

This section to be completed by the Third-Party Contractor and returned to Broome-Tioga BOCES

Section 1: Does the Third-Party Contractor have access to student data and/or teacher or principal data as those terms are defined by law?

Yes

Please complete Sections 2, 3 and 4

No

Please complete Section 3

Section 2: Supplemental Information Details

Third-Party Contractors subject to New York Education Law § 2-d – please complete the table below

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 Service Agreement (or list the section(s) in the Service Agreement where this information can be found)	The purpose is to provide the Soundtrap for Education online program for educational use to the District under the Soundtrap for Education Terms of Use located at https://www.soundtrap.com/legal/terms/edu/ushttps://www.soundtrap.com/legal/terms/edu/us ("Service Agreement")
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 Service Agreement (or list the section(s) in the Service Agreement where this information can be found)	Please see the attached Soundtrap for Education Privacy and Security Program Plan.
Please list when the agreement expires and what happens to the protected data when the Service Agreement expires (or list the section(s) in the Service Agreement where this information can be found)	The Agreement will expire in accordance with the Service Agreement. Upon expiration, protected data will be processed in accordance with section 5.5 of the attached Soundtrap for Education Privacy and Security Program Plan. Notwithstanding anything to the contrary, Third-Party Contractor may retain data that have been created pursuant to its standard archiving or backup procedures, or contained in any archived electronic communications (e.g. emails); provided any confidentiality obligations contained in the Agreement herein remain applicable to the archived copies so long as they exist.
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 Service Agreement where this information can be found)	Please see section 5.2 in the attached Soundtrap for Education Privacy and Security Program Plan.
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 Service Agreement where this information can be found)	Data may be stored in the United States, Europe or Asia. Please see the attached Soundtrap for Education Privacy and Security Program Plan.
Please list how the data will be protected using encryption (or list the section(s) in the Service Agreement where this information can be found)	Please see section 7 of the attached Soundtrap for Education Privacy and Security Program Plan.

Section 3: Agreement and Signature

By signing below, you agree:

- The information provided in this document by the Third-Party Contractor is accurate
- To comply with the terms of Broome-Tioga BOCES Parents' Bill of Rights for Data Privacy and Security (as applicable to Third-Party Contractors subject to New York Education Law § 2-d only)
- Any additional terms that may be presented in any other document, Purchase Order or other shall be null and void, unless expressly agreed to by the Parties.

Company Name: Spotify USA Inc.

Product Name: Soundtrap for Education

January 27 2022

Printed Name: Michael Bell

Signature



Date

Section 4: Data Privacy Rider for All Contracts Involving Protected Data Pursuant to New York State Education Law §2-C and §2-D

BOCES and the Third-Party Contractor agree as follows:

1. The parties agree to the Soundtrap for Education Terms of Use, located at <https://www.soundtrap.com/legal/terms/edu/us>, (the "Service Agreement") under which the Broome -Tioga BOCES will receive the Soundtrap for Education service (the "Service") from Spotify USA Inc. ("Third-Party Contractor").
2. Definitions:
 - a. Protected Information means personally identifiable information of students from student education records as defined by FERPA, as well as teacher and Principal data regarding annual professional performance reviews made confidential under New York Education Law §3012-c and §3012-d;
 - b. Personally Identifiable Information (PII) means the same as defined by the regulations implementing FERPA (20 USC §1232-g);
3. Confidentiality of all Protected Information shall be maintained in accordance with applicable State and Federal Law, this BOCES's Data Security and Privacy Policy Rider and the Service Agreement ;
4. The Parties agree that the BOCES's Parents' Bill of Rights for Data Security and Privacy Rider are incorporated as part of the Service Agreement, and the Third-Party Contractor and BOCES shall comply with its terms, as they apply to the Parties;
5. The Third-Party Contractor agrees to comply with all applicable New York State Education Law §2-d and its implementing regulations;
6. The Third-Party Contractor agrees that any officers or employees of the Third-Party Contractor, and its assignees who have access to Protected Information, have received, will receive or will be contractually required to receive training on applicable Federal and State law governing confidentiality of such information prior to receiving access;
7. The Third-Party Contractor 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 the Service Agreement. Unauthorized use specifically includes, but is not limited to, selling or disclosing personally identifiable information for marketing or commercial purposes or permitting, facilitating, or disclosing such information to another Third-Party for marketing or commercial purposes. Notwithstanding anything to the contrary herein, Third-Party Contractor is not prohibited from using any data for adaptive learning or customized student learning purposes, or in de-identified or aggregate form to improve its services or for internal analysis;
 - c. except for authorized representatives of the Third-Party Contractor to the extent they are carrying out the Service Agreement, 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 New York State Education 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 statute or court order;
 - d. maintain reasonable administrative, technical, and physical safeguards to protect the security, confidentiality and integrity of personally identifiable information 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 as applicable to the Third-Party Contractor;
- f. adopt technology, safeguards and practices that align with the NIST Cybersecurity Framework as applicable to the Third-Party Contractor;
- g. Where the Third-Party Contractor engages a subcontractor or other party to perform any of its contractual obligations which provides access to Protected Information, Third-Party Contractor will contractually require its subcontractors to handle the Protected Information in manner that is at least as protective of education records as those imposed upon the Third-Party Contractor as set forth herein.

