

SOUNDBITE LEARNING UK LTD PRIVACY AND COOKIE NOTICE

Last updated: 20-Mar-19

NOTE: this privacy notice applies to the use by Soundbite Learning UK Ltd (Soundbite Learning or our) of personal information of which we're a "controller". That includes personal information of individuals who have bought a subscription to GCSEPod and of the contact points we have at our corporate customers such as schools. This privacy notice doesn't apply to our corporate customers' use of your personal information or to our use of that personal information on the customer's behalf, for which we're a "processor". Please contact the corporate entity (e.g. the school) and ask for their privacy notice if you want to know about their use of your personal information.

1. Introduction and summary

1.1. Introduction

Thanks for reading our privacy notice. It tells you how we collect, use and share your personal information and what your rights are – and how to exercise them.

This notice applies to you if you are:

- An individual customer, for example a parent who has taken out a subscription to GCSEpod for their child.
- A corporate customer contact: a contact for us at a school, academy, virtual hospital/school, FE/training college or multi-academy trust (MAT) or someone at that corporate customer who contacts us, e.g. for technical support
- A supplier: a sole trader or partnership or a contact for us at a corporate supplier who provides services to us as a business
- A consultant: an adviser, consultant, or other professional expert
- A job applicant: someone who is interesting in joining us
- An interested person: an individual who is not a customer who makes an enquiry, complaint or with whom we correspond
- A relative of a member of our staff: a close family member or next of kin of a member of our staff, or
- A website visitor or user of one of our apps: a visitor to our website or app user who isn't in any of the categories above.

This notice doesn't apply to Soundbite Learning staff.

Although this notice does apply to contacts at our corporate customers it doesn't apply to any other staff or students at our corporate customers. That's because we're a controller of the personal information of our contacts but a processor of all other personal information provided by our corporate customers.

There are a couple of technical definitions to get out of the way first. Here they are.

By "**personal information**" we mean personal data as defined in UK data protection law. In general, it means any information relating to you, which identifies you or allows you to be identified. That may be your name, an ID number, location, an online identifier or factors specific to you (e.g. physical, physiology (thoughts, feelings), genetic, mental, economic, cultural or social factors).

By "**sensitive**" personal information we mean two things: 1. what's technically known as "special categories" (personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, genetic data, biometric data for the purpose of uniquely identifying an individual, data concerning health or data concerning an individual's sex life or sexual orientation) and 2. criminal data (criminal offences or related security measures, including the alleged commission of offences, proceedings for an offence committed or alleged to have been committed or the disposal of those proceedings, including sentencing).

Brexit: references to "**GDPR**" will include any "UK GDPR" created by the UK Data Protection Act 2018 on the UK's exit from the European Union.

For ease, we've split this privacy notice up into parts:

[Part 1](#): Introduction and summary

[Part 2](#): Important information about your rights in relation to consent and to object to our use of your personal information

[Part 3](#): Key information required by the GDPR

[Part 4](#): A quick word about our corporate customers

[Part 5](#): Cookies and similar technologies

If you have any queries about this privacy notice, please contact us. Please see "Our identity and contact details" in section a of "Key information required by the GDPR" below for our contact details.

1.2. [Summary](#)

Type of individual	Our main uses of your personal information	Where to find out more
An individual subscriber customer : for example a parent who has taken out a subscription to GCSEpod for their child	<ul style="list-style-type: none">To enter into a contract with you and to provide agreed services to you as our customer.To keep accounts and records.	How to withdraw your consent or object to our use (where applicable)

