



OTrack
Bespoke Pupil Tracking

OTrack – Privacy Policy

INTRODUCTION

Welcome to the Optimum Reports Limited's t/a Optimum and OTrack (“**Optimum**”, “**we**”, “**our**” and “**us**”) privacy notice.

Optimum respects your privacy and is committed to protecting your personal data. This privacy notice will inform you as to how we look after your personal data when you visit our website (regardless of where you visit it from) and tell you about your privacy rights and how the law protects you.

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

We have taken significant steps to ensure that we process personal data in compliance with the General Data Protection Regulation (GDPR). Further information can be found about the steps we have taken to become GDPR compliant at <https://optimumotrack.co.uk/otrack-and-gdpr/>

1. IMPORTANT INFORMATION AND WHO WE ARE

Purpose of this privacy notice

This privacy notice aims to give you information on how Optimum collects and processes your personal data through the use by an educational establishment of our software (“**OTrack**”) which is accessed via <https://login.otrack.co.uk> (in conjunction with any other websites we may publish from time to time, the “**Website**”). This personal data includes any data you may provide through the Website when you sign up to our newsletter or purchase OTrack from us.

We collect and process personal data relating to children which is uploaded by those persons using OTrack on behalf of educational establishments (referred to herein as “**Users**”) as part of their use of OTrack.

It is important that you read this privacy notice in conjunction with our OTrack terms of service, cookies policy, OTrack software licence, and any other notices or policies we may provide to you from time to time (together the “**Agreements**”). This privacy notice supplements the Agreements and is not intended to override them.

Controller / Processor

Optimum is the controller of personal data collected and processed about Users, persons who sign up to our mailing list, individuals at our suppliers and partners, our employees and persons who have indicated that they wish to book a demo of OTrack or have otherwise requested further information about OTrack (“**Leads**”). This



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privacy statement relates only to our processing of personal data in respect of Users, Pupils and Leads.

We are a data processor in respect of personal data provided to us by Users in respect of pupils of the educational establishment (“**Pupils**”).

We have appointed a data protection officer (DPO) 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 DPO using the details set out below.

Contact details

Our full details are:

Full name of legal entity: Optimum Reports Limited

Postal address: Unit 1 Wharfe House, Richmond Business Park, Doncaster, South Yorkshire, DN4 5NL

Telephone number: 01302 360246

Name or title of DPO: Buckworths Compliance Limited F.A.O. Michael Buckworth

Email address of DPO: mbuckworth@buckworthscompliance.com

Telephone number of DPO: 020 7952 1721

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). We would, however, 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 8 May 2018.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data (or that of any Pupil) changes during your relationship with us, or if (being a parent or guardian of a Pupil, or a Pupil), you believe that any information we hold about a Pupil is incorrect.

Third-party links

The 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 the Website, we



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encourage you to read the privacy notice of every website you visit.

2. THE DATA WE COLLECT ABOUT DATA SUBJECTS

“**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 such that the identity of the person to whom the information relates can no longer be ascertained (anonymous data).

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

Personal data relating to Users

Identity Data includes first name, last name, username or similar identifier, marital status, title, DfE number and job title.

Contact Data includes school name, billing address, email address and telephone numbers.

Financial Data includes bank account and payment card details.

Transaction Data includes details about payments to and from the User and other details of licences and services the User has purchased from us.

Technical Data includes internet protocol (IP) address, the User’s 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 used to access the website.

Profile Data includes the User’s username and password, purchases or orders made by the User, feedback and survey responses.

Usage Data includes information about how the User uses the Website and OTrack.

Marketing and Communications Data includes the User’s preferences in receiving marketing from us and our third parties and the User’s communication preferences.

Personal data relating to Pupils

Identity Data includes first name, last name, username or similar identifier, title, FSM6 status, date of birth, year group, class group, photograph, gender, ethnicity, attendance summary, SEN status, SEN need, FSM status, pupil premium status, EAL status, in LEA care status, ever in care status, gift and talented status, school entry



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date and UPN.

Personal data relating to Leads

Identity Data includes first name, last name and local authority where the educational establishment is based.

Contact Data includes email address and telephone number.

We also collect, use and share “**Aggregated Data**” such as statistical or demographic data for a number of purposes. Aggregated Data may be derived from personal data but is not considered personal data in law as this data does not directly or indirectly reveal the identity of the data subject. For example, we may aggregate Usage Data to calculate the percentage of Users accessing a specific Website feature. However, if we combine or connect Aggregated Data with a User’s personal data so that it can directly or indirectly identify the User, we treat the combined data as personal data which will be used in accordance with this privacy notice.

“**Special Categories of Personal Data**” includes details about a person’s 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 process the following Special Categories of Personal Data in respect of Pupils only: (incidentally) health data.

3. HOW IS YOUR PERSONAL DATA COLLECTED?

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

Direct interactions. Users may give us their Identity, Contact and Financial Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data provided by Users when they:

- create an account on the Website;
- subscribe to OTrack;
- request marketing to be sent to them;
- enter a competition, promotion or survey; or
- give us some feedback.

Users may also provide us with Identity Data relating to Pupils via OTrack.

Leads may provide us with Identity and Contact information when they request a demo or otherwise indicate an interest in OTrack.



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Automated technologies or interactions. As Users interact with the Website, we may automatically collect Technical Data about the User's equipment, browsing actions and patterns. We collect this personal data by using cookies and other similar technologies. Please see our cookie policy for further details.

Third parties or publicly available sources. We may receive personal data about Users from various third parties as set out below:

Technical Data from the following parties:

- analytics providers such as Google;
- advertising networks; and
- search information providers.

