
Icon Conservation Register Redevelopment Project

INVITATION TO TENDER

1. Background

The [Institute of Conservation](https://icon.org.uk) is a charity working to raise awareness of the cultural, social and economic value of caring for heritage. As the professional body for conservators, we champion high standards of conservation. Representing about 2,500 individuals and organisations, our membership incorporates not only professional conservators and conservation scientists, but many others who share a commitment to improving understanding of and access to our cultural heritage. Most of our current members are UK-based, although 17.5% are based abroad.

Our unique position in the sector stems from our professional accreditation framework, which is solely owned and operated by Icon, and recognised worldwide. Icon accreditation brings together conservators working across a wide range of conservation disciplines in a variety of public and private sector contexts. Accredited Conservator-Restorers (ACRs) are united through our Professional Standards and our Code of Conduct, which underpin our highly respected accreditation framework. Becoming an Accredited Conservator-Restorer demonstrates to clients, employers and peers that an individual has an in-depth knowledge of conservation, a high degree of competence, sound judgement and a deep understanding of the principles which underpin their practice. An ACR is also committed to ongoing professional development (CPD), which is regularly monitored by Icon's professional development team.

Further information about Icon can be found on the following webpages on our website:

About us: <https://icon.org.uk/about-us>

Icon's Strategy 2017-21: <https://icon.org.uk/about-us/icon-strategy-2017-2021>

Icon members: <https://icon.org.uk/about-us/icon-members>

Icon accreditation: <https://icon.org.uk/accreditation>

2. Aims and Objectives

The Conservation Register Redevelopment Project has two key aims.

The first aim is to provide a publicly accessible and fully searchable digital directory of Icon Accredited Conservator-Restorers (ACRs). The directory will list individuals rather than practices, providing confirmation that the individuals have met and continue to maintain the high professional standards that are the bedrock of accreditation.

The second aim is to provide an easy to use resource for clients and commissioners who are seeking to appoint a conservator to care for their object or collection. To achieve this the Conservation Register must differentiate between ACRs who wish to offer their services to a wide audience and those who cannot. The new Conservation Register should therefore allow ACRs to apply for an [Enhanced Listing](#) for an additional fee. ACRs who opt for the Enhanced Listing will be able to include contract details, project snapshots and further information about their skills and practice in their list entry. Enhanced Listing will therefore be promoted to ACRs as a useful and respected promotional tool, as their Enhanced Listing page

will be a vital place to showcase their services to members of the public or other commissioners. In addition, it will provide a much-needed revenue stream for Icon.

A diagram explaining the structure of the proposed new Conservation Register can be found in Appendix 2.

The new Icon Conservation Register will:

- Provide members of the public with an access to an up-to-date, accurate and easily searchable directory of Icon accredited conservator-restorers.
- Showcase the skills and expertise of individual conservators to potential clients.
- Increase public awareness of the range and the breadth of the conservation profession.
- Increase awareness of the role and value of accredited conservators amongst employers, commissioners, funders and the public.
- Increase awareness of the quality assurance provided by Icon's Professional Standards, Code of Conduct and Complaints Procedure.
- Encourage more conservators to apply for accreditation or to take steps towards gaining accreditation.

We will measure our success in achieving these objectives through analysing quantifiable data and measuring our impact. We will do this through:

- Conversion tracking
- Behavioural pattern analysis
- User journey monitoring
- Enquiry form usage
- Feedback from Accredited Conservators
- External surveys of Accredited Conservators and service users

3. Reasons for commissioning a new Conservation Register

The **Conservation Register** is, and should remain, a key resource for clients and commissioners who need advice and support to care for their objects and collections. The current [Conservation Register](#), which has been owned and operated by Icon since 2005, was designed to provide a reliable way for users to identify practices led by Accredited Conservator-Restorers (ACRs). However, the Register has not been upgraded since 2010 and is now in critical need of overhaul. There has been a consistent decline in the number of practices listed on the Register over the last 8 years as its perceived technical deficiencies are a disincentive to renewing listings. Members of the public and other commissioners also find it hard to identify and commission a suitable practitioner from the Register due to its functional shortcomings and 'clunky' interface. This is deeply frustrating for users, but it also hampers Icon's ability to deliver its core charitable objects.

In 2017 an internal Task and Finish Group was set up to review the Register. As part of their work they commissioned a piece of user research¹ which highlighted several issues. We discovered that:

- Users assume that the Register is a complete listing of all accredited conservator-restorers (ACRs) though it was never designed to fulfil this purpose.
- Public understanding of accredited status is weakened by the fact that the Register lists practices, whereas accredited status applies only to individual accredited members.

¹The research was designed to identify the barriers to users reaching accredited professionals to take on conservation work and to find out why there has been a consistent decline in the number of practices listed.