Agreement and Signature

By signing below, the Parties agree to the Terms and Conditions in this Ride and the Service Agreement

Company Name Spotify USA Inc.

Product Name Soundtrap for Education

Printed Name Michael Bell

Signature:  Date January 27 2022

Broome -Tioga BOCES

Printed Name and Title Daniel Myers, Executive Operations Officer |

Signature *Dan Myers* Date Jan 12, 2022

Spotify - Sound Trap - Broome-Tioga BOCES (NY) Jan 4 2022 -V_1 Ed law 2d

Final Audit Report

2022-01-12

Created:	2022-01-12
By:	Lisa Besemer (lbesemer@btboces.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAIW9MuP3x9yCd7meKy5-79FfK9bSj5I_G

"Spotify - Sound Trap - Broome-Tioga BOCES (NY) Jan 4 2022 -V_1 Ed law 2d" History

 Document created by Lisa Besemer (lbesemer@btboces.org)

2022-01-12 - 3:44:22 PM GMT- IP address: 163.120.64.125

 Document emailed to Dan Myers (dmyers@btboces.org) for signature

2022-01-12 - 3:45:06 PM GMT

 Email viewed by Dan Myers (dmyers@btboces.org)

2022-01-12 - 3:56:22 PM GMT- IP address: 3.239.45.78

 Document e-signed by Dan Myers (dmyers@btboces.org)

Signature Date: 2022-01-12 - 3:56:36 PM GMT - Time Source: server- IP address: 104.225.162.199

 Agreement completed.

2022-01-12 - 3:56:36 PM GMT



Soundtrap Privacy Policy

Effective as of 1 July, 2023

Introduction

Thanks for choosing Soundtrap!

At Soundtrap, we want to give you the best possible experience to ensure that you enjoy our service today, tomorrow and in the future. Your privacy and the security of your personal data is, and will always be, enormously important to us. So, we want to transparently explain how and why we gather, store, share and use your personal data - as well as outline the controls and choices you have around when and how you share your personal data.

That is our objective, and this Privacy Policy ("Policy") will explain exactly what we mean in further detail below.

About this Policy

This Policy sets out the essential details relating to your personal data relationship with Soundtrap, a service provided by the Soundtrap entity indicated in Section "How to Contact



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"Service").

We hope this helps you to understand our privacy commitments to you. For information on how to contact us if you ever have any questions or concerns, then please see Section "How to Contact Us". Alternatively, if you do not agree with the content of this Policy, then please remember it is your choice whether you want to use the Soundtrap Service.

Your rights and your preferences: Giving you choice and control

The General Data Protection Regulation or "GDPR" gives certain rights to individuals in relation to their personal data. As available and except as limited under applicable law, the rights afforded to individuals are:

- *Right of Access* - the right to be informed of and request access to the personal data we process about you;
- *Right to Rectification* - the right to request that we amend or update your personal data where it is inaccurate or incomplete;
- *Right to Erasure* - the right to request that we delete your personal data;
- *Right to Restrict* - the right to request that we temporarily or permanently stop processing all or some of your personal data;
- *Right to Object* - the right, at any time, to object to us processing your personal data on grounds relating to your particular situation, or to object



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that personal data for use in another party's service; and

- *Right not to be subject to Automated Decision-making* - the right to not be subject to a decision based solely on automated decision-making, including profiling, where the decision would have a legal effect on you or produce a similarly significant effect.