	<ul style="list-style-type: none"> We may occasionally send you emails requesting feedback, asking if you would like to be part of a case study or if you would recommend us to your school. If you would rather we don't do this, please just let us know at any time. 	<p>Look in Part 2.</p> <p>It tells you how to withdraw any consent you've given (see section j as well) and how to object to both direct marketing and to our use where it's based on a balancing test (called "legitimate interests") which involves weighing our interests or a third party's interests against your rights.</p>
<p><u>A corporate customer contact</u>: a contact of ours at a corporate customer or prospective customer</p>	<ul style="list-style-type: none"> To enter into a contract with our customer and to provide agreed services to our customer, i.e. your employer. To keep accounts and records. We may, if you don't object, send you marketing emails. Please note that we track whether our marketing emails are opened and whether links in the emails are clicked on. 	<p><u>Other information</u></p> <p>Look in Part 3; here's what's in the different sections.</p> <ul style="list-style-type: none"> Sections a and b: our contact details Section c: the purposes and legal basis for our use of your personal information Section d: the legitimate interests often underpinning our use of your personal information Section e: the types of personal information we may get from someone other than you Section f: third parties with whom we may share your personal information Section g: transfers (exports) of personal information Section h: storage periods Section i: your GDPR rights Section j: withdrawing consent Section k: complaints to the ICO
<p><u>A supplier</u>: a sole trader or partnership or a contact for us at a corporate supplier who provides services to us as a business</p>	<ul style="list-style-type: none"> To receive agreed services from you or your employer or company. To keep accounts and records. 	
<p><u>A consultant</u>: an adviser, consultant or other professional expert who provides services to us as a business</p>	<ul style="list-style-type: none"> To receive agreed services from you or your employer or company. To keep accounts and records. 	
<p><u>A job applicant</u>: someone who is interested in working for us</p>	<ul style="list-style-type: none"> To enter into a services or employment contract or similar contract with you. 	
<p><u>An interested person</u>: an individual who is not a customer but who makes an enquiry or a complaint</p>	<ul style="list-style-type: none"> To respond to your enquiry or complaint. 	

<p><u>A relative of a member of our staff</u>: a close family member or next of kin of a member of our staff</p>	<ul style="list-style-type: none"> • Our member of staff may give us your name, address and date of birth which we may use to contact you in an emergency. 	<ul style="list-style-type: none"> • Section l: information you must provide (either by law or under a contract) • Section m: sources of personal information (where you aren't the source). • Section n: automated decisions
<p><u>A website visitor or app user</u>: a visitor to our website or user of one of our apps who isn't in any of the categories above.</p>	<ul style="list-style-type: none"> • Our website: we don't make any routine use of your personal information (such as an online identifier) but we do use a handful of cookies. Unless you complete a contact form on our website we probably can't identify you. • Our apps: our Google app is a wrapper for the website, so collects the same personal information as the website. The Apple app collects login details and connects to GCSEPod via our API. 	<p>Look in Part 3:</p> <ul style="list-style-type: none"> • Sections a and b: our contact details • Section i: your GDPR rights • Section k: complaints to the ICO • Section m: sources of personal information (where you aren't the source). <p>Look in Part 5: cookies and similar technologies</p>

2. **Important information about your rights in relation to consent and to object to our use of your personal information**

Your rights in relation to consent: You may, at any time, withdraw your consent to us using your personal information as summarised below.

We will rely on your accept/reject response to cookies the first time you land on our site to indicate your consent to the use of cookies on our website. To withdraw your consent, please adjust your browser settings or delete the consent cookie. Please see "Cookies and similar technologies" below for instructions.

Your right to object to our use of the "legitimate interests" basis for processing: You may, at any time, object to direct marketing and our use of your personal information which is based on our own legitimate interests, as summarised below.

We consider that our use of your personal information for:

- Business operation and improvement
- Customer relationship management
- Supplier relationship management
- Direct marketing
- Reporting possible criminal acts/threats to competent authorities
- Non-repetitive transfers of a limited number of individuals' personal information

is in our legitimate interests.

You may object to our use on that basis. To exercise your right, please contact us.

Please see:

- section a in "Key information required by the GDPR" below for our contact details
- section d in "Key information required by the GDPR" below for further details of our reliance on the legitimate interests basis for processing, and
- section i in "Key information required by the GDPR" below for further details of your right to object.

3. **Key information required by the GDPR**

Here are important details about us and our use of your personal information.

