

# KAPLAN TEST OF ENGLISH PRIVACY NOTICE FOR CANDIDATES

Kaplan Test of English is committed to maintaining the privacy and security of your personal data. This privacy notice explains how we collect, use, share and protect your personal data.

It is important that you read this privacy notice so that you are aware of how and why we are using your personal data.

## WHO WE ARE

Kaplan Test of English is an English assessment product of Kaplan International Pathways.

Kaplan International Pathways is the trading name of Kaplan International Colleges UK Ltd. (Company No. 05268303) with its registered address at Palace House, 3 Cathedral Street, London SE1 9DE, United Kingdom) so when we mention "Kaplan Test of English", "Kaplan", "we", "us" or "our" in this Privacy Notice, we are referring to this company which is responsible for processing your data.

If you are taking a Kaplan Test of English test as a direct student where you have booked and paid for the test yourself (i.e. not sponsored by an agent or university) Kaplan Test of English is the "data controller" of the personal information we hold for the purposes of the UK General Data Protection Regulation (the UK GDPR) and the Data Protection Act 2018 (the Data Protection Act). This means that we are responsible for deciding how we hold and use personal information about you.

Where we act as a data controller, we are required under data protection legislation to notify anyone who provides personal data to us, either directly or through a third party, of the information contained in this Privacy Notice.

If you are taking a Kaplan Test of English test where your test has been booked and paid for on your behalf by your agent, employer or university they will remain the "data controller" of your personal information and Kaplan Test of English will be a "processor" of that information as we will have a contract in place with them and we act on their behalf and only on their instructions. To understand more about how your agent, employer or university look after your personal information you should consult their Privacy Notice.

## DATA PROTECTION OFFICER

We have appointed a Data Protection Officer (DPO) who is responsible for overseeing questions in relation to this privacy notice.

### Contact details

Email address: [dpo@kaplaninternational.com](mailto:dpo@kaplaninternational.com)

Postal address: Palace House, 3 Cathedral Street, London SE1 9DE, United Kingdom.

If you are an EU national or resident in an EU country, and wish to contact our EU Representative:- Kaplan Ireland Education Limited, 13/14 Aungier Street, Dublin 2, D02 WC04 Ireland.

## GROUNDS FOR PROCESSING PERSONAL DATA

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

- Where we need to fulfil a contract that we have entered into with you.
- Where we need to comply with a legal obligation.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

We may also use your personal data in the following situations, which are likely to be less common:

- Where we need to protect your vital interests (or someone else's interests).
- Where it is needed in the public interest or for official purposes.

Examples of how we may use your personal data:

- for the purpose you provided personal data, for example to enroll you in an assessment
- to reset your account password
- to administer, support, improve and develop our business

The reading and listening test components of the Kaplan Test of English are based on automated scoring. Reading and listening scores are determined by the platform and stored. These may be recorded on a Kaplan Test of English Results Report and/or certificate. Candidates can make an appeal for the reading and listening components to be manually reviewed by contacting [englishtest.appeals@kaplan.com](mailto:englishtest.appeals@kaplan.com)

## INFORMATION ABOUT YOU THAT WE COLLECT

We collect and processes your personal data so that we can process your application, payment and provide services to you.

### Enquiries

When you request information or make enquiries about our services, we will use the personal data you provide in order to fulfil your request or respond to your enquiry.

### Registration, booking and sitting an assessment

When you register with us in order to take an English test, taster test, submit a booking request or make payment for, or attend, an assessment, Kaplan Test of English will collect the following categories of personal data about you.

- Personal contact details such as name, date of birth, personal email addresses and university ID number. Kaplan Test of English also allocate all test takers an ID number.
- Country in which the test is taken
- Nationality of the test taker
- Country of residence
- Bank account details

## Bank account details

We use a third-party payment provider called Flywire (<https://www.flywire.com/legal/privacy-policy>) to take your payment. All the transaction details are encrypted and secured. We will provide you a link to their secure payment portal where you will be required to share payment information such as your credit card details in order to pay a deposit.

