

# PRIVACY POLICY

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## **Introduction**

Linguaphone Group Limited trading as Direct English (referred to below as “Linguaphone” or “we”) respects your privacy and is committed to protecting your personal data.

This privacy notice tells you how we look after your personal data when you visit our website (regardless of where you visit it from) and tells you about your privacy rights and how the law protects you.

This privacy notice is set out so that you can click on links to jump to the specific areas set out below.

Please also use the Glossary to understand the meaning of some of the terms used in this privacy notice.

### **1. IMPORTANT INFORMATION AND WHO WE ARE**

### **2. THE DATA WE COLLECT ABOUT YOU**

### **3. HOW IS YOUR PERSONAL DATA COLLECTED**

### **4. HOW WE USE YOUR PERSONAL DATA**

### **5. DISCLOSURES OF YOUR PERSONAL DATA**

### **6. INTERNATIONAL TRANSFERS**

### **7. DATA SECURITY**

### **8. DATA RETENTION**

### **9. YOUR LEGAL RIGHTS**

### **10. GLOSSARY**

## **1. Important information and who we are**

### **Purpose of this privacy notice**

This privacy notice aims to give you information on how Linguaphone collects and processes your personal data through your use of this website, including any data you may provide through this website when using any of our services or learning materials and content.

It is important that you read this privacy notice together with any other privacy notice or fair processing notice 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 data. This privacy notice supplements the other notices and is not intended to override them.

### **Controller**

Linguaphone Group Limited is the controller and responsible for your personal data.

We have appointed a data privacy manager who is responsible for overseeing questions in relation to this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact the data privacy manager using the details set out below.

## Contact details

Our full details are:

Full name of legal entity: Linguaphone Group Limited

The Data privacy manager

Email address: info@directenglish.com

Postal address: Liongate Enterprise Park, 80 Morden Road, Mitcham CR4 4PH

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)). However, we would appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

## Changes to the privacy notice and your duty to inform us of changes

This version was last updated on 11 May 2018 and historic versions can be obtained by contacting us.

The data protection law in the UK will change on 25 May 2018. Although this privacy notice sets out most of your rights under the new laws, we may not yet be able to respond to some of your requests (for example, a request for the transfer of your personal data) until after that date as we are still working towards getting our systems ready for some of these changes.

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.

Please also ensure that all data you submit is accurate at the time of submission.

## 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 notice of every website you visit.

## 2. 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 follows:

- **Identity Data** includes first name, maiden name, last name, username or similar identifier, title, and gender.
- **Contact Data** includes email address and telephone numbers.
- **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, any data concerning your interests, preferences, feedback and responses which you submit via the website or any free text box for adding to your social profile, your test and assessment results obtained from your use of our services and learning materials and content.
- **Usage Data** includes information about how you use our website, products and services including the full Uniform Resource Locators (URL) clickstream to, through and from our website (including date and time), pages and information you viewed or searched for, page response times, download errors, length of visits to particular pages, page interaction information (such as scrolling, clicks and mouse-overs) and methods used to browse away from the page.

We may also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does **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 notice.

We do not collect any **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). Nor do we collect any information about criminal convictions and offences.

### **Your Social Profile**

You are entirely free to choose which, if any, information you wish to input and include in your social profile, although it must be accurate and not misleading, defamatory, denigratory, pornographic, illegal or offensive to others. You don't have to provide any and it is your choice as to whether you include any sensitive information on your profile. Please note that the social profile will be public and may be viewed by user groups you are a member of and others using and administering the website so please **DO NOT** post or add personal data to your profile that you do not wish to be made public.

### **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 or in connection with services you have contracted for with one of our licensees or their sub-licensees (e.g. your school or educational centre) 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 or provide the services you have asked for (for example, to provide you with English language training). In this case, we may have to suspend or cancel a service you want to have from us but we will notify you if this is the case at the time.

## **3. 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 Data, Contact Data and Profile Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you:
  - apply for any of our learning courses or services;
  - create an account on our website;
  - create a social profile on our website;
  - subscribe to our services or publications; or
  - give us some feedback.

- **Automated technologies or interactions.** As you interact with our website, we may automatically collect Technical Data and Usage Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, server logs and other similar technologies. Please see our [cookie policy](#) for further details.
- **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources as set out below:
  - Technical Data from the following parties:
    - analytics providers such as Google based outside the EU.
  - Identity Data and Contact Data from third party licensees and sub-licensees of our products or services with whom you have contracted for the provision of our learning courses and services.

#### 4. 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:

- Where we need to perform the contract we are about to enter into or have entered into with you or in relation to the products or services you have contracted for with our authorised third party licensees and sub-licensees who sold the same to you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.

Click [here](#) to find out more about the types of lawful basis that we will rely on to process your personal data.

Generally we do not rely on consent as a legal basis for processing your personal data. We will not send third party direct marketing communications to you or share any of your data with third parties for this purpose without your consent. You have the right to withdraw consent to marketing at any time by [contacting us](#).

