

# SPED Soft Privacy Policy

## PRIVACY AND SECURITY

Generally, SPED Soft employs commercially reasonable security measures that comply, in SPED Soft's reasonable discretion and interpretation, with all applicable Federal and state laws and regulations regarding data privacy and security, including but not limited to the Family Educational Rights and Privacy Act ("FERPA") and the Children's Online Privacy Protection Act of 1998 ("COPPA"). These measures include appropriate administrative, physical, and technical safeguards to secure data from unauthorized access, disclosure, alteration and use. SPED Soft will conduct periodic risk assessments and remediate any identified security vulnerabilities in a timely manner. Except as expressly provided in this Agreement, neither SPED Soft nor its successors or assigns shall have any liability for the breach of its privacy and security measures or the integrity of its hosting services, unless caused by the willful misconduct of SPED Soft. SPED Soft expressly disclaims any warranty that data exchanges are or will be secure.

Data residing on the SPED Soft server is password protected, and account access is provided only to Authorized Users. However, the safety and security of your data also depends on you. You should not upload or send to SPED Soft sensitive information via email, as this is not secure. You are also responsible for keeping account usernames and passwords confidential. Please notify SPED Soft if you become aware that data has been lost, stolen, or used without permission; SPED Soft may disable access to an account in order to prevent an unauthorized third party from obtaining access to same.

## THIRD PARTIES

SPED Soft will not distribute or otherwise disclose any personally identifiable information ("PII") (as defined below) to any third party without the prior written consent of an applicable customer. SPED Soft does not sell PII to third parties. SPED Soft shall ensure that any third party that handles PII agrees to comply with this Agreement.

## FERPA AND PII

FERPA protects the privacy interests of students in their education records. It controls the disclosure of a student's PII from education records without the consent of the parent or eligible student. Per Federal regulation, PII includes (but is not limited to) a student's name, the name of the student's parent or other family members, the address of the student or student's family, a personal identifier, such as the student's social security number, student number, or biometric record, indirect identifiers, such as the

student's date of birth, place of birth, and mother's maiden name, other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty, or information requested by a person who an educational agency or institution reasonably believes knows the identity of the student to whom the education record relates. Examples of the types of PII, student data and other data that SPED Soft may acquire include: name, student number, picture, level, gender, birthday, parent/guardian name, address, phone, , login, and more.

It is SPED Soft's policy to limit access to this website and its materials and content through secured interfaces that require user authentication and to have in place reasonable support measures to protect PII.

## COPPA

The Children's Online Privacy Protection Act of 1998 ("COPPA") regulates the online collection, use and/or disclosure of personal information from and about children under the age of 13 on the internet. This notice is meant to inform you, the parents, of SPED Soft's practices regarding its collection, use and/or disclosure of personal information from such children.

**Please note:** If there is ever a material change in our collection, use and/or disclosure practices to which you have previously consented to, this notice will be updated accordingly and provided again to you.

SPED Soft may have collected your online contact information from your child, and, if such is the case, your name and/or the name of your child, in order to obtain your consent as required under COPPA. Your consent is required for SPED Soft's collection, use and/or disclosure of your child's personally identifiable information ("PII") and SPED Soft will not collect, use and/or disclose any personal information from your child if you do not provide such consent.

To obtain verifiable parental consent to SPED Soft's collection, use and/or disclosure of your child's personal information, SPED Soft requires you use a credit card, debit card or other online payment systems that provides notification of each discrete transaction to you to purchase obtain access to this website and its accompanying materials and content. If you do not provide consent within a reasonable time from the time you are presented with this notice, SPED Soft will delete your online contact information (if any) from its records.

In the case of a school or other organization's purchase of a subscription to access the materials and content, the law permits it to obtain parental consent to the collection of personal information on behalf of all of its students, thereby eliminating the need for individual parental consent to be given directly to the website operator.

