

FluidStack - Privacy Notice

This Privacy Notice was published on 1st February 2022.

1. Introduction

- 1.1 This Privacy Notice (as updated from time to time) is incorporated into FluidStack's Terms of Service and Terms of Supply (available at <https://www.fluidstack.io/>).
- 1.2 Defined terms in this Privacy Notice shall have the meaning given in the Terms of Service and Terms of Supply and the same rules of interpretation apply.

2. Who we are

- 2.1 FluidStack Ltd ('**FluidStack**', '**our**', '**us**' or '**we**') is a company registered in England and Wales with company number 10985545, with principal place of business at 71-75 Shelton Street, Covent Garden, London, United Kingdom, WC2H 9JQ and ICO registration number ZB268099.
- 2.2 For the purposes of the UK Data Protection Act 2018 and the UK GDPR (as defined in section 3(10) (as supplemented by section 205(4)) of the same Act), FluidStack is the controller and can be contacted as follows:

71-75 Shelton Street, Covent Garden, London WC2H 9JQ

sales@fluidstack.io

+44 7432 239566

3. Scope

- 3.1 FluidStack operates FluidStack.io (the '**Site**') and offers the FluidStack Platform which facilitates the purchase by Customer of Cloud Services that are supplied to FluidStack by Third-Party Provider. Access to the FluidStack Platform and the provision of the FluidStack Services requires the processing of certain personal data about the representatives of our customers and providers ('**you**', '**your**').
- 3.2 This Privacy Notice applies to our processing of such personal data. Please read it carefully to understand the types of personal data we collect, how we use such personal data, the circumstances under which we will share it with third parties, and your rights in relation to personal data about you.

4. Personal data we collect

- 4.1 **Personal data we need to deliver, manage and improve the FluidStack Services - justified on the basis of our legitimate interests**
 - (a) You will be asked to provide us with some basic information so that we can set you up with an account and so that we can manage this account, as well as provide Support Services as required. We will ask you to provide some contact information so that we can reach out to you if that is necessary in relation to the FluidStack Services. We will also use the same information to respond to any queries you may have in relation to the FluidStack Services. We will continuously improve the FluidStack Services on the basis of any relevant information that you decide to provide to us
 - (b) The information we need to deliver, manage and improve the FluidStack Services typically includes a user name and a password, your name, corporate email address, billing

address, phone number and any feedback about the FluidStack Services that you decide to provide.

4.2 Personal data we need to promote and advertise the FluidStack Services - justified on the basis our legitimate business interests

- (a) We may approach you offline or online (for example on social media or via email) and inquire whether the organisation you represent is interested in the FluidStack Services. We will use whatever information you have decided to publish on your, say, LinkedIn profile, to do that. We will also use whatever information you have decided to share with us offline by way of, say, exchanging business cards, to do that.
- (b) We will contact you if you fill in any of the web forms on the Site. When we do that we will use the contact details you have decided to provide in the relevant form.

4.3 Personal data we need to receive third party services - justified on the basis of our legitimate interests

If the organisation you represent is Third-Party Provider (as opposed to Customer) we will ask you to provide us with some basic information so that we can receive and pay for the Cloud Services your organisation provides. Such information typically includes your name, corporate email address and phone number.

4.4 Information generated when you browse the Site - justified on the basis of your consent

When you visit the Site, certain technical information about the device you use to access the Site that may identify you will be generated by 'cookies', web-beacons and other similar tracking technologies. Please see the 'cookies' section below for the technical details about this type of data processing. Please use the 'cookies' banner on the Site to exercise your choice regarding accepting or rejecting cookies.

4.5 Minors – not collected

We do not intentionally collect personal data from or about minors. If you are the parent or guardian of a minor and believe they have provided us with personal data, please contact us using the information set out in the 'Who we are' section to request deletion.

4.6 Customer Data – excluded

FluidStack does not process any Customer Data uploaded to cloud infrastructure in connection with Customer's use of the Cloud Services. This Customer Data is processed by Third-Party Provider and FluidStack excludes all liability in this respect.

5. Disclosures of personal data

- 5.1 We will treat your information as confidential information and so shall our suppliers do. We use various technological solutions providers in order to deliver, manage, improve, promote and advertise the FluidStack Services. Our suppliers are prohibited from using personal data for any purpose other than the delivery of their services to us. Nevertheless, depending on their type, our suppliers may have limited access to your information. These providers include Third Party-Provider, our cloud storage providers, customer relationship management systems providers, email services providers, social media companies, analytics providers and others who assist us in promoting, delivering, managing and improving the FluidStack Services and the Site.