- The user interface is not intuitive; instead it is unappealing and difficult to use; the website also appears outdated and is visually unengaging.
- Users are frustrated at being unable to identify suitable conservators due to deficiencies in the search function e.g. searches are hampered by the overly complex list of specialisms and the segregation of user-type. There are also issues with the geographical component of the search function, which makes it difficult to pinpoint local specialists.

An additional concern is that the technology that supports the current Conservation Register is outdated as it consists of a static website built on ASP.net. It has no CMS and as such it must be updated by the original developer. This has made managing content an unwieldy chore that has resulted in a substantial backlog of items that still need to be updated and to valuable information being buried within the website and essentially hidden to users.

4. User profiles

We have considered the potential users of the Conservation Register and believe that the functionality of the website will need to reflect a range of different user groups. The key user group will be clients and commissioners (often members of the public), but existing and future ACRs will also be important stakeholders. Other potential users will include Icon staff, employers, funders, and Icon members as illustrated in the diagram in Appendix 3.

We have also considered the potential “public” users in more detail and have identified the following audience segments:

- “Experienced / knowledgeable” clients or commissioners who know what type of conservator they are looking for (e.g. paintings) but need to shortlist a small number of potential conservators, probably within a defined geographical area.
- “Novice” clients or commissioners who own an object that needs care or conservation, but don’t really know what they are looking for.
- Clients or commissioners who want to verify that a known conservator is accredited and who will need to search the Conservation Register by that member’s name.
- Potential employers who want to verify that a job applicant is accredited and who will need to search the directory by that member’s name.
- Accredited Icon members who will have a range of motivations. These might include wanting to understand their competition, finding out who else is operating in their field, or identifying people to collaborate with on a project.
- Conservators who are considering accreditation who might want to know how many other people are active in their field or might want to find someone who could act as a mentor.
- Students or emerging professionals who might be looking for information about careers, researching the types of jobs available in the sector or looking for a job.

5. Technical brief for the Conservation Register

5.1 Overview

The new Conservation Register should include the following functionality and technical requirements:

- An unrestricted CMS system, where it will be possible for Icon staff (without assistance) to:
 - expand basic content and landing pages
 - manage the distinction between *Enhanced* and *Standard Listings*
 - manage the keyword and category filter system for ACRs who hold an Enhanced Listing
 - manage the enquiry forms and workflow process that allow ACRs to apply for an Enhanced Listing

- Full connectivity between our [website](#) and the Conservation Register i.e. the connection should appear seamless
- Full multi-platform capability. The Conservation Register must have a fully responsive design and be optimised for both mobile and desktop devices with full screen capability (i.e. not limited to a narrow column of screen). Compatibility must include MS Windows 10 Edge and IE8 upwards, Android, MacOS, iOS, Google Chrome, Safari, Firefox etc.
- User-friendly and effective search function
- A self-service function to enable those holding Enhanced Listings to update their publicly accessible details (within specified parameters)
- A “user feedback” function. A tool to seek and capture feedback from users on their experience of using the Conservation Register
- Search Engine Optimisation to ensure that the Conservation Register ranks at the top of relevant indices
- A security certificate providing relevant encryption standards
- Level AA WCAG compliant
- Secure and stable hosting with full back up
- On-going support for routine maintenance and the potential to commission changes and updates
- Analytical tools. These should include the ability to track and monitor user journeys and conversions; and search terms inputted by users (to help gain a better understanding of user needs).

5.2 Visual aspiration

The Conservation Register should demonstrate excellence in all ways to enhance Icon’s reputation as the authoritative source of information about conservation and conservators.

The design of the new Conservation Register should be visually consistent with the design of the Icon website. By this we mean that it should be inviting, open and accessible to all types of users and compliant with [Icon’s Visual Identity Guidelines](#). The layout should be clear and uncluttered and the website should make use of images and multimedia where relevant (e.g. conservation news, projects and case studies). The website should have high visual standards enabling the inclusion of large images, logos, links to videos etc.

The design should allow for the inclusion of the logos of the bodies that have provided funding for its development or have sponsored the Conservation Register; sponsoring bodies may change from year to year. The website should also allow for the prominent display of the logos of a small number of organisations who have agreed to endorse the Conservation Register. The Register must therefore enable the display of funders’, sponsors’ and endorsers’ logos in a way that is compatible with the overall design and will readily allow for future changes to be made by Icon staff. The Conservation Register should also include a section where we can post testimonials and positive feedback from users.

ACRs who have paid for an Enhanced Listing will need to have the ability to add further details to their entry via a self-service option. Their page will therefore need to include some basic descriptive information e.g. contact details, website and social media links, education and training details etc. Additional information could include client testimonials, case studies with images, and a summary of their skills and experience. However, there would be no requirement for all sections to be completed. Effectively, this is the member’s “Sales Page” and should have a well-organised, attractive and inviting layout with images. We would like to consider offering a carousel gallery which the conservator could use as they wish e.g. images of objects worked on, their studio, themselves etc.

