

## RIVERSIDE ASSESSMENTS, LLC D/B/A RIVERSIDE INSIGHTS

### PRIVACY POLICY

Last Updated: April 20, 2019

Riverside Assessments, LLC d/b/a Riverside Insights (“Riverside,” “We” or “Our”) provides content for Our clinical and special needs assessments (the “Products”) and related assessment management features via Our web-based scoring and reporting platforms (the “Platforms”). The following privacy policy governs Our privacy practices for the Platforms. Our Platforms may contain links to third-party websites and services that are not owned or controlled by Riverside. We are not responsible for the privacy practices or the content of third-party websites, services and advertisements, and you visit them at your own risk.

#### **1. Our Commitment to Privacy**

We have created the Platform to help individuals elevate their potential — from early childhood, throughout their academic journey and for the rest of their lives. We believe that transparent and strong privacy practices foster these experiences, and We provide this privacy policy in that spirit.

#### **2. Our Compliance with HIPAA**

To the extent that particular information qualifies as Protected Health Information (“PHI”) under the Health Insurance Portability and Accountability Act (“HIPAA”) and HIPAA affords greater privacy protections than those set forth in this Privacy Policy, Riverside will comply with the relevant HIPAA requirements regarding privacy for that particular information.

#### **3. Our Compliance with COPPA and FERPA**

The Platforms may be used by examiners and other educators working with K–12 Students. We recognize the sensitive nature of Personal Information concerning Students under age 13, and concerning K–12 Students generally, where the information is contained in a school's educational records. This Personal Information is protected under either or both of the following federal statutes: the Children's Online Privacy Protection Act (“COPPA”) and the Family Educational Rights and Privacy Act, including the Protection of Pupil Rights Amendment (“FERPA”). Our privacy practices comply with both COPPA and FERPA.

#### **3. The Scope of Our Privacy Policy**

This privacy policy governs Our privacy practices with respect to all Personal Information that Our users submit, or that We collect in connection with the Platforms. This policy governs not only Our practices with respect to examinee’s Personal Information, but also with respect to the Personal Information of examiners, other special educators, and private practitioners who use Our Platform. We reserve the right, at Our discretion, to change the terms of this privacy policy at any time. You can see when this privacy policy was last updated by reviewing the “Last Updated” legend on the top of this page. We may provide you with notice of material changes to the privacy policy as appropriate under the circumstances. UNLESS OTHERWISE INDICATED, ANY CHANGES TO THIS PRIVACY POLICY WILL APPLY IMMEDIATELY UPON POSTING TO OUR SITE.

#### **4. Consent from Schools regarding Students' Personal Information**

COPPA permits a school, acting in the role of "parent," to provide required consents regarding Personal Information of Students who are under the age of 13. Where a school is the subscriber to Our Platforms, We rely on this form of COPPA consent. We provide the school with this privacy policy, to ensure that the school, in providing its COPPA consent, has full information and assurance that Our practices comply with COPPA.

FERPA permits a school to provide educational records (including those that contain Students' Personal Information) to certain service providers without requiring the school to obtain specific parental consent. FERPA permits this where the service provider acts as a type of "school official" by performing services, for example, that would otherwise be performed by the school's own employees. We fulfill FERPA requirements for qualifying as a school official by, among other steps, giving the school direct control with respect to the use and maintenance of the education records at issue (including associated Personal Information), and refraining from re-disclosing or using this Personal Information except for purposes of providing Our Platforms to the school. We comply with FERPA by relying on this form of consent.

### **5. Consents from Other Users**

We also obtain consents regarding Personal Information of users other than Students (such as school psychologists, other special educators, and examiners working in private and medical practices). To obtain these consents We (a) notify the users of Our privacy practices by including links to this privacy policy within Our Platforms, and (b) rely on their continued use of Our Platforms to indicate their consent to this privacy policy.

### **6. The Types of User Information We Collect**

We limit the collection of Personal Information to no more than is reasonably necessary for users to enjoy the features and benefits of Our Platform. Specifically, we collect the following types of information:

- Examiner Information—Includes administrators' first, last, and middle name, phone number, gender, email address, location assignment, Platform role designation, Platform rights designation, and username.
- Teacher Information—Includes teachers' first, last, and middle name, phone number, gender, email address, location assignment, Platform role designation, and username.
- Examinee Information—Includes the examinee first, last, and middle name, enrollment date, unique Examinee ID, date of birth, gender, grade level, location assignment, race, ethnicity, program participation, parent/guardian name, and parent/guardian email.  
As a part of the evaluation process, we may also collect reasons for referral, home and health status and history, behavioral data, and levels of functioning in various settings.
- Usage Information—Includes usage, viewing, analytics, and technical data, including device identifiers and IP addresses, relating to users of the Platform.