Requirement	Our details
a. Our identity and contact details Identity and contact details and, where applicable, of the representative	Name: SoundbiteLearning UK Ltd Company number: 05921961 Address: Newcastle Enterprise Centres, 6 Charlotte Square, Newcastle upon Tyne, NE1 4XF Tel: 0191 338 7830 Email: info@gcsepod.com We are registered as a fee payer with the Information Commissioner. Our registration number is Z1442893.

Requirement	Our details		
	<p><u>It would be very helpful if you would tell us exactly why you are contacting us. For example to exercise a right, please put the name of the right in the subject line of the email. Thank you.</u></p>		
<p>b. Data protection officer and queries Contact details of the data protection officer, where applicable</p>	<p>We do not have a data protection officer. For queries, comments or complaints please our contact details are in the "Identity and contact details" section a above.</p>		
<p>c. Purposes and legal basis The purposes of the use for which the personal information is intended as well as the legal basis for the use <u>Here's a key to the second column:</u> Consent: your consent to one or more specific purposes Contract: entering into a contract with you or performing a contract with you Legal obligation: we're required by law to do this Legitimate interests: we've identified this as a legitimate interest of ours or a third party; we consider that use of your personal information is necessary to achieve that legitimate interest; and we've balanced all that against your interests, rights and freedoms <u>The third column</u> gets a bit more technical. Where we're dealing with sensitive personal information we need not one legal basis but two, from a different list (and the list is a lot longer).</p>	<p>Here is a summary of the purposes for which we use personal information and the legal bases for our use.</p>		
	<p>Our purposes</p>	<p>Legal basis (all personal information)</p>	<p>Additional legal basis (sensitive personal information)</p>
	<p>To provide GCSEPod services to our customers</p>	<ul style="list-style-type: none"> • Consent (to cookies) • Contract • Legitimate interests 	<ul style="list-style-type: none"> • Prevention/detection of unlawful acts • Regulatory requirements relating to unlawful acts/dishonesty etc.
	<p>To promote and advertise our services</p>	<ul style="list-style-type: none"> • Legitimate interests 	<p>N/A</p>
	<p>To maintain our accounts and records</p>	<ul style="list-style-type: none"> • Contract • Legal obligation • Legitimate interests 	<ul style="list-style-type: none"> • Legal claims • Prevention/detection of unlawful acts
	<p>To analyse data and produce reports for business planning and management</p>	<ul style="list-style-type: none"> • Legitimate interests 	<ul style="list-style-type: none"> • Legal claims

Requirement	Our details		
<p>The main ones are:</p> <p>Legal claims: to establish, exercise or defend a legal claim</p> <p>Prevention/detection of unlawful acts: this is where we must use personal information without consent so as not to prejudice preventing or detecting unlawful acts</p> <p>Regulatory requirements relating to unlawful acts and dishonesty etc.: this is where we must use personal information without consent to comply with (or help someone else comply with) a regulatory requirement that involves establishing if someone has committed an unlawful act or is dishonest etc.</p> <p>You can find more details on the ICO website at https://ico.org.uk</p>			
<p>d. Legitimate interests</p> <p>Where the use of information is based on the legitimate interests condition, the legitimate interests pursued</p>	<p>Our legitimate interests</p> <p>Our legitimate interests are:</p> <ul style="list-style-type: none"> • Business operation and improvement • Customer relationship management: this may include keeping your details on our marketing database, other customer services activities and keeping accounts and records • Supplier relationship management: this will mainly be limited to keeping accounts and records but we also use it where appropriate to improve services; this may include information about your performance in providing services to us • Direct marketing and promotion and advertising of our services • Reporting possible criminal acts/threats to competent authorities • Non-repetitive transfers of a limited number of individuals' personal information (see section g) 		