Contact, Financial and Transaction Data from providers of technical and payment services.

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

4. HOW WE USE YOUR PERSONAL DATA

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

- Where we need to perform the contract we are about to enter into or have entered into with a User.
- Where it is necessary for our legitimate interests (or those of a third party) and the interests and fundamental rights of the User and/or Pupil do not override those interests.
- Where we need to comply with a legal or regulatory obligation.

For further information about the types of lawful basis that we will rely on to process personal data, please see the Glossary at section 10 below.

Generally, we do not rely on consent as a legal basis for processing your personal data other than:

- In relation to sending direct marketing communications to you via email or text message. You have the right to withdraw consent to marketing at any time by contacting us.

- In relation to processing Special Categories of Personal Data in respect of Pupils in

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respect of which the parent or guardian of the relevant Pupil must have given (and not withdrawn) consent.

5. 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.

Note that we may process personal data for more than one lawful ground depending on the specific purpose for which we are using personal 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 a User as a new customer	(a) Identity (b) Contact	Performance of a contract with the User
To process and deliver a subscription for OTrack including: (a) Manage payments, fees and charges (b) Collect and recover money owed to us	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications	(a) Performance of a contract with the User (b) Necessary for our legitimate interests (to recover debts due to us)
To manage our relationship with the User which will include: (a) Notifying the User about changes to our terms or privacy policy (b) Asking the User to leave a review or take a survey	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications	(a) Performance of a contract with the User (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how Users use our products/services)
To enable the User to partake in a prize draw, competition or complete a survey	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications	(a) Performance of a contract with the User (b) Necessary for our legitimate interests (to study how Users use our products/services, to develop them and grow our business)



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To administer and protect our business and the Website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity (b) Contact (c) Technical	(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 advertisements to Users and Leads and measure or understand the effectiveness of the advertising we serve to Users and Leads	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Technical	Necessary for our legitimate interests (to study how Users use our products/services, to develop them, to grow our business and to inform our marketing strategy)
To use data analytics to improve the Website, OTrack, marketing, customer relationships and experiences	(a) Technical (b) Usage	Necessary for our legitimate interests (to define types of customers for our products and services, to keep the Website updated and relevant, to develop our business and to inform our marketing strategy)
To make suggestions and recommendations to Users and Leads about goods or services that may be of interest to them	(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile	Necessary for our legitimate interests (to develop our products/services and grow our business)
To record information about Pupils input by the User and to allow User(s) to access such personal data	(a) Identity	Performance of a contract with the User Subject to the consent of the parent / guardian of the Pupil



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Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising.

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.

You will receive marketing communications from us if you have requested information from us or purchased OTrack from us or if you provided us with your details when you entered a competition or registered for a promotion and, in each case, you have not opted out of receiving that marketing.

Third-party marketing

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

Opting out

You can ask us or third parties to stop sending you marketing messages at any time by logging into the Website and checking or unchecking relevant boxes to adjust your marketing preferences or by following the opt-out links on any marketing message sent to you or by contacting us at any time.

Where you opt out of receiving these marketing messages, we will still send you communications relevant to the performance of our contract with you.

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 our Website may become inaccessible or not function properly. For more information about the cookies we use, please see our cookies policy which can be found on the Website.

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.



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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.

6. DISCLOSURES OF YOUR PERSONAL DATA

We may have to share User and Pupil personal data with Third Parties as set out in the Glossary for the purposes set out in the table in paragraph 5 above. We require all third parties to respect the security of personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use personal data for their own purposes and only permit them to process personal data for specified purposes and in accordance with our instructions.

In the event that we sell, transfer, or merge parts of our business or our assets, the buyer will receive personal data in respect of Users and Pupils but shall only be permitted to use such personal data for the purposes set out in the table in paragraph 5 above. Alternatively, we may seek to acquire other businesses or merge with them.

7. INTERNATIONAL TRANSFERS

Some of our third-party processors are based outside the European Economic Area (“EEA”) so their processing of personal data will involve a transfer of data outside the EEA.

Whenever we transfer 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:

- We transfer personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission.
- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe.
- 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.



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

8. 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 personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process 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 the relevant User and any applicable regulator of a breach where we are legally required to do so.

9. DATA RETENTION

How long will we use personal data for?

We will only retain personal data relating to Users 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. We will delete all personal data relating to Pupils on request by any User from the educational establishment responsible for uploading the relevant personal data, or from the Pupil, or the Pupil's parent or guardian.

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

By law we have to keep basic information about Users (including certain Contact, Identity, Financial and Transaction Data) for six years after they cease being Users for tax purposes.

In some circumstances you can ask us to delete your data: see the paragraph titled "Request Erasure" in section 9 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.

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10. THE LEGAL RIGHTS OF DATA SUBJECTS

Under certain circumstances, data subjects have rights under data protection laws in relation to their personal data.

Each User, Pupil and Lead has the right to:

Request access to personal data held about them (commonly known as a "data subject access request"). This enables the data subject to receive a copy of the personal data we hold about him and to check that we are lawfully processing it. Where you are a Pupil, or the parent of guardian of a Pupil, we may request evidence of your identity prior to providing you with your personal data.

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. We will always delete personal data in respect of any Pupil where we are requested to do so.

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. We will always stop any processing activity in respect of personal data of any Pupil where we are requested to do so.

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.



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Request the transfer of 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. So long as you can demonstrate that you have appropriate authorisation to enable us to transfer personal data relating to any Pupil, we will do so.

Withdraw consent at any time where we are relying on consent to process any categories of personal data. However, this will not affect the lawfulness of any processing carried out before consent is withdrawn.

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.

11. 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

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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

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