- 5.2 In addition, we may also disclose your personal information to third parties in the following circumstances:

Purpose of disclosure

Justification

If we buy any business or assets, we may disclose your personal information to the prospective seller of such business or assets.

Legitimate interests (to enable the acquired business to offer services to our customers).

If FluidStack or substantially all of its assets are acquired by a third party, personal information about our customers' representatives will be one of the transferred assets.

Legitimate interests (to allow the prospective buyers to provide you the Services).

If we need to protect the rights, property, or safety of FluidStack, our customers, or others, we may disclose your personal information to third parties, such as professional advisors and official authorities.

Legitimate interests (to enforce our rights).

We may disclose your personal information to third parties, the court service and/or regulators or law enforcement agencies in connection with proceedings or investigations anywhere in the world where compelled to do so. Where permitted, we will direct any such request to you or notify you before responding unless to do so would prejudice the prevention or detection of a crime.

Legal obligation.

6. Exports outside the EEA or the UK

- 6.1 Your personal information will be stored electronically on computer systems currently located in the United States and managed by our suppliers. Data protection laws may be of a lower standard here than in the United Kingdom ('UK') or the European Economic Area ('EEA').

- 6.2 Regardless of location, we will impose data protection safeguards similar to those that we deploy inside the UK and the EEA. Where required by applicable law, we will transfer your personal information subject to European Commission and UK Information Commissioner's Office approved contractual terms that impose equivalent data protection obligations directly on the recipient. Please contact us if you would like further details of the specific safeguards applied to the export of your personal data.

7. How long we retain personal data about you

- 7.1 We will hold personal data about you for as long as is necessary in order to conduct the processing detailed above, deal with any specific issues that may arise, or otherwise as is required by law or any relevant regulatory body. Please note some personal data may need to be retained for up to six years to ensure FluidStack can comply with applicable laws and internal compliance procedures.
- 7.2 We restrict access to your personal information to those persons who need to use it for the relevant purpose(s). Our retention periods are based on business needs and your information that is no longer needed is either irreversibly anonymised (and the anonymised information may be retained indefinitely) or securely destroyed.
- 7.3 To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the personal risk or harm from unauthorised use or disclosure,

the purpose for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

8. Your rights

8.1 Under UK GDPR, you have various rights in relation to personal data about you that we process. All of these rights can be exercised by contacting us at the email address specified above.

8.2 You have the right to:

Be informed (of the processing).	Access (such information).	Rectification (of inaccurate information).
Erasure (of such information).	Restrict processing (in certain cases).	Object to profiling.
Data portability (in certain cases).	Complain to the Information Commissioner's Office.	Withdraw consent (if we have collected your personal information on this basis).

8.3 Detailed information on the full content of your rights (and any conditions that may apply) is provided by the UK Information Commissioner's Office and is available on their website: <https://ico.org.uk/your-data-matters/>.

8.4 Asking us to stop processing your personal data or deleting your personal data will likely mean that you the organisation you represent will no longer able to use the FluidStack Services, or at least those aspects of the FluidStack Services which require the processing of the types of personal data you have asked us to delete.

8.5 While we will not sell personal data about you (or any other data you provide us with) to third-parties, we reserve the right to share any data which has been anonymised. You acknowledge and accept that we own all right, title and interest in and to any derived data or aggregated and/or anonymised data collected or created by us.

9. 'Cookies' on the Site

9.1 The Site uses 'cookies'. Some of these are essential or functional, while others help us to improve your experience by providing insights into how the Site is being used. We may also use 'cookies' for advertising. Some 'cookies' and similar technologies, particularly those that track browsing behaviour across the web are perceived by data protection regulators as privacy-intrusive. We are, therefore, presenting the below information to visitors of the Site in order to explain why and how we use this technology. 'Cookies' work with the help of certain online identifiers and typically involve the processing of the following information that is considered personal data:

- (a) Internet Protocol (IP) addresses;
- (b) device or mobile IDs and/or device model and type;
- (c) time zone;
- (d) browser information, operating system information, and/or language preferences;
- (e) the location and the preceding and succeeding websites you have visited, including which pages/part/icons on the Site you interacted with;
- (f) search terms

- (g) applications you click on and how often; and
- (h) the pages of the Site you visit, and how long you spend on each page.

