



## Privacy Policy

*Effective Date: 8/9/16*

This Privacy Policy describes the collection, use, disclosure, and security of Personal Information (as defined below) obtained by The Learning Accelerator, a non-profit organization, (“**TLA**,” “**we**,” or “**us**”) providing the applications, widgets, software, tools, demos, and other services provided by us for the MasteryTrack service and on which a link to this Policy is displayed (collectively, our “**Service**”). By using our Service, you consent to the collection, use, and disclosure of Personal Information in accordance with this Privacy Policy. This Policy is incorporated by reference into our Terms of Service (“**Terms**”). For information regarding our practices with respect to information knowingly collected from children under 13, please scroll down or click to our Notice to Schools and Parents of Children under 13 Years of Age.

### Personal Information

“**Personal Information**,” as used in this Policy, is information that may be used to readily identify, contact, or locate an individual, such as an individual’s name, address, telephone number, or e-mail address. We will treat information about an individual’s activities on our Service (such as the individual’s performance, scores, and lesson progress) and demographic and preference information as Personal Information when any of such information is linked to Personal Information.

Except where required by law, we do not consider Personal Information to include information about a device, including device identifiers, or that has been anonymized so that it does not allow a third party to easily identify a specific individual.

#### I. Collection of Information

We collect Personal Information when:

- You create or update a profile to use the Service;
- A school provides us with information about teachers and students;
- You use the Service; and
- You communicate with us.

We also collect information, such as anonymous usage statistics, by using cookies, server logs, and other similar technology as you use the Service.

**Collection of Submitted Information.** We collect the Personal Information that our users provide to us while using our Service, such as:

- *User Accounts and Profiles.* We collect the information that you provide to us in the course of creating or updating a user profile, which may include your name, email address, city, state, and school. As described below, we may also receive user account and profile information from schools to create student and staff accounts. School teachers and staff may be able to amend profile information provided by students.
- *Use of the Service.* Our Service may contain interactive functionality that allows you to post user content and, if you are a teacher, to interact with your students. We collect any information that may be provided in the course of using interactive features.
- *E-mail Newsletters.* To sign up to receive informational newsletters from us, you may need to provide your e-mail address.
- *Correspondence.* If you contact us, such as by e-mail, mail, fax, or through the Service, we receive the Personal Information contained in and in connection with the communications.

**Information from Other Sources.** We may receive information, including Personal Information, about you from a school or their third-party service providers, and we may combine this information with other Personal Information we maintain about you. For example, we may permit schools to create student accounts on the Service to make it easier for students to use the Service.

**Passive Information Collection.** When you visit our Service or open our emails, we and our third-party partners if we use them, such as analytics providers, may collect certain information by automated means, such as cookies, web beacons and web server logs. The information collected in this manner includes IP address, browser characteristics, device IDs and characteristics, operating system version, language preferences, referring URLs, and information about the usage of our Service. We may link this data to your profile. Our partners also may collect information about your online activities over time, on other devices, and on other websites or apps. When they provide such services, they are governed by their own privacy policies. You may be able to change browser settings to block and delete cookies when you access the Service through a web browser. However, if you do that, the Service may not work properly.

## II. Use of Personal Information

We use Personal Information to:

- facilitate and improve our services; and

- communicate with you.

We may use anonymous information for any purpose.

**Internal and Service-Related Usage.** We use information, including Personal Information, for internal and service-related purposes, such as to operate the Service, prevent fraud, and take action in response to unauthorized activity on the Service. We may use and retain any data we collect to provide and improve any of our services.

**Communications.** We may send email to the email address you provide to us and push notifications to your mobile device if they are enabled, to verify your account and for informational and operational purposes, such as account management, customer service, system maintenance, and other Service-related purposes.

**Marketing.** We may use information, including Personal Information, to provide users over the age of 13 with online advertising on the Service and to send them information we think may be useful or relevant to them, such as notification of new lessons, assessments, or services provided by The Learning Accelerator. Recipients may opt out of email marketing by using the unsubscribe link in a marketing email.

**Anonymous Data.** We may anonymize data collected through the Service and use and disclose it for any purpose. For example, we may provide aggregate reports containing anonymous data to third parties that provide content through the Service so that they can learn about content usage through the Service.

### **III. Disclosure of Personal Information**

We may share your Personal Information:

- with our third-party vendors and service providers;
- with schools' staff and service providers;
- with other users;
- to comply with legal obligations;
- to protect and defend our rights and property; and
- with your permission.

We do not rent, sell, or share Personal Information about you with other people or nonaffiliated companies for their direct marketing purposes, unless we have your permission.

**Vendors and Service Providers.** We may share any information we receive with vendors and service providers we use to help us provide and improve the Service. For example, we may provide data to third parties for storage and to help us communicate with you.

**Schools and Their Service Providers.** We may disclose Personal Information about teachers and students to a school district, school, and their third-party service providers at the school's request. For example, as a teacher or staff member at a school, you may be given the option to export a students' information from their account to your third-party service providers, including a learning management system, student information system, or a digital gradebook. You will only be able to export the information associated with your school, and not the information a user may have that is associated with another school or no school. To facilitate the transfer, we may collect some information about you and the students from such service provider to transfer the appropriate data to it.

**Displaying to Other Users.** The information, such as your name, and content you provide to the Service may be displayed on the Service to other users, such as teachers and students. For example, a teacher may attach notes or comments to a student assessment, and the student will see such notes and comments. We are not responsible for how other users will view and use the posted information.

**Marketing.** We do not rent, sell, or share personal information (as defined by California Civil Code § 1798.83) about you with other people or nonaffiliated companies for their direct marketing purposes, unless we have your permission. We may allow access to data collected by the Service to enable the delivery of online advertising on the Service to users over the age of 13, or to send users over the age of 13 any information we think may be useful or relevant.

**Legal and Similar Disclosures.** We may access, preserve, and disclose collected information, if we believe doing so is required or appropriate to: comply with law enforcement requests and legal process, such as a court order or subpoena; respond to your requests; comply with the law; or protect your, our, or others' rights, property, or safety.

**Merger, Sale, or Other Asset Transfers.** If we are involved in a merger, acquisition, financing due diligence, reorganization, bankruptcy, receivership, sale of company assets, or transition of service to another provider, your information may be disclosed in connection with the negotiation of such transaction, and/or sold or transferred as part of such a transaction as permitted by law and/or contract. We cannot control how such entities may use or disclose such information.

**With Your Permission.** We may also disclose your Personal Information with your permission.

#### **IV. Access**

You may access and update your profile information using the Service or by contacting us at [scott.ellis@learningaccelerator.org](mailto:scott.ellis@learningaccelerator.org).

If you request that we delete your account on our Service (via e-mail, or otherwise), we will close your account and delete any Personal Information within a reasonable period of time. We

may need to retain some of your Personal Information to satisfy our legal obligations or where we reasonably believe that we have a legitimate reason to do so, such as, if the information is a school record.

## **V. Notice to Schools and Parents of Children under 13 Years of Age**

This notice provides information for schools and parents of children under 13 years of age about our practices with respect to personal information that we collect from children who register for and use our Service.

We do not knowingly collect, use, or disclose personal information from children under 13 years of age without appropriate authorization. In this section of the Privacy Policy, we use the term “personal information” as such term is defined in the Children’s Online Privacy Protection Act (“COPPA”) and the Federal Trade Commission’s rules implementing COPPA.

### **Operator of this Web Service or Online Service / Contact Information**

The operator collecting or maintaining personal information from children through this website or online service is The Learning Accelerator, a non-profit organization (“TLA,” “we,” or “us”). Our address is The Learning Accelerator, 10605 Farallone Drive, Cupertino, CA 95014. Our contact email address is [scott.ellis@learningaccelerator.org](mailto:scott.ellis@learningaccelerator.org), and our telephone number is 408.252.9303.

We also work with third parties who may also collect personal information through the Service. A list of third parties along with their contact information is provided farther below.

### **Information Collected by Us from Children**

We collect the following information from children under 13 years of age during our registration process:

- First and Last Name
- Username/ID
- Password
- E-mail address (optional)

We also may collect the following additional information from children under 13 in the context of using our Service:

- Optional profile information.
- Our Service may contain interactive functionality that allows users to upload or post user content (the “User Materials”) and for students to interact with their teacher and schoolmates. We collect any personal information that may be provided in the course of users using interactive features.

- Information about the child’s activities on our Service, including the child’s progress towards each learning objective, assessment results, dates that assessments were taken, the answers the child submits, and the number of times a child took an assessment.
- Information about children, including personal information, that we receive from a school’s third-party service providers (e.g., educational content providers). The information could have been collected from children. This Privacy Policy governs any information that we receive from third parties and combine with student profiles and maintain in personally identifiable format.
- School staff and teachers also may have the option to export students’ school-related information from their accounts to the school’s third-party service providers, including a learning management system, student information system, or a digital gradebook. To facilitate the transfer, we may collect some information about children from such school’s service provider to facilitate the data transfer.
- We also may collect and use persistent identifiers, such as IP addresses, mobile device identifiers, or identifiers associated with a cookie, and may associate other information that we collect (e.g., information about content viewed on the Service) with a particular persistent identifier. We also may associate these persistent identifiers, and any other information associated with them, with a particular user account. We use this information only for support for our internal operations. For example, we may use cookies to keep a user logged into the Service.
- We also may collect other information about children’s use of our Service, such as browser type, the nature of devices from which the child is visiting the Service (e.g., a personal computer or a mobile device), the website that a child visits immediately prior to accessing our Service, the actions children take on our Service, and the content, features, and activities that children access and participate in on our Service. We may collect this information passively using technologies such as standard server logs, cookies, and clear GIFs (also known as “Web beacons”).

## **Information Uses**

We use the information we collect from children under 13 years of age for the following purposes:

- to provide services and information that a child may request, including to make available curricula, assessments, and other activities that we offer as our Service;
- to enhance, improve, operate, and maintain our Service provided to the child and child’s school;
- to prevent fraudulent use of our Service and other systems;

- to prevent or take action against activities that are, or may be, in violation of our Terms or applicable law;
- to tailor content and other aspects of users' experience on and in connection with the Service, including messages we send to users; and
- to send informational messages about TLA and the Service (including, for example, notification that a new lesson or assessment has been assigned to them on the Service, or information about service changes, outages, or maintenance).

We may use anonymized information for enhancing, improving, operating, and maintaining our Service, programs, services, websites, and other systems.

### **Information Disclosures**

We disclose the information we collect from children under 13 years of age in the following circumstances:

- Teachers and staff at schools and school districts will have access to their students' personal information. For example, the Service will make reports available showing student progress individually and in comparison with other students. We are not responsible for how schools and school districts use the student information. Additionally, we may make students' personal information available to their parents and/or guardians.
- The Service does not permit children under 13 years of age to make personal information publicly available outside of the Service.
- We may disclose personal information to third-party service providers (e.g., data storage and processing facilities) that assist us in our work.
- We may disclose personal information about teachers, staff, and students to a school's third-party service providers at the school's request. Such service providers may include learning management system providers, student information system providers, and digital gradebook providers.
- Personal information of children under 13 years of age may be disclosed and otherwise transferred to an acquirer, successor, or assignee as part of any merger, acquisition, debt financing, sale of company assets, or similar transaction, as well as in the event of an insolvency, bankruptcy, or receivership in which personal information is disclosed in connection with the negotiation of such transaction, and/or transferred to one or more third parties as one of our business assets.
- We may disclose personal information of children under 13 to third parties if we believe that doing so is legally required, or is in our interest to protect our property or other legal rights (including, but not limited to, enforcement of our agreements),

or the rights or property of others, or otherwise to help protect the safety or security of our Service and other users of the Service.

### **Retention of Information**

Except as otherwise stated in this Privacy Policy, TLA retains personal information as long as reasonably necessary to provide the Service and as required by law. When a user closes an account or a school stops using the Service, TLA will remove the display of personal information from the Service. However, even after accounts are closed, we may retain that user's personal information if we believe that retention is reasonably necessary to comply with our legal obligations, meet regulatory requirements, meet contractual requirements with the school, resolve disputes between users, prevent fraud and abuse, enforce this Privacy Policy and our Terms and Conditions, or to otherwise provide the Service, including but not limited to any support-related reporting and trend analysis, for up to one year after the user's account has been closed or as required by our agreements with schools. We will also respond to parental requests to delete personal information provided by children, as discussed below.

### **Parents' Rights under COPPA**

Parents and guardians of children under 13 years of age may request that we provide a description of the types of personal information collected from children, direct us to delete the personal information that we have collected from a child, and refuse to permit our further collection or use of the personal information collected from the child. To do so, parents may log-in through the child's account to make account changes. Parents may also contact us at [scott.ellis@learningaccelerator.org](mailto:scott.ellis@learningaccelerator.org). If you do not have access to email, or if you otherwise prefer to use postal mail to communicate with us, please contact us by writing us at the following address: The Learning Accelerator, 10605 Farallone Drive, Cupertino, CA 95014. Please also be aware that if you refuse to permit our further use or collection of information from your child, or have directed us to delete your child's personal information, we may not be able to provide the Service to your child, and may close his/her account. Additionally, we may ask you to verify your identity and the child's age at the time of the request before permitting access to review your child's personal information or before fulfilling another request of yours as described in this section.

### **VI. Links**

The Service may contain links to other websites, products, or services that we do not own or operate. Please be aware that this Privacy Policy will not apply to your activities or any information you disclose while using those third-party websites, products, or services. We are not responsible for the privacy practices of these third parties. We encourage you to carefully review the privacy policies applicable to any website or service you visit before providing any Personal Information to them.



## **VII. International Visitors**

Our servers and data centers are located in the United States. If you choose to use the Service from outside the U.S., then you should know that you are transferring your Personal Information outside of your region and into the U.S. for storage and processing. By providing your Personal Information to us through your use of the Service, you agree to that transfer, storage, and processing in the U.S. Also, we may transfer your data from the U.S. to other countries or regions in connection with storage and processing of data, fulfilling your requests, and operating the Service. You should know that each region can have its own privacy and data security laws, some of which may be less stringent as compared to those of your own region.

## **VIII. Security**

We use security measures that are designed to protect Personal Information from accidental and unauthorized loss, disclosure, misuse, and destruction. Please be aware, however, that no data security measures can be guaranteed to be completely effective. Consequently, we cannot ensure or warrant the security of any information that you provide to us. You transmit information to us at your own risk.

## **IX. Updates to this Privacy Policy**

We may occasionally update this Policy. When we do, we will also revise the “effective” date at the beginning of the Policy. Your continued use of our Service after such changes will be subject to the then-current Policy. If we change this Policy in a manner that is materially less restrictive of our use or disclosure of your Personal Information, we will use reasonable efforts to notify you of the change and to obtain your consent or a school’s consent with respect to students under the age of 13 prior to applying the change to any Personal Information that we collected from you prior to the date the change becomes effective. Additionally, please be aware that we will obtain a school’s consent to any material change in our collection, use, or disclosure practices with respect to children under 13 years of age to which a school has already consented. We encourage you to periodically review this Policy to stay informed about how we collect, use, and disclose Personal Information.

## **X. Contacting Us**

If you have any questions or comments about this Policy, please contact us using the following contact information: The Learning Accelerator, 10605 Farallone Drive, Cupertino, CA 95014 or [scott.ellis@learningaccelerator.org](mailto:scott.ellis@learningaccelerator.org).

## **XI. List of Third Party Services**

### **Amazon Web Service, Inc.**

P.O. Box 81226

Seattle, WA 98108-1226

Website Contact Form: <https://www.amazon.com/gp/help/customer/contact-us>

Phone: (866) 216-1072