

Orchard Park Central School District

2240 Southwestern Blvd. West Seneca, NY 14224



David Lilleck
Superintendent

www.opschools.org
(716) 209-6200

To Whom It May Concern:

As the Data Protection Officer for Orchard Park Central School District, I am writing to notify you of changes in our requirements to work with your company effective July 1, 2020. Our Board of Education policy requires Orchard Park Central School District to establish a data privacy agreement (DPA) with any vendor or company who collects student data. This is in response to recent changes in New York State Education Law.

Chapter 56 of the Laws of 2014 added Section 2-d to the Education Law effective April 2014. The focus of the law is the privacy and security of personally identifiable information (PII) of students. The law outlines certain requirements for districts and their third-party contractors to ensure the privacy and security of certain protected information.

The regulations require all New York State schools to establish requirements for contracts and other written agreements where PII will be provided to a third-party contractor and also attempt to clarify obligations where click-through agreements for software applications are utilized.

Our teachers and students value your product and have come to rely on your product and we wish to continue doing business with you. Please review the attached contract (Exhibit A) which outlines all requirements for any vendor collecting information about our students. Please also review the attached form (Exhibit B) which requires all vendors to list user data collected. **We are required to have all documents signed and returned prior to issuing a purchase order for your product or service.**

We look forward to maintaining our relationship with your company and ensuring the privacy and safety of our students.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Hornung".

Sarah Hornung

Director of Technology and Chief Information Officer
Data Protection Officer

shornung@opschools.org

716-209-6330

Sarah Hornung
Director of Technology &
Chief Information Officer

Technology Department
2240 Southwestern Blvd.,
West Seneca NY 14127

(716) 209-6330
Fax: (716) 209-6353
www.opschools.org/technology

NCS PEARSON, INC.
dba Pearson Clinical Assessments
Exhibit B

Does your product or service utilize a **clickwrap** or **clickthrough** agreement?

X Yes

No

Are there any advertisements on your product?

Yes

X No

What user data is collected by your product, service or company?

Q-global Data Elements

Name - user's name is required; examinee name is optional

Address - Q-global never collects nor stores addresses for users or examinees

Phone number(s) - user's phone number and account contact phone number; never for examinee

Email address - required for users; optional for examinee - only used when sending an ROSA to an examinee/rater

Pearson qualification level - account owner's qual level is associated to the account

Log-in ID and password - username and password for users (password is encrypted); never for an examinee

Examinee ID - only required if examinee name is not provided

Date of birth - required for every examinee

Gender - only required for some assessments if gender norms are applicable

Race and ethnicity - only required for some assessments if ethnicity norms are applicable

Handedness - optional for some assessments

Home language- optional for some assessments

Clinical history - optional

Education history and issues - optional

Work and employment status, history and issues - optional

Health conditions - optional

Medications - optional

Marital status - may be required for some assessments

Family information and history - optional

Living arrangements - optional

Names of parents or guardians - if sending a parent rater form, then the parent name and email are required to send the remote on screen assessment

Test results and raw scores - Q-global does not store scored data; only item entry/raw score entry are stored

DATA CATEGORIES

Depending on the Services, we may collect and process the following categories of data in order to manage day to day business needs including, but not limited to, performing services on behalf of a business, payment processing and financial account management, business planning and forecasting, system improvements, security and fraud prevention, and compliance with legal and regulatory obligations:

- (A) Identifiers such as a real name, address, unique personal identifiers, or email address
- (B) Customer records such as signature
- (C) Characteristics of protected classifications under California or federal law
- (D) Commercial information, such as products or services purchased, obtained, or considered
- (E) Internet or other electronic network activity information such as information regarding a consumer's interaction with an Internet Web site, application, or advertisement
- (F) Geolocation data

- (G) Sensory data, such as audio, electronic, visual, or similar information
- (H) Professional or employment-related information
- (I) Education information
- (J) Inferences about preferences, characteristics, psychological trends, preferences, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes

COLLECTION AND STORAGE OF INFORMATION

We will collect certain personal information during different activities on this Site or otherwise, such as user registration, when you purchase materials, participate in a survey, contact us with questions or offer feedback on the Site. In connection with such activities, you may be asked to provide certain information such as your name, mailing address, telephone number, fax number, credit card number and email address. In order to qualify for the purchase of materials we may also request professional qualifications, affiliations or employment information. We may maintain this information in our computer and ordering system.

PLATFORM AND SYSTEMS INFORMATION

Platform specific data collection is described in the table below:

PRODUCT PLATFORM	CATEGORIES OF DATA
Clinical Assessments (Q-Global and Q-interactive)	<p>In providing tests and testing services through this system, We collect or receive Personal Information from Examinees, as well as Test Administrators. Certain Examinee Personal Information is provided to us by the Test Administrator; and other information is provided to us by the Examinee. Test Administrator Personal Information is provided to us by the Qualified Customer and the Test Administrator.</p> <ul style="list-style-type: none"> •Test Administrator Personal Information Collected. The Personal Information that We collect, receive or process with respect to a Test Administrator through this system may include: name, phone number, mobile phone number, email address, Pearson qualification level, log-in ID and password. •Examinee Personal Information Collected. The Personal Information that We collect, receive or process with respect to Examinees may include: first name, last name, Examinee ID (as assigned by a Test Administrator), date of birth, gender, race/ethnicity, handedness and home language. In addition, depending upon the particular clinical assessment, a wide range of additional demographic information may be collected, including, but not limited to: clinical history; education history and issues; work and employment status, history and issues; health conditions; medications; employment status; marital status; family information and history; and living arrangements. Through this system, We collect and score the responses to the clinical assessment questions and derive raw scores and test scaled or percentile scores.

Please identify how data **at rest** is protected by your product, service or company?

Data at rest are encrypted using AES 256.

Please identify how data **in transit** is protected by your product, service or company?

Data in transit are secured using TLS and HTTPS.