Please note that you always have the right to consent to collection and use of your child's personal information without consent to disclosure of his or her personal information to third parties. Where applicable, SPED Soft solutions are accessed via a separate teacher or student view. Student personal information such as name, student number, picture, level, gender, birthday, parent/guardian name, address, phone, username is entered and established via the teacher view by an adult such as a teacher, subscription administrator, parent or guardian. They are not entered by a child. Further, SPED Soft may collect usage analytics to be presented back to you or your child or to your child's teacher (if applicable) to demonstrate progress and performance or for internal purposes to improve certain SPED Soft products. SPED Soft collects this information through the child's interaction with activities and assessments in the solutions. SPED Soft will not require your child to disclose more information than is reasonably necessary to participate in an activity and will not retain personal information any longer than is necessary to fulfill the purpose for which it was collected and will deidentify or delete the information using reasonable measures to protect against its unauthorized access or use per SPED Soft's retention policies.

You can review your child's personal information, direct us to delete said information and/or refuse to allow any further collection, use and/or disclosure of your child's information at any time. You may revoke your consent at any time by contacting SPED Soft Customer Service at [info@sped-soft.com](mailto:info@sped-soft.com) SPED Soft takes seriously its obligation to safeguard the confidentiality, security and integrity of personal information collected from children and takes steps to release children's personal information only to third parties who are capable of maintaining the confidentiality, security and integrity of such information and who provide assurances that they will maintain the information in such a manner. SPED Soft does not sell your child's personal information to third parties or use it for marketing purposes. It is important to SPED Soft that children and their parents understand its policy and practices concerning the collection, disclosure and use of personal information. Please carefully read our Terms of Use, and if you have any questions about SPED Soft's practices, please contact SPED Soft Customer Service at [info@sped-soft.com](mailto:info@sped-soft.com).

## CALIFORNIA CONSUMER PRIVACY ACT OF 2018 NOTICE ("CCPA")

### WHAT IS THE CCPA?

The California Consumer Privacy Act of 2018, Cal. Civ. Code §§ 1798.100 et seq. ("CCPA") is a law enacted in the State of California with an effective date of January 1, 2020. The CCPA generally expands upon the privacy rights available to California citizens and requires certain companies to comply with various data protection requirements. The detailed text of the law are available at: [TITLE 1.81.5. California Consumer Privacy Act of 2018 \[1798.100 – 1798.199\]](#).

The CCPA grants Californian consumers new rights with respect to the collection of their Personal Information (as defined herein) and requires companies to comply with certain obligations, including:

- The consumer’s right to receive a copy, in a readily usable format, of the specific Personal Information collected about them during the twelve (12) months prior to their request;
- The consumer’s right to know a business’s data collection practices, including the categories of personal information it has collected, the source of the information, the business’s use of the information, and to whom the business disclosed the information it has collected about the consumer
- The consumer’s right to have such personal information deleted (with exceptions);
- The consumer’s right to know the business’ data sale practices and to request that their personal information not be sold to third parties;
- A prohibition on businesses on discrimination for exercising a consumer right; and
- An obligation on businesses to notify a consumer of their rights.

## **WHAT IS PERSONAL INFORMATION?**

The CCPA defines “Personal Information” as information that “identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular” California consumer or household. Personal information does not include publicly available information or consumer information that is de-identified or aggregate consumer information.

## **HOW DOES THE CCPA APPLY TO SPED SOFT CUSTOMERS?**

SPED Soft processes data on behalf of its customers who purchase subscriptions to its products. SPED Soft shall collect, access, maintain, use, process and transfer the Personal Information of our customers and our customers’ end-users solely for the purpose of performing its obligations under existing contract(s) with our customers; and, for no commercial purpose other than the performance of such obligations and improvement of the services we provide.

SPED Soft does not “sell” our customer’s Personal Information as currently defined under the CCPA, meaning that we also do not rent, disclose, release, transfer, make available or otherwise communicate that Personal Information to a third party for monetary or other valuable consideration.

SPED Soft may share aggregated and/or anonymized information regarding use of the service(s) with third parties to help us develop and improve the services and provide our customers with more relevant content and service offerings.

## **WHAT PERSONAL INFORMATION DOES SPED SOFT COLLECT, FOR WHAT PURPOSE, FROM WHOM, AND DO WE DISCLOSE IT TO SERVICE PROVIDERS?**

Personal Information is collected in SPED Soft’s system directly by its customers who use the data in the solutions. It is also collected by SPED Soft to provide and develop

our products and services. SPED Soft works to maintain the trust and confidence consumers demonstrate when they share their personal information in the solutions. The chart below describes the categories of Personal Information as described in CPPA, the purpose of data collection in SPED Soft’s solutions, the source of the Personal Information, and whether SPED Soft discloses the Personal Information for business purposes:

Identifiers	name or alias, address, IP address, email, account name, and other identifiers such as social security, driver’s license, or passport number, id. § 1798.140(o)(1)(A);	Some information in this category is collected (either required or optional) across SPED Soft’s public website, SPED Soft products, the SPED Soft store, and the solutions used to support the products and services	<ul style="list-style-type: none"> <li>• Customers use of the products and services</li> <li>• Product sales process</li> <li>• Product servicing and support</li> <li>• Marketing</li> <li>• Product development</li> <li>• Corporate Administration/Operations</li> </ul>
Personal information categories listed in the California Customer Records Statute	“any information that identifies, relates to, describes, or is capable of being associated with, a particular individual, including, but not limited to,” signature, physical characteristics, education, employment or employment history, and financial, medical or health insurance information, as well as the	Some information in this category is collected (either required or optional) across SPED Soft’s public website, SPED Soft products, the	<ul style="list-style-type: none"> <li>• Customers use of the products and services</li> <li>• Product sales process</li> <li>• Product servicing and support</li> <li>• Marketing</li> <li>• Product development</li> <li>• Corporate Administration/Operations</li> </ul>

	<p>following numbers:  telephone, insurance policy,  bank account, credit card,  and debit card, id. §§  1798.140(o)(1)(B);  1798.80(e);</p>	<p>SPED Soft  store, and the  solutions  used to  support the  products and  services</p>
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<p>Protected  classification  or  characteristics  under  California or  federal law</p>	<p>“[c]characteristics of  protected classifications  under California or federal  law,” id. § 1798.140(o)(1)(C);  prohibits your employer from  subjecting you to  discrimination based on your:  Sexual orientation. Gender  identity and gender  expression. ... Sex (including  pregnancy, childbirth, and  related medical conditions)  Jun 22, 2017</p>	<p>Some  information in  this category  is collected  (optional)  across SPED  Soft’s  products</p>	<ul style="list-style-type: none"> <li>• Customers use of the  products and services</li> <li>• Product development</li> </ul>
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<p>Commercial  Information</p>	<p>commercial information, such  as records of personal  property, products or services  purchased or considered, and  purchasing histories or  tendencies, id. §  1798.140(o)(1)(D);</p>	<p>Some  information in  this category  is collected  (either  required or  optional)  across SPED  Soft’s public  website,  SPED Soft  products, the  SPED Soft  store, and the  solutions  used to</p>	<ul style="list-style-type: none"> <li>• Customers use of the  products and services</li> <li>• Product sales process</li> <li>• Product servicing and  support</li> <li>• Marketing</li> <li>• Product development</li> <li>• Corporate  Administration/Operations</li> </ul>
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support the products and services

Biometric Information	biometric information, meaning physiological, biological, or behavioral characteristics, including DNA, sufficient to establish identity, such as images of the iris, retina, fingerprint, face, hand, palm, vein patterns, and voice recordings capable of producing an identifier template, as well as keystroke and gait patterns or sleep, health, or exercise data that contain identifying information, id. §§ 1798.140(o)(1)(E), 1798.140(b);	This category is not relevant to the scope and functionality of SPED Soft's customer facing solutions and support processes covered in the SPED Soft Terms of Use.	Not applicable
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Internet or other similar network activity	internet or other network activity such as browsing history or interactions with websites, apps, or ads, id. § 1798.140(o)(1)(f);	Some information in this category is collected across SPED Soft's public website, SPED Soft products, the SPED Soft store, and the solutions used to support the products and services	Consumer use of the products or services
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Geolocation data

geolocation data, id. § 1798.140(o)(1)(g);