We do not collect your bank account details or payment information directly, although we may do so in the event that we need to issue you with a refund. We can see from the payment portal that you have paid, your country of origin and what type of bank card you used.

If you are under 18 we will also collect the following personal details of your parents or legal guardian:-

- Name
- Their signature

## Reasonable adjustments

If you require any reasonable adjustments, then we will also collect data related to any disability or condition that may affect your ability to successfully take the test or requirements for reasonable adjustments.

## Proctoring and Plagiarism

To ensure the integrity of our testing we use proctoring and plagiarism checking software for all our tests (“**Proctoring Service**”). If you sit a Kaplan Test of English in person, the proctoring is done by persons sat in the room at the time of the test. If you are under 18 then parental or legal guardian’s consent is required for the use of the Proctoring Service. If you take the Kaplan Test of English test online, then this proctoring is conducted remotely using either (i) the Proctortrack Testing Platform or (ii) Talview.

(i) Proctortrack

Where Proctortrack is used, your data will be processed by Verificent Technologies Inc as either a Processor or Sub Processor of Kaplan Test of English ([https:// www.proctortrack.com/privacy-policy/](https://www.proctortrack.com/privacy-policy/)).

Personal Information collected through proctoring services may include the following:

- Name
- Photograph of identity document, such as a driver’s license
- Photograph of you
- Telephone Number (used for tech support only)
- Name of the Test Sponsor(s) (i.e., the educational institution(s)) at which you are enrolled and course test information
- E-mail address
- Test submissions
- Screen-captures
- Audio and video recordings of you taking tests
- Hardware and software details (background process list, system configuration information, etc)

Student proctoring data is held in Verificent Technologies Inc’s secured servers until 120 days after the completion of a proctored exam attempt. If a data purge is required outside the normal guidelines, the request can be implemented within 15 business days of a purge request.

(ii) Talview

Talview, as a Data Importer, processes the following types of personal data on behalf of its customers [Privacy - Talview](#).

The list includes, but is not limited to, the following items:

- Identification information of the candidate, such as a student card or ID;
- Video footage of the candidate;
- Screenshots of the PC or other device used by the candidate;
- Name and email of the candidate;
- Associated details regarding tests (including but not limited to education provider);
- IP address of the candidate; vii. Any other data relating to individuals provided to the Data Importer via the services at the discretion of the customer, or customers' customer or end users

Student data will be held in secure servers. Talview has a Primary Data Centre in the Netherlands (MS Azure) and a Secondary Data Centre - Ireland (MS Azure). Student data will be stored in active directory (front end) for 90 days. After which the student data will be transferred to cold storage and stored for the contract duration. The data can be retrieved upon request.

All writing tests are reviewed through plagiarism checking software "Copyleaks"  
[Privacy Policy - Copyleaks](#)

Personal information collected for plagiarism checking includes name and email address.

Generally, we do not rely on consent as a legal basis for processing your personal data other than in relation to sending direct marketing communications to you via email. You have the right to withdraw consent to marketing at any time by contacting us.

## SHARING INFORMATION

We do not share personal data with third parties for marketing purposes. We may hire other companies to perform services on our behalf including, without limitation, facilitating some aspects of our website and services, managing our database, sending e-mail and other mail to you, processing and collecting payments, providing us with legal, financial and accounting advice and conducting required audits. These other companies may be supplied with or have access to your information solely for the purpose of providing these services to us or on our behalf.

We also may disclose personal data in special circumstances where it is necessary under the law (for example, when necessary to protect our or a third party's intellectual property or proprietary rights) or when we, at our sole discretion, believe it is appropriate, in connection with a sale or transfer of some or all of our assets, or when we, in good faith, believe that the law requires us to do so.

If you have enrolled with Kaplan Test of English through your employer, sponsor, agent or educational institution, we will share your personal data, test results, any reasonable adjustments made for your

test, proctoring recordings including flags for suspected misconduct.

