

Attachment B

Privacy Policy

This Privacy Notice applies to Teaching Strategies, LLC Software as a Service products, located on the Web site www.teachingstrategies.com (the “Site”). The Site is owned and operated by Teaching Strategies, LLC (“Teaching Strategies”). Teaching Strategies makes the following available on the Site: online management, reporting, and assessment systems (the “Services”). Teaching Strategies is committed to ensuring the privacy and accuracy of the information collected on the Site. This Privacy Notice identifies the information that Teaching Strategies collects from users and visitors of the Site and describes how we will use, share, and otherwise process the information we have collected.

This document is organized as follows:

- A. Information We Collect
- B. How We Protect and Secure Our User’s Information
- C. How We Use The Information We Collect
- D. When and How We Share Information
- E. International Visitors
- F. Retention
- G. We Do Not Collect Information from Children
- H. How Users Can Correct Their Information
- I. Links to Third Party Sites and Listservs
 - External Links
 - Discussion Groups
- J. Data Tracking
 - Tracking Information
- K. Changes to Privacy Policy
- L. Disclaimer of Liability

A. WHAT INFORMATION WE COLLECT

Teaching Strategies collects Member Data, Student Data, and Portfolio Data. The Data includes Personally Identifiable Information (PII), which means information that may identify an individual Student or Member. Teaching Strategies complies with applicable laws, regulations, industry standards, and contracts and agreements pertaining to the safeguarding of PII. The Data are provided by the authorized representative of an organization who has purchased a subscription to use the Services (an “Authorized User”).

Member Data is limited information that can be used to personally identify an Authorized User. This information is required before the Authorized User can access the Services (whether on a trial basis or through a paid subscription). There are three kinds of Member Data:

1. **Subscribers:** Organizations and Individual Subscribers are members that have purchased a subscription from Teaching Strategies to use the Services. Subscribers provide their full

Attachment B

name, the name of their organization, their mailing and e-mail addresses, telephone number, and information regarding their method of payment (e.g., purchase order number).

2. **Group Members:** Program and Site Administrators and Teachers are members who register through a school, school district, childcare center, Head Start program, or other organization that has purchased a subscription from Teaching Strategies to use the Services. They provide us with their full names and e-mail addresses.
3. **Invited Guests:** Parents and Others are members who register to use the Services in response to an invitation from another registered member. They provide their full names and e-mail addresses.
4. **Student Data** is information that personally identifies a student and his or her Portfolio. The personally identifiable information includes first name, last name, date of birth, gender and, where applicable, State Student Identification Number. Student Data is stored in online Portfolios. Each Portfolio includes Documentation and Checkpoint information.
5. **Documentation:** Teachers observe children in the classroom and gather documentation of their learning and development over the course of the year. Documentation can be notes, photos, videos, samples of children's artwork, and observations from families about their child's development.
6. **Checkpoint:** A few times a year, teachers analyze the Portfolio Data collected during the checkpoint period and make ratings based on their observations and the documentation they have gathered. These ratings are based on a list of research-based and developmentally appropriate indicators that reflect widely held expectations for children of similar ages, classes, or grades. Completing these checkpoints allows teachers to evaluate children's progress and show growth in the children's learning and development over the course of the year. The Student Data is only provided by authorized Subscribers during the initial setup or in the development of an individual student Portfolio. The provision of information is sometimes required by law and at other times is a result of a contractual requirement. You may be required to provide information, for example in a case where we sign a contract with your organization, and the non-provision of information could, in certain circumstances, prevent a transaction from concluding.

B. HOW WE PROTECT AND SECURE OUR USER'S INFORMATION

We utilize technical, administrative, and physical procedures to ensure Data is protected from unauthorized access, disclosure, or alteration.

You may have the right to restrict or object to the processing of your personal information or to

Attachment B

exercise a right to data portability under applicable law.

We have implemented reasonable safeguards designed to prevent loss, misuse and unauthorized access, disclosure or modification of Personal Data provided or collected through the Teaching Strategies Services. With respect to Personal Data collected through the Teaching Strategies Services, we use Secure Socket Layer Technology or SSL to encrypt or scramble that information during transmission and data is encrypted at rest.