9.2 Lawful grounds for processing

For the purposes of data protection law, we use the following justifications to process your online identifiers derived from 'cookies':

- (a) we use 'cookies' for the correct, efficient and viable delivery of online content. The processing is necessary for our legitimate interest (that are to ensure the availability of the Site);
- (b) we use 'cookies' for the analysis and optimisation of the Site's performance and engagement (for example, we use Google Analytics – you can read more about how Google uses your personal information [here](#) and you can opt out via the mechanism in 9.5(c)). The processing is necessary for the purpose of improving the FluidStack Services and is subject to your permission (consent); and
- (c) we use 'cookies' for the delivery (including via third parties) of targeted advertising tailored to your interests. The processing is necessary for the purpose of promoting our services and is subject to your permission (consent).

9.3 Details of the processing

The following 'cookies' are automatically downloaded on any device used to access the Site.

'Cookie'	Party serving it	Purpose	Lifetime on device	Privacy Notice
__hssrc	HubSpot	This cookie is set by Hubspot whenever it changes the session cookie. The __hssrc cookie set to 1 indicates that the user has restarted the browser, and if the cookie does not exist, it is assumed to be a new session.	Session	Privacy Notice
test_cookie	doubleclick.net	The test_cookie is set by doubleclick.net and is used to determine if the user's browser supports cookies.	15 minutes	Privacy Notice
IDE	doubleclick.net	Google DoubleClick IDE cookies are used to store information about how the user uses the website to present them with relevant ads and according to the user profile.	1 year 24 days	Privacy Notice
_gcl_au	Google Tag Manager	Provided by Google Tag Manager to experiment advertisement efficiency of websites using their services.	3 months	Privacy Notice
_ga	Google Analytics	The _ga cookie, installed by Google Analytics, calculates visitor, session and campaign data and also keeps track of site usage for the site's analytics report. The cookie stores information	2 years	Privacy Notice

		anonymously and assigns a randomly generated number to recognize unique visitors.		
_gid	Google Analytics	Installed by Google Analytics, _gid cookie stores information on how visitors use a website, while also creating an analytics report of the website's performance. Some of the data that are collected include the number of visitors, their source, and the pages they visit anonymously.	1 day	Privacy Notice
_gat_UA-129096143-1	Google Analytics	A variation of the _gat cookie set by Google Analytics and Google Tag Manager to allow website owners to track visitor behaviour and measure site performance. The pattern element in the name contains the unique identity number of the account or website it relates to.	1 minute	Privacy Notice
_gat_gtag_UA-129096143_1	Google Analytics	Set by Google to distinguish users.	1 minute	Privacy Notice
__hstc	HubSpot	This is the main cookie set by Hubspot, for tracking visitors. It contains the domain, initial timestamp (first visit), last timestamp (last visit), current timestamp (this visit), and session number (increments for each subsequent session).	1 year 24 days	Privacy Notice
hubspotutk	HubSpot	HubSpot sets this cookie to keep track of the visitors to the website. This cookie is passed to HubSpot on form submission and used when deduplicating contacts.	1 year 24 days	Privacy Notice
__hssc	HubSpot	HubSpot sets this cookie to keep track of sessions and to determine if HubSpot should increment the session number and timestamps in the __hstc cookie.	30 minutes	Privacy Notice
__cf_bm	Cloudflare	This cookie, set by Cloudflare, is used to support Cloudflare Bot Management.	30 minutes	Privacy Notice
UserMatchHistory	LinkedIn	LinkedIn sets this cookie for LinkedIn Ads ID syncing.	1 month	Privacy Notice

lang	LinkedIn	LinkedIn sets this cookie to remember a user's language setting.	session	Privacy Notice
bcookie	LinkedIn	LinkedIn sets this cookie from LinkedIn share buttons and ad tags to recognize browser ID.	2 years	Privacy Notice
lidc	LinkedIn	LinkedIn sets the lidc cookie to facilitate data center selection.	1 day	Privacy Notice
bscookie	LinkedIn	LinkedIn sets this cookie to store performed actions on the website.	2 years	Privacy Notice
gs_v_GSN-540192-X	GoSquared	Tracking	1 year 10 months 24 days 11 hours	Privacy Notice
mdn_anonymous_id	Mozilla Firefox	Tracking	10 years	Privacy Notice
AnalyticsSyncHistory		Unknown	1 month	
li_gc		Unknown	2 years	
cky-active-check	CookieYes	CookieYes sets this cookie to check if the consent banner is active on the website.	1 day	Privacy Notice
cookieyesID	CookieYes	CookieYes sets this cookie as a unique identifier for visitors according to their consent.	1 year	Privacy Notice
cky-consent	CookieYes	The cookie is set by CookieYes to remember the users's consent settings so that the website recognizes the users the next time they visit.	1 year	Privacy Notice
cookieyes-necessary	CookieYes	CookieYes sets this cookie to remember the consent of users for the use of cookies in the 'Necessary' category.	1 year	Privacy Notice
cookieyes-functional	CookieYes	CookieYes sets this cookie to remember the consent of users for the use of cookies in the 'Functional' category.	1 year	Privacy Notice
cookieyes-analytics	CookieYes	CookieYes sets this cookie to remember the consent of users for the use of cookies in the 'Analytics' category.	1 year	Privacy Notice