If we send you electronic marketing messages based on your consent or otherwise permitted by applicable law, you may, at any time, withdraw such consent or declare your objection ("opt-out") at no cost. The electronic marketing messages you receive from Soundtrap (e.g. those sent via email) will also include an opt-out mechanism within the message itself (e.g. an unsubscribe link in the emails we send to you).

You can learn more about how to set your preferences in relation to how Soundtrap uses your personal data in Section "Choice and Control" and you can control your personal data on the Settings page on the Website.

If you have any questions about your privacy, your rights, or how to exercise them, please contact privacy@soundtrap.com. We will respond to your request within a reasonable period of time upon verification of your identity. If you are unhappy with the way we are using your personal data you can also contact, and are free to lodge a complaint with, the Swedish Data Protection Authority (Datainspektionen) or your local Data Protection Authority.



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collect and use about you.

Personal data collected when you sign up:

Categories of personal data	Description of category
Account registration data	This is the personal data that is provided by you or collected by us to enable you to sign up for and use the Soundtrap Service. This includes your email address, age, country and password. If you register a premium account, you will also need to provide your real name, address and payment verification information. Some of the personal data we will ask you to provide is required in order to create your account. You also have the option to provide us with some additional personal data in order to make your account more personalized, such as data for your public profile on Soundtrap. The exact data we will collect depends on the type of Soundtrap Service plan you sign up for and whether or not you use a third party service to sign up and use the Soundtrap Service. If you use a third

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third party sharing your personal data with us.

Personal data provided through your use of the Service

Categories of personal data	Description of category
Service Usage Data	This is the personal data that is collected about you when you are using the Soundtrap Service. This includes: • Information about your type of Soundtrap Service plan. • Information about your interactions with the Soundtrap Service which includes date and time of any request you make, sounds you have streamed, recorded, uploaded or downloaded, your interactions with other Soundtrap users, details about your connections and use of third party applications. • Your Content (as defined in the Terms and Conditions of Use), you post to Soundtrap including

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		Customer Service team. • Technical Data which may include URL information, cookie data, your IP address, the types of devices you are using to access or connect to the Soundtrap Service, unique device IDs, device attributes, network connection type and provider, network and device performance, browser type, language, operating system, and Soundtrap application version. Further details about the technical data that is processed by us can be found in our Cookie Policy.	
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Personal data collected with your permission that enables us to provide you with additional features/functionality

Categories of personal data	Description of category
Payment Data	We may collect such personal data if you sign up for a Trial or purchase any of our Paid Subscriptions (as defined in



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		payment method (e.g. direct via your mobile phone carrier or by invoice) but will include information such as: • Name; • Credit or debit card type, expiration date, and certain digits of your card number; • Billing address; • Details of your transaction history.	
	Survey and Contest Data	If you participate in any survey or contest, you will provide certain personal data as part of your participation, unless you respond anonymously. The exact personal data collected will vary depending on the survey or contest.	

Personal data collected from third party sources

We collect personal data about you from various third parties. These third party sources vary over time and include the following:

Categories of personal data	Description of category
Authentication Partners	If you register for or log into our Services using third party credentials (e.g. Google), we will



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service partners	technical service partners that provide us with certain data, such as mapping IP addresses to non-precise location data (e.g. city, state), to enable us to provide the Soundtrap Service.
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What do we use your personal data for?

