

**DATA PRIVACY RIDER FOR ALL CONTRACTS INVOLVING PROTECTED DATA
PURSUANT TO EDUCATION LAW §2-C AND §2-D**

Maine-Endwell CSD (District) and Canva Pty Ltd (Vendor) agree as follows:

1. Definitions:

(a) Personally Identifiable Information (PII) means the same as defined by New York Education Law §2-d.

2. Confidentiality of all PII shall be maintained in accordance with applicable State and Federal Law and the District's Data Security and Privacy Policy.

3. The Parties agree that the District's Parents' Bill of Rights for Data Privacy and Security are incorporated as part of this agreement, and Vendor shall comply with its terms.

4. Vendor agrees to comply with Education Law §2-d and its implementing regulations.

5. Vendor agrees that any officers or employees of Vendor, and its assignees who have access to PII, have received or will receive training on applicable federal and State law governing confidentiality of such data prior to receiving access to PII.

6. Vendor shall:

(a) limit internal access to education records to those individuals that are determined to have legitimate educational interests;

(b) not use the education records for any other purposes than those explicitly authorized in its contract. Unauthorized use specifically includes, but is not limited to, selling or disclosing PII for marketing or commercial purposes, as those terms are defined under the implementing regulations, or permitting, facilitating, or disclosing such information to a third party for marketing or commercial purposes, as those terms are defined under the implementing regulations;

(c) except for authorized representatives of the third party contractor to the extent necessary to carry out the contract, not disclose any personally identifiable information to any other party:

(i) without the prior written consent of the parent or eligible student; or

(ii) unless required by statute or court order and the party provides notice of the disclosure to the department, Board of Education, or institution that provided the information no later than the time the information is disclosed, unless providing notice of the disclosure is expressly prohibited by the statute or court order;

(d) maintain reasonable administrative, technical and physical safeguards to protect the security, confidentiality and integrity of PII in its custody;

(e) use encryption technology to protect data while in motion or in its custody from unauthorized disclosure using a technology or methodology specified by the Secretary of the United States Department of Health and Human Services in guidance issued under Section 13402(H)(2) of Public Law §111-5;

(f) adopt technology, safeguards and practices that align with the requirements of ISO 27001 which generally aligns with NIST Cybersecurity Framework;

(g) impose substantially similar terms to this rider in writing where the Vendor engages a subcontractor or other party to perform any of its contractual obligations which provides access to PII; and

(h) work with the District to create the supplement to the Parents' Bill of Rights for Data Privacy and Security that meets the requirements of Education Law §2-d and its implementing regulations and which shall be incorporated as part of this agreement and posted on the District's website.

7. In the event of any conflict between the terms of this Data Privacy Rider and the agreement, the terms of this Data Privacy Rider shall control.

Agreement and Signature

By signing below, you agree to the Terms and Conditions in this Rider:

Company Name: Canva Pty Ltd

Product Name: Canva for Education

Printed Name: Jason Wilmot

DocuSigned by:
Signature Jason Wilmot Date April 25, 2023
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**MAINE-ENDWELL CENTRAL SCHOOL DISTRICT
PARENTS' BILL OF RIGHTS FOR STUDENT
DATA PRIVACY AND SECURITY**

The Maine-Endwell Central School District, in recognition of the risk of identity theft and unwarranted invasion of privacy, affirms its commitment to safeguarding student personally identifiable information (PII) in educational records from unauthorized access or disclosure in accordance with applicable State and Federal law. The Maine-Endwell Central School District establishes the following parental bill of rights:

- Student PII will be collected and disclosed only as necessary to achieve educational purposes in accordance with applicable State and Federal Law.
- A student's personally identifiable information cannot be sold or released for any marketing or commercial purposes by the district or any a third party contractor. The district will not sell student personally identifiable information and will not release it for marketing or commercial purposes, other than directory information released by the district in accordance with district policy;
- Parents have the right to inspect and review the complete contents of their child's education record (for more information about how to exercise this right, see 5500-R);
- State and federal laws, such as NYS Education Law §2-d and the Family Educational Rights and Privacy Act, protect the confidentiality of students' personally identifiable information. Safeguards associated with industry standards and best practices, including but not limited to, encryption, firewalls, and password protection, must be in place when data is stored or transferred;
- A complete list of all student data elements collected by the State Education Department is available for public review at <http://nysed.gov.data-privacy-security> or by writing to: Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234
- Parents have the right to have complaints about possible breaches and unauthorized disclosures of student data addressed. Complaints should be directed to:

Jason R. Van Fossen
Superintendent of Schools
712 Farm-to-Market Road
Endwell, NY 13760
607.754.1400 x2311

Complaints can also be directed to the New York State Education Department online at <http://nysed.gov.data-privacy-security>, by mail to the Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234 or by email to privacy@mail.nysed.gov or by telephone at 518-474-0937.