Requirement	Our details
<p>e. Personal information collected indirectly – categories</p> <p>The categories of personal information collected indirectly</p>	<p>We collect the following categories of personal information indirectly (e.g. from third parties):</p> <ul style="list-style-type: none"> • Subscription details, e.g. if a parent buys a GCSEPod subscription as a gift for a child • Confirmation of payment (from a payment processor)
<p>f. Recipients</p> <p>The recipients or categories of recipients of the personal information, if any</p>	<p>We may share your personal information with:</p> <ul style="list-style-type: none"> • Payment processors (to process payments, we use SagePay) • Email services provider (processor, for sending email marketing, we use Mailchimp (the Rocket Science Group LLC), Pardot (a Salesforce product), and Contact Monkey (which works with Salesforce)) • Customer relationship management software provider (processor, we use Salesforce.com, inc) • Legal advisers (for legal claims) • Another business, in connection with a merger or acquisition with them <p>We will not otherwise disclose your personal information to any third party unless required or permitted to do so by law.</p>
<p>g. Transfers outside the UK</p> <p>Where applicable, the fact that personal information is to be transferred to a third country or international organisation and the existence or absence of an adequacy decision, or in the case of transfers subject to appropriate safeguards or non-repetitive, limited transfers based on compelling legitimate interests, reference to the appropriate or suitable safeguards and the means by which to obtain a copy of them or where they have been made available.</p>	<p><u>Our transfers</u></p> <p>We transfer personal information to the following third countries or international organisations:</p> <ul style="list-style-type: none"> • The US: <ul style="list-style-type: none"> ○ Salesforce.com, inc. which is in Privacy Shield ○ Mailchimp (the Rocket Science Group LLC), which is in Privacy Shield • Canada: <ul style="list-style-type: none"> ○ ContactMonkey • Republic of Ireland and USA: <ul style="list-style-type: none"> ○ Amazon Web Services (AWS); we use AWS to host GCSEPod; any transfers to Amazon Web Services Inc. in the US (e.g. for the purpose of support) will covered by AWS's "binding corporate rules" if they apply, or failing that, by standard contractual clauses. See: https://d1.awsstatic.com/legal/aws-gdpr/AWS_GDPR_DPA.pdf • Customer locations around the world <ul style="list-style-type: none"> ○ Our corporate customers and individual subscribers are based around the world; their personal

Requirement	Our details
	information is stored in the Republic of Ireland, from where they can access it.
<p>h. Storage period</p> <p>The period for which the personal information will be stored, or if that is not possible, the criteria used to determine that period</p>	<p>The period for which we will store personal information is based on our need to fulfil our legitimate business needs, comply with applicable law, resolve disputes, and enforce our agreements namely:</p> <ul style="list-style-type: none"> • GCSEPod accounts are anonymised 6 months after the end of a subscription • Job applicants' details are kept for 6 months if unsuccessful and otherwise with the personnel file • Staff's relatives' details are kept for the duration of employment • Supplier details may be kept for up to 7 years after the end of the supplier relationship for tax purposes • Your contact details will be held in our marketing database until you ask to be removed from it or we decide to remove them during a periodic review • Other customer details may be kept for up to 7 years after the end of the customer relationship for tax purposes • Cookies placed on your device can be read by our site until they expire or you clear them from your device (please see part 5 below)
<p>i. Individual rights</p> <p>The existence of the right to request access to and rectification or erasure of personal information or restriction of use concerning the individual or to object to use as well as the right to data portability</p>	<p>You have rights to make a request to us:</p> <ul style="list-style-type: none"> • for access to your personal information • for rectification or erasure of your personal information • for restriction of processing concerning you • to object to our processing which is based on legitimate interests • to object to direct marketing • to object to archiving in the public interest, research and statistics • to port (transfer) personal information you have provided to us, either to you or to another provider. <p>These rights are more complicated than the simple summary above. To find out more about them, please visit the Information Commissioner's website. To exercise your rights, please contact us or ask us for a form. Our contact details are in the "Identity and contact details" section a above.</p> <p>You can exercise your right to object and unsubscribe from email updates at any time by using the opt-out in the email.</p> <p>Please make it clear which right(s) you want to exercise, for example by putting "right to object" in the</p>