When you use or interact with the Soundtrap Service, we use a variety of technologies to process the personal data we collect about you for various reasons. We have set out in the table below the reasons why we process your personal data, the associated legal bases we rely upon to legally permit us to process your personal data, and the categories of personal data (identified in Section “Personal data we collect from you”) used for these purposes:

Description of why Soundtrap process your personal data ('processing purpose')	Legal Basis for the processing purpose	Categories of personal data used by Soundtrap for the processing purpose
To provide, personalize, and improve your experience with the Soundtrap Service and other services and products provided by Soundtrap, for example by providing customized, personalized, or	• Performance of a Contract • Legitimate interest	• Account Registration Data • Service Usage Data • Payment Data • Survey and Contest Data



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	and services).		
	To understand how you access and use the Soundtrap Service to ensure technical functionality of the Soundtrap Service, develop new products and services, and analyze your use of the Soundtrap Service, including your interaction with applications, products, and services that are made available, linked to, or offered through the Soundtrap Service.	• Performance of a Contract • Legitimate interest	• Account Registration Data • Service Usage Data • Survey and Contest Data
	To understand, diagnose, troubleshoot and fix issues with the Soundtrap Service.	• Performance of a Contract • Legitimate interest	• Account Registration Data
	For marketing, promotion, and advertising purposes.	• Legitimate interest • Consent	• Account Registration Data • Service Usage Data • Survey and Contest Data
	To conduct research, contests, and surveys.	• Performance of a Contract • Legitimate interest • Consent	• Account Registration Data • Service Usage Data • Survey and Contest Data
	To process your payment to prevent or detect fraud including fraudulent payments and fraudulent use of	• Performance of a Contract • Compliance with legal obligations • Legitimate interest	• Account Registration Data • Service Usage Data • Payment Data



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establish, exercise, or defend legal claims.		• Payment Data • Survey and Contest Data
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If you require further information about the legal basis and the balancing test that Soundtrap has undertaken to justify its reliance on the legitimate interest legal basis under the GDPR, please see Section “How to Contact Us”.

Sharing your personal data

We have set out the categories of recipients of the personal data collected or generated through your use of the Soundtrap Platform.

Publicly available personal data

Your public profile will be publicly accessible and may be used by anyone accessing the Website, or using our API or other Service. The following personal data will always be publically available on the Soundtrap Platform: any personal data in your public profile (other than your email address) will be accessible by other users of the Platform, who may view your profile data, listen to and comment on any of your public sounds, add themselves to your list of followers, and send you messages. If you listen to any sounds uploaded by a premium user, the fact that you have listened to those sounds will be shared with that premium user, so that they can track the popularity of their sounds. Similarly, if you comment on any sounds on the Platform, your comments will be available to all users of the Platform.

Personal data you may choose to share

Your personal data will only be shared with the categories of recipients



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to share the personal data

For information on how to control the data you share, please see Section “Choice and Control” below.

Categories of recipients	Reason for sharing
Other networks and connected apps	If you choose to connect your Soundtrap account to other apps or social networks, you will be sharing certain data with these apps or networks. This Privacy Policy does not apply to the collection of your information by these third parties. We recommend that you review their privacy policy for more information. Facebook: https://www.facebook.com/about/privacy Google: https://policies.google.com/privacy Soundcloud: https://soundcloud.com/pages/privacy Spotify: https://www.spotify.com/us/legal/privacy-policy/ Youtube API: https://policies.google.com/privacy To revoke access visit: https://security.google.com/settings/security/permissions
Support Community	When you register for a Soundtrap Support Account on the Soundtrap Support Community, we will ask you to create a specific Soundtrap Support Community username. This will be publicly displayed to anyone who accesses the Soundtrap Support Community along with any questions or comments you post.

Personal data we may share

Categories of recipients	Reason for sharing
Service Providers	We use certain reputable third parties to provide us with certain specialized services related to the Platform, in particular providers which host, store, manage and maintain the Soundtrap application, its content and the data we process. These third parties will have access to certain data about you, but only where



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and advertising partners to promote our Service and to send you marketing communications about Soundtrap. Our marketing partners may help us to serve ads to you by combining this information with data which they have collected about you elsewhere.

Statistical Analysis Platform

We may aggregate your personal data with similar data relating to other users of the Platform in order to create statistical information regarding the Platform and its use, which we may then share with third parties or make publicly available. However, none of this information would include any email address or other contact information, or anything that could be used to identify you individually, either online or in real life.

Law Enforcement and Data Protection Authorities

We will disclose your personal data if we believe in good faith that we are permitted or required to do so by law, including in response to a court order, subpoena or other legal demand or request.

