# Privacy Notice

Last updated: June 2022

Moodle Pty Ltd and its affiliated companies (“Moodle”, “we” or “us”), is the company at the heart of the open source Moodle Project: empowering educators to improve our world. This privacy notice sets out how Moodle collects and uses information about you when you use our products and services (“services”) and why we collect certain personal data. This notice also explains the choices that you can make about the way that we use your information.

We have also included a number of useful resources below which you may use to engage with Moodle to ensure your personal data and the personal data of those around you is protected.

Your privacy protection is important to us. This is why we have adopted the following pivotal legislation: EU’s General Data Protection Regulation 2016/679 (“GDPR”), UK General Data Protection Regulation (“UK GDPR”) and the California Consumer Privacy Act 2018 (“CCPA”). This privacy notice relates to all personal data we process and addresses the legislation mentioned.

‘Personal data’, in this privacy notice, means any information relating to an identified or identifiable natural person (‘data subject’). An identifiable natural person is someone who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

## Why we collect your personal data

***So that we can help you, we need your data and here we tie in our legal justifications for needing to collect your data.***

In order for us to provide you with our services or for correspondence purposes we need to collect your personal data. We ensure that the information we collect and use is confined to this purpose. We always process your personal data for specific purposes, with the nature of the data collected depending on your interaction with us. We are committed to transparency in this.

Our legal bases for controlling or processing personal data are:

* **Article 6.1(a) GDPR (Consent):** You provide informed consent to us or have a reasonable expectation that we will use your information in a certain way – for example, to engage in our community discussions, or to hear about new services or offers. You can withdraw your consent at any time either by selecting ‘delete my data’ within the specific service or by request to [privacy@moodle.com](mailto:privacy@moodle.com);
* **Article 6.1(b) GDPR (Contract):** Providing our services and fulfilling our obligations to you, usually relating to a terms of service or partnership agreement;
* **Article 6.1(c) GDPR (Legal Obligation):** The necessity to meet compliance with our legal obligations; and/or
* **Article 6.1(f) GDPR (Legitimate Interest):** Where it is in our legitimate interests to do so. We only rely on ‘legitimate interests’ as the legal basis for processing by us, or third parties we use, for these purposes:
  + recruitment and induction of new employees, contractors and other people who work with us;
  + emergency contacts for people who work with us, such as employees and contractors for health and safety purposes;
  + business development; or
  + providing login systems to users via their existing social media accounts.

Where we rely on a specific basis for processing your information and you wish to object to that processing, you must be aware that it might not be possible for you to continue using our services.

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** as outlined above.

If you would like more details please refer to our [Register of GDPR Information.](https://moodle.com/wp-content/uploads/2022/06/Register-of-GDPR-Information.pdf)

## How we collect personal data

***Here we give you examples of ways that you interact with us and the resulting data we may collect!***

Moodle collects personal data from you when you interact with us. This can be through our websites, over the phone, in person, including, without limitation, when you:

* create an individual or corporate user account;
* request support;
* register for or participate in an online class, exam, certification, training, webcast or other event;
* request information or materials;
* participate in surveys or evaluations;
* participate in promotions, contests or giveaways;
* make a purchase through our shop or register products;
* apply for employment;
* submit questions or comments; or
* submit content or posts on our forums or other interactive webpages.

## How we use personal data

***Here we let you know what happens if we need to engage others to assist us to service your needs. If we do engage others we have set how we ensure your data is kept safe.***

We may need to pass your personal data on to third-party service providers contracted to Moodle in the course of dealing with you. We do this because there are services, such as our video conferencing facility, which will not work unless we are able to make these transfers. Any third parties we share your data with are obliged to keep your personal data secure and use it only for necessary service delivery. 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.

We seek to enter into **Data Processing Agreements** with our third party service providers to ensure they only process your data as instructed by us. If you obtain products or services directly from us on behalf of others we will ensure you enter into a [Data Processing Agreement (DPA)](https://moodle.com/wp-content/uploads/2022/06/Data-Processing-Agreement-Moodle-30-June-2022.pdf) with us. You will also need to enter into a DPA with your students/employees/customers when using our systems. An example of our DPA is available on our website.

