

Privacy policy

1. Introduction

- 1.1. We are committed to safeguarding the privacy of our service users.
- 1.2. This policy was released as part of our compliance of the General Data Protection Regulation (GDPR) (EU) 2016/679, which comes into force in the UK on 25 May 2018.
- 1.3. This policy applies where we are acting as a data controller with respect to the personal data of our service users; in other words, where we determine the purposes and means of the processing of that personal data.
- 1.4. We will ask you to consent to our use of cookies in accordance with the terms of this policy when you first visit our website.
- 1.5. In this policy, "we", "us" and "our" refer to Mallard Days Educational Services. For more information about us, see Section 8.
- 1.6. In this policy, "service users" also refers to visitors to our website, mallard-days.com.

2. How we use your personal data

- 2.1. In this Section 2, we have set out:
 - 2.1.1. the general categories of personal data that we may process;
 - 2.1.2. the purposes for which we may process personal data; and
 - 2.1.3. the legal bases of the processing.

2.2. Profile data

- 2.2.1. We may process your information included in your personal profile in our paper records or on our website.
- 2.2.2. The profile data may include your name, address, telephone number, email address, gender, date of birth, and educational details.
- 2.2.3. The profile data may be processed for the purposes of enabling and monitoring your use of our services and website.
- 2.2.4. The legal basis for this processing is our legitimate interests, namely the proper administration of our business and website and the performance of a contract between you and us and/or taking steps, at your request, to enter into such a contract.

2.3. Service data

- 2.3.1. We may process your personal data that are provided during the use of our services.

- 2.3.2. The service data may include session locations, session times, subjects studied, syllabus being studied, educational status, tuition type, school, level of study, predicted grades and session notes.
- 2.3.3. The service data may be processed for the purposes of operating our website, providing our services, ensuring the security of our services and website, maintaining back-ups of our databases and communicating with you.
- 2.3.4. The legal basis for this processing is our legitimate interests, namely the proper administration of our business and website and the performance of a contract between you and us and/or taking steps, at your request, to enter into such a contract.

2.4. Enquiry data

- 2.4.1. We may process information contained in any enquiry you submit to us regarding goods and/or services.
- 2.4.2. The enquiry data may be processed for the purposes of offering, marketing and selling relevant goods and/or services to you.
- 2.4.3. The legal basis for this processing is consent.

2.5. Transaction data

- 2.5.1. We may process information relating to transactions, including purchases of goods and services, that you enter into with us and/or through our websites.
- 2.5.2. The transaction data may include your contact details, your card details and the transaction details. The transaction data may be processed for the purpose of supplying the purchased goods and services and keeping proper records of those transactions.
- 2.5.3. The legal basis for this processing is the performance of a contract between you and us and/or taking steps, at your request, to enter into such a contract and our legitimate interests, namely our interest in the proper administration of our business and website.

2.6. Correspondence data

- 2.6.1. We may process information contained in or relating to any communication that you send to us.
- 2.6.2. The correspondence data may include the communication content and metadata associated with the communication
- 2.6.3. The correspondence data may be processed for the purposes of communicating with you and record-keeping.
- 2.6.4. The legal basis for this processing is our legitimate interests, namely the proper administration of our business and website and communications with users.

2.7. Website account data

- 2.7.1. We may process your website account data.
- 2.7.2. The account data may include your name and email address, which you have provided to us.
- 2.7.3. The account data may be processed for the purposes of operating our website, providing our services, ensuring the security of our services and website, maintaining back-ups of our databases and communicating with you.
- 2.7.4. The legal basis for this processing is our legitimate interests, namely the proper administration of our business and website and the performance of a contract between you and us and/or taking steps, at your request, to enter into such a contract.

2.8. Usage data

- 2.8.1. We may process data about your use of our services and website.
- 2.8.2. The usage data may include your IP address, geographical location, browser type and version, operating system, referral source, length of visit, page views and website navigation paths, as well as information about the timing, frequency and pattern of your service use. The source of the usage data is Google Analytics.
- 2.8.3. This usage data may be processed for the purposes of analysing the use of the services and website.
- 2.8.4. The legal basis for this processing is our legitimate interests, namely monitoring and improving our services and website.

2.9. Notification data

- 2.9.1. We may process information that you provide to us for the purpose of subscribing to our email notifications and/or newsletters.
- 2.9.2. The notification data may be processed for the purposes of sending you the relevant notifications and/or newsletters.
- 2.9.3. The legal basis for this processing is the performance of a contract between you and us and/or taking steps, at your request, to enter into such a contract.

2.10. Legal use

- 2.10.1. We may process any of your personal data identified in this policy where necessary for the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure.

2.10.2. The legal basis for this processing is our legitimate interests, namely the protection and assertion of our legal rights, your legal rights and the legal rights of others.

2.11. Insurance and risk management

2.11.1. We may process any of your personal data identified in this policy where necessary for the purposes of obtaining or maintaining insurance coverage, managing risks, or obtaining professional advice.

2.11.2. The legal basis for this processing is our legitimate interests, namely the proper protection of our business against risks.

2.12. In addition to the specific purposes for which we may process your personal data set out in this Section 2, we may also process any of your personal data where such processing is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person.

3. Providing your personal data to others

3.1. We may disclose your personal data to any member of our partner companies insofar as reasonably necessary for the purposes, and on the legal bases, set out in this policy.

3.2. We may disclose your personal data to our insurers and/or professional advisers insofar as reasonably necessary for the purposes of obtaining or maintaining insurance coverage, managing risks, obtaining professional advice, or the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure.

3.3. We may disclose usage, account, profile, service, enquiry, notification and correspondence data to our service providers, 10to8 Limited, Google (UK) Limited, Xero Limited, sector-alpha.net and First Tutors (UK) Limited insofar as reasonably necessary for the proper administration of our business and website.

3.4. Financial transactions relating to our services and website may be handled by our payment services providers, GoCardless Limited, iZettle AB (Sweden), Santander UK and NatWest. We will share transaction data with our payment services providers only to the extent necessary for the purposes of processing your payments, refunding such payments and dealing with complaints and queries relating to such payments and refunds. You can find information about the payment services providers' privacy policies and practices at

3.4.1. <https://gocardless.com/legal/privacy/>

3.4.2. <https://www.izettle.com/gb/privacy-policy>

3.4.3. <https://www.santander.co.uk/uk/help-support/security-centre/data-protection>

3.4.4. <https://www.natwest.com>

3.5. In addition to the specific disclosures of personal data set out in this Section 3, we may disclose your personal data where such disclosure is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person. We may also disclose your personal data where such disclosure is necessary for the establishment, exercise or defence of legal claims, whether in court proceedings or in an administrative or out-of-court procedure.

4. Retaining and deleting personal data

4.1. This Section 4 sets out our data retention policies and procedure, which are designed to help ensure that we comply with our legal obligations in relation to the retention and deletion of personal data.

4.2. Personal data that we process for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.

4.3. We will retain your personal data as follows:

4.3.1. Personal data will be retained for a period of 6 years following the conclusion of the services we are providing to you. This length of time is to ensure that any responsibilities under the Limitations Act (1980) are fulfilled.

4.3.2. Transaction data will be retained for at least the minimum period recommended by HM Revenue and Customs.

4.4. Notwithstanding the other provisions of this Section 4, we may retain your personal data where such retention is necessary for compliance with a legal obligation to which we are subject, or in order to protect your or our vital interests or the vital interests of another natural person.

5. Amendments

5.1. We may update this policy from time to time by publishing an updated version on our website.

5.2. You should check this page occasionally to ensure you are happy with any changes to this policy.

6. Your rights

6.1. In this Section 6, we have summarised the rights that you have under data protection law. Some of the rights are complex, and not all the details have been included in our summaries. Accordingly, you should read the relevant laws and guidance from the regulatory authorities for a full explanation of these rights.

6.2. Your principal rights under data protection law are:

6.2.1. the right to access

6.2.1.1. You have the right to confirmation as to whether we process your personal data and, where we do, access to the personal data, together with certain additional information.