Some information in this category is collected across SPED Soft's public website, SPED Soft products, the SPED Soft store, and the solutions used to support the products and services

- Consumer use of the products or services
- Product sales process
- Product servicing and support
- Marketing
- Product development
- Corporate Administration/ Operations

Sensory data

"[a]udio, electronic, visual, thermal, olfactory, or similar information," id. § 1798.140(o)(1)(h);

Some information in this category is collected (either required or optional) across SPED Soft's public website, SPED Soft products, the SPED Soft store, and the solutions used to support the products and services

- Customers use of the products or services
- Product servicing and support
- Product development

Professional or employment related information	“professional or employment-related information,” id. § 1798.140(o)(1)(l);	This category is not relevant to the scope and functionality of SPED Soft’s customer facing solutions and support processes covered in the SPED Soft Terms of Use.	Not applicable
Inferences drawn from other personal information	inferences drawn from any of the above information to create a consumer profile, Cal. Civ. Code § 1798.140(o)(1)(k).	Some information in this category is collected (either required or optional) across SPED Soft’s public website, SPED Soft products, the SPED Soft store, and the solutions used to support the products and services	<ul style="list-style-type: none"> <li>• Customers use of the products or services</li> <li>• Product servicing and support</li> <li>• Product development</li> </ul>

**CCPA PRIVACY POLICY RIGHT TO KNOW ABOUT PERSONAL INFORMATION COLLECTED AND/OR DISCLOSED**

**REQUEST TO KNOW:**

You may request and, subject to certain exemptions, the following will be provided:

- The specific pieces of Personal Information that SPED Soft has about you.
- The categories of Personal Information collected about you in the preceding 12 months.
- The categories of the sources from which the Personal Information is collected.
- The categories of Personal Information that SPED Soft disclosed for a business purpose about you.
- The categories of service providers to whom the Personal Information was disclosed for a business purpose.
- The business or commercial purpose for collecting Personal Information.

#### **REQUEST TO DELETE:**

You may request deletion of Personal Information collected from you. Please note that this right does not apply in instances where SPED Soft needs to retain the Personal Information such as (but not limited to) any of the following to:

- Provide goods or services to you;
- Detect or resolve issues regarding security or functionality-related issues;
- Comply with the law;
- Conduct research in the public interest; and
- Safeguard the right to free speech.

#### **REQUEST TO “DO NOT SELL”**

SPED Soft does not sell personal information of its users for monetary or other valuable consideration.

#### **SUBMITTING REQUESTS TO KNOW AND REQUESTS TO DELETE**

Beginning January 1, 2020, if you are a California resident and would like to submit a CCPA request, you may:

- Contact SPED Soft by email at [info@sped-soft.com](mailto:info@sped-soft.com)

Only you, or a person you authorize to act on your behalf may make a verifiable consumer request related to your Personal Information. You may also make a verifiable consumer request on behalf of your minor child. To authorize another person to make a verifiable request on your behalf, you must provide that person with written permission clearly describing their authority to make a request on your behalf. That individual must also be able to verify their identity and provide documentation of their authority to act on your behalf. An individual to whom you have provided a power of attorney pursuant to Sections 4000 – 4465 of the California Probate Code may also make a request on your behalf.

In order to verify your identity, at a minimum, the following information will be collected:

- Name
- Your SPED Soft subscription IDs (if you are the owner of the subscription(s))
- Name of the SPED Soft subscription owner (if you are not the owner of the subscription)
- Date of Birth
- Email and email validation confirmation
- Phone Number
- Home Address

The information you provide will be used to verify your identity and to respond to your CCPA request and for no other purpose. This information is used to verify your identity using reasonable methods in order to process your rights request. These methods may include matching information you provide with information already maintained by SPED Soft or through the use of a third-party identity verification service. If you are not the subscription owner (or designated subscription administrator contact on the customer account), the subscription owner/administrator will be contacted as obligated in existing contracts to perform or authorize the release of the requested information.