## How we store personal data

***Here we outline our processes for data storage, how we will protect your data and keep it only for as long as needed!***

We will process (collect, store and use) the information you provide in a manner compatible with GDPR. We maintain physical, organisational and technical safeguards for all personal data we hold. We will endeavour to keep your information accurate and up to date, and not keep it for longer than is necessary. We are required to retain certain information in accordance with the law, such as information needed for income tax and audit purposes. How long certain kinds of personal data should be kept are governed by specific business sector requirements and agreed practices. Personal data can be held in addition to these periods depending on individual business needs.

We will process different forms of personal data for as long as it is necessary and proportionate for the purpose for which it has been supplied and we will store the personal data for the shortest amount of time possible, taking into account legal and service requirements.

## Marketing

***We love to share, but you can opt out and we will not sell your information!***

We have no interest in collecting any data beyond that needed to ensure our services work for you. If you are going to be contacted by us for marketing purposes, we will not rely solely on this privacy notice. We will endeavour to seek your consent appropriately. Moodle does not sell data, and has no intentions in doing so in the future.

## Data protection rights

***You control the personal data you share with us! Here, we outline your rights under GDPR and CCPA.***

At any point while we are in possession of or we process your personal data, you have the following rights:

* (GDPR) right of access – you have the right to request a copy of the information that we hold about you;
* (GDPR) right of rectification – you have a right to correct data that we hold about you that is inaccurate or incomplete;
* (GDPR) right to be forgotten – in certain circumstances you can ask for the data we hold about you to be erased from our records;
* (GDPR) right to restriction of processing – where certain conditions apply to have a right to restrict the processing;
* (GDPR) right of portability – you have the right to have the data we hold about you transferred to another organisation;
* (GDPR) right to object – you have the right to object to certain types of processing such as direct marketing;
* (GDPR) right to object to automated processing, including profiling – you also have the right not to be subject to the legal effects of automated processing or profiling;
* (GDPR) right to judicial review: in the event that we refuse your request under rights of access, we will provide you with a reason as to why. You have the right to complain as outlined below;
* (CCPA) right to deletion - you have the right to delete personal information collected from you (with some exceptions);
* (CCPA) right to opt out of sales - we do not sell your data;
* (CCPA) right to be free of discrimination - if you exercise your rights we will not discriminate against you; and/or
* (CCPA) right to know - you have the right to know:
  + the categories of personal information collected;
  + specific pieces of personal information collected;
  + the categories of sources from which we collect personal information;
  + the purposes for which we use your personal information;
  + the categories of third parties with whom we share your personal information; and/or
  + the categories of information that we disclose to third parties.

Where we are your Data Controller, please make your request directly to the Data Protection Officer at [dpo@moodle.com](mailto:dpo@moodle.com). We will always respond within one month.

However, if we are processing your data on behalf of your Data Controller (your service provider) you should contact them directly.

## Useful Resources

***We provide you with useful resources to streamline your engagement with us.***

We remain committed to building a secure LMS that protects the privacy and security of learners' and employees’ data. We provide all users with the tools to ensure that their data, information and operations are secure and protected. Privacy features embedded with Moodle LMS ensure that Moodle is GDPR compliant and adheres to local privacy legislation requirements. However, some responsibility for compliance and safety rests with the organisation that controls each Moodle installation. We encourage institutions and organisations to implement security measures for their Moodle installation and:

* write multiple [policy documents](https://docs.moodle.org/400/en/Policies)(including site policy for guests) so that they can be completely transparent with their learners, educators and anyone who visits their site on how they collect, use or disclose their data;
* protect digital minors with [age-of-consent checks](https://docs.moodle.org/400/en/Privacy#Digital_age_of_consent_verification) and manage access for minors who require parental agreement to access their learning management system;
* handle all [data requests](https://docs.moodle.org/400/en/Data_privacy) from learners and keep track of retention periods in a centralised place; and
* enable users to easily [request access or download their data](https://docs.moodle.org/400/en/Data_privacy#Data_requests), to see the policies they’ve agreed to and appoint a Privacy officer role to manage subject access/deletion requests from such users centrally.