In particular:

1. **Data Storage and Security:** Secure data centers house all Member Data, Student Data, and Portfolio Data. These data centers are continuously monitored and audited annually.
2. **Disclosures:** The uses and disclosures of Student Data are in compliance with state and federal laws designed to protect such information. Only authorized individuals, including Teaching Strategies employees and subcontractors, have access to children's portfolio items, and their authorization is constantly reviewed and verified by a cross functional working group, which includes the Information Security Officer and senior Legal and HR staffs. Individuals authorized to have access to Student Data are limited to only those who need access to that data in order to perform the work necessary under our contractual arrangements with our Subscribers.
3. **Accountability:** All Teaching Strategies employees and subcontractors are accountable for the Security and Privacy of the Member Data, Student Data, and Portfolio Data we maintain on our Subscribers' behalf. This policy applies to all computing systems, networks, business processes, and the verbal transmission of information.

C. HOW WE USE THE INFORMATION WE COLLECT

1. **Only for Authorized Purposes:** We only use information we collect for the educational purposes for which we were authorized by our Subscribers.
 1. **Member Data:** We will use the Member Data provided to register the membership, set up and maintain the account, determine the number of Portfolios an Authorized User is authorized to create (if any), and determine which Portfolios the Authorized User is authorized to access, update, view, and/or modify. We will also use Member Data to notify Authorized Users of updates to the Site and our Services, and for contact purposes if we need more information. If an Authorized User has purchased a subscription to use the Services, we will use the financial information provided to bill the Authorized User. If an Authorized User has registered to use the Services through a school, school district, child care center, Head Start program, or other organization

Attachment B

that has purchased a subscription from Teaching Strategies, the Member Data provided will be accessible by the organization that purchased the subscription, as outlined in the contract with the organization.

- 2. Student Data:** Student Data is used to set up and maintain Portfolios and to grant other Authorized Users the right to access, update, view, and/or modify such Portfolios. Portfolio Data can be used to identify and recommend appropriate activities and customize student plans. Aggregated, non-personalized outcome group progress reports for Subscribers are also generated using Student Data. Only the Student Data provided by a Subscriber's Authorized Users will be used to create reports for such Subscriber. We also may aggregate the Portfolio Data, with all personally identifying information about individual students, Authorized Users, organizations, and programs removed, to generate reports and conduct research. From time to time we may publish the results of the aggregated, de-identified Portfolio Data. In no event will any such results permit the personal identification of students and their parents, or identify in any way the site, program, or organization. If an Authorized User has invited the parent or legal guardian of a child to view his or her child's Portfolio, we will make the Student Data and Portfolio Data in the child's Portfolio available to such invited guest for review. All invited guests must register with Teaching Strategies before being granted access to a Portfolio, and the invited guest's access will be limited to the Portfolio such guest has been invited to view. An invited guest will not be able to modify or add to a Portfolio. Additionally, if the Authorized User has registered to use the Services through a school, school district, child care center, Head Start program, or other organization that has purchased a subscription from Teaching Strategies, any Student and Portfolio Data that the Authorized User provides will be accessible by the organizations that purchased the subscription services, as outlined in the contract with the organization. We do not use automatic decision-making or engage in profiling. In the event that circumstances require us to process your personal data for a purpose other than the purpose for which it was collected, we will provide you with information regarding the purpose for the processing, as well as other relevant information, prior to processing your personal data for the new purpose. Please see Section D. below for applicable circumstances.

D. WHEN AND HOW WE SHARE INFORMATION

We share information only for the educational purpose of the work. We do not share Member Data, Student Data, or Portfolio Data for advertising or any other use outside of the educational purpose of the collection of such information. We vigilantly review our policies and practices to ensure compliance with the Federal Educational Rights and Privacy Act (FERPA) and the European Union's General Data Protection Regulation (GDPR), applicable state law and regulations, and Subscriber policies. We will not disclose any of the Member Data, Student Data, or Portfolio Data

Attachment B

we collect to any third parties except as described in C(1)(b) above and in the following limited circumstances:

