**Privacy Policy**

This policy was last reviewed and updated on 13 December 2023.

This privacy policy explains how D2L Corporation (“D2L Corporation”, “we” or “us”) collects and uses information about you when you use our products and services (“services”) and why we collect certain personal data. This policy also explains the choices that you can make about the way that we use your information. We have also included relevant resources which you may use to engage with us to ensure your personal data is protected.

We adopt the European Union General Data Protection Regulation (“GDPR”) to protect your personal data and privacy. We ensure that we are GDPR compliant and adheres to local privacy legislation requirements. However, some responsibility for compliance and safety rests with the organisation that make use of our services.

Please read this privacy policy carefully to understand how we handle your personal information. If you do not agree to this privacy policy, please do not provide any information to us or use our services. By using the services, you agree to the terms of this privacy policy.

Your system does not comply with the GDPR - not informing users of the consequences if they choose not to provide certain information in the system.

# SECTION 1 - ABOUT US

D2L Corporation is the data controller of the personal information we collect about you. In this privacy policy, references to "we" or "us" are to D2L Corporation.

# SECTION 2 – HOW YOUR PERSONAL DATA IS COLLECTED

*What is personal data?*

‘Personal data’ means any information that can be used to identify you either directly (e.g., your name and identification number) or indirectly.

*Why do we collect your personal data?*

We will only process your personal information if we have a lawful basis for doing so. We will process (collect, store and use) the information you provide in a manner compatible with GDPR. By using our services, you acknowledge and agree that we may access, retain and disclose the information we collect and maintain about you if required to do so by law or in a good faith belief that such access, retention or disclosure is reasonably necessary to respond to claims that any content violates the rights of third parties and respond to your requests for customer service.

We process your personal information when it is necessary for the legitimate interests of us, third parties or others. The legitimate interests include, but not limited to, the followings:

* Carrying out research and statistical analysis
* Compliance with legal obligations
* Marketing of our products and services
* Operating and improving our business, product and services
* Providing customer support
* Using of your personal information is necessary for our legitimate interests or the legitimate interests of others

If we rely on our (or another party’s) legitimate interests for using your personal information, we will undertake a balancing test to ensure that our (or the other party’s) legitimate interests are not outweighed by your interests or fundamental rights and freedoms which require protection of the personal information. Please note, however, that certain information may be exempt from such requests in some circumstances, which may include if we need to keep processing your information for our legitimate interests.

From time to time we may also need to process personal data if it is necessary for a task carried out in the public interest. We process your personal information where we have your explicit consent to collect, store and use your personal information for specific purposes based on the consent you have given to us at the point and time of collection. We may seek for additional consent for additional uses of information, including personal information, and will use it only for the purpose described to you. Users are able to see the policies they have agreed to.

We process your personal information when we need to provide services and fulfilling our obligations under any contract to you, usually relating to a terms of service or partnership agreement. In any case, the company will gladly help to clarify the specific legal basis that applies to the processing, and in particular whether the provision of personal information is contractual requirement.

We process your personal information when it is necessary to comply with legal obligations.

The special categories of personal data (Article 9 of GDPR) we process are biometric data in the form of facial images, where you have uploaded and we store your profile picture health data in respect of employees, contractors and other people who work with us and/or any special categories of special personal data which any user volunteers while using our services (for example in a forum or submission).

If we need to pass on special category personal data (see Article 9 of GDPR) to a third party, we will only do that in accordance with the legal bases under Article 6 of GDPR.

You may exercise your rights of access, rectification, cancellation and opposition by contacting us. We will consider all requests and provide our response within the time period stated by applicable law.

Your system does not comply with the GDPR - not providing a feature for users to choose not to provide their personal data to the system.

You can contact us for individual rights requests about your personal data. You can update or terminate your account from within our Services.

What personal data do we collect?

The personal data that you choose to directly provide to us in connection with your use of the services, to share publicly on the services, are automatically collected when you use our services includes: first and last name, email address, other personal data, personal information provided by your organization.

How do we collect your personal data?

**Collect directly from you**

We directly collect personal information from you when you interact with us. This can be through our websites, over the phone, in person, including, without limitation, when you: Account registration and administration of your account;

* Apply for employment;
* Contact us for support;
* Create a professional profile; through our career services
* Make a purchase from us;
* Participate in public forums;
* Participate user surveys, evaluations, promotions, contests and giveaways;

Provide information about your assignments, exams, assessments, performance and accomplishments related to courses.

We directly collect personal information from you when you interact with us. This can be through our websites, over the phone, in person, including, without limitation, when you: Account registration and administration of your account;

* Apply for employment;
* Contact us for support;
* Create a professional profile; through our career services
* Make a purchase from us;
* Participate in public forums;
* Participate user surveys, evaluations, promotions, contests and giveaways;
* Provide information about your assignments, exams, assessments, performance and accomplishments related to courses.

The specific types of information we collect will depend upon the services you use, how you use them, and the information you choose to provide.

