

**AMENDMENT #1 TO THE
NEW HAMPSHIRE STUDENT DATA PRIVACY AGREEMENT
VERSION (2019)**

This Amendment #1 is effective as of Jan 26, 2022, and is between **Sunapee School District SAU#85** (“LEA”) and **Zoom Video Communications, Inc.** (“Provider” or “Zoom”). Capitalized terms not defined herein shall have the meaning ascribed in the DPA.

RECITALS

WHEREAS, LEA and Zoom entered into the New Hampshire Data Privacy Agreement Version (2019) dated 3/17/20 (the “DPA”), which has been adopted by school districts that signed Exhibit E General Offer of Privacy Terms (each, a “Subscriber LEA”); and

WHEREAS, LEA and Subscriber LEAs receive certain Services from Provider pursuant to services agreements and as generally referenced in Exhibit A to the DPA; and

WHEREAS, the parties want to amend the DPA to extend the term and clarify the impact of Provider-required privacy consents.

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

- I.** The parties replace section “1. Term” of Article VI: MISCELLANEOUS in its entirety with the following:
 - 1. Term.** Provider agrees to be bound by the terms and obligations of this DPA through April 1, 2023.

- II.** The parties add the following clause as a new section “13. Required Consents” in Article VI: MISCELLANEOUS.

13. Required Consents. The “Consent to Educational Data Collection Practices” issued by Provider in October 2021 (the “2021 Consent”) does not modify the terms of the DPA. The parties intend for the DPA to be a separate contractual agreement that is not superseded or modified by the 2021 Consent. No future consent or acknowledgement will supersede or modify the terms of the DPA absent an express signed agreement between LEA and Provider to the contrary. Notwithstanding anything to the contrary contained in the 2021 Consent, LEA is only required to obtain from parents or third parties those consents that are required under the Children’s Online Privacy Protection Act (COPPA) for third-party applications used or installed in connection with Zoom Products and Services.

- III. Miscellaneous.**
 - A. Entire Agreement; Conflict or Inconsistency.** Other than the changes set forth in the preceding paragraphs, all terms and conditions of the DPA remain in full force and effect. Where there is a conflict between the DPA and this amendment, the provisions of this amendment shall supersede and replace the conflicting terms and conditions of the DPA. This amendment, together with the DPA, and any previous addendums, constitutes the entire understanding of the parties and cannot be further modified except by further written agreement of the parties.

B. General Offer of Terms. Provider, by signing the attached Exhibit G Amended Form of General Offer of Privacy Terms, will be bound by the terms of this amendment and the DPA with any Subscriber LEA that duly countersigns the Exhibit G Amended Form of General Offer of Privacy Terms. LEA shall sign Zoom's 2021 Consent contemporaneously with this Amendment.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound, have executed this amendment to the DPA as of the effective date indicated above.

SUNAPEE SCHOOL DISTRICT SAU#85

By: *Mike Montore* Date: 01/27/2022
Mike Montore (Jan 27, 2022 09:05 EST)

Printed Name: Mike Montore Title/Position: Tech Dir.

ZOOM VIDEO COMMUNICATIONS, INC.

By: DocuSigned by:
Deborah Fay
3BA802462F4F44D... Date: Jan 26, 2022

Printed Name: Deborah Fay Title/Position: Deputy General Counsel