


# 18. Privacy Notice

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Hurdle Group Limited (“Hurdle”, “we”, “us”, “our”) is a software development company that provides businesses with cutting edge technology to aid the delivery of software training. We take our responsibility to protect your personal information very seriously and the privacy of every user matters to us. If you have any questions around our policies, please do not hesitate to ask using the contact details below.

## Contact Details

Hurdle Group Limited, is a private limited company registered in England and Wales under company number 12802384.

Data Protection Officer: Edd Tillen

Email address: [privacy@hurdle.live](mailto:privacy@hurdle.live)

Postal address: 71-75 Shelton Street, London, Greater London, WC2H 9JQ

ICO Registration Number: ZA888616

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 (<http://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.

## 1. Who and what does this Privacy Notice apply to?

**Clients and Users (Learner, Trainers and Assistants):** By accessing our Services you are accepting the terms of this Privacy Notice. Additionally, before installing our Software which you will access our Service via, you will be asked to read and agree to our USER TERMS for all Users of our Software and the SOFTWARE AS A SERVICE SUBSCRIPTION AGREEMENT if you are a Client on a paid subscription plan. If you do not agree to our Privacy Notice or USER TERMS, please do not use our Software or Service.

**Suppliers:** If you supply products and Services to us this Privacy Notice also applies to any of your personal data that we collect and process.

**Website Users:** By accessing our Website (<https://www.hurdle.live>) you are accepting the terms of this Privacy Notice.

**Software:** means the online software application and associated Services provided via the Website platform (<https://www.hurdle.live>)

Hurdle respects your personal data and is committed to protecting all personal data collected.

**Personal data** means any information relating to an identified or identifiable natural person.

This Privacy Notice applies to all personal data:

- we may collect and process in the course of providing our Services;
- provided when you visit the Website;
- provided when you contact us via email by completing the online enquiry form or ‘book demo’ or ‘ask a question’ links on the Website;
- which you as a User provide to us when you access our Service via our software.
- which you as a supplier provide to us when we work with you for the supply of your products or Services to our business outside of web-based Services (together the “personal information”).

Our Website, Service and Software is not geared towards individuals under the age of thirteen (13) and is not meant to be used or accessed by individuals under the age of 13. We do not knowingly collect personally identifiable information from children under 13 through our Website, Service and Software.

## **What does this Privacy Notice cover?**

This Privacy Notice provides information about:

- how we use the personal information collected;
- what personal information we collect;
- how we ensure that privacy of the personal information is maintained; and
- your Legal Rights relating to the personal information.

## **What is outside the scope of this Privacy Notice?**

This Privacy Notice applies to our processing of personal data where we are a data controller.

This Privacy Notice does *not* apply to:

- (i) your use of Third Party Applications on your computer(s) when accessing Services; or
- (ii) other links to third party websites or Services which we may direct you to from time to time but for which linking to them is at your discretion. Because we do not control or manage these third- party companies, we are not responsible for the privacy practices and policies of those companies. We encourage you to check the applicable third party’s privacy policies and terms of use before submitting any information through those links and websites.

# Changes to the Privacy Notice and your duty to inform us of changes

We keep our Privacy Notice under regular review. This version was last updated on 18 August 2023.

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.

## 2. The Personal Information we collect about you

We collect, use, store and transfer different kinds of personal information which we have grouped together as follows:

- **Identity Data:** includes organisation name, first name, last name, username or similar identifier.
- **Contact Data:** includes addresses, email address and telephone numbers.
- **Transaction Data:** includes details about payments to and from you.
- **Technical Data:** includes internet protocol (IP) address, your operating system name, browser used, length of visit on a website or spent in a training session, page views and navigation paths as well as information about the timing, frequency and pattern of your use.
- **Profile Data:** includes all username and passwords to Hurdle and the Website or Software.
- **Usage Data:** includes information obtained through login data, keyword searches, how you use our Site, products and Services.
- **Marketing Data:** includes any preferences in receiving marketing from us.
- **Aggregated Data:** includes data such as statistical or demographic data for any purpose, that we collect, use and share. Aggregated Data could be derived from your personal data but is not considered personal data in law as this data will not directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of Users accessing a specific 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.

### If you fail to provide Personal Information

Where we need to collect personal information by law, or under the terms of a contract we have with you, or in order to effectively provide the intended Service, 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 (for example, to provide you with goods or Services). In this case, we may have to cancel a product or Service you have with us but we will notify you if this is the case at the time.

### 3. How is the Personal Information collected?

We use different methods to collect personal information from you including:

- **Direct interactions:** You will give us Identity and Contact Data by filling in forms, populating information on the Website and within the Service and Software or by corresponding with us by post, phone, email or otherwise request marketing to be sent to you.
- **Automated technologies or interactions:** As you interact with our Service, we will automatically collect Technical Data about the operation of our software on your equipment. We collect this personal data by using cookies, server logs and other similar technologies.