If We discover that we've collected information in a manner inconsistent with the requirements of COPPA or FERPA, We will either (a) delete the information or (b) promptly seek requisite consents before taking further action concerning the information. If You disclose any Personal Information to us in connection with the use of the Platforms, You represent and warrant that You have the authority to do so and permit us to use the information in accordance with this privacy policy.

### **7. How We Collect Personal Information**

Our Platforms collect Personal Information from users in the following ways:

- Importing files for the purposes of completing Examiner and Examinee enrollments.
- Hand keying data for the purposes of completing Examiner and Examinee enrollments.
- Hand keying item responses and/or test raw scores for the purposes of creating derived test statistics.
- Hand keying other evaluation data as outlined in Section 6.

## **8. How We Use Personal Information**

We use Personal Information for the following purposes:

- As a part of the measurement and evaluation process.
- To communicate with examiners about the assessments and assessment management features available through Our Platforms, and, where applicable, changes to the features.
- To communicate with examiners about subscription accounts or transactions with Us.
- To communicate with examiners about Platform availability and downtime.
- To gather feedback on the Platforms' features and, where applicable, changes to these features.
- To personalize Our Platforms' content and experiences for different assigned Platform roles.
- To provide maintenance and support upon request.
- To detect, investigate and prevent activities that may violate Our policies or be illegal.

WE DO NOT USE PERSONAL INFORMATION COLLECTED THROUGH OUR PLATFORMS FOR THE PURPOSE OF TARGETED ADVERTISING.

Finally, We de-identify Usage Information in accordance with HIPAA, COPPA, and FERPA, and use this De-Identified information to develop, evaluate, and provide improved educational products and services, as permitted under HIPAA, COPPA, and FERPA.

## **9. We Do Not Share Personal Information Beyond Our Platform Except In Specific, Limited Circumstances**

We use Personal Information for Our internal purposes only, with the following limited exceptions.

- in response to the request of a law enforcement agency or other authorized public agency, including a request by a children's services agency or by the school at issue;
- to protect the security or integrity of Our Platform and associated applications and technology, as well as the technology of Our service providers;
- to enable us to take precautions against liability, enforce legal rights, and to detect, investigate and prevent activities that violate Our policy or that are illegal;
- if We are directed to do so by a subscribing school in connection with an investigation related to public safety, the safety of a Student, or the violation of a school policy; and in other cases if We believe in good faith that disclosure is required by law.

## **10. How We Protect Personal Information**

We have implemented and maintain technical, administrative and physical security controls that are designed to protect the security, confidentiality and integrity of Personal Information collected through Our Platform from unauthorized access, disclosure, use or modification. Our information security controls comply with reasonable and accepted industry practice, as well as requirements under HIPPA, COPPA and FERPA. We diligently follow these information security controls and periodically review and test Our information security controls to keep them current.

### **10.1 Information Security Procedures**

We will:

- **Standard of Care.** Keep and maintain all Personal Information in strict confidence, using such degree of care as is appropriate to avoid unauthorized access, use, modification, or disclosure;
- **Use for School Purposes Only.** Collect, use, and disclose Personal Information solely and exclusively for the purposes for which You provided the Personal Information, or access to it to us, and not use, sell, rent, transfer, distribute, modify, data mine, or otherwise disclose or make available Personal Information for Our own purposes or for the benefit of anyone other than the school, without the school's prior written consent;
- **Non-Disclosure.** Not, directly or indirectly, disclose Personal Information to any person other than Our employees and service providers who have a need to know, without express written consent from You;
- **No Commingling.** Segregate (via logical, database, or physical segregation) Personal Information from Our other information or Our other customers so that Your users' Personal Information is not commingled with any other types of information not related to You;
- **Employee Training.** Provide appropriate privacy and information security training to Our employees.
- **Transport Security.** Use Transport Layer Security (TLS) for the transmission of all user data to and from Our Platform; and
- **Secure Storage.** Use industry standard file encryption for user data that is subject to protection under either HIPAA, COPPA, FERPA, or all three. Where file encryption is not reasonably feasible, We employ other industry standard safeguards, protections, and countermeasures to protect such data, including authentication and access controls within media, applications, operating systems and equipment.

## **10.2 Data Location and Security**

We use a US-based service provider for data center infrastructure, monitoring, hosting, and storage of encrypted backup tapes. Our contracts with the hosting provider require them to implement reasonable and appropriate measure designed to secure content accidental or unlawful loss, access, or disclosure. They are subject to the same yearly SOC-2 audit, as well as HIPAA, FERPA, and COPPA compliance. Our service provider has the following security measures in place for their networks and systems: documented business continuity plans, access restrictions, built-in firewalls, tested incident response program, resilient infrastructure and computing environments, documented risk management policies, high physical security, and a documented change control processes. To the extent we store Personal Information internally on Our servers, We comply with the information security controls set out in Section 10.1.

