

Third Space Learning and the General Data Protection Regulation

When General Data Protection Regulation (GDPR) came into force on 25 May 2018, we (that is, Virtual Class Ltd trading as Third Space Learning) received requests for information from schools about how GDPR impacts the services we provide (online 1-2-1 mathematics lessons via our secure online classroom, together with access to teaching resources and continuing professional development resources (the “service”).

These requests came in different formats and asked similar questions albeit in different ways. To help you, we have put together the summary below to answer the most frequently asked questions, and to explain how we protect personal data processed by us.

General

Protection of personal data is a priority for us. In the months prior to GDPR coming into force we reviewed our policies, processes, products and systems to ensure that they would be compliant with the requirements of GDPR.

In summary the steps taken included:

- Mapping data handled by us and our sub-contractors;
- Ensuring our products, processes, policies and documentation in line with GDPR requirements;
- Reviewing our security measures;
- Training our staff on the requirements of GDPR and our data privacy procedures; and
- Ensuring that procedures are in place to deal with individuals' rights under GDPR.

Data controller v processor

To clarify, in line with the UK Information Commissioner's guidance, we are a controller, not a processor, in relation to the personal data that we collect and process in the course of providing our service (including the personal data relating to children that we collect and process in relation to the provision of tutoring sessions).

Although the principal purpose of our processing of personal data is to deliver the service and, to that extent, is agreed with you, we determine the manner in which the data is processed as part of (or in relation to) service delivery, and we exercise a significant degree of interpretation, professional judgement and decision making in doing so. This means that we fall into the category of controller rather than that of processor - the activities of a processor are, per data protection guidelines, limited to the more ‘technical’ aspects of an operation such as processing only in accordance with defined instructions, data storage, retrieval or erasure.

Contracts

The terms of use for our service form the terms of our contract with you for the delivery of the service. In addition, our privacy policy provides information (in accordance with relevant guidelines) about the personal data processing we carry out. Our updated terms of use and privacy policy is available via our website.

Categories of data subjects, type of personal data being processed and purpose of processing data

Categories of data subjects

We collect data from two main categories of data subjects within a school: students and school staff members (teachers).

Type of personal data being processed

Students:

Currently: First name, Last name, Gender, School, Current academic level, English as second language, Pupil premium, KS2 SATs result, Year Group, Reading difficulties, SEN (Dyslexia ADD/ADHD, Dyscalculia, Speech and Language Difficulties, Autism (ASD), Asperger Syndrome, Other), Class teacher, Growth Mindset (various questions), Confidence in Maths, Hobbies/interests
Historically: Date of birth, Memory strength rating, Reading confidence rating, Learning style (visual, auditory, kinaesthetic)

Staff members:

Current: First name, Last name, Email, School, Contact number, Preferred contact day/time

Special categories of data

No special categories of personal data are required by us in relation to the operation of the service. You may, if you choose to do so, provide us with some health-related data relating to children in the context of any learning impediments or special needs they may encounter as a result. Provision of this information is not required in order to use the service, but if you choose to provide it to us then it will be incumbent upon you to obtain consent from the relevant child's parents before you do so. We are configuring the platform so that it will not be possible to input data of this nature without first confirming that relevant consents have been obtained.

Purpose of processing

Students:

Identify students, personalise and tailor learning, assessment algorithm, progress over time, student assignment to sessions, successful delivery of sessions, analysis

Staff members:

Identify users, communicate via email/phone for sales, retention, student progress, analysis

We limit, where possible, the personal data shared with tutors delivering the service. They only have access to first name, gender, academic level, year group, reading difficulties, SEN, hobbies/interests).

We only collect data required for functions required in the system; data gathering points that are no longer required are removed and/or archived where necessary. Where information is not required by a user or employee, we mask or remove it from their view of the data.

We conduct analysis and research into sessions and outcomes including training delivery and student performance to generally enhance how we deliver our service. When we conduct analysis and research we aggregate and anonymize data. We analyse and track standards and performance development across different age groups, geographies and other categories of student and no student will be identifiable directly or indirectly from the aggregated data.

Sub-Contractors, included in Provision of Our Service to Schools

We have contracts with three sub-contractors ("tutor centres") to deliver our service. In doing so, because we exercise detailed control over what they do, they act as data processors in relation to any personal data they process in the course of their sub-contracted activities relating to provision of the service. By agreeing to use our service, you are agreeing to the engagement of the tutor centres by us.