### 4. How we use the Personal Information

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

- to streamline networks and improve efficiency of our Service and software for our Users;
- to ensure that content that appears on our Website is as up to date as possible and that it is presented in a manner which allows the Website to be accessible;
- to carry out our obligations arising from the performance of the contract we entered into when you registered to become a Client;
- to carry out our obligations arising from the performance of the contract we entered into with you as a supplier; and
- where we need to comply with a legal or regulatory obligation.

Generally, we do not rely solely on consent as a legal basis for processing your personal data although we will get your consent before sending third party direct marketing communications to you via email or text message. You have the right to withdraw consent to direct marketing at any time by contacting us.

### Purposes for which we will use the personal information

We have set out below, in a table format, a description of all the ways we may use the personal information, 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 the personal information on more than one lawful ground depending on the specific purpose for which we are using the personal information. Please contact us if you need details about the specific legal ground we are relying on to process the personal information where more than one ground has been set out in the table below.

**The personal data we process will only ever be used for these purposes, with legitimate lawful bases, and will never be used to invade the privacy of an individual.**

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
<p><b>To enable us to communicate with you:</b></p> <p><b>(a) When you contact us via the contact forms / links on the Website</b></p> <p><b>(b) When you register as a Client.</b></p>	<p>(a) Identity</p> <p>(b) Contact</p>	<p>(a) Performance of a contract with you</p> <p>Where applicable you will be directed to this Privacy Notice when you use these interactions.</p>
<p><b>To enable us to provide our Service to Users</b></p> <p><b>(a) When you register / login as a trainer to us our Service.</b></p> <p><b>(b) When you join a training session as a learner and participate in training courses.</b></p>	<p>(a) Identity</p> <p>(b) Profile Data</p> <p>(c) Usage Data</p>	<p>(a) Performance of a contract with you</p> <p>(b) You consented to use our Service</p> <p>Where applicable you will be directed to this Privacy Notice when you use these interactions.</p>
<p><b>To manage your account:</b></p> <p><b>(a) Manage bills, payments, fees and charges relating to your use of the Service.</b></p> <p><b>(b) Collect and recover money owed to us for being registered to use the Service.</b></p>	<p>(a) Identity</p> <p>(b) Contact</p> <p>(c) Financial</p> <p>(d) Transaction</p>	<p>(a) Performance of a contract with you as a Client</p> <p>(b) Necessary for our legitimate interests (to recover debts due to us)</p>

<p><b>To administer and protect our business and the Service (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)</b></p>	<p>(a) Identity (b) Contact (c) Technical</p>	<p>(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</p>
<p><b>To manage our relationship with you:</b>  <b>(a) This includes notifying you about changes to any of our terms or this Privacy Notice</b></p>	<p>(a) Identity (b) Contact (c) Profile (d) Marketing</p>	<p>(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)  (d) Necessary for our legitimate interests (the interests of our business to enable us to communicate with you and provide information concerning the aim of our business and explain the functionality of Hurdle which we think will be of interest to you).</p>
<p><b>To use data analytics to improve the Website, products/Services, Client relationships and experiences</b></p>	<p>(a) Technical (b) Usage (c) Marketing</p>	<p>Necessary for our legitimate interests (to keep our Website and Technology updated and relevant, to develop our business and to inform our marketing strategy)</p>

## 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:

- a) **Promotional offers from us.** 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 (we call this marketing). You will receive marketing communications from us if you have requested information from us or purchased goods or services from us and you have not opted out of receiving that marketing.

- b) **Third-party marketing.** We will get your express opt-in consent before we share your personal data with any third party for marketing purposes.
- c) **Opting out.** You can ask us or third parties to stop sending you marketing messages at any time 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, this will not apply to personal data provided to us as a result of purchases or other transactions.

## Cookies

Please see the cookie notices provided to you when you use the Website, or click [here](#) for more information. These give you information about the cookies that we use, why we use them and how you can choose which can be used. If you disable or refuse cookies, please note that some parts of the Website may become inaccessible or not function properly.

## Change of Purpose

We will only use the personal information 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 on [hello@hurdle.live](mailto:hello@hurdle.live).

If we need to use the personal information 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 the personal information 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 share your personal information with the parties set out below. The lawful basis for processing each is based on performance of a contract with you or necessary for our legitimate interests (for running our business, archiving data, provision of administration and IT Services, network security, to prevent fraud and data breach.

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<b>AWS (AWS data centre within the UK)</b>	(a) Identity (b) Contact (c) Profile
<b>Hubspot</b>	(a) Identity (b) Contact (c) Profile (d) Marketing
<b>Sage One</b>	(a) Identity (b) Contact (c) Profile
<b>Sentry.io</b>	(a) Usage data (b) Technical data
<b>Atlassian</b>	(a) Identity (b) Contact (c) Profile
<b>Mailgun</b>	(a) Identity (b) Contact
<b>Authorised Resellers</b>	(a) Identity (b) Contact (c) Transaction
<b>Datadog</b>	(a) Usage data (b) Technical data
<b>Campaign Monitor</b>	(a) Identity (b) Contact (c) Marketing

<b>DocuSign</b>	(a) Identity (b) Contact
<b>Microsoft</b>	(a) Identity (b) Contact (c) Profile
Voximplant	(a) Contact

## Other External Third Parties

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 or joint controllers based in the United Kingdom.

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 policy.

**We require all third parties to respect the security of the personal information and to treat it in accordance with the law. We do not allow our third-party Service providers to use the personal information for their own purposes and only permit them to process personal information for specified purposes and in accordance with our instructions.**

## 6. International Transfers

Your personal data may be stored or transferred to countries outside the EEA for the purposes described in this policy and pursuant to providing the services to you. When we store or transfer your personal data outside the EEA, we will do so in accordance with applicable law and we will ensure a similar degree of protection is afforded to it by implementing the appropriate safeguards listed below. Transfers of personal data will only be made:

- a) to a country recognised by the European Commission as providing an adequate level of protection; or
- b) to a country which does not offer adequate protection but whose transfer has been governed by the standard contractual clauses of the UK GDPR or by implementing other appropriate cross-border transfer solutions to provide adequate protection.

By using our services, you understand that your personal data may be transferred to our facilities and those third parties with whom we share it as described in this policy.

In certain circumstances, we will transfer your information to the United States of America, but only for the purposes described in this policy and pursuant to providing the services to you. Where we do so, we will ensure appropriate safeguards are in place.

## **7. Data Security**

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees who have a business need to know. They will only process your personal information 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 information for?**

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

To determine the appropriate retention period for personal information, we consider the amount, nature, and sensitivity of the personal information, the potential risk of harm from unauthorised use or disclosure of the Personal Information, the purposes for which we process the Personal Information and whether we can achieve those purposes through other means, and the applicable legal requirements.

### **How do I access data you hold about me?**

Under certain circumstances, you have rights under data protection laws in relation to your personal data as set out in section 9. To do this, please put your request in writing, by contacting us at: [privacy@hurdle.live](mailto:privacy@hurdle.live).

### **No fee usually required**

There will not be a charge to access the personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if the request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with the 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 information (or to exercise any of your other rights). This is a security measure to ensure that personal information 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.

# 9. Your Legal Rights

Under certain circumstances you have rights under data protection laws in relation to your personal data. Please see section 8 for details on how you request or action these legal rights.

You have the right to:

**Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.

**Request correction** of the personal information that we hold about you. This enables any incomplete or inaccurate data we hold to be corrected, though we may need to verify the accuracy of the new data provided.

**Request erasure** of your personal information. This enables you to ask us to delete or remove your personal information where there is no good reason for us continuing to process it, this includes the ability to be instantly removed (unsubscribed) from any marketing lists.

You also have the right to ask us to delete or remove personal information where you have successfully exercised the right to object to processing (see below), where we may have processed the personal information unlawfully or where we are required to erase personal information to comply with local law. Note, however, that we may not always be able to comply with requests for the erasure as a result of specific legal reasons which will be notified to you, if applicable, at the time of the request.

**Object to processing** of personal information where we are relying on a legitimate interest (or those of a third party) and there is something about the particular situation which makes you object to processing on the ground it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing such Personal Information for direct marketing

purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process the Personal Information which override your rights and freedoms.

**Request restriction of processing** of the personal information. This enables you to ask us to suspend the processing of your personal information in the following scenarios: (a) if you need us to establish the personal information's accuracy; (b) where our use of the personal information is unlawful but you do not want us to erase it; (c) where you need us to hold the personal information even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to the use of the personal information but we need to verify whether we have overriding legitimate grounds to use it.

**Request the transfer of your personal Information to you or to a third party.** This does not apply to the personal information we collect and process for you.

**Withdraw consent at any time** where we are relying on consent to process your personal information. However, this will not affect the lawfulness of any processing carried out before the withdrawal of 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.

## Glossary

### Lawful Basis:

**Legitimate Interest** means the interest of Hurdle in conducting and managing its business to enable it to give you the best Service and the best and most secure experience. For example, we have an interest in making sure our marketing is relevant for you, so we may send you marketing that is tailored to your interests in our business and the Service. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal information for our legitimate interests. We do not use your personal information 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).

**Performance of Contract** means processing personal information where it is necessary for the performance of the contract with the Client or supplier.

**Comply with a legal or regulatory obligation** means processing your personal information where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

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