- 1. Disclosures that are necessary to carry out the scope of work.** We may use subcontractors to carry out functions within the scope of work when it is in compliance with GDPR, federal, and state law and with applicable Subscriber agreements. In such circumstances, the subcontractor is acting as a Teaching Strategies employee and is required to comply with the privacy and security requirements and safeguards that apply to Teaching Strategies and all of its employees. This includes all applicable federal laws, state laws and regulations, contractual agreements, and applicable Subscriber policies. Our accountability for personal information we receive under the Privacy Shield and subsequently transferred to a third party is described in the Privacy Shield Principles. In particular, we may use third parties to process data on our behalf as described in this Privacy Policy, and we remain liable if they do so in a manner inconsistent with the Privacy Shield Principles, unless we prove that we are not responsible for the event giving rise to the damage.
- 2. Legally compelled disclosures.** We will disclose the data we collect if required to do so by law or in the good-faith belief that disclosure is necessary (a) to obey the law or comply with legal process served on us or our affiliates; (b) to protect and defend our rights or property or the rights or property of other users of our Web site; or (c) to act in an emergency to protect the personal safety of users of our website or the public.
- 3. Company acquisition.** In the event that our company is acquired, we may share the data with the acquirer to continue to provide services to you. The acquirer will be bound by this Privacy Policy, and we will comply with all contractual agreements with our Subscribers that require us to disclose any acquisition of TeachingStrategies.
- 4. Analytics.** We may work with third parties that collect data about your use of the Site and other sites or apps over time for non-advertising purposes. For example, Teaching Strategies uses Google Analytics to improve the performance of the Site and for other analytics purposes. For more information about how Google Analytics collects and uses data when you use our Site, visit <https://www.google.com/policies/privacy/partners/> , and to opt out of Google Analytics, visit <https://tools.google.com/dlpage/gaoptout/> .
- 5. We do not sell or rent your data:** Teaching Strategies, LLC does not sell or rent any data that has been collected through the Services.

E. INTERNATIONAL VISITORS

This section applies to those who visit our Site from the European Economic Area or Switzerland.

Attachment B

- **Lawful Basis for Processing**

On certain occasions, we process your personal data when it is necessary for the performance of a contract to which you are a party, such as to provide services to you that you have requested. We may also process your personal data to respond to your inquiries concerning our products and services. On other occasions, we process your personal data where required by law. We may also process your personal data if to protect your interests or the interests of a third party. Additionally, we process your personal data when it becomes necessary for us to provide important notifications to Subscribers concerning the Services. We will also use your personal data to communicate with you if you choose to opt into our marketing communications so that you can learn more about our Services and products. However, this interest in providing you with information does not override your data protection rights. Where we process your personal data for this purpose, our legitimate interest is to improve our Services and secure our Site. If the processing of personal data is necessary and there is no statutory basis for such processing, we will ask for your consent to process your personal data. You have the right to withdraw your consent to processing of personal data at any time. If you wish to exercise the right to withdraw consent, contact us via the “Contact” section below for contact information.

- **Transfers of Personal Data**

Please be aware that the personal data we collect may be transferred to and maintained on servers or databases located outside your state, province, country, or other jurisdiction, where the privacy laws may not be as protective as those in your location. If you are located outside of the United States, please be advised that we process and store personal data in the United States. Teaching Strategies complies with the EU-U.S. Privacy Shield Framework and Swiss-U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union and Switzerland to the United States. Teaching Strategies has certified to the Department of Commerce that it adheres to the Privacy Shield Principles. If there is any conflict between the terms in this privacy policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our certification, please visit <https://www.privacyshield.gov/>.

- **Complaints Resolution**

In compliance with the Privacy Shield Principles, Teaching Strategies commits to resolve complaints about our collection or use of your personal information. EU and Swiss individuals with inquiries or complaints regarding our Privacy Shield policy should first contact Teaching Strategies at DPO@teachingstrategies.com. Teaching Strategies has further committed to refer unresolved Privacy Shield complaints to JAMS, an alternative dispute resolution provider located in the United States. If you do not receive timely

Attachment B

acknowledgement of your complaint from us, or if we have not addressed your complaint to your satisfaction, please visit <https://www.jamsadr.com/eu-us-privacy-shield> for more information or to file a complaint. The services of JAMS is of no cost to you. If your concern still is not addressed by JAMS you may be entitled to a binding arbitration under the Privacy Shield Principles. For purposes of enforcing compliance with the Privacy Shield, Teaching Strategies is subject to the investigatory and enforcement authority of the U.S. Federal Trade Commission.