5.3 Managing member data

The new Conservation Register will be managed in the same way as the existing Icon website, which does not directly interface with the membership database for security reasons. The core data to support the

members area of the Icon website is drawn from our existing CRM database (see Appendix 4 for screenshots from the Decisions software). Once a week, Icon's Membership Officer exports a CSV file from Decisions and uploads this to the Icon website CMS. This file contains, among other fields, a column marked 'True' or 'False' which denotes whether a known individual is paid-up or lapsed, and enables their members-area access and log-in privileges on the Icon website.

We expect that the new Conservation Register will be updated through a similar manual process, where the relevant data is exported from Decisions on a weekly basis and uploaded to the Conservation Register CMS. To enable this to work two further columns will be added to the report – one containing a 'True' or 'False' column to denote an individual's ACR status, and another to stipulate whether they have paid for an Enhanced Listing. The new Conservation Register CMS will need to use this data to a) manage the appearance of individuals in the public listing, and b) provide the means for those members who have taken out an Enhanced Listing to log-in to provide the additional information to populate their profile page.

The two sources of data (from Decisions and from the user's Enhanced Listing profile) will therefore need to be reconciled/integrated on a weekly basis.

5.4 Search functions

The main Icon website will have a "Find a conservator" or similarly titled button which will link directly to the new Conservation Register website.

We envisage that two types of search function will be required:

Basic search – to verify the accredited status of any ACR member. Users will be able to check if an individual is an Icon Accredited conservator by inputting the individual's name and postcode or area (e.g. city, town, county etc). The result will confirm that the individual is an Icon Accredited Member or not. The system should be able to differentiate between two or more conservators with very similar names.

Find a conservator – used by potential clients who may want to commission a project. This search is more complex and will need to be systematically and intuitively arranged. We expect users to want to search using a combination of two types of data:

- **Type of object:** based on the type of object that the client needs advice about e.g. glass, stone, paper, books, photographs, toys, paintings, furniture etc. This is challenging as some people might want to search by the material that the object is made of (stone, paper, wood) or some might prefer to describe the object by function (vase, painting, table).²
- **Geographical:** based on the postcode/address of the enquirer as most people will be seeking a conservator close to their location. This could be map-based or structured to return search results within a given range e.g. 10, 50 or 100 miles.

In response to submitting a query we would like the user to be presented with a results page showing accredited conservators with an Enhanced Listing matching their search criteria. We would like to consider if there is merit in using filters to help sort the results e.g. "relevance" or "distance" etc. Selecting a name would take the user to the page displaying the full details for the Icon accredited member.

²*Defining specialisms has been a challenge with the current Conservation Register, as some practices list types of object that they are not qualified to work on because they are able to subcontract this work to other conservators. There is also a question about the level of detail and precision that is needed. While conservators might define their skills very precisely, members of the public might use more generic terms. We have previously agreed that Icon accredited members should be asked to choose 5 "specialisms" that will be listed on their profile page but we are aware that any kind of self-categorisation is difficult. Language and jargon are a further barrier that needs to be overcome, as professional terminology might differ from the language used by non-specialists. We are therefore going to need to find a way to describe areas of expertise in a way that does justice to Icon accredited members' skills but ensures that a user search returns an accurate but not unhelpfully large number of results.*

Creating an effective search function is a key element of this project and critical to the success of the Conservation Register. As we are not specialists in this area we will need the advice of the appointed consultant to ensure that a suitable system is devised and implemented. The chosen system should be subjected to rigorous user testing before the new Conservation Register is launched, however we also accept that the system may need to be refined in the light of ongoing user feedback.

5.5 Other Content

Most of the general guidance that is currently hosted on the existing Conservation Register website will be migrated to the Icon website. However, there will still be a need to include some user guidance on the new Conservation Register website. This might include, but may not be limited, to the following:

- a. How to use the Conservation Register
- b. Criteria for inclusion in Conservation Register
- c. Choosing and working with a Conservator
- d. An Introduction to Conservation Reports
- e. Information for ACRs who are considering applying for an Enhanced Listing

5.6 Future Potential

We would like the proposed design solution to allow for the Conservation Register to be expanded in the future to allow the following possible enhancements. The proposal should therefore ensure that it does not reduce our ability to add these facilities in the future:

- A mechanism for linking Icon accredited members who work for the same practice/business together to create a type of “practice listing”
- A paid-for directory of “approved” suppliers who have some link to the conservation profession i.e. insurers, conservation material suppliers
- A tendering portal i.e. a place where clients can advertise contracts, consultancy opportunities or invitations to tender
- Converting the directory to become a directory of all Icon members, not just those who are accredited but with a clear approach to differentiating between the two. Non-accredited members would not be allowed to apply for an Enhanced Listing.