The tutor centres are:

- Third Space Global (Pvt) Ltd, based in Sri Lanka, is a wholly owned subsidiary of ours.
- TCY Learning Solutions (P) Ltd and NCR Eduservices Pvt Ltd, both based in India, are partner centres with whom we have worked for a number of years.

We have written contracts with all three tutor centres setting out the terms and obligations of both parties in relation to delivery of the contract.

The contract(s) have specific clauses dealing with data protection of any personal data to which the tutor centre is provided with access to by us or that is otherwise processed by the tutor centre in relation to the performance of the service.

As all three tutor centres are situated outside the EEA and in countries which are not recognised as providing an adequate level of protection of personal data, we have data transfer agreements in place with the tutor centres to ensure that adequate safeguards over personal data processed by the tutor centre are in place.

Tutors

We ensure that every tutor recruited and/or used to provide the service:

- has or is studying towards a primary degree in maths or a maths-related subject;
- has excellent English communication skills (speaking, writing and listening) having passed the British Council Aptis test;
- undergoes a security check so as to provide him or her with a Police Clearance Certificate; and
- has, his or her Police Clearance Certificate renewed as per any expiry date given on the Police Clearance Certificate or if no expiry date is specified then it must be renewed within 2 (two) years of the issue date;
- as per the Police Clearance Certificate, has no previous criminal convictions (other than driving offences not involving a custodial sentence).

Employees

All our staff – not just those who process/access personal data – are required to complete our training programme on GDPR and data privacy procedures which includes mandatory re-certification every 12 months.

We ensure that our staff deal with personal data in accordance with the policies and procedures that we have put in place. Failure to comply with policies and procedures in place or breaching data privacy will be dealt with through our disciplinary procedures.

Our platform

The personal data shared by schools with us is held on our platform which is designed, built and maintained in-house by our product development team. The Platform is hosted by Amazon Web Services (please [see https://aws.amazon.com/compliance/gdpr-center/](https://aws.amazon.com/compliance/gdpr-center/) for details of AWS GDPR processes and compliance).

Aggregated and anonymized data

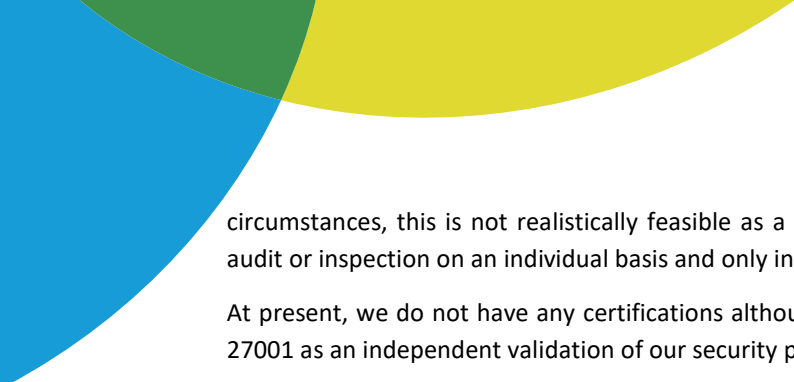
We conduct analysis and research into sessions and outcomes including training delivery and student performance to generally enhance how we deliver our service.

When we conduct analysis and research we aggregate and anonymize data. We analyse and track standards and performance development across different age groups, geographies and other categories of student and no student will be identifiable directly or indirectly from the aggregated data.

Audit, Inspections and Certifications

We are, as stated, we are a controller rather than a processor in respect of the personal data we process.

We currently deliver the service to over 700 schools so although we are, in principle, agreeable to helping you or a third party instructed by you to conduct audits and inspections in appropriate



circumstances, this is not realistically feasible as a general practice. We will consider requests for an audit or inspection on an individual basis and only in specific circumstances.

At present, we do not have any certifications although we will be giving consideration to obtaining ISO 27001 as an independent validation of our security protocols.

Schools' responsibility to ensure access restricted only to authorised persons

Schools, once initially set up, are responsible for setting up staff members and pupils on the platform .

It is the responsibility of schools to ensure that only authorised persons, within their organization, have access to the platform.