Requirement	Our details
	<p><u>subject line of the email if you wish to exercise the right to object. Thank you.</u></p>
<p>j. Withdrawal of consent</p> <p>Where the use is based on consent (for ordinary or sensitive personal information), the existence of the right to withdraw consent at any time, without affecting the lawfulness of use based on consent before its withdrawal</p>	<p>You have a right to withdraw any consent you give us at any time.</p> <p>This will not affect the legality of our consent-based use before you withdrew consent.</p> <p>To withdraw consent to cookies, please adjust your browser settings (please see part 5 for further details).</p> <p>To exercise your right to withdraw in any other case, please contact us. Our contact details are in the "Identity and contact details" section a above.</p> <p><u>Please make it clear you want to exercise this right, for example by putting "Withdrawal of consent" in the subject line of the email. Thank you.</u></p>
<p>k. Complaints</p> <p>The right to lodge a complaint with a supervisory authority</p>	<p>You have a right to complain to the Information Commissioner, whose contact details are:</p> <p>Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF England</p> <p>Telephone: 0303 123 1113 (within the UK, local rate) or +44 1625 545 700 (from outside the UK).</p> <p>Website: https://ico.org.uk which sets out email addresses and an email form.</p>
<p>l. Information collected directly – legal or contract requirement</p> <p>Whether the provision of personal information is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether the individual is obliged to provide the personal information and of the possible consequences of failure to provide that</p>	<p>If you are a customer, supplier or prospective employee or enquirer, we'll normally need your personal details (name and contact details) to provide subscriptions, receive goods/services, process your application or answer your query. For customers, we need a first name, last name, date of birth (for the login procedure) and email address. For suppliers, we may also need your financial details (e.g. bank details and VAT number where applicable) so we can pay you.</p>

Requirement	Our details
information	
<p>m. Sources of personal information collected indirectly</p> <p>The source of the personal information and if applicable, whether it came from publicly accessible sources</p>	<p>The main sources of the personal information we collect indirectly are listed in the indirect categories section e above.</p>
<p>n. Automated decision-making</p> <p>The existence of automated decision-making, including profiling. This means a decision based solely on automated profiling which produces legal effects concerning the individual, and which must not be based on special categories of (i.e. sensitive) personal information without explicit consent or substantial public interest, with safeguards. Meaningful information about the logic involved, as well as the significance and the envisaged consequences of the processing for the individual must also be provided.</p>	<p>We do not conduct automated decision-making. All decisions about you will be made by humans.</p>

4. **A quick word about our corporate customers**

We are a processor of personal information provided by our corporate customers in GCSEPod; we process personal information on their instructions, not for our own purposes. A corporate customer is a school, academy, virtual hospital/school, FE/training college or multi-academy trust (MAT).

This privacy notice doesn't apply to our corporate customers' use of your personal information (e.g. if you are a student or member of staff at a school) or to our use of that personal information on the customer's behalf.

If you have any queries about how a corporate customer uses your personal information, please ask that organisation directly.

5. Cookies and similar technologies

5.1. Introduction

A cookie is a file containing a small amount of information that a website places on your device. Similar technologies include:

- Local shared objects (Flash cookies) – data that websites which use Adobe Flash store on your device
- Local storage (session storage and database storage) – a type of file placed on your device that can hold data, often related to video or audio content; we use local storage to track playback information and selections that teachers choose to filter pupils in the school by (for example activated (y/n))
- Pixels – (also known as clear gifs, web beacons or web bugs) are code used on a web page or in an email notification. They are used to learn whether you've interacted with certain web or email content. This helps to measure and improve services and personalise your experience.

We use cookies and similar technologies to help us understand how people interact with our website. That means we can make improvements and develop the website in an informed way for our website visitors and members. It helps us improve your overall experience.

The number and type of cookies set will depend on your browser and device settings, whether or not you are logged into the site, and whether or not you have accepted cookies.