If you are affected by the GDPR, please consult the following link for the *Teaching Strategies, LLC GDPR Addendum*, which states your rights under the GDPR: [Teaching Strategies, LLC GDPR Addendum](#)

- **Your Rights**

You have a right to the following:

- To request access to the personal data we hold about you;
- To request that we rectify or erase your personal data;
- To request that we restrict or block the processing of your personal data;
- Under certain circumstances, to receive personal data about you that we store and transmit to another without hindrance from us, including requesting that we provide your personal data directly to another (i.e., a right to data portability); and
- Where we previously obtained your consent, to withdraw consent to processing your personal data.

To exercise these rights, contact our Data Protection Officer. (Please see the “Contact” section below.) Please be aware that Teaching Strategies may be unable to afford these rights to you under certain circumstances, such as if we are legally prevented from doing so.

Additionally, you have the right to lodge a complaint against us. To do so, contact the supervisory authority in your country of residence.

F. RETENTION

We will process and store your information only for the period necessary to achieve the purpose of the storage, or as permitted by law.

G. WE DO NOT COLLECT INFORMATION FROM CHILDREN

Our services are not intended to be accessed by anyone under 18 years of age. We respect the sensitive nature of children’s privacy online. The Services are intended for use by schools, school districts, program administrators, teachers, parents, and legal guardians. They are not intended for use by persons under the age of 18. We do not expect and are not aware of children under the age

Attachment B

of 18 accessing our site, and we are in full compliance with the legal requirements outlined in COPPA regarding children under the age of 13. If we learn that a user is under 18 years of age, we will promptly delete any personally identifiable information provided by that user.

H. HOW USERS CAN CORRECT THEIR INFORMATION

Members can manage the data they entered: Our Authorized Users are able to manage and modify the information that they provide to us. They may correct or change any of their Member Data by logging onto the site and updating or correcting their Member Data. Authorized Users may change any of the Student Data that they provide by logging onto the Services and modifying the applicable student Portfolio. Only the Authorized User who created the Portfolio and such member's program administrator have the ability to modify the Student Data for a Portfolio. If you need assistance modifying Student Data, you may contact Teaching Strategies' support services line at 1-866-736-5913.

I. LINKS TO THIRD PARTY SITES AND LISTSERVS

1. **External links:** The Site may contain links to other Web sites or refer our users to other resources. We are not responsible for the privacy practices or the content of such Web sites or resources, and our users should refer to such Web sites and resources for information about how such sites and resources protect the information they collect.
2. **Discussion groups:** The Site also makes available to Authorized Users a discussion group through which Authorized Users may communicate with other Authorized Users and exchange ideas. Any information disclosed in these areas becomes public information. Any information disclosed in these areas becomes public information.

J. DATA TRACKING

1. **Tracking Information:** We use the anonymous information we collect to administer our Site, improve our services, determine how the Site is being used, identify popular areas of the Site, and analyze trends and usage patterns. We may use the IP address of our Authorized Users to help diagnose problems with our server. This anonymous information cannot be used to personally identify users or students.

K. CHANGES TO OUR PRIVACY POLICY

Teaching Strategies may modify or update this Privacy Policy from time to time. The Policy is posted at <https://teachingstrategies.com/contact/support/privacy-policy/>. We encourage you to review this page periodically. If we change the policy in a material manner, such as using personal data in a different way than prior practice, we will provide at least a 30-day notice to our Authorized

Attachment B

Users so that they will have sufficient time to evaluate the change in practice.

L. DISCLAIMER OF LIABILITY

The information contained herein reflects the privacy policy and practices that Teaching Strategies has adopted for the Site. In legal terms, it shall not be construed as a contractual promise, and Teaching Strategies reserves the right to amend it at any time in accordance with Section K above. Any such amendment will become effective, with a 30-day notice, as stated in Section K above.

Neither Teaching Strategies nor any of its affiliates, employees, or agents shall be held liable for any improper or incorrect use of the information described and/or contained in the Site and assumes no responsibility for anyone's use of the information.

CONTACT

If you have any questions or concerns about Teaching Strategies' information collection and use practices, please contact our Legal Affairs team at: legal@teachingstrategies.com.

If you have questions regarding our role as a data controller, please contact us at: DPO@teachingstrategies.com