6. Stakeholder engagement and user testing

The success of the project will depend on the involvement of potential service users, Icon’s Accredited members and staff, who will need to be consulted and kept well informed as the work progresses.

We also expect the project to include a rigorous approach to user testing to ensure that the new resource is fit for purpose. A cohort of Icon Accredited conservators will need to be involved in the testing process as well as non-specialists users.

7. Reference examples / competitors’ websites

Icon is one of several professional membership bodies that offer an online directory. The following examples provide useful references or comparisons.

- Architects Registration Board: Useful comparison as “architect” is a regulated title and is therefore similar to accreditation; types of text-based search are very clear; geographical search by county is clunky. <http://architects-register.org.uk/>
- Institute of Conservator-Restorers in Ireland: Clear search function; simple to operate; uncluttered interface. <https://www.icriconservation.ie/find-a-conservator/>

- Architects Accredited in Building Conservation: Not clear what the ‘keyword search’ is looking for – appears to only allow a search of names; list entries are quite basic. <https://www.aabc-register.co.uk/register>
- Chartered Institute for Archaeologists: For practices rather than individuals; unappealing interface; appears old-fashioned; map search is a useful feature. <https://www.archaeologists.net/civicrm-contact-distance-search>
- Institute of Historic Building Conservation: For practices rather than individuals; interface is not very engaging; map search is a useful feature; categorisation is not clear / shows challenge of trying to choose appropriate categories. <https://www.ihbc.org.uk/hespr/#services>

8. Budget

Icon’s Board of Trustees have agreed to a budget for the redevelopment project up to the point of launch and including 12 month’s support in the region of £20,000 (not including VAT).

9. Staff resources

The Project Sponsor is Sara Crofts, Chief Executive.

The Project Manager (and main point of contact) is Michael Nelles, Head of Membership. He will be supported by Cynthia Inesta, Digital Content Officer, and Icon’s Senior Management Team.

10. Commissioning process and timetable

| | |
|--|------------------|
| Invitation to Tender published on the Icon website | 4 October 2019 |
| Responses to questions or requests for further information will be posted on the tenders page of the Icon website and updated regularly* | |
| Closing date for Tenders to be received | 21 October 2019 |
| Notify suppliers who have been shortlisted (maximum 3). Shortlisted contractors will be invited to attend a clarification meeting | 25 October 2019 |
| Face-to-face presentation of proposal including Q&A | 4 November 2019 |
| Appointment of Contractor and decision communicated to unsuccessful tenderers | 6 November 2019 |
| Project commencement | 15 November 2019 |
| Conservation Register delivered to Icon for testing | 6 January 2020 |
| Public launch of new website and start of 12-month support period including two 6-month reviews. | 14 February 2020 |

*If you have any queries or comments about anything in the invitation to tender, please email Michael Nelles (mnelles@icon.org.uk). We will respond to queries through a ‘Question and Answer’ section on the tender page on the Icon website. In the interests of fairness and transparency we will not respond individually to queries.

11. Your proposal

In compiling your tender submission please describe how you will respond to our brief and meet our objectives.

You should send your proposal in PDF format to Icon’s Chief Executive (sara.crofts@icon.org.uk) to arrive no later than 1200 (noon) on Monday 21 October 2019. The subject field of your email should state “Tender for Conservation Register Redevelopment – 21 October 2019**”. Only tenders received in**

this format will be valid. All tenders received after the deadline will be disregarded, as will tenders which the tenderer wishes to amend after the closing date.

Please include the following information:

- Your project team – who will lead the project and who else will be involved plus any sub-contractors
- What the project process looks like and how long it will take with a Gantt chart showing tasks, milestones, payment points etc.
- Contract length and any other commitments
- The technology you propose to use
- Hosting, support, and ongoing maintenance details including information about the change process that would apply for major modifications to the Conservation Register that cannot be implemented by Icon staff
- Total cost of ownership including setup and ongoing costs per year
- Your approach to data protection
- Your backup and emergency access procedures
- Risk register for this project
- Example case studies that use your preferred technology with links to website where appropriate
- References from previous clients with similar projects
- How would we be able to cancel and/or export our data and the technology to use it
- How you will provide and we will access training and support and any limitations within quoted prices
- How much control we will have over content management

12. Selection criteria

We will use the following criteria to evaluate the tenders that we receive:

| | |
|------------------------------|-----|
| Previous relevant experience | 20% |
| References | 20% |
| Quality of proposed approach | 40% |
| Price | 20% |

13. Intellectual Property and Data Protection

All content on the website, design and other intellectual property will be the worldwide copyright of Icon and the digital production company may not use it for any other purpose. Further details of our copyright requirements can be found in Appendix 5.

Our requirements regarding the protection of Icon data are defined in Appendix 6.

