundamental rights and freedoms in relation to the protection of your personal information to ensure it is appropriate for us to rely on legitimate interests and to identify any additional steps we need to take to achieve the right balance.

Got it - but who might TBS share my personal information with?

TBS may transfer personal information to third parties, including to entities within and outside the TBS Group located in any jurisdictions where TBS Group entities are located, for the Processing Purposes as follows:

- **Communication with third parties.** As necessary in connection with business operations, contact details and communication contact details may be transferred to existing or potential business partners, suppliers, customers, end-customers or government officials and other third parties.
- **Regulators, authorities, and other third parties.** As necessary for the Processing Purposes described above, personal information may be transferred to regulators, courts, and other authorities (e.g., tax and law enforcement authorities), independent external advisors (e.g., auditors), internal compliance and investigation teams (including external advisers appointed to conduct internal investigations).
- **Acquiring entities.** If the TBS business for which you work may be sold or transferred in whole or in part (or such a sale or transfer is being contemplated), your personal information may be transferred to the purchaser or potential new purchaser as part of the transfer itself or as part of an initial review for such transfer (i.e. due diligence), subject to any rights provided by applicable law, including jurisdictions where the purchaser or potential purchaser are located.
- **Data processors.** As necessary for the Processing Purposes described above, personal information may be shared with one or more third parties, whether affiliated or unaffiliated, to process personal information under appropriate instructions ("**Data Processors**"). The Data Processors may carry out instructions related to administration, IT system support and maintenance, commission payments, training, compliance, and other activities, and will be subject to contractual obligations to implement appropriate technical and organisational security measures to safeguard the personal information, and to process the personal information only as instructed.

For a full list of the categories of third parties that we may share your information with, please contact us as set out below. As you may have noticed, some of the recipients we may share Consultant Information and Sensitive Information with may be located in countries outside of Europe. In some cases, this may include countries located outside the European Union and/or European Economic Area ("**EEA**"). Some countries where recipients are located already provide an adequate level of protection for this data such as Switzerland, and transfers to other countries such as the USA may be protected under arrangements such as the EU-US Privacy Shield.

If recipients are located in other countries without adequate protections for personal information, TBS are committed to taking all necessary measures to ensure that transfers of your personal information out of the EEA are adequately protected as required by applicable data protection law. This will include using appropriate safeguards such as the EU Standard Data Protection Clauses. You can ask for a copy of these safeguards by contacting us as set out below ("**Who can I contact about this stuff?**").

How long will TBS keep my personal information for?

It is our policy not to keep personal information for longer than is necessary. We may, for example, keep your personal information for a reasonable time after you stopped being a Consultant to ensure that any on-going obligations can be complied with. Where personal information is kept, that period will be determined based on the applicable local law. For further information, please contact us as set out below to request further details on how long TBS will retain different categories of personal information.

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What rights do I have in respect of my personal information?

You have a number of rights in relation to your Consultant Information and Sensitive Information which can be summarised in broad terms as follows:

- (i) **Right of access** - You have the right to confirm with us whether your personal information is processed, and if it is, to request access to that personal information including the categories of personal information processed, the purpose of the processing and the recipients or categories of recipients. We do have to take into account the interests of others though, so this is not an absolute right, and if you want to request more than one copy we may charge a fee.
- (ii) **Right to rectification** - You may have the right to rectify inaccurate or incomplete personal information concerning you.
- (iii) **Right to erasure (right to be forgotten)** - Under certain circumstances, you may have the right to ask us to erase personal information concerning you.
- (iv) **Right to restriction of processing** - In limited circumstances, you may have the right to request that we restrict processing of your personal information, however where we process Consultant Information and Sensitive Information for the Processing Purposes we have a legitimate interest in processing that information which may override a request that you make.
- (v) **Right to data portability** - You may have the right to receive personal information concerning you, which you have provided to us, in a structured, commonly used and machine-readable format and you may have the right to transmit that information to another entity.
- (vi) **Right to object and rights relating to automated decision-making** - Under certain circumstances you may have the right to object, on grounds relating to your particular situation, at any time to the processing of your personal information, including profiling, by us and we can be required to no longer process your personal information. This may include requesting human intervention in relation to an automated decision so that you can express your view and to contest the decision.

To exercise any of these rights, please contact us as stated under below (**Who can I contact about this stuff?**).

You also have the right to lodge a complaint with the competent data protection supervisory authority, which in the UK is the Information Commissioner's Office (the 'ICO').

Anything else?

If we are not able to carry out the processing activities we describe in this Notice, there is a chance that we may not be able to comply with the terms of the Consultant Agreement, and in certain very exceptional cases, you may not be able to continue as a Consultant. Of course, we don't expect it would ever come to that, and this is simply information we are obliged to provide you as part of this Notice.

Who can I contact about this stuff?

If you have concerns or questions regarding this Notice or if you would like to exercise your rights as a data subject, you can get hold of the right person here:

The Body Shop International Limited, Watersmead, Littlehampton, West Sussex BN17 6LS, United Kingdom.

The contact details of our data protection officer are as follows:

The Data Protection Officer, The Body Shop International Limited, Watersmead, Littlehampton, West Sussex BN17 6LS, United Kingdom.