We cannot respond to your request or provide you with Personal Information if we are not able to verify your identity or authority to make the request or confirm the Personal Information relates to you.

You are not required to have an account with SPED Soft to make a verifiable request.

SPED Soft will not discriminate against you for exercising your rights under the CCPA. In particular, SPED Soft will not:

- Deny you goods or services;
- Charge you different prices for goods or services, whether through denying benefits or imposing penalties;
- Provide you with a different level or quality of goods or services; or
- Threaten you with any of the above.

Contact for More Information: Please contact SPED Soft by email at [info@sped-soft.com](mailto:info@sped-soft.com):

- See how a consumer with a disability may access this Notice in an alternative format; or
- For questions or concerns about SPED Soft's privacy policies and practices.

## DATA ACCESSIBILITY

SPED Soft supports student and parent access to PII for review and correction. PII is most often created by the classroom teacher or other school administration team members in accordance with the applicable school or district's policies. Typically, corrections can most easily be facilitated by parents and/or students notifying the

applicable classroom teacher or school administrator. In almost all cases, schools and school districts have policies that permit these resources to make the desired corrections directly in the system. If your situation is different or you need further assistance, please contact SPED Soft customer support at [info@sped-soft.com](mailto:info@sped-soft.com).

## CONTENT RETENTION

SPED Soft generally purges and/or de-identifies PII and other Authorized User data ninety (90) days following termination of a subscription. SPED Soft performs daily system backups of production data for purposes of disaster recovery. These backups are encrypted, stored offline and are not directly accessible by Authorized Users. These backups are purged on a rolling twelve (12) month schedule. Upon written request, SPED Soft may (in its sole discretion) consider an alternate content retention policy in certain circumstances. De-identified PII may be used by SPED Soft for educational, product improvement and other similar purposes; SPED Soft will not use PII for marketing.

## DATA BREACH OR SECURITY INCIDENT

SPED Soft has internal protocols in place to deal with a breach of PII. SPED Soft will notify an affected subscriber no later than seven (7) business days after SPED Soft become aware of any breach of or security incident involving PII. SPED Soft will take prompt corrective action to remedy any breach or security incident, mitigate, to the extent practicable, any harmful effect of such breach or security incident and the corrective action SPED Soft has taken or will take to prevent future similar breaches or security incidents.

## CUSTOMER FEEDBACK

SPED Soft welcomes feedback from customers regarding its products and services. Contact us at [info@sped-soft.com](mailto:info@sped-soft.com). You agree that any feedback given is entirely voluntary and SPED Soft shall have a non-exclusive, perpetual, irrevocable, worldwide, royalty-free license for its benefit to use, disclose, reproduce, license or otherwise distribute and exploit the feedback provided to it as it sees fit, entirely without obligation or restriction of any kind on account of intellectual property rights or otherwise.

## TERMINATION

SPED Soft reserves the right, in its sole discretion, to terminate your access to all, or any part, of this website and its accompanying materials and content at any time and without notice for any reason. SPED Soft, in its sole discretion, may also discontinue operating this website and terminate this Agreement at any time and without notice for any reason.

## NO WAIVER

The failure of SPED Soft to enforce any terms and conditions of this Agreement or to respond to any breach by you or other parties shall not in any way be deemed a waiver of SPED Soft's right to enforce any terms or conditions of this Agreement.

## GOVERNING LAW AND VENUE

By using this website and its accompanying materials and content, you agree that the laws of the State of California without regards to principles of conflict of laws, will govern this Agreement and any dispute that may arise between you and SPED Soft. Further, you expressly agree that exclusive jurisdiction for any dispute resides in the courts of Sacramento, California.

## SEVERABILITY

All provisions of this Agreement are severable and neither this Agreement nor any provision hereof shall be affected by the invalidity, inapplicability or unenforceability of any other provision of this agreement.