cookieyes-performance	CookieYes	CookieYes sets this cookie to remember the consent of users for the use of cookies in the 'Performance' category.	1 year	Privacy Notice
cookieyes-advertisement	CookieYes	CookieYes sets this cookie to remember the consent of users for the use of cookies in the 'Advertisement' category.	1 year	Privacy Notice
cookieyes-other	CookieYes	CookieYes sets this cookie to remember the consent of users for the use of cookies in the 'Other' category.	1 year	Privacy Notice

9.4 Exercising control

- (a) Please exercise your choice with respect to accepting or rejecting 'cookies' via the pop-up on the Site.
- (b) In addition to the controls provided on the Site via the pop-up, you can choose to block 'cookies' by activating the settings on your browser that allow you to refuse the setting of all or some 'cookies'. However, if you use your browser settings to block all 'cookies' (including essential 'cookies') you may not be able to access parts of the Site. Your browser settings also allow you to delete all 'cookies' stored on your device whenever you wish.
- (c) Please note that blocking 'cookies' via your browser may not completely prevent how we share information with third parties such as our advertising partners. To exercise your rights or opt-out of certain uses of your information by these parties, please follow the instructions in 9.5(c) and 9.6(f).

9.5 Additional information

The UK Information Commissioner's Office provides the following guidance on controlling 'cookies':

- (a) a number of websites provide detailed information on 'cookies', including [AboutCookies.org](#) and [AllAboutCookies.org](#);
- (b) the European Interactive Digital Advertising Alliance website [Your Online Choices](#) allows you to install opt-out 'cookies' across different advertising networks;
- (c) Google has developed a browser add-on to allow users to [opt-out of Google Analytics](#) across all websites which use it;
- (d) some browsers include a feature known as 'Do Not Track' or DNT. This allows you to indicate a preference that websites should not track you. However, whilst DNT is available in many browsers, websites are not required to recognise its request, so it may not always work (see section 10 for our approach to DNT). You can get help on how to use DNT in [Microsoft Edge](#), [Mozilla Firefox](#), [Google Chrome](#) and [Opera](#); and
- (e) for more information on how private browsing works as well as its limitations, visit the support pages for your browser: [Microsoft Edge](#), [Microsoft Internet Explorer](#), [Mozilla Firefox](#), [Google Chrome](#) and Safari ([iOS \(mobile\)](#) and [desktop](#)).

9.6 Additional steps you can take to protect your privacy online

If you are concerned about online tracking then we can recommend you to:

- (a) set your browser settings to delete all 'cookies' every time you close your browser;
- (b) consider adopting [Global Privacy Control](#);
- (c) install a privacy-friendly browser on your device, such as [Mozilla Firefox](#), [Safari](#), or [Brave](#);
- (d) install anti-tracking and ad-blocking plug-ins on that browser, such as [Ad Block Plus](#), [Ghostery](#) or [PrivacyBadger](#);
- (e) use privacy-friendly web search engines, such as [Ecosia](#) or [DuckDuckGo](#);
- (f) opt out of targeted advertising by [Google](#) and [Bing](#); and
- (g) learn more about targeting advertising by visiting the Network Advertising Initiative's educational [page](#).

10. Do Not Track

Please note that because there is no consistent industry understanding of how to respond to "Do Not Track" signals, we do not alter our data collection and usage practices when we detect such a signal from your browser.

11. Automatic decision-making

- 11.1 If you are a resident of the EEA or UK, you have the right to object to processing based solely on automated decision-making (which includes profiling), when that decision-making has a legal effect on you or otherwise significantly affects you.
- 11.2 We do not engage in fully automated decision-making that has a legal or otherwise significant effect using personal data.
- 11.3 We use limited automated decision-making to prevent fraud that does not have a legal or otherwise significant effect on you.
- 11.4 We include elements of automated decision-making in the following services:
 - (a) a temporary 'deny list' of IP addresses associated with repeated failed transactions. This 'deny list' persists for a small number of hours; and
 - (b) a temporary 'deny list' of credit cards associated with 'deny-listed' IP addresses. This 'deny list' persists for a small number of days.

12. Changes to this notice

Any changes we make to this Privacy Notice in the future will be posted on this page, and where appropriate, notified to you by email. We therefore encourage you to review it from time to time to stay informed of how we are processing your information.