**Collect through our partners, third parties or data collection tools**

Our partners may collect your personal information for specific purposes while those partners provide the services to us. The advertisers may use cookies and other tracking technologies to collect your personal information.

We may also collect your personal information from the information obtained from our partners and third parties. You are authorising us to collect, store and use, in accordance with this privacy policy, any and all information that you have authorised our partners and third parties to provide to us.

We may also collect your personal information obtained from third parties, by automatic data collection tools, and/or that you have shared publicly. This can be through, but not limited to, when you:

* Interact with our websites

We and our service providers (which are third party companies that work on our behalf) may use a variety of technologies, including cookies and similar tools, to assist in collecting this information. The tracking services that we use are:

* Cookies and web beacons
* Google Analytics

Please provide the instruction for opting out from tracking through the use of cookies and other tracking technologies to users.

Please provide a feature for users to opt out of personal data collection through the data collection tools.

Please provide a feature for users to opt out of personal data collection through the use of cookies by third parties.

**Collect through email communication/direct marketing**

You have the right to opt out from certain email communications or direct marketing purposes by following our instructions presented on the site. If you reside or are located in the EEA, United Kingdom, Switzerland, or other region that offers similar protections, you have the right to prevent the processing of your personal data for direct-marketing purposes.

Please provide a feature for users to opt out of email communications and/or direct marketing. Please provide the users the instructions how they can opt out from email communications and/or direct marketing to users.

# SECTION 3 - HOW YOUR PERSONAL DATA IS USED

We, or our service providers, collect and process your personal information for the following purposes:

* Analyse and improve the services
* Communicate with you about marketing offers and relevant ads
* Communicate with you about the sites' announcements, updates or offers
* Communicate with you about your services
* Customise the advertising and content we provide through our services
* Enhance our products, services, and your customer experience
* Provide customised experience while using our products/services
* Provide services you have requested
* Provide technical support to you
* Remember your preference settings

We share your personal information with our third parties so that they can fulfil our services for the following purposes:

* Monitor and assess the integrity of your course activity
* Perform analytics to evaluate access to and performance in courses and course-related products and services and to report aggregate usage information (not Personal Information) to business partners and external audiences
* Provide basic functionalities
* Provide requested services, as directed for specific purposes
* Process payments

We may use third-party web analytics services (such as those of Google Analytics) on our services to provide certain features to you, engage in auditing, research or reporting, assist with fraud prevention, collect and analyse usage information and optimise our business.

We use cookies for the following reasons:

* To collect information about the pages you view, the links you click and other actions you take

We may disclose, share or transfer your personal information if we believe disclosure is in accordance with, or required by, applicable law, regulation, legal process, or audits. These parties may include:

* third party advertisers and networks and marketing tools
* an acquirer, assignee or other successor entity
* our payment service providers
* service providers
* our business partners
* customer service and support providers

Except as set forth above, you will be notified when your personal information may be shared with third parties outside the scope of this privacy policy, and will be able to prevent the sharing of this information.

# SECTION 4 – HOW YOUR PERSONAL DATA IS STORED

How do we store your data?

We store and retain your personal information depends on the purposes for which we collected and use it and/or as required to comply with applicable laws. These include, but not limited to, the followings:

* Your account is active or as needed to provide you with services;
* To serve the purposes which it was collected;
* To comply with legal obligations

We will endeavour to keep your information accurate and up to date, and not keep it for no longer than is necessary for the purposes for which it is collected and processed.

Please note that, regardless of your request, we may still use and share certain information as permitted by this privacy policy or as required by applicable law.

How do we retain your data?

We may retain your personal information in our databases and systems for longer (e.g. after your account is deactivated/terminated) if we have a legitimate purpose to do so and in accordance with applicable law. These include, but not limited to, the followings:

* Maintain an active account or user profile; as needed to provide you with the applicable Brightspace or other D2L offering

When we have no ongoing legitimate business need to process your information, we will either delete or anonymise it.

When your data is no longer required to fulfil the service, those third parties will be directed to dispose of your data in accordance with our standard procedures.

# SECTION 5 – INDIVIDUAL RIGHTS

We would like to make sure you are fully aware of all your data protection rights.

You have certain rights with respect to your personal information, including those include in this privacy policy. If you are a resident of the European Economic Area (EEA), or are accessing this Site from within the EEA, you have certain rights with respect to your data.

You have the following rights:

* *Right to access*   
  You have the right to access and/or request a copy of the information that we hold about you. You may also confirm that your personal information remains correct and up-to-date. If you reside or are located in the EEA, United Kingdom, Switzerland, or other region that offers similar protections, you have the right to request access to your data in a portable format. You may also email us at AskUs@D2L.com in order to access your personal information on our systems.
* *Right to judicial review*

Your system does not comply with the GDPR - not providing the right to judicial review.

* *Right to rectification*  
  You have the right to correct data that we hold about you that is inaccurate or incomplete. If you reside or are located in the EEA, United Kingdom, Switzerland, or other region that offers similar protections, you have the right to update your inaccurate or incomplete personal information. You may also email us at AskUs@D2L.com in order to correct or update your personal information on our systems.
* *Right to erasure*  
  You have the right to request the erasure of your personal information. You can request for the erasure of your personal information by emailing AskUs@D2L.com.
* *Right to restrict of processing*  
  You have the right to restrict the way that we process and disclose certain of your information. If you reside or are located in the EEA, United Kingdom, Switzerland, or other region that offers similar protections, you have the right to restrict the way that we process your personal data.
* *Right to object to processing*  
  Your system does not comply with the GDPR - not providing the right to object to processing.
* *Right to object to automated processing*
* *Right to data portability*  
  Your system does not comply with the GDPR - not providing the right to data portability.

Your system does not comply with the GDPR - not allowing users to withdraw their consent.

# SECTION 6 – TRANSFER OUTSIDE EUROPE

Personal data is also processed outside of the UK, Switzerland, and the EEA by us, our affiliated companies, or our service providers, including to process transactions, facilitate payments, and provide support services. We use Standard Contractual Clauses adopted by the European Commission to facilitate transfers of personal data from the EEA to third countries and have entered into data processing agreements with our service providers. These measures include signing Standard Contractual Clauses in accordance with European Union and other data protection laws to govern the transfers of such data.

By using the services, you acknowledge that any personal information about you, regardless of whether provided by you or obtained from a third party, is being provided to [US CONTROLLER'S NAME] in the U.S. and will be hosted on U.S. servers, and you authorise D2L Corporation to transfer, store and process your information to and in the U.S., and possibly other countries. If you are using the services from outside the United States, you consent to the transfer, storage, and processing of your data in and to the United States or other countries.

If we provide any information about you to any such non-European Union entities, we will take appropriate measures to ensure such companies protect your information adequately in accordance with this privacy policy.

By providing us with your information, you acknowledge any such transfer, storage or use. DSL Corporation will take reasonable and appropriate steps necessary to ensure that any third party who is acting as a “data processor” under EU and Swiss terminology is processing the personal data we entrust to them in a manner that is consistent with the EU-US and Swiss-US Privacy Shield Principles.

Our affiliated companies are to restrict and regulate their processing of your data.

By using the services, you acknowledge that any personal information about you, provided by you, is being provided to [US CONTROLLER'S NAME] in the U.S. and will be hosted on U.S. servers.

# SECTION 7 – CHILDREN’S DATA

We do not knowingly collect, process or maintain personal information from individuals under 16 without parental consent. The services are intended for general audiences and not for children under the age of 16. If you are under 16, please do not use our services or send any personal information about yourself to us.

Your system does not comply with the GDPR - not taking reasonable steps to delete children's data when it is collected inadvertently.

# SECTION 8 – COMPLAINT HANDLING

Complaint handling with the controller

If you do not receive timely acknowledgment of your complaint, or if your complaint is not satisfactorily addressed by D2L Corporation, please visit or contact AskUs@D2L.com to file a complaint.

Complaint handling with a supervisory authority

You have the right to lodge a complaint with our data protection supervisory authority about how your personal data is being processed by us (or third parties as described above), or how your complaint has been handled. If you reside or are located in the EEA, United Kingdom, Switzerland, or other region that offers similar protections, you have the right to lodge a complaint with respect to the handling of personal information with the supervisory authority of your country or EU Member State.

Please provide the contact details of the supervisory authority.

# SECTION 9 – HOW YOUR PERSONAL DATA IS PROTECTED

We have put in place appropriate technical and organisational security measures to protect the confidentiality, integrity, and availability of the information that it collects, receives, stores, or transmits by us and our processors from loss, misuse, and unauthorized access, disclosure, alteration, or destruction. All information is stored on our secure servers.

Notification of data breaches

Your system does not comply with the GDPR - notification of a personal data breach.

Your system does not comply with the GDPR - not notifying a security breach to affected users within 72 hours.

# SECTION 10 – CONTACT INFORMATION

Contact us

If you have any questions about this privacy policy or our data practices generally, please contact us using the following information:

D2L Corporation

Attn: Privacy Officer

137 Glasgow St Suite 560

Kitchener, ON N2G 4X8

cc: Legal Department

or at Privacy@D2L.com.

Contact our Controller Representative

Our designated representative and contact information: D2L Europe Ltd.

To contact D2L Europe Ltd., please use the following contact information:

Post: D2L Europe Ltd.

Attn: Data Protection Representative

c/o Taylor Wessing LLP

5 New Street Square, London

EC4A 3TW

Email: N/A.

Phone: N/A.

Contact our Data Protection Officer (DPO)

We have appointed D2L Corporation as our Data Protection Officer (DPO). You can contact us by mail at

Attn: Privacy Officer

137 Glasgow St Suite 560

Kitchener, ON N2G 4X8

cc: Legal Department.

Where we are your Data Controller, please make your request directly to the Data Protection Officer at Privacy@D2L.com.