

DATA PRIVACY AGREEMENT (DPA)  
FOR TEXAS K-12 INSTITUTIONS

**NORTHSIDE INDEPENDENT  
SCHOOL DISTRICT**

---

and

Hamaguchi Apps for Speech, Language & Auditory  
Development

## RECITALS

WHEREAS, the Operator has agreed to provide the Local Education Agency ("LEA") with certain digital educational services ("Services") according to a contract titled "Data Privacy Agreement" and dated 3/20/23 (the "Service Agreement"); and

[Box 5]

[Box 6]

WHEREAS, in order to provide the Services described in the Service Agreement, the Operator may receive or create and the LEA may provide documents or data that are covered by federal statutes, among them, the Federal Educational Rights and Privacy Act ("FERPA") at 20 U.S.C. 1232g (34 CFR Part 99), Children's Online Privacy Protection Act ("COPPA"), 15 U.S.C. 6501-6506, and Protection of Pupil Rights Amendment ("PPRA") 20 U.S.C. 1232h; and

WHEREAS, the documents and data transferred from LEAs and created by the Operator's Services are also subject to state student privacy laws, including Texas Education Code Chapter 32; and

WHEREAS, the Operator may, by signing the "General Offer of Privacy Terms", agree to allow other LEAs in Texas the opportunity to accept and enjoy the benefits of this DPA for the Services described within, without the need to negotiate terms in a separate DPA.

NOW THEREFORE, for good and valuable consideration, the parties agree as follows:

### ARTICLE I: PURPOSE AND SCOPE

1. **Nature of Services Provided.** The Operator has agreed to provide digital educational services as outlined in Exhibit A and the Service Agreement
2. **Purpose of DPA.** For Operator to provide services to the LEA it may become necessary for the LEA to share certain LEA Data. This DPA describes the Parties' responsibilities to protect Data.
3. **Data to Be Provided.** In order for the Operator to perform the Services described in the Service Agreement, LEA shall provide the categories of data described in the Schedule of Data, attached as Exhibit B.
4. **DPA Definitions.** The definitions of terms used in this DPA are found in Exhibit C. In the event of a conflict, definitions used in this DPA shall prevail over terms used in the Service Agreement

### ARTICLE II: DATA OWNERSHIP AND AUTHORIZED ACCESS

1. **Ownership of Data.** All Data transmitted to the Operator pursuant to the Service Agreement is and will continue to be the property of and under the control of the LEA. The Operator further

**ARTICLE VI- GENERAL OFFER OF PRIVACY TERMS**

1. **General Offer of Privacy Terms.** Operator may, by signing the attached Form of General Offer of Privacy Terms (General Offer, attached as Exhibit E), be bound by the terms of this DPA to any other LEA who signs the acceptance in said Exhibit.

**ARTICLE VII:  
MISCELLANEOUS**

1. **Term.** The Operator shall be bound by this DPA for the duration of the Service Agreement or, if longer, so long as the Operator or any Subprocessor has access to or maintains any Data. Notwithstanding the foregoing, Operator agrees to be bound by the terms and obligations of this DPA for no less than three (3) years.
2. **Termination.** In the event that either party seeks to terminate this DPA, they may do so by mutual written consent so long as (i) the Service Agreement has lapsed or has been terminated, and (ii) neither Operator nor any of its Subprocessors has access to any Data.
3. **Effect of Termination Survival.** If the Service Agreement is terminated, the Operator shall dispose of all of LEA's Data pursuant to Article IV, section 4.
4. **Priority of Agreements.** This DPA shall govern the treatment of Data in order to comply with the privacy protections, including those found in FERPA and all applicable privacy statutes cited in this DPA. In the event there is conflict between the terms of the DPA and the Service Agreement, or with any other bid/RFP, license agreement, terms of service, privacy policy, or other writing, the terms of this DPA shall apply and take precedence. Except as described in this paragraph, all other provisions of the Service Agreement shall remain in effect.
5. **Notice.** All notices or other communication required or permitted to be given hereunder must be in writing and given by personal delivery, e-mail transmission (if contact information is provided for the specific mode of delivery), or certified mail, postage prepaid and return receipt requested, sent to the designated representatives.

The designated representative for the Operator for this Agreement is:

First Name: Patricia [Box 7]  
Last Name: Hamaguchi [Box 8]  
Operator's Company Name: Hamaguchi Apps for Speech Language & Auditory Development [Box 9]  
Title of Representative: CEO [Box 10]

The designated representative for the LEA for this Agreement is:

First Name: Lori [Box 11]  
Last Name: Jones [Box 12]  
LEA's Name: Northside ISD [Box 13]  
Title of Representative: Assistant Superintendent, Technology Services [Box 14]

IN WITNESS WHEREOF, the parties have executed this DATA PRIVACY AGREEMENT FOR TEXAS K-12 INSTITUTIONS as of the last day noted below.

**Operator's Representative:**

BY: Patricia Hamayek [Box 15] Date: 3/20/2023 [Box 16]

Printed Name: Patricia Hamayek [Box 17] Title/Position: CEO [Box 18]

Address for Notice Purposes: 48 Farm Circle, Water town, CT [Box 19]  
06795

**LEA's Representative**

BY: [Signature] [Box 20] Date: 3/31/23 [Box 21]

Printed Name: Lori Jones [Box 22] Title/Position: Asst. Superintendent, Technology Services [Box 23]

Address for Notice Purposes: 5734 Farinon Dr., San Antonio, TX, 78249 [Box 24]

*Note: Electronic signature not permitted.*

**EXHIBIT " B "**

**SCHEDULE OF DATA**

**Instructions:** Operator should identify if LEA data is collected to provide the described services. If LEA data is collected to provide the described services, check the boxes indicating the data type collected. If there is data collected that is not listed, use the "Other" category to list the data collected.