14. Contract

Icon will offer the successful bidder a Contract which will include this Invitation to Tender (including the Appendices) and the Contractor's Proposal with any variations agreed between the Parties. This Contract shall be the entire contract between Icon and Contractor with respect to the development of the Register and shall over-ride any terms and conditions adopted by Contractor for other business and shall supersede, cancel and replace all prior agreements, negotiations and discussions between the parties relating to the Website.

Appendix 1: Glossary of Terms

‘Acceptance Date’ means the date on which the relevant Product is accepted by Icon.

‘Conservation Register’ (hereinafter referred to as the ‘Register’) means the Website and Database system developed to provide a means of finding and accessing full details of all Icon Accredited Members on the Register.

‘Client Ready’ means (where applicable) the relevant Product has been developed, acceptance tested and accepted in accordance with the terms and conditions of this Contract.

‘Icon Accredited Member’ means a member of Icon who has been accredited by Icon’s assessment processed and whose details have been notified to the Contractor in the way described below.

‘Implementation Date’ means the date by which the Product is required to be Client Ready as set out in the Site Specification or otherwise agreed in writing between Contractor and Icon (subject to extension of time to reflect where the creation of the Product is delayed by any act or omission of Icon or a third party through no fault of Contractor).

‘Product’ means any tangible product sold by Contractor to Icon under this Contract and any Website (including the software comprised therein) and ancillary database Website Services or advice supplied or other work done or advice and services provided by Contractor in connection with the Product.

‘Service’ means the supply of the Product, or Website and services and advice ancillary thereto.

‘Site Specification’ means the agreed specification for the Website set out between the parties in writing.

‘Special Icon Features’ means any elements which do not form part of the generic functionality of the Product and which implement visual features and text created at the specific request and instruction of Icon or supplied by Icon (for example marketing material and photographs) as well as the concept and "look and feel" of the Website where this is developed specifically for the Website (but, for the avoidance of doubt, Special Icon Features do not include any software developed by Contractor).

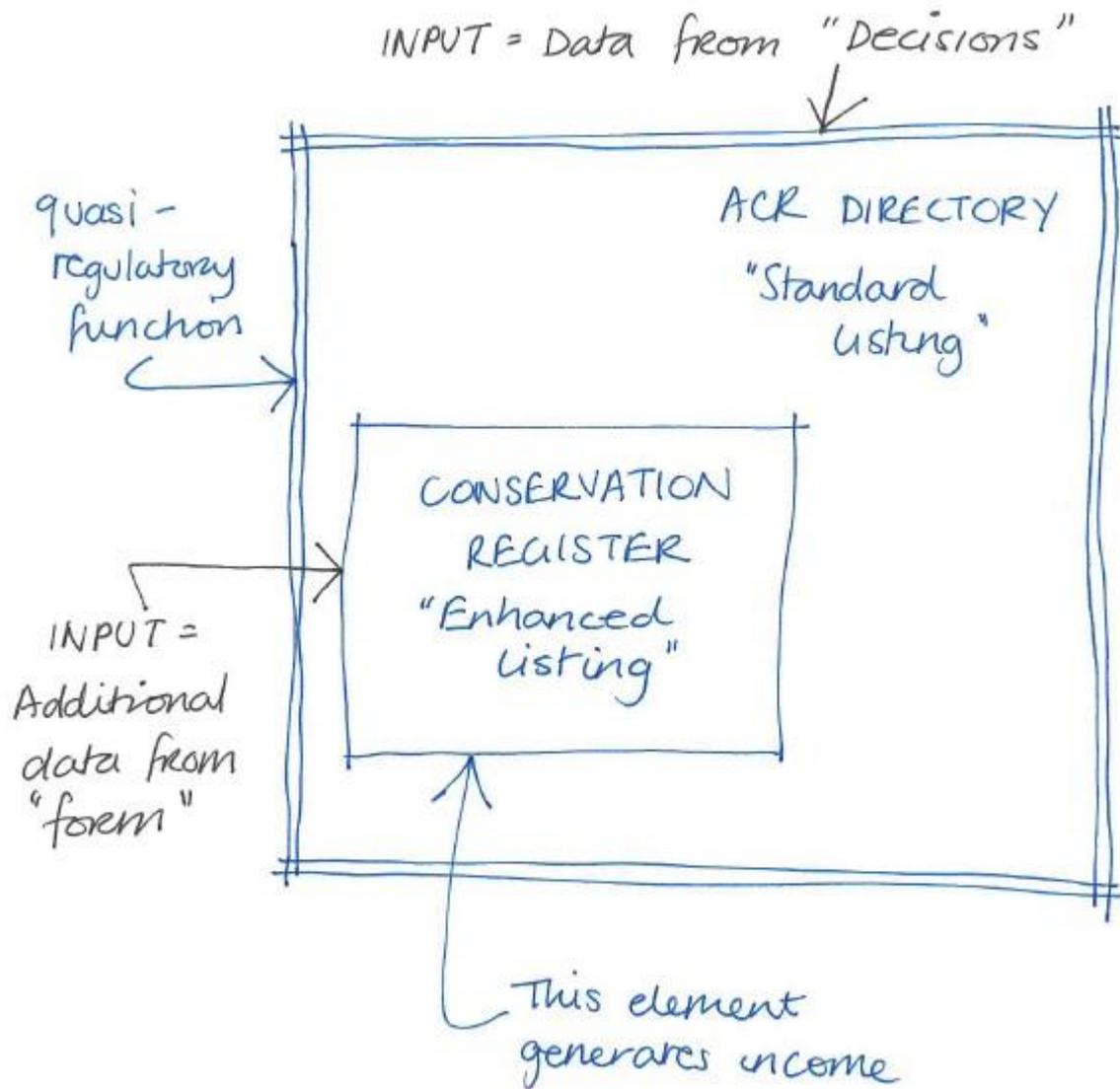
‘Third Party Products’ means software and other materials used in the Website which are not owned by Contractor and which are used under licence.

‘Warranty Period’ means the period of 180 days after the Acceptance Date.

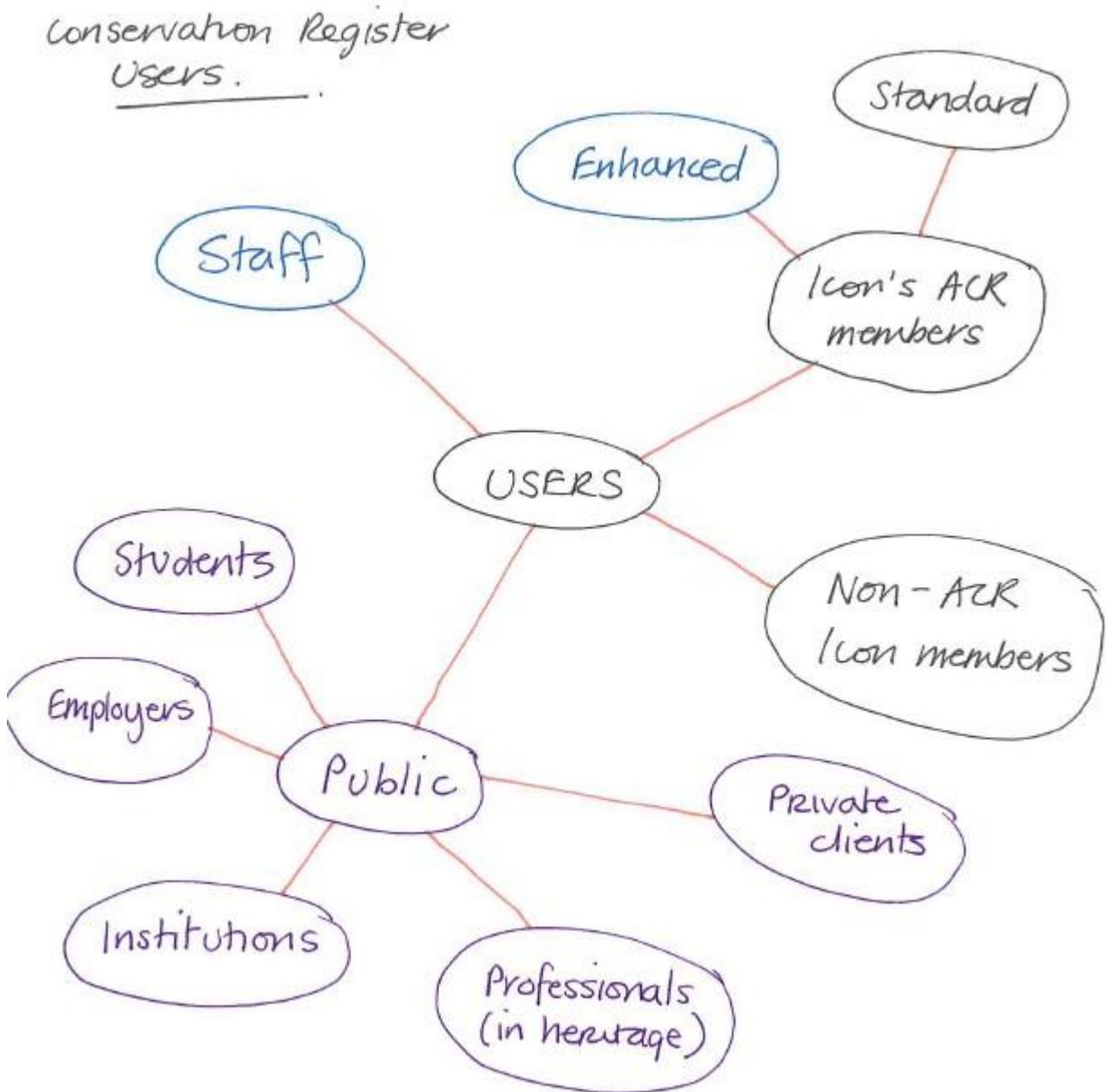
‘Website’ means the World Wide Web site comprising all pages including graphics, audio-visual effects, software and any other material to be developed by Contractor pursuant to Icon's requirement as set out in the Site Specification. The Website is the public face of the system and works with the Database which is not directly visible.