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

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Please be aware that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data.

Please [contact us](#) if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To register you as a new user of our services	(a) Identity (b) Contact (c) Profile	Performance of a contract with you
To process and deliver your learning course, relevant products and services	(a) Identity (b) Contact	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to ensure that we are able to provide courses, services and

		materials to you appropriately to ensure we are fulfilling orders placed by you via our licensees and sub-licensees)
To manage our relationship with you which will include: (a) Notifying you about changes to our terms or privacy policy (b) Asking you to leave a review or take a survey	(a) Identity (b) Contact (c) Profile	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how students and users use our products/services)
To administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity (b) Contact (c) Technical (d) Usage	(a) Necessary for our legitimate interests (for running 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) (b) Necessary to comply with a legal obligation
To deliver relevant website content and recommendations to you and measure or understand the effectiveness of the recommendations we serve to you	(a) Identity (b) Contact (c) Profile (d) Usage (e) Technical	Necessary for our legitimate interests (to study how students and users use our products/services, to develop them, to grow our business and to inform our operating strategy)
To use data analytics to improve our website, products/services, marketing, customer relationships and experiences	(a) Technical (b) Usage	Necessary for our legitimate interests (to define types of users for our products and services, to keep our website updated and relevant, to develop our business and to inform our operating strategy)

## **Marketing**

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising. We have established the following personal data control mechanisms:

### **Marketing from us**

We will not use your data to market to you without your express consent. In order to give your consent, you will need to evidence at the time of giving consent that you are 13 years old or more (or such higher age as may apply in your jurisdiction).

Where you submit additional Profile Data and opt-in to relevant user groups, we may make recommendations to you as to other user groups you may wish to join. These will be entirely voluntary and you do not have to join any user group if you do not wish to do so.

Similarly, you may change your mind at any time and be removed from a user group you have joined simply by opting out by clicking the relevant 'opt-out' link or by [contacting us](#).

### **Third-party marketing**

We will get your express opt-in consent before we share your personal data with any third-party company for marketing purposes.

## Opting out

You can ask us or third parties to stop sending you marketing messages at any time by [contacting us](#) at any time.

Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of you using our services or undertaking one of our training or learning programmes or courses.

## 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. For more information about the cookies we use, please see [Cookie Policy](#).

## Change of purpose

We will only use your personal data for the purposes for which we 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.

## 5. Disclosures of your personal data

We may have to share your personal data with the parties set out below for the purposes set out in the table in paragraph 4 above.

- Specific Third Parties as set out in the [Glossary](#).
- 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 notice.

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.

Your social profile will be visible to users of the website, so any personal data you choose to include there will be viewable.

## 6. International transfers

Many of our Specific Third Parties are based outside the European Economic Area (**EEA**) so their processing of your personal data will involve a transfer of data outside the EEA.

Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- Where we use certain Specific Third Parties, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe. For further details, see European Commission: Model contracts for the transfer of personal data to third countries.

- Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between the Europe and the US. For further details, see European Commission: EU-US Privacy Shield.

Please [contact us](#) if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

## 7. 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.

## 8. Data retention

### How long will you use my personal data for?

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

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 requirements.

In some circumstances you can ask us to delete your data: see [Request erasure of your personal data](#) below for further information.

In some circumstances we may 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.

## 9. Your legal rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data. Please click on the links below to find out more about these rights:

- [Request access to your personal data.](#)
- [Request correction of your personal data.](#)
- [Request erasure of your personal data.](#)
- [Object to processing of your personal data.](#)
- [Request restriction of processing your personal data.](#)
- [Request transfer of your personal data.](#)
- [Right to withdraw consent.](#)

If you wish to exercise any of the rights set out above, please [contact us](#).

### **No fee usually required**

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 may refuse to comply with your request in these circumstances.

### **What we may need from you**

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.

### **Time limit to respond**

We try to respond to all legitimate requests within one month. Occasionally it may 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.

## **10. Glossary**

### **LAWFUL BASIS**

**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 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 or regulatory 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**

#### **Specific Third Parties**

- Our IT service providers based in your local jurisdiction (i.e. the country where you live and/or access the website from) and the United Kingdom who provide cloud-based IT operational and data hosting systems and administration services and accounting services.
- Our remote data centre providers based in your local jurisdiction and the United Kingdom who provide us with data storage services.
- Our licensees and sub-licensees who will be the people with whom you contracted for the provision of services and learning programmes to enable you to access our website and take our language courses and training, including your school or educational centre and its teachers connected with your learning.

- Professional advisers including lawyers, bankers, auditors and insurers based within the United Kingdom and your local jurisdiction who provide consultancy, banking, legal, insurance and accounting services.
- HM Revenue & Customs, regulators and other authorities based in the United Kingdom and any local equivalent in your jurisdiction if/when relevant.

## **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 the paragraph 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: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) 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; or (d) you have objected to our use of your 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.