We have also included some useful resources for your use in engaging with MoodleHQ:

 Our standard [Data Processing Agreement (DPA)](https://moodle.com/wp-content/uploads/2022/06/Data-Processing-Agreement-Moodle-30-June-2022.pdf)that covers all of our products and services in a concise and comprehensive Schedule 1.

 Cross Border Standard Contract Clauses (SCCs) - Data Exporter - Data Importer that allow us to contract with you to ensure protection of any personal data required to be transferred outside the EEA.

 [GDPR Questionnaire](https://moodle.com/wp-content/uploads/2022/07/GDPR-Questionnaire.pdf) that may assist you in undertaking due diligence of Moodle's privacy practices when choosing a vendor that's right for you.

## Privacy notices of other websites

***Our privacy notice and managing your data is only applicable when you are using our services. It does not cover your use of others’ sites and services.***

This privacy notice outlines how we manage your personal data. If the website you are using is not hosted by us or you click on a link to another website, we encourage you to read their privacy notice.

Where we are not involved with your personal data, such as where the Moodle software has been self-hosted, you should address your requests to the Data Controller of the website since we have no access to your personal data.

## Children and Personal Data

***Let’s keep our children safe!***

Here at Moodle we understand the importance of protecting the personal data of children under the age of 16. It is not our intention to collect personal data from a child. If you believe that a child has disclosed personal data or that we hold personal information about a child, please email us at [privacy@moodle.com](mailto:privacy@moodle.com).

## Verification

***Before we action a request we need to ensure it is from you.***

Before we action a personal data request we need to verify your identity. We accept a request made through your personal Moodle account while you are logged in. We sometimes require additional information such as a colour copy of your passport, driving licence or national ID card.

## Amendments to our Privacy Notice

***We are transparent about any updates made to this Notice.***

Moodle updates our privacy notice when necessary or in response to:

* feedback from our community, customers, relevant authority, industry or other stakeholders;
* changes in our products or services; and/or
* data processing or policy changes.

The “last updated” date at the top of this privacy notice reflects when the most recent changes were made. We encourage you to periodically review this privacy notice for any amendments.

## How to contact us

***We love feedback, reach out to us!***

If you have any questions about our privacy notice, please contact us via our [Feedback Form](https://moodle.com/contact/other-enquiries/?selection=privacy#form), or by email at [privacy@moodle.com](mailto:privacy@moodle.com), or by mail at:

Moodle Pty Ltd  
PO Box 303  
West Perth WA 6872  
Australia

## How to contact the appropriate authorities

***Here we provide further independent contacts should they be required.***

If you have questions or wish to lodge a complaint about how your personal data is being processed by us (or third parties as described above), or how your complaint has been handled, you have the right to contact a supervisory authority and also our Data Protection Officer, Data Compliance Europe Ltd.

**Our independent Data Protection Officer is:**  
Data Compliance Europe Ltd.  
12 City Gate  
Lower Bridge Street, Dublin 8  
Ireland  
Email: [moodle@datacomplianceeurope.eu](mailto:moodle@datacomplianceeurope.eu)

**Our supervisory authority is:**  
Data Protection Commissioner  
Canal House  
Station Road, Portarlington  
R32 AP23 Co Laois  
Ireland  
Email: [info@dataprotection.ie](mailto:info@dataprotection.ie)  
Phone: +353 57 8684800

### Register of GDPR Information

If you would like more details about the types of information we process, please refer to our [Register of GDPR Information.](https://moodle.com/wp-content/uploads/2022/06/Register-of-GDPR-Information.pdf)