If you have purchased the Kaplan Test of English test directly from us, we may share your personal data and test results with third parties such as educational institutions or organisations that recognise the Kaplan Test of English test for the purposes of verification.

We may share your personal data with our affiliates, subsidiaries and other members of the Kaplan group of companies, including companies located outside of the EU. In many cases, Kaplan may disclose aggregated and anonymous data, which may include information about or derived from you, with third parties.

If you are under 18, we may share your personal data with your parents or guardians in order to perform our contract, comply with our legal obligations and if it is in your vital interests.

Kaplan Test of English has entered into contracts with third party suppliers whose services are required to support the provision of the assessments. Kaplan Test of English will share your personal data with such suppliers as is required under those contracts in order for the services to be performed.

These services may include processing booking requests and payments, verifying your identity, providing systems enabling you to schedule and manage assessment appointments and engaging in associated correspondence, providing customer service, performing business and sales analysis and supporting our website and IT functionality. These service providers may be supplied with or have access to your personal data solely for the purpose of providing these services to us or on our behalf.

If you choose to take a Kaplan Test of English test through online proctoring, then your data will be shared with Verificent Technologies Inc or Talview Inc.

## INTERNATIONAL TRANSFER

Your personal information may be stored and processed outside of the country where it is collected, including outside of the European Economic Area.

For example, data collected through proctoring is stored on Verificent Technologies Inc's server in the U.S.A.

All writing tests are reviewed through Copyleaks software whose Headquarters are in the U.S.A.

Test takers based in China will take Kaplan Test of English that is hosted on a local service hosted by Kaplan – CITIC Education Co. Ltd.

Tests will be graded by a team of staff globally who are based largely but not exclusively in the USA and UK.

We will only transfer personal data to a country or territory outside the European Economic Area:

- where the transfer is to a place that is regarded by the European Commission as providing adequate protection for your Personal Information; or
- where we have put in place appropriate safeguards to ensure that your Personal Information is protected (for example where both parties have signed standard data protection clauses adopted by the European Commission); or

- the above does not apply but we are still legally permitted to do so, for example if the transfer is necessary for the establishment, exercise or defence of legal claims.

You can request further detail about the safeguards that we have in place in respect of transfers of Personal Information outside of the EEA and where applicable a copy of the standard data protection clauses that we have in place, by contacting us at [dpo@kaplaninternational.com](mailto:dpo@kaplaninternational.com)

## HOW LONG YOUR INFORMATION IS KEPT

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting or reporting requirements. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements. Please contact us if you would like more information.

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 working relationship with us.

In some circumstances we may anonymise your personal data so that it can no longer be associated with you, in which case we may use such information without further notice to you.

## HOW WE KEEP INFORMATION SECURE

We are committed to ensuring that your personal information is secure and protected by design and default.

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, service providers, business partners, agents and other third parties who have a legitimate need to know. They will only process your personal data on our instructions or as otherwise agreed and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

## YOUR RIGHTS UNDER THE DATA PROTECTION LEGISLATION (data subject rights)

Depending on the information we hold about you, and the reason it is being held, you have certain rights which are set out below. In some cases, exemptions disapply your rights and the obligations the data controller/data processor have towards you.

- **Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal data. This enables you to ask us to suspend the processing of personal data about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal data to another party.

If you want to review, verify, correct or request erasure of your personal data, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact us using the contact details in this Privacy Notice.

## REPORTING CONCERNS ABOUT HOW WE PROCESS YOUR DATA

If you have any concerns about the matters in this statement or the way we process your data, then you can email us at: [dpo@kaplaninternational.com](mailto:dpo@kaplaninternational.com)

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 ([www.ico.org.uk](http://www.ico.org.uk)). We would, however, appreciate the opportunity to address your concerns before you approach the ICO so please contact us in the first instance.

## CHANGES TO THIS NOTICE

Please contact us using the details in this Privacy Notice if you would like further information