6.2.1.2. That additional information includes details of the purposes of the processing, the categories of personal data concerned and the recipients of the personal data.

6.2.1.3. Providing the rights and freedoms of others are not affected, we will supply to you a copy of your personal data. The first copy will be provided free of charge, but additional copies may be subject to a reasonable fee.

6.2.2. the right to rectification

6.2.2.1. You have the right to have any inaccurate personal data about you rectified and, considering the purposes of the processing, to have any incomplete personal data about you completed.

6.2.3. the right to erasure

6.2.3.1. In some circumstances you have the right to the erasure of your personal data without undue delay. Those circumstances include:

6.2.3.1.1. the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;

6.2.3.1.2. you withdraw consent to consent-based processing;

6.2.3.1.3. you object to the processing under certain rules of applicable data protection law;

6.2.3.1.4. the personal data have been unlawfully processed.

6.2.3.2. However, there are exclusions of the right to erasure. The general exclusions include where processing is necessary:

6.2.3.2.1. for exercising the right of freedom of expression and information;

6.2.3.2.2. for compliance with a legal obligation;

6.2.3.2.3. for the establishment, exercise or defence of legal claims.

6.2.4. the right to restrict processing

6.2.4.1. In some circumstances you have the right to restrict the processing of your personal data. Those circumstances are:

6.2.4.1.1. you contest the accuracy of the personal data;

6.2.4.1.2. processing is unlawful, but you oppose erasure;

6.2.4.1.3. we no longer need the personal data for the purposes of our processing, but you require personal data for the establishment, exercise or defence of legal claims;

6.2.4.1.4. you have objected to processing, pending the verification of that objection.

6.2.4.2. Where processing has been restricted on this basis, we may continue to store your personal data. However, we will only otherwise process it:

6.2.4.2.1. with your consent;

6.2.4.2.2. for the establishment, exercise or defence of legal claims;

6.2.4.2.3. for the protection of the rights of another natural or legal person;

6.2.4.2.4. for reasons of important public interest.

6.2.5. the right to object to processing

6.2.5.1. You have the right to object to our processing of your personal data on grounds relating to your situation, but only to the extent that the legal basis for the processing is that the processing is necessary for:

6.2.5.1.1. the performance of a task carried out in the public interest or in the exercise of any official authority vested in us;

6.2.5.1.2. the purposes of the legitimate interests pursued by us or by a third party.

6.2.5.2. If you make such an objection, we will cease to process the personal information unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms, or the processing is for the establishment, exercise or defence of legal claims.

6.2.5.3. You have the right to object to our processing of your personal data for scientific or historical research purposes or statistical purposes on grounds relating to your situation, unless the processing is necessary for the performance of a task carried out for reasons of public interest.

6.2.6. the right to data portability

6.2.6.1. To the extent that the legal basis for our processing of your personal data is consent; or that the processing is necessary for the performance of a contract to which you are party or in order to take steps at your request prior to entering into a contract, and such processing is carried out by automated means, you have the

right to receive your personal data from us in a structured, commonly used and machine-readable format. However, this right does not apply where it would adversely affect the rights and freedoms of others.

6.2.7. the right to complain to a supervisory authority

6.2.7.1. If you consider that our processing of your personal information infringes data protection laws, you have a legal right to lodge a complaint with a supervisory authority responsible for data protection. You may do so in the EU member state of your habitual residence, your place of work or the place of the alleged infringement.

6.2.8. the right to withdraw consent.

6.2.8.1. To the extent that the legal basis for our processing of your personal information is consent, you have the right to withdraw that consent at any time. Withdrawal will not affect the lawfulness of processing before the withdrawal.

6.3. You may exercise any of your rights in relation to your personal data by written notice to us, in addition to the other methods specified in this Section 6.

7. About cookies

7.1. A cookie is a file containing an identifier (a string of letters and numbers) that is sent by a web server to a web browser and is stored by the browser. The identifier is then sent back to the server each time the browser requests a page from the server.

