

## **Privacy Policy**

### **ProgCheck LLC**

This Privacy Policy is designed to help you understand how ProgCheck LLC (“ProgCheck”, “Company”, “we”, or “us”) collects and uses User information from the ProgCheck websites (“Site”) as well as all other services, features, content, or applications offered through any of the Site (collectively, the “Services”). Please read this Privacy Policy carefully before using a Site or the Services offered.

### **Information collected**

To use the ProgCheck Services, an authorized teacher of a participating student or an authorized school official (each a “User” and collectively “Users”) must first register an account on the ProgCheck website. The registration process requires the User to provide certain information as described below. The registration process creates a User account (“Account”). Once an Account is established and parental consent is obtained by the User, the User may enroll student(s) in the Services. The information collected from a User during the Account setup process is called “Registration Information”.

### **How we use Registration Information collected**

**Individual Teacher Users.** The following information is collected from individual teacher Users and used as described below:

**Email Address:** An email address will serve as the login username. The email address will be used to communicate with the User to provide confirmation of registration and important information regarding the Program, website, and policies.

**Teacher Data:** Teachers may be asked for additional information such as their name, grade level(s) they teach, the subject(s) they teach, the State where they reside or teach, the school district where they teach, and the name of the school where they teach.

**Student’s Name:** The student’s name will be used to customize a student’s participation in the Program.

**Phone Number:** A phone number provides an alternate way of contacting a User for the same purposes as the email address. We will never contact a student directly.

**Credit Card Information:** For our customers that are individuals, with your consent, we may use and save credit card information to bill you for each student registered for the Services.

**Student’s Date of Birth:** If provided, we will use a student’s age to group to assess performance by age, and improve the Program. Such information will be aggregated with other clients and customers in an anonymous manner and will not include any information that could be used to identify a specific student.

Usage History: Usage History will be collected and maintained for customer service, development, marketing and other operational and business purposes, including improvements to the Program; however, such information will not be disclosed to third parties or used for advertising directly to student users.

**School Customer Users**. The following information is collected from School Customer Users and used as described below:

Email Address: An email address will serve as the login username. The email address will be used to communicate with the User to provide confirmation of registration and important information regarding the Program, website, and policies.

School Data: The school administrator will provide his or her name, title, state, school district, and approximate number of student accounts.

Individual Teacher Data: School Customer Users will set up Individual Teacher accounts and provide the data set forth above under “Individual Teacher User”.

**Student Users**. ProgCheck collects information directly from a student, over the internet, when the student uses the Services. The information collected covers the usage activities of the student, which includes but is not limited to data on when your student starts and stops an assessment, the responses your student makes to questions asked, the timing of your student’s responses, your student’s choice of assessments to take, and the choice of progress on assessments to view. ProgCheck uses this information to measure a student’s performance with the Services and to adapt the Services to learning needs; to provide a User with periodic progress reports about a student’s performance in the Services; and to improve the Services. In addition, we may aggregate this data with other students’ data for marketing and other business related purposes. Aggregate information will be anonymous and will not identify a student or be combined with other information that would allow individual students to be identified.

ProgCheck will automatically collect information about Users’ and students’ patterns of usage, order history, participation in promotions, session data, and other information relating to usage, choices, and preferences (“Usage Information”).

### **Modifying, Deleting or Termination of Data Collected**

Because the Services are individualized and customized for each student, all the information we request via the Services are required for participation in the Services, with the exception of certain information to be used for our marketing purposes only. At any time, a User or a student’s parent or legal guardian may revoke consent to allowing a student to participate in the Services or to refuse to allow ProgCheck to further use or collect a student’s personal information. Any anonymous data will be retained, but we will no longer use any personally identifiable information regarding provided. In such case, the Services will no longer fully function.

If you wish to revoke consent to student participation or to terminate your account, you may do so by contacting ProgCheck at krisula@progcheck.com.

### **Reviewing and Changing Your Information**

A User may review and modify registration information provided to ProgCheck at any time by accessing our website using his or her login credentials.

### **Consent**

In order to use the Services, a User will be asked to submit certain personal information about himself or herself and the student and further agrees to consent to ProgCheck's use of that information in a specific ways. For our individual teacher Users, ProgCheck requires any individual teacher User to consent to our collection and use of information as described herein and to obtain written Parental Consent to the use of a student's information in connection with the Services.

### **Protecting Your Account Information**

User information is stored on a cloud web hosting environment or on other environments maintained by our service providers. We are not directly involved in maintaining data security or privacy, but instead hire professional service providers to ensure that all your data is protected with tools such as encryption and passwords. We require that our service providers use up to date and secure technology to ensure the privacy, safety and security of your data.

Your password is the key to your account. Use unique numbers, letters and special characters, and do not disclose your password to anyone. If you do share your password or your personally-identifiable information with others, remember that you are responsible for all actions taken in the name of your account. If you lose control of your password, you may lose substantial control over your personally-identifiable information and may be subject to legally binding actions taken on your behalf. Therefore, if your password has been compromised for any reason, you should immediately notify us and change your password.

We cannot absolutely guarantee that third parties will not unlawfully intercept or access transmissions or information from the site. Therefore, although we work very hard to protect your privacy, we do not promise, and you should not expect, that your personally-identifiable information or private communications will always remain private.

### **Information and third parties**

Except as provided in this Privacy Policy, ProgCheck will not disclose the information that it obtains from you to third parties without the express written permission of the User, or where we believe, in good faith, that the law requires us to disclose the information.

ProgCheck will not sell, trade, or assign to any third party any unaggregated personal information that it collects. We, however, may aggregate the information that we collect from

users of our website to create demographic profiles and performance profiles of students who use the Program. ProgCheck may share aggregated information with marketing professionals or potential investors. This aggregated information will be compiled and reported in the form of anonymous group statistics only in such a manner that makes individual student users unidentifiable. In addition, in order to offer and improve the Program, ProgCheck may share Registration Information about the Users along with their Usage History, to business partners of ProgCheck that are directly involved in the sale, distribution, operation, maintenance, and support of the Program.

Notwithstanding anything to the contrary, as ProgCheck continues to develop its business, it might sell some or all of its assets. In such transactions, customer information is generally one of the transferred business assets. An acquiring company would be required to protect all information that ProgCheck collects from users of our website and Services in accordance with the terms of this Privacy Policy.

### **Children's Online Privacy Protection Act**

Congress has enacted a law called the Children's Online Privacy Protection Act of 1998 (COPPA) that is designed to protect children's privacy during use of the Internet. ProgCheck has implemented practices consistent with the guidelines provided by the Federal Trade Commission to date. ProgCheck will never knowingly request, obtain, use or disclose personally identifiable information or private content from anyone under the age of 13 without parental consent. Customers who are individuals and are 18 years of age or older will be asked, at the time of registration, to consent to ProgCheck allowing users under the age of 13 to use the subscription and to be subject to this Privacy Policy. To grant consent, the user must be the parent or legal guardian of the child receiving access. If we receive this parental consent, we may receive personal information from children under the age of 13 listed on your subscription account in order to provide our Services and services to them. **PROGCHECK DOES NOT SHARE CHILDREN'S PERSONALLY IDENTIFIABLE INFORMATION WITH THIRD PARTIES.** Parents or legal guardians of a user under 13 may at, any time, revoke consent to allow students to use the Services under the user's subscription, refuse to allow ProgCheck to further use or collect the student's personal information, or direct ProgCheck to delete all identifiable information regarding the student that has been provided. To do so, please contact our Privacy Officer at the contact information below. However, such action will eliminate the student's access to the Program.

For administrative officials of our School Customers, to the extent that ProgCheck collects, uses, or discloses personal information from children under the age of 13, it is done in strict accordance with this Privacy Policy and for the sole purpose of providing services to the School Customer and student user.

If you would like more information about COPPA, please visit:

<http://www.ftc.gov/ogc/coppa1.htm>.

### **The Children's Internet Protection Act**

The Children's Internet Protection Act (CIPA) is a federal law enacted by Congress in December 2000 to address concerns about access to offensive content over the Internet on school and library computers. CIPA imposes certain types of requirements on any school or library that receives funding support for Internet access or internal connections from the "E-rate" Program — a program that makes certain technology more affordable for eligible schools and libraries. Our Services do not provide links to external resources or chat rooms, and does not contain any offensive or inappropriate material. If you would like more information about CIPA, please visit <http://www.fcc.gov/cgb/consumerfacts/cipa.html>.

### **The Family Educational Rights and Privacy Act**

For our School Customers, the Family Educational Rights and Privacy Act (FERPA) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable Services of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. ProgCheck helps our School Customers be compliant with FERPA. Specifically:

- Any sensitive online information is transmitted over secure channels
- All student data are stored in ways that are not publicly accessible
- Security audits are regularly performed to ensure data integrity

ProgCheck does not share information with any third parties that could be used to personally identify students. If a school requests that student data be sent to a third party ProgCheck will send the data to the school and never directly to the third party.

If you would like more information about FERPA, please visit <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.

### **Other state laws**

Many states have enacted laws similar to the federal laws to protect personally identifiable data, children's privacy, and student educational records. ProgCheck regularly monitors the requirements of these state laws and implements necessary steps to comply with all such regulations.

### **Amendments**

ProgCheck may amend this Privacy Policy from time to time. We will notify Authorized Users by email regarding any material changes to our privacy and security practices. Please review all revisions to the Privacy Policy. Continued use of our website(s) and the Services after the date ProgCheck has emailed such notices will be deemed to be an agreement to the changed terms.

## **Contact Us**

If you have any questions about your privacy or security measures at ProgCheck, please contact our Privacy Officer via email at [krisula@progcheck.com](mailto:krisula@progcheck.com).