

## Privacy Policy

### **1.0 Policy Introduction**

Welcome to the English Speaking Board's privacy policy ("ESB", "we", "us", "our"). ESB is an awarding body, registered at Companies House as a company limited by guarantee and having charitable status. We create, access and certificate qualifications in the UK and are internationally regulated by Ofqual, CCEA and QiW.

For the purpose of the General Data Protection Regulation (GDPR) English Speaking Board (International) Ltd. is a data controller, data processor or both, dependent upon its lawful basis for processing of personal data and the nature of the person or organisation which provides it to us.

We respect your privacy and are committed to protecting your personal data. This privacy policy explains how we look after your personal data (regardless of how it is provided to us) and tell you about your privacy rights and how the law protects you.

Please use the Glossary below to understand the meaning of some of the terms used in this privacy policy.

### **1.1 Purpose of the policy**

This privacy policy aims to inform you how we collect and process your personal data, including any data you may provide to us. It is important that you read this privacy policy together with any other privacy policy or fair processing policy we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your personal data. This privacy policy supplements other notices and privacy policies and is not intended to override them.

### **1.2 Important information and who we are**

#### **Processor or Controller**

English Speaking Board (International) Limited is, as stated above, either or both a processor and controller of your personal data, dependent upon its lawful basis for processing and the nature of the person or organisation which provides it to us. Where we are the controller, we are responsible for your personal data. We will let you know which entity will be the relevant controller for your personal data when we engage with you, and also where we act as a processor.

### 1.3 Contact us

If you have any questions about this privacy policy or our privacy practices, please contact our Customer Experience Manager, who is responsible for overseeing questions in relation to it, in the following ways:

- **Email address:** [gdpr@esbuk.org](mailto:gdpr@esbuk.org)
- **Postal address:** English Speaking Board (International) Limited, 9 Hattersley Court, Burscough Road, Ormskirk, L39 2AY.
- **Telephone number:** 01695 573 439

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

### 1.4 Changes to the Privacy Policy, and your duty to inform us of changes

We keep our privacy policy under regular review. This version was last updated on 11<sup>TH</sup> December 2018. All of our centres, assessors and markers have responsibility and the ability to ensure that their own personal data and that of their learners which we hold is correct. It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

### 1.5 Third-party links

This website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy policy of every website you visit.

### 1.6 The data we collect about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows:

- **Identity Data** includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender.
- **Contact Data** includes [billing address, delivery address, email address and telephone numbers].
- **Financial Data** includes [bank account and payment card details].
- **Transaction Data** includes details about payments to and from you and other details of products and services which you have purchased from us.

- **Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform, and other technology on the devices you use to access this website.
- **Profile Data** includes your username and password, bookings made by you, your interests, preferences, feedback and survey responses.
- **Usage Data** includes information about how you use our website, products and services.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.

We may also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data could be derived from your personal data but is not considered personal data in law as this data will **not** directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy policy.

In respect of **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health, and genetic and biometric data), we only collect information about learners which you provide to centres in respect of your health, which is used only to consider whether any reasonable adjustments are appropriate in respect of examinations. We also require assessors to provide a basic disclosure and barring service check and our Trustees to provide 'fit and proper persons and disqualification data. Aside from data contained therein, we do not collect any information about criminal convictions and offences.

### 1.7 If you fail to provide personal data

Where we need to collect personal data by law, or under the terms of a contract we have with you, and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to enable you to make a booking with us so that we can provide our services). In this case, we may have to cancel a booking which you have made with us, but we will notify you if this is the case at the time.

## 1.8 How is your personal data collected?

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your Identity, Contact and Financial Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you make a booking; create an account on our website; subscribe to our service or publications; request marketing to be sent to you; enter a competition, promotion or survey; or give us feedback or contact us.
- **Automated technologies or interactions.** As you interact with our website, we will automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, server logs and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies.
- **Third parties or publicly available sources.** We will receive personal data about you from various third parties and public sources as set out below:
  - **From our commercial partners** (including centres), assessors and markers

Technical Data from analytics providers such as Google based outside the EU; advertising networks based inside outside the EU and search information providers.

Contact, Financial and Transaction Data from providers of technical, payment and delivery services based inside or outside the EU.

Identity and Contact Data from data brokers or aggregators based inside or outside the EU.

Identity and Contact Data from publicly available sources such as Companies House and the Electoral Register based inside the EU.

## 1.9 How we use your personal data

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

### Learners

- We will collect personal data relating to learners when a centre registers with us or places a booking for our products or services through one of our Registered Centres
- We will also process personal data relating to learners to carry out our contract with the centre under whose terms we will assess or examine your learners to award relevant qualifications; in this case we require you/centres to obtain explicit consent to provide us with special category data as this may be required in the process of making reasonable adjustments.

### **Contractors and Employees**

- When you apply to become an employee or contractor at our Head Office in Ormskirk, we will collect and process personal data relating to you to allow both you and us to fulfil our contractual obligations towards each other.
- We will also process personal data relating to you to carry out our contract with you under whose terms we will assess or examine your learners to award relevant qualifications; in this case we require you to obtain explicit consent to provide us with special category data as this may be required in the process of making reasonable adjustments.

### **Registered Centres**

- We will collect personal data relating to your staff and contractors (on whose behalf you are a data controller) when you register with us or place a booking for our products or services
- We will also process personal data relating to your learners (on whose behalf you are a data controller) to carry out our contract with you and any learner under whose terms we will assess or examine your learners to award relevant qualifications; in this case we require you to obtain explicit consent to provide us with special category data as this may be required in the process of making reasonable adjustments.

### **Assessors & Markers**

- We will collect personal data relating to you when you apply to become an assessor or marker. If you enter into a contract with us to provide services on our behalf, we will process your personal data to allow us both to fulfil our contractual obligations towards each other.

### **Members & Trustees**

- We will collect personal data relating to you when you apply to become a Member or Trustee of ESB, and in order to carry out our legal obligations to you according to our Articles of Incorporation and associated memorandum. For Trustees this includes 'fit and proper person and disqualification data' which may fall under a Special Category of Personal Data.

### **Generally**

- We will also collect personal data relating to you when you voluntarily complete surveys, provide feedback or articles.
- We will also process personal data where it is necessary for our legitimate interests (or those of a third party) and the interests and fundamental rights of any data subject (including learners) do not override those interests or where we need to comply with a legal obligation

Please see the Glossary below to find out more about the types of lawful basis that we will rely on to process personal data.

Generally, we do not rely on consent as a legal basis for processing personal data, although we will obtain consent before sending third party direct marketing communications via email or text message. Consent for direct marketing can be withdrawn at any time and for any reason by contacting us at: [gdpr@esbuk.org](mailto:gdpr@esbuk.org)

### **Purposes for which we will use your personal data**

Whether it be for registration of your details in any capacity, process and delivery of qualifications or services, managing our relationship with you, administering our business, delivering content or materials or to analyse and develop our business and services, we may process your data on a lawful basis on the basis of a legitimate interest. This may be for performance of a contract with you, necessary for our legitimate interests, compliance with a legal or regulatory obligation, necessary for our legitimate interests (to study how customers use our products/services, to develop them and grow our business or for running and developing our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise for example).

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your personal data. Please contact us if you need details about the specific legal ground we are relying on to process your personal data

### **Promotional offers from us and third-party marketing**

We may use your Identity, Contact, Technical, Usage and Profile Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services and offers may be relevant for you (we call this marketing). You will receive marketing communications from us if you have requested information from us or made a booking with us, and have not opted out of receiving that marketing.

### **Opting out**

You can ask us, or third parties to stop sending you marketing messages at any time by contacting us at any time and for any reason. Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of a booking or other transaction.

## **Cookies**

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly.

## **Change of purpose**

We will only use your personal data for the purposes for which we originally collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

### **1.10 Disclosures of your personal data**

We may disclose your data to External Third Parties (as set out in the Glossary), and third parties to whom we may choose to sell, transfer or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy policy. We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

### **1.11 International transfers**

We do not transfer your personal data outside the European Economic Area (EEA), save for where our Registered Centres are based outside the EEA and then only to such Centres in respect of learners registered by them.

### **1.12 Data Security**

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality. We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

### 1.13 Data Retention: How long will you use my personal data for?

We will only retain your personal data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements, including our obligations to Ofqual, CCEA and QiW. We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.

To determine the appropriate retention period for personal data, we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.

In some circumstances you can ask us to delete your personal data: see “your legal rights” below for further information. In some circumstances we will anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

### 1.14 Your Legal Rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data. Please see the section “Your Legal Rights” below to find out more about them. If you wish to exercise any of the rights set out below, please contact [gdpr@esbuk.org](mailto:gdpr@esbuk.org). You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we could refuse to comply with your request in these circumstances.

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

We try to respond to all legitimate requests within one month. Occasionally it could take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.



## 1.15 Glossary

**Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.

**Performance of Contract** means processing your personal data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

**Comply with a legal obligation** means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

### THIRD PARTIES

#### External Third Parties

- Service providers acting as processors based within the EU who provide IT and system administration services.
- Professional advisers acting as processors or joint controllers including lawyers, bankers, auditors and insurers based in the EU who provide consultancy, banking, legal, insurance and accounting services.
- HM Revenue & Customs, regulators including Ofqual, CCEA and QiW and other authorities acting as processors or joint controllers based in the United Kingdom who require reporting of processing activities in certain circumstances.

### YOUR LEGAL RIGHTS

You have the right to:

**Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

**Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

**Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

**Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

**Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios:

- If you want us to establish the data's accuracy.
- Where our use of the data is unlawful but you do not want us to erase it.
- Where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims.
- You have objected to our use of your personal data but we need to verify whether we have overriding legitimate grounds to use it.

**Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

**Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

Revision No	Change to previous release	Reason for change
3	SQA reference removed on p1, 8 and 9	Withdrawal from SQA Accreditation