

## Montana Data Privacy Agreement

### I. PARTIES:

The parties to this Montana Data Privacy Agreement (the "Agreement") are the Target Range School District 23 (hereinafter the "District") and Apptegy, Inc. (hereinafter "Contractor") (collectively the "Parties").

### II. PURPOSE:

District has retained Contractor to provide one or more of the following services (the "Services") on behalf of the District pursuant to one or more underlying services agreements (hereinafter "Services Agreement(s)"): Provide technology services, including cloud-based services, for the digital storage, management, and retrieval of pupil records; provide digital educational software that authorizes a third-party provider of digital educational software to access, store, and use pupil records. Contractor shall be free from control and direction over the performance of the Services, both under this Agreement and in fact. Except as limited herein, Contractor shall have and exercise full professional discretion as to the details of performance.

For clarity and notwithstanding anything herein to the contrary, the Parties acknowledge and agree that as to data provided by District to Contractor, the Contractor is a data processor while the District is the data controller. District shall provide instruction regarding the data's use for purposes of providing the Services and shall retain ultimate control and responsibility for such data.

### III. TERM OF AGREEMENT, NO GUARANTEE OF WORK, NON-EXCLUSIVITY:

This Agreement shall begin on the date of signature and shall continue until all Services Agreements or renewals of same between Contractor or District have expired or terminated, or unless terminated earlier by mutual agreement of the Parties. Notwithstanding the foregoing, this Agreement shall not be construed as any guarantee of work or

The Subscribing LEA and the Provider Apptegy shall therefore be bound by the same terms of this DPA

By: Cathleen Kuchera

Printed Name: Cathleen Kuchera

Date: 2023-12-05

Title/Position: Technology Director

SCHOOL DISTRICT NAME: West Valley Elem

**DESIGNATED REPRESENTATIVE OF LEA**

Name: Cathleen Kuchera

Title: Technology Director

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COUNTY OF LEA: Flathead