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	employees, directors or shareholders, and/or to ensure the safety and security of the Platform and/or the Soundtrap community.
Purchasers of our business	We may transfer your personal data to any person or company that acquires all or substantially all of the assets or business of Soundtrap, or on a merger of our business, or in the event of our insolvency, provided that such person or company be bound by the Soundtrap Privacy Policy or terms substantially similar.

Choice and control

We do our best to give you as much choice as possible regarding the amount of personal data you provide to us, and the control you have over that data.

It is not necessary for you to provide us with any data in order to visit the Website, although certain data will be collected automatically by virtue of your visit (as described above). However, if you do decide to register a Soundtrap account, you can control your personal data through Soundtrap privacy settings. This enables you to control, among other things, which email notifications (if any) you would like to receive from us.



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the Soundtrap Platform and for legitimate and essential business purposes, such as maintaining the performance of the Soundtrap Platform, making data-driven business decisions about new features and offerings, complying with our legal obligations, and resolving disputes. We keep some of your personal data for as long as you are a user of the Soundtrap Platform.

If you request, we will delete or anonymise your personal data so that it no longer identifies you, unless we are legally allowed or required to maintain certain personal data, including situations such as the following:

- If there is an unresolved issue relating to your account, such as an outstanding credit on your account or an unresolved claim or dispute, we will retain the necessary personal data until the issue is resolved;
- Where we are required to retain the personal data for our legal, tax, audit and accounting obligations, we will retain the necessary personal data for the period required by applicable law; and/or,
- Where necessary for our legitimate business interests, such as fraud prevention or to maintain the security of our users.
- You can always delete your account by contacting us at support@soundtrap.com at any time.



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data with, third parties located in countries other than your home country. Your personal data may therefore be subjected to privacy laws that are different from those in your country of residence.

Personal data collected within the European Union and Switzerland may, for example, be transferred to and processed by third parties located in a country outside of the European Union and Switzerland. In such instances Soundtrap shall ensure that the transfer of your personal data is carried out in accordance with applicable privacy laws and in particular that appropriate contractual, technical, and organisational measures are in place, such as the Standard Contractual Clauses approved by the EU Commission.

Keeping your personal data safe

We are committed to protecting our users' personal data. We implement appropriate technical and organisational measures to help protect the security of your personal data; however, please note that no system is ever completely secure.

Your password protects your user account, so we encourage you to use a unique and strong password, limit access to your computer and browser, and log out after having used the Soundtrap Platform.

Children

The Soundtrap Service is not directed to children under the age of 13 years except where schools oversee the



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further details.

We do not knowingly collect personal data from children under 13 years or under the applicable age limit (the "Age Limit"). If you are a parent of a child under the Age Limit and become aware that your child has provided personal data to Soundtrap outside of the Soundtrap Education service, please contact us as described in Section "How to contact us".

If we learn that we have collected the personal data of a child under the age of 13 years, we will take reasonable steps to delete the personal data. For information about your child's use of Soundtrap Education, please see Section "Soundtrap Education" below.

Soundtrap Education

If you are a student or teacher using the Soundtrap Education service, your school acts as a data controller of your personal data and Soundtrap processes the data on the school's behalf. If you have any questions about how we collect personal data in schools or your child's rights and how to exercise them, please contact your school. For a general description of how Soundtrap Education processes student data on a school's behalf, please visit our [Education Privacy Notice](#). If you still have questions or concerns after contacting your school, please contact us as described in Section "How to contact us".



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When we make material changes to this Policy, we'll provide you with prominent notice as appropriate under the circumstances, e.g., by displaying a notice within the Soundtrap Service or by sending you an email. We may notify you in advance.

Please therefore make sure you read any such notice carefully.

If you want to find out more about this Policy and how Soundtrap uses your personal data, please contact privacy@soundtrap.com to find out more.

How to contact us

Thank you for reading our Privacy Policy. If you have questions about this Policy, please contact privacy@soundtrap.com or by writing to us at the address indicated below:

Soundtrap AB
Katarinavägen 15, 116 45
STOCKHOLM
Org.no. 559434-9044

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