

# Privacy Policy

## 1 Introduction

We take your privacy and data security seriously.

This policy sets out how Performance Leader (referred to in this Privacy Policy as "Performance Leader" "we" or "our") handles your personal data, and will help you to understand what information we collect and process, how we protect and use it, and what options you have about your personal data.

This Privacy Policy applies to our website ([www.performanceleader.com](http://www.performanceleader.com)) and applications we use to provide services to our clients (performance, objective and learning management).

The data controller for this policy is SkillsScorecard Pty Ltd, a company incorporated in Australia, trading as Performance Leader. Our contact details can be found in section 10 of this Privacy Policy.

As Performance Leader operates in multiple jurisdictions we comply with a range of privacy and data protection regulations, including the EU General Data Protection Regulation ("GDPR").

## 2 What information we collect

We may hold personal data about you because:

- You submitted an inquiry on our website;
- You registered for one of our marketing or communication updates; and
- Your organisation provided your information to us because it is a licensee of one of our software products.

The information will usually include your name, IP address, account login details, role, email address and location and department, and information relating to our services.

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.

It is important that the personal data we hold about you is accurate. Please keep us informed if any of your personal data changes during your relationship with us.

This website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our website, we encourage you to read the privacy notice of every website you visit.

## 3 What we do with your personal information

Performance Leader will use your personal data for the following purposes:

- to provide access to our software services;
- to support your experience of our software applications;
- to comply with our legal obligations;
- to send marketing or communications (such as newsletters);
- to invite you to events that we host from time to time;
- where we need to perform the contract we are about to enter into or have entered into with you;
- where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interest.

## 4 How we share your personal information

We may share your personal information in order to achieve the purposes outlined above. Specifically, we share your information with the following sub-processors who assist us to manage our software applications. We monitor sub-processor access through Data Protection Impact Assessments.

Sub-processor	Data purpose	Location	Website
Rackspace, Inc.	Cloud host	UK, AU	www.rackspace.com
Auth0, Inc.	User authentication	US	https://auth0.com/
HelpScout	Customer support	US	www.helpscout.net
MailChimp	Email communication	US	mailchimp.com
Atlassian, Inc	Project management	US	www.atlassian.com
Pipedrive, Inc	CRM	US	www.pipedrive.com
Dropbox, Inc	Document management	US	www.dropbox.com
Xero Ltd	Accounts management	US	www.xero.com

## 5 Cookies and page tags

Cookies and page tags are small text files sent by us to your computer, and from your computer or mobile device to us when you use our software applications. We use these tools to improve your experience of our services, for example, to allow you to use a “remember me” function on our software applications.

We use cookies which are not specific to your account but are unique and allow us to undertake website analytics, among other similar things. We may use third-party cookies, for example Google Analytics, and you may choose to opt-out of third party cookies by visiting their website.

## 6 Transfer of data to other jurisdictions

As we operate internationally, we may access data from other countries for the purpose of client management and providing help desk services. Where this is the case we will ensure that that appropriate safeguards are in place to ensure an adequate level of protection with respect to the privacy rights of individuals required as required by Article 46 of the GDPR ((EU) 2016/679).

Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe.
- Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between the Europe and the US.

## 7 Sale of business

We reserve the right to transfer information to a third party in the event of a sale, merger or other transfer of all or substantially all of the assets of Performance Leader, or that portion of Performance Leader, provided that the third party agrees to adhere to the terms of this Privacy Policy.

## 8 Your choices in relation to your privacy

In relation to web inquiries and email marketing, we will require you to explicitly “opt in” before we store your personal data. For our software applications, your personal data is provided by your employer, our software licensee, and you should address any requests or concerns about this Privacy Policy with them.

## 9 Changes to this Privacy Policy

We may change this Privacy Policy from time to time, and if we do we will post any changes on this page. If you continue to access this website or use services available from this website after those changes have come into effect, you will have agreed to the revised policy.

This Privacy Policy is version 2.0, and was released on 23 May 2018.

## 10 Contacting us

If you have any questions about this Privacy Policy, would like to exercise any of your statutory rights, or to make a complaint, please write to:

The Data Protection Officer  
Performance Leader  
Suite 503, 2 Queen Street  
Melbourne Victoria Australia 3000

[privacy@performanceleader.com](mailto:privacy@performanceleader.com)

You have the right to make a complaint at any time to the UK Information Commissioner's Office (ICO) or equivalent supervisory authority in other EU jurisdictions. We would, however, welcome the opportunity to deal with your concerns before you approach such authorities so please contact us in the first instance.

## 11 Data security

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, agents, contractors and other third parties who have a business need to know. They will only process your personal data 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.

## 12 Data retention

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.

## 13 Your legal rights

You have the right to:

- 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 data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- 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 successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or

where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

- 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 as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- Request restriction of processing of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- Request the transfer of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- Withdraw consent at any time where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw 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.

If you wish to exercise any of the rights set out above, please contact us via the details provided in section 10 of the Privacy Policy.

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.