‘Website Services’ means publishing, development and maintenance and other bespoke consultancy services relating to the Website.

Appendix 2: Diagram showing the structure of the new Conservation Register



Appendix 3: Diagram showing some of the potential users of the Conservation Register



Appendix 4: "Decisions" CRM screenshots

Membership Icon Staff - since 2019

Surname: Crofts Forenames: Sara
 Title: Ms Salutation: Dear Ms Crofts

Type: Icon Staff Grade: Staff - complimentary
 Date Of Birth: [Redacted] Source: Not specified
 Full name: Ms S Crofts Branch: Head Office
 Organisation: Icon O/S Balance: £0.00

Mailing address Previous Address Address
 [Redacted]
 Home Phone N: [Redacted] Mobile: [Redacted]
 Daytime Phone: [Redacted] Email: sara.crofts@icon.org.uk

| Category | Classification | Sub Classification |
|------------------------|-------------------------|----------------------|
| Membership | Amendments | 2019-2020 |
| Special Interest Group | Email Subscription only | Archaeology |
| Special Interest Group | Email Subscription only | Book & Paper |
| Special Interest Group | Email Subscription only | Care of Collections |
| Special Interest Group | Email Subscription only | Ceramics & Glass |
| Special Interest Group | Email Subscription only | Textiles & Materials |

Membership Contact Notes Activity Notes ACR / CPD

Initials: S Status: Member
 Gender: Female Status Changed: 22/03/2019
 Honours: [Redacted] Date Graded: 22/03/2019
 Mailing Ind: Mail - Yes Subs/Total: £0.00 / £0.00
 Membership num: 32107 Activities: 0 Open 0

| Product Description | Order Date | QTY | Unit Price | Discount | Amount |
|---------------------|------------|-----|------------|----------|--------|
| | | | | | |

Membership Icon Staff - since 2019

Surname: Crofts Forenames: Sara
 Title: Ms Salutation: Dear Ms Crofts

Type: Icon Staff Grade: Staff - complimentary
 Date Of Birth: [Redacted] Source: Not specified
 Full name: Ms S Crofts Branch: Head Office
 Organisation: Icon O/S Balance: £0.00

Mailing address Previous Address Address
 [Redacted]
 Home Phone N: [Redacted] Mobile: [Redacted]
 Daytime Phone: [Redacted] Email: sara.crofts@icon.org.uk

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| Special Interest Group | Email Subscription only | Textiles & Materials |

Membership Contact Notes Activity Notes ACR / CPD

Initials: S Status: Member
 Gender: Female Status Changed: 22/03/2019
 Honours: [Redacted] Date Graded: 22/03/2019
 Mailing Ind: Mail - Yes Subs/Total: £0.00 / £0.00
 Membership num: 32107 Activities: 0 Open 0

Address Details for 32107 - Crofts

Type: Mailing address
 Postcode: [Redacted] Lookup: [Redacted]
 Address: [Redacted]
 Town: St. Albans
 County: Hertfordshire
 Country: United Kingdom
 Add Foreign:
 Branch: Head Office
 Region: Head Office
 Map Ref: [Redacted]

Appendix 5: Copyright, intellectual property rights and related matters

1. The Contractor and/or others associated with the publication shall not disclose any material obtained or produced for the purposes of this Contract to any other party unless Icon has given prior approval in writing.
2. The Contractor shall provide to Icon copies of all material and data collected specifically for the development of the Website and/or the performance of the Website Services and indicate the source of other material used.
3. Icon will, except where specifically agreed otherwise and subject to paragraph 5 own the copyright subsisting in the Website and all software code associated with it. Consequently, subject to paragraph 5, the Contractor hereby assigns to Icon by way of present and future assignment all right, title and interest in and to the Website.
4. The Contractor shall provide Icon with all passwords, keys and other methods of encryption or access to the Website that are required to enable Icon to take full control of the Website in every aspect.
5. Any film screen, drawing, artwork, design, photograph, software program(s) (including both object and source computer programming code) or other materials prepared by the Contractor (unless provided by Icon or otherwise agreed by the Contractor) in the production of the Website and supply of the Website Services and all copyright, registered design and trademarks, design and moral rights, and other intellectual property rights therein, apart from the Special Icon Features, are the exclusive property of the Contractor until paid for in full. For the avoidance of doubt, upon payment of the final instalment of the agreed contract sum, all right, title and interest in and to such film screens, drawings, artwork, designs, photographs, software program(s) (including both object and source computer programming code) or other materials prepared by the Contractor shall be assigned to Icon under paragraph 3.
6. The Contractor may for its own publicity purposes reproduce any design of Icon in the Contractor's own publicity material including its brochures, catalogues and advertising material provided that these designs are not altered in any way and provided that the Contractor obtains Icon's prior written approval (not to be unreasonably withheld) in respect of each specific reproduction.
7. If at any time any claim is brought against Icon alleging that use or possession of any Product infringes any right of a third party (a "**Claim**"), the Contractor shall indemnify Icon against any and all losses, damages, costs, liabilities and expenses (including legal expenses) arising out of or in connection with such Claim.
8. The Contractor shall not be responsible for checking the accuracy of files supplied by Icon for incorporation into the Website unless otherwise agreed.