## **11. Transfer of Personal Information to the United States**

Our site is operated in the United States and is primarily intended for users located in the United States, and some parts of our site may be intended also for users located in Canada and EEA. If you are located outside of the United States, please be aware that information we collect, including Personal Information, will be transferred to, and processed, stored and used in the United States. The data protection laws in the United States may differ from those of the country in which you are located, and your Personal Information may be subject to access requests from governments, courts, or law enforcement in the United States according to laws of the United States. By using the

site or providing us with any information, you consent to the transfer to, and processing, usage, sharing and storage of your information, including Personal Information, in the United States as set forth in this Privacy Policy.

### **11. Access and Control of Personal Information**

Examinees hold access to Personal Information of the Students for whom they are responsible, and they are able to update this information in the manner permitted by Our Platform. Designated educators are similarly able to access and update their own Personal Information. The Parents of a Student can obtain access — through their child's school — to information concerning their child that is available on Our Platform. To do so, the Parent should follow the school's procedures for access under FERPA. We cooperate with and facilitate the school's response to these access requests. Where the school's procedures do not apply to the Parent's access request (and the request is otherwise proper), We will ourselves fulfill the request if and as required by law. After fulfilling an access request, We will update the Personal Information at issue, as requested by the school or individual entitled to such access. We limit access to Personal Information to only those employees (i) who have a need to know such information, and (ii) who use the information only for the educational purposes of operating Our Platform and delivering Our services.

### **12. Our Retention and Deletion of Personal Information**

We retain Personal Information of users of Our Platforms (i) for so long as reasonably necessary to permit users to participate in the Platform, or (ii) as required by law or contractual commitment. After this period has expired, we will delete the Personal Information from Our systems. These deletion periods apply to Personal Information and do not apply to De-Identified information. We retain De-Identified information in accordance with Our standard practices for similar information, and do not retain or delete such information in accordance with this policy.

In addition, and subject to any data retention that may be necessitated by applicable law, if requested by a school, We will delete from Our platform the Personal Information of the school's users, including its teachers and Students, as the school directs. Deleting this information will prevent the school user from engaging in some or all features of Our Platform. Where required by local law, we will delete such information and provide a certification of such deletion.

### **13. NY Parents' Bill of Rights for Data Privacy and Security**

The New York Parents' Bill of Rights for Data Privacy and Security (the "Privacy Bill of Rights") addresses the relationship between schools and their third-party contractors in addition to the schools' relationships with Parents. The only elements of the Privacy Bill of Rights that are incorporated herein are those provisions directed to third party contractors ("Contractor Privacy Provisions"). We agree to comply with the Contractor Privacy Provisions for schools in the State of New York. In the event of a direct conflict between this Privacy Policy and the Privacy Bill of Rights, the Privacy Bill of Rights will control. The full text of the Privacy Bill of Rights is available at <http://www.p12.nysed.gov/docs/parents-bill-of-rights.pdf>.

### **14. Your California Privacy Rights**

If you are a California resident, California Civil Code Section 1798.83 permits you to request information regarding the disclosure of Personal Information about you by Riverside to third parties for the third parties' direct marketing purposes. To make such a request, please contact us at 800.323.9540.

## **15. Do Not Track**

Our Platform does not change its behavior when receiving the "Do Not Track" signal from browser software.

## **16. Definitions**

- "De-identified information" means information that meets each of the following criteria: the information (i) does not identify a particular natural person; (ii) does not identify, by network Internet Protocol address, raw hardware serial number, or raw MAC address, a particular device or computer associated with or used by a person; (iii) does not identify the school at issue by name or address; and (iv) is not reasonably linkable to a particular natural person or school because of technical, legal, or other controls.
- "Parent" means a parent or legal guardian of a Student.
- "Personal Information" means information that identifies a natural person, including but not limited to similar definitions as specified in the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, including the Protection of Pupil Rights Amendment ("FERPA") and the Children's Online Privacy Protection Act, 15 U.S.C. §§ 6501–6506 ("COPPA"), the California Student Online Personal Information Protection Act, Ch. 22.2, §§ 22584 et seq. of the California Business and Professions Code, and Section 49073.1 of the California Education Code.
- "Student" means an individual who may be assessed or receive score reports via Our Platform. The term "student" includes individuals within the K–12 age group, and individuals who are children under the age of 13.
- "Usage Information" means information that does not directly identify a person, but that may be linkable to a particular device.