5.2. What cookies do we use?

We use these types of cookie for these purposes
Strictly necessary cookies. These cookies are generally used to store a unique identifier to manage and identify you as unique to other users currently viewing the website, in order to provide you with a consistent and accurate service.	To remember previous actions (e.g. entered text) when navigating back to a page in the same session, managing logins and other security features, and to remember that you have viewed the privacy notice.
Performance cookies. These cookies are used for performance and to improve the website.	For web analytics (we use Google Analytics – see how Google uses your data here: www.google.com/policies/privacy/partners and https://policies.google.com/technologies/types).
Functionality cookies. These cookies will typically be the result of something you do, but might also be implemented in the delivery of a service not explicitly requested but offered to you.	To provide information to allow an optional service such as a live chat session.

<p>They can also be used to prevent you being offered a service again that had previously been offered to you and rejected.</p>	
<p>Targeting or advertising cookies. These cookies contain a unique key that is able to distinguish individual users' browsing habits or store a code that can be translated into a set of browsing habits or preferences using information stored elsewhere. Cookies may also be used to limit the number times a user sees a particular ad on a website and to measure the effectiveness of a particular campaign.</p>	<p>We also use certain information to:</p> <ul style="list-style-type: none"> • Identify new visitors to our website • Recognise returning visitors • Analyse the effectiveness of our advertisements and email campaigns (see https://mailchimp.com/legal/cookies/#Cookies_served_through_the_Services; Pardot and Contact Monkey use single pixels to track clicks and tracker subdomains to track click throughs), and • Better understand our audience, customers, or other site visitors.

5.3. How to see individual cookies and withdraw consent to cookies and similar technologies

5.3.1. Cookies

Cookies change and their names and descriptions are not very user-friendly for most people, so we haven't listed them individually. If you want to see the cookies currently used on our website, they should be visible through your browser. (Please see below for instructions.)

To give or withdraw consent to cookies, please adjust your browser settings.

There are different browsers and manufacturers upgrade them frequently. The best way to get the right instructions is to go to the manufacturer's support page. The following support/privacy pages (for some of the more common browsers) are correct as at March 2019.

- For Chrome, please see Google's support page here: <https://support.google.com/chrome/answer/95647>
- For Internet Explorer, please see Microsoft's support page here: <https://support.microsoft.com/en-gb/help/17442/windows-internet-explorer-delete-manage-cookies>
- For Edge, please see Microsoft's privacy page here: <https://privacy.microsoft.com/en-us/windows-10-microsoft-edge-and-privacy>
- For Firefox, please see Mozilla's support page here: <http://support.mozilla.org/en-US/kb/enable-and-disable-cookies-website-preferences>
- For Safari, please see Apple's support page here: <https://support.apple.com/en-us/HT201265>.

If you have problems with these pages, can't see individual cookies or want find out more about how cookies are handled within your browser, please go to the manufacturer's site and search for the browser name and your cookie query.

5.3.2. Flash cookies

To disable flash cookies (local shared objects) go to the Global Storage Settings panel of the online Settings Manager at Adobe's website at http://www.macromedia.com/support/documentation/en/flashplayer/help/settings_manager03.html. This places a permanent flash cookie on the device, informing all other websites that you do not want flash cookies stored on your device.

5.3.3. Online advertising cookies

We use cookies and similar technologies for online advertising. To find out more and give or withdraw consent, please visit www.aboutads.info/choices.

You can prevent Google's collection of data generated by your use of the sites (including your IP address) by downloading and installing a browser plugin available at <https://tools.google.com/dlpage/gaoptout?hl=en>.

5.3.4. Local and session storage

You can delete local storage, session storage and database storage in the same way that you delete cookies.

5.3.5. Pixels

You cannot delete pixels but you may be able to disable them by disabling cookies or by using browser add-ons or extensions. Some pixels in emails can be disabled by selecting an option in your email application not to download images.

Please be aware that restricting cookies and similar technologies may impact on the functionality of our website.

5.4. Further information

To find out more about cookies, including how to see what cookies and other technologies have been set and how to manage and delete them, please visit <http://www.allaboutcookies.org/> and <http://www.youronlinechoices.com/>.