Appendix 6: Confidentiality and Data Protection

- 1.1 The Contractor shall not divulge to third parties matters confidential to Icon without Icon's explicit permission.
- 1.2 Except where specifically agreed otherwise, all material, data, information collected through the Website during the course of the Contract will remain the property of Icon and must not be used by or on behalf of the Contractor without Icon's permission.
- 1.3 For the purposes of Appendix 4:
 - 1.3.1 **"data controller"**, **"data processor"**, **"personal data"**, **"process"** and **"processing"** shall have the meaning set out in Directive 95/46/EC of the European Parliament and Council or any superseding legislation; and
 - 1.3.2 **"Personal Data"** means personal data under the control of Icon and processed by the Contractor under this Contract.
- 1.4 Icon and the Contractor acknowledge that in relation to the Personal Data Icon is the data controller and the Contractor is the data processor.
- 1.5 The Contractor shall process the Personal Data only to the extent, and in such a manner, as is necessary for the purposes of delivering the Service and the Website Services in accordance with this Contract and in accordance with Icon's instructions.
- 1.6 The Contractor shall not:
 - 1.6.1 disclose any of the Personal Data to third parties except for the purposes of this Contract, to comply with a statutory duty on the Contractor or an order of a court or official regulator;
 - 1.6.2 subcontract the processing of the Personal Data without the prior written consent of Icon, provided that where consent is given the subcontractor is appointed by a written contract in respect of the Personal Data which includes terms that are substantially the same terms as clauses 1.3 – 1.9 of this Appendix;
 - 1.6.3 transfer any of the Personal Data from within the United Kingdom or the European Economic Area to outside the European Economic Area without the prior written consent of Icon, and where Icon consents to such processing, the Contractor shall enter into a data transfer agreement with Icon relating to such transfer, including the standard clauses approved for the purposes of Directive 95/46/EC for the transfer of personal data to processors or data controllers (as applicable) in third countries that do not ensure an adequate level of protection, as set out in Annex to Commission Decision 2010/87/EU (for transfers to processors) or Commission Decision 2004/915/EC (for transfers to data controllers) and comply with any reasonable instructions and requirements notified by Icon to Contractor; or
 - 1.6.4 perform its obligations under this Contract in such a way as to cause Icon to breach any of its applicable obligations under the Directive 95/46/EC of the European Parliament and Council, the UK Data Protection Act 1998 or any superseding legislation.
- 1.7 The Contractor shall:

- 1.7.1 take reasonable steps to ensure the reliability of its employees or agents with access to the Personal Data and to ensure they have an appropriate level of competency in handling personal data;
 - 1.7.2 ensure that all of its employees or agents with access to the Personal Data are informed of the confidential nature of the Personal Data and comply with the obligations set out in this Appendix;
 - 1.7.3 implement appropriate technical and organisational measures against unauthorised or unlawful processing of the Personal Data and against its accidental destruction, damage or loss, having regard to the state of technological development and the cost of implementing any measures, and the measures must ensure a level of security appropriate to the harm that might result from unauthorised or unlawful processing or accidental loss, destruction or damage and the nature of the Personal Data;
 - 1.7.4 provide a written description of the technical and organisational methods employed by the Contractor for processing Personal Data (within the timescales required by Icon); and
 - 1.7.5 cooperate with Icon in monitoring compliance with this clause and allow Icon on reasonable notice to inspect its facilities for the purpose of ascertaining compliance.
- 1.8 The Contractor shall:
- 1.8.1 immediately notify Icon if it becomes aware of any complaint, notice or subject access request in respect of the Personal Data;
 - 1.8.2 promptly provide Icon with any information it reasonably requires to meet a subject access request or to respond to an enquiry or investigation by the relevant data protection regulator; and
 - 1.8.3 comply with any reasonable instruction of Icon to achieve compliance with the directions of the relevant data protection regulator.
- 1.9 On termination or expiry of this Contract, the Contractor shall stop processing the Personal Data and return and/or destroy it at the request of Icon.