7.2. Cookies may be either "persistent" cookies or "session" cookies: a persistent cookie will be stored by a web browser and will remain valid until its set expiry date, unless deleted by the user before the expiry date; a session cookie, on the other hand, will expire at the end of the user session, when the web browser is closed.

7.3. Cookies do not typically contain any information that personally identifies a user, but personal information that we store about you may be linked to the information stored in and obtained from cookies.

7.4. Cookies that we use

7.4.1. We use cookies for the following purposes:

7.4.1.1. authentication - we use cookies to identify you when you visit our website and as you navigate our website;

7.4.1.2. status - we use cookies to help us to determine if you are logged into our website;

7.4.1.3. analysis - we use cookies to help us to analyse the use and performance of our services and website (cookies used for this purpose are: Google Analytics)

7.4.1.4. cookie consent - we use cookies to store your preferences in relation to the use of cookies more generally.

7.5.Cookies used by our service providers

7.5.1. Our service providers use cookies and those cookies may be stored on your computer when you visit our website.

7.5.2. We use Google Analytics to analyse the use of our website. Google Analytics gathers information about website use by means of cookies. The information gathered relating to our website is used to create reports about the use of our website. Google's privacy policy is available at: <https://www.google.com/policies/privacy/>.

7.6.Managing cookies

7.6.1. Most browsers allow you to refuse to accept cookies and to delete cookies. The methods for doing so vary from browser to browser, and from version to version. You can however obtain up-to-date information about blocking and deleting cookies via these links:

7.6.1.1. <https://support.google.com/chrome/answer/95647?hl=en> (Chrome);

7.6.1.2. <https://support.mozilla.org/en-US/kb/enable-and-disable-cookies-website-preferences> (Firefox);

7.6.1.3. <http://www.opera.com/help/tutorials/security/cookies/> (Opera);

7.6.1.4. <https://support.microsoft.com/en-gb/help/17442/windows-internet-explorer-delete-manage-cookies> (Internet Explorer);

7.6.1.5. <https://support.apple.com/kb/PH21411> (Safari); and

7.6.1.6. <https://privacy.microsoft.com/en-us/windows-10-microsoft-edge-and-privacy> (Edge).

7.6.2. Blocking all cookies will have a negative impact upon the usability of many websites.

7.6.3. If you block cookies, you will not be able to use all the features on our website.

7.7.External Web Services

7.7.1. Our website uses external providers and scripts to facilitate its operation. These are:

7.7.1.1. For the mallard-days.com website:

- 7.7.1.1.1. google-analytics
- 7.7.1.1.2. googleapis.com
- 7.7.1.1.3. fonts.gstatic.com
- 7.7.1.1.4. cloudfront.net

7.7.1.2. For online booking via 10to8.com:

- 7.7.1.2.1. 10to8.com
- 7.7.1.2.2. optimizely.com
- 7.7.1.2.3. polyfill.io
- 7.7.1.2.4. segment.com
- 7.7.1.2.5. segment.io
- 7.7.1.2.6. stripe.com
- 7.7.1.2.7. stripe.network
- 7.7.1.2.8. newrelic.com
- 7.7.1.2.9. facebook.net
- 7.7.1.2.10. kissmetrics.com
- 7.7.1.2.11. googleadservices.com
- 7.7.1.2.12. ravenjs.com

7.7.1.3. For payment using PayPal:

- 7.7.1.3.1. paypalobjects.com

7.7.2. These external scripts can be blocked but may reduce functionality of our website.

8. Our details

8.1. This company and website is owned and operated by Richard J L Hornby.

8.2. Our principal place of business is at *41 The Moorlands, Durham, DH1 2LB.*

8.3. You can contact us:

8.3.1. by post, to the postal address given above;

8.3.2. by email, using the email address published on our website

9. Data protection officer

9.1. Our data protection officer's contact details are: Richard J L Hornby, 41 The Moorlands, Durham, DH1 2LB.

10.Credit

- 10.1. This document is loosely based on a template from SEQ legal.