- Parents have the right to be notified in accordance to applicable laws and regulations if a breach or unauthorized release of their student's PII occurs.

- Parents can expect that educational agency workers who handle PII will receive annual training on applicable federal and state laws, regulations, educational agency’s policies and safeguards which will be in alignment with industry standards and best practices to protect PII
- In the event that the District engages a third party provider to deliver student educational services, the contractor or subcontractors will be obligated to adhere to State and Federal Laws to safeguard student PII. Parents can request information about third party contractors by contacting:

Jason R. Van Fossen
Superintendent of Schools
712 Farm-to-Market Road
Endwell, NY 13760
607.754.1400 x2311

This information can also be accessed on the district’s website at <http://www.me.stier.org>

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Agreement and Signature

By signing below, you agree to comply with the terms of Maine-Endwell Central School District Parents’ Bill of Rights for Data Privacy and Security (applicable to Third-Party Contractors subject to New York Education Law § 2-d only)

Company Name: Canva Pty Ltd

Product Name: Canva for Education

Printed Name: Jason Wilmot

DocuSigned by:
Jason Wilmot
Signature 8361BAECS1E147B... Date April 25, 2023

Supplemental Information Details – This section to be completed by the Vendor

SUPPLEMENTAL INFORMATION ELEMENT	SUPPLEMENTAL INFORMATION
Please list the exclusive purpose(s) for which the student data or teacher or principal data will be used by the third-party contractor, as defined in the contract (or list the section(s) in the contract where this information can be found)	Protected data will be used only as necessary for Vendor to perform the services in the service agreement, and disclosed to only its authorized officers, employees, subcontractors and third-party service providers with whom it shares protected data necessary to perform the services.
Please list how the contractor will ensure that any other entities with which it shares the protected data, if any, will comply with the data protection and security provisions of law, regulation and this contract (or list the section(s) in the contract where this information can be found)	All subcontractors undergo a security risk assessment to ensure that they meet and maintain the necessary data security and privacy measures are in place. Vendor's contracts with subcontractors state the necessary security measures required to be in place.
Please list when the agreement expires and what happens to the protected data when the agreement expires (or list the section(s) in the contract where this information can be found)	All designs that have been created on Canva can be exported to multiple file types by District and their users. After all data has been exported, all District data can be deleted upon request. Upon termination and upon request, Vendor can provide an email of confirmation that the data was deleted.
Please list how a parent, student, or eligible student may challenge the accuracy of the protected data that is collected; if they can challenge the accuracy of the data, describe how (or list the section(s) in the contract where this information can be found)	Parents, teachers or principals who seek to challenge the accuracy of PII must do so by contacting the District. If a correction to data is deemed necessary by the District, the District will notify Vendor. Vendor agrees to facilitate such corrections within 30 days of receiving the District's written request.
Please list where the protected data will be stored (described in a way that protects data security), and the security protections taken to ensure such data will be protected and data security and privacy risks mitigated (or list the section(s) in the contract where this information can be found)	PII will be stored using a cloud or infrastructure owned and hosted by a third party. Vendor will conduct periodic risk assessments and remediate any identified security vulnerabilities in a timely manner
Please list how the data will be protected using encryption (or list the section(s) in the contract where this information can be found)	Vendor implements access control measures (both physical access and system authorization) such as MFA, principle of least privilege, encryption of data in motion (TLS 1.2+) and at rest (AES-256), pseudonymisation, and others.

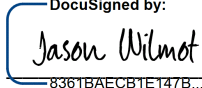
Agreement and Signature

By signing below, you agree the information provided in this document by the Third-Party Contractor is accurate.

Company Name: Canva Pty Ltd

Product Name: Canva for Education

Printed Name: Jason Wilmot

Signature  Date April 25, 2023
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