- We do not collect LEA Data to provide the described services.
- We do collect LEA Data to provide the described services.

**SCHEDULE OF DATA**

Category of Data	Elements	Check if used by your system
Application Technology Meta Data	IP Addresses of users, Use of cookies etc. <i>No</i>	<input type="checkbox"/>
	Other application technology meta data-Please specify: _____	<input type="checkbox"/>
Application Use Statistics	Meta data on user interaction with application- Please specify: _____ <i>No</i>	<input type="checkbox"/>
Assessment	Standardized test scores <i>No</i>	<input type="checkbox"/>
	Observation data	<input type="checkbox"/>
	Other assessment data-Please specify: _____	<input type="checkbox"/>
Attendance	Student school (daily) attendance data <i>No</i>	<input type="checkbox"/>
	Student class attendance data	<input type="checkbox"/>
Communications	Online communications that are captured (emails, blog entries) <i>No</i>	<input type="checkbox"/>
Conduct	Conduct or behavioral data <i>No</i>	<input type="checkbox"/>
	Date of Birth	<input type="checkbox"/>

**EXHIBIT "A"**

DESCRIPTION OF SERVICES

Description: [Box 25]

Our company provides apps through Apple/iTunes which are downloaded onto a device (ipad/iphone) and are self-contained on that device. We have no access to student/user data or even the buyer's name, address or information about the transaction. We receive a royalty from the sale, period.

P. Hamaguchi

No to all below *ptt*

Category of Data	Elements	Check if used by your system
Student Contact Information	Address	<input type="checkbox"/>
	Email	<input type="checkbox"/>
	Phone	<input type="checkbox"/>
Student Identifiers	Local (School district) ID number	<input type="checkbox"/>
	State ID number	<input type="checkbox"/>
	Vendor/App assigned student ID number	<input type="checkbox"/>
	Student app username	<input type="checkbox"/>
	Student app passwords	<input type="checkbox"/>
Student Name	First and/or Last	<input type="checkbox"/>
Student In App Performance	Program/application performance (typing program-student types 60 wpm, reading program-student reads below grade level)	<input type="checkbox"/>
Student Program Membership	Academic or extracurricular activities a student may belong to or participate in	<input type="checkbox"/>
Student Survey Responses	Student responses to surveys or questionnaires	<input type="checkbox"/>
Student work	Student generated content; writing, pictures etc.	<input type="checkbox"/>
	Other student work data -Please specify: _____	<input type="checkbox"/>
Transcript	Student course grades	<input type="checkbox"/>
	Student course data	<input type="checkbox"/>
	Student course grades/performance scores	<input type="checkbox"/>
	Other transcript data -Please specify: _____	<input type="checkbox"/>
	Student bus assignment	<input type="checkbox"/>
	Student pick up and/or drop off location	<input type="checkbox"/>



No to all below pt

Demographics	Place of Birth	<input type="checkbox"/>
	Gender	<input type="checkbox"/>
	Ethnicity or race	<input type="checkbox"/>
	Language information (native, preferred or primary language spoken by student)	<input type="checkbox"/>
	Other demographic information-Please specify:	<input type="checkbox"/>
Enrollment	Student school enrollment	<input type="checkbox"/>
	Student grade level	<input type="checkbox"/>
	Homeroom	<input type="checkbox"/>
	Guidance counselor	<input type="checkbox"/>
	Specific curriculum programs	<input type="checkbox"/>
	Year of graduation	<input type="checkbox"/>
	Other enrollment information-Please specify:	<input type="checkbox"/>
Parent/Guardian Contact Information	Address	<input type="checkbox"/>
	Email	<input type="checkbox"/>
	Phone	<input type="checkbox"/>
Parent/Guardian ID	Parent ID number (created to link parents to students)	<input type="checkbox"/>
Parent/Guardian Name	First and/or Last	<input type="checkbox"/>
Schedule	Student scheduled courses	<input type="checkbox"/>
	Teacher names	<input type="checkbox"/>
Special Indicator	English language learner information	<input type="checkbox"/>
	Low income status	<input type="checkbox"/>
	Medical alerts /health data	<input type="checkbox"/>
	Student disability information	<input type="checkbox"/>
	Specialized education services (IEP or 504)	<input type="checkbox"/>
	Living situations (homeless/foster care)	<input type="checkbox"/>
	Other indicator information-Please specify:	<input type="checkbox"/>



No to all *pt*

Transportation	Student bus card ID number	<input type="checkbox"/>
	Other transportation data -Please specify: [REDACTED]	<input type="checkbox"/>
Other	Please list each additional data element used, stored or collected through the services defined in Exhibit A [REDACTED]	<input type="checkbox"/>

Data shall be returned or disposed of by the following date:

As soon as commercially practicable

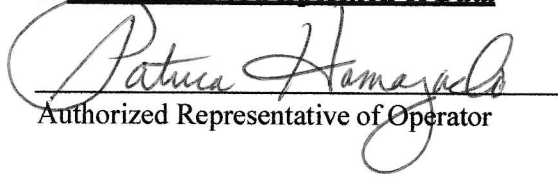
By the following agreed upon date:

**4. Signatures**

\_\_\_\_\_  
Authorized Representative of LEA

\_\_\_\_\_  
Date:

**5. Verification of Disposition of Data**

  
\_\_\_\_\_  
Authorized Representative of Operator

3/20/2023  
Date: