

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 contract (or list the section(s) in the contract where this information can be found)	
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)	
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)	
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)	
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)	
Please list how the data will be protected using encryption (or list the section(s) in the contract where this information can be found)	

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 (applicable to Third-Party Contractors subject to New York Education Law § 2-d only)

Company Name Starfall Education Foundation Product Name Starfall, starfall.com

Printed Name Karen Sutherland Signature Karen Sutherland Date 06/29/2021

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. 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);
2. Confidentiality of all Protected Information shall be maintained in accordance with State and Federal Law and the BOCES's Data Security and Privacy Policy;
3. The Parties agree that the BOCES's Parents' Bill of Rights for Data Security and Privacy are incorporated as part of this agreement, and the Third-Party Contractor shall comply with its terms;
4. The Third-Party Contractor agrees to comply with New York State Education Law §2-d and its implementing regulations;
5. 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 or will receive training on Federal and State law governing confidentiality of such information prior to receiving access;
6. 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 its contract or written 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;
 - c. except for authorized representatives of the Third-Party Contractor to the extent they are carrying out the contract or written 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;
 - f. adopt technology, safeguards and practices that align with the NIST Cybersecurity Framework;
 - g. impose all the terms of this rider in writing where the Third-Party Contractor engages a subcontractor or other party to perform any of its contractual obligations which provides access to Protected Information.

Agreement and Signature

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

Company Name Starfall Education Foundation Product Name Starfall, starfall.com

Printed Name Karen Sutherland Signature Karen Sutherland Date 06/28/2021



Starfall®

Privacy Policy

Last Updated: 5 May 2020

Starfall Education Foundation (“we”) strives to create a safe and playful environment for all children. Throughout our services (collectively “services”) – the many Starfall Apps for mobile devices, the Starfall website for children (www.starfall.com), the Starfall Parent-Teacher Center™ (teach.starfall.com), and the Starfall Store™ (store.starfall.com) – we adhere to a strict policy of respecting and protecting the privacy of our users.

Starfall does not collect personal information from children or track children's progress. Children do not provide personal information to access and use our services. The Starfall websites and apps directed toward children operate in accordance with COPPA and FERPA. Starfall does not display any advertising to children.

Personal Information Collection and Use

We ask adult users (“you”) to provide information about themselves when logging in to the member portion of Starfall or when completing a purchase in our store. We do not ask for or collect information from children.

- **Basic Membership Information:** When you become a member of Starfall, you must provide general personal information such as your name, email address, and a password. We may again ask for this information when you login or when you make changes to your account.
- **Payment Information:** When you make a purchase, whether it is for an online membership or a physical product, we require billing and shipping information. This sensitive information is handled with the utmost care. We send payment information to a secure and nationally recognized payment processor using strong industry standard encryption. Once a purchase has been made we do not store credit card numbers, nor do we have access to credit card numbers through our payment processor. In order to provide customer service, we retain the details of a purchase, such as the payment date, the billing address, and the shipping address.
- **Use of Information:** We use the information we collect to operate, maintain and enhance the services we provide, as well as to communicate with you about your account or from time to time to send you emails about services or activities that may be of interest to you.

- **Third Parties:** We do not rent or sell your personal information to third parties. We do share or disclose your personal information with our trusted vendors, but only as needed to provide our services. These vendor services may include hosting, email delivery, and payment services.

Technical Information Collection and Use

When you use Starfall on a computer or mobile device, we collect some basic technical information in order to customize your experience as well as to improve our services.

- **Cookies:** Like many websites, we rely on cookies (a small text file sent to your browser) to give us a better understanding of how many unique users we have and how they are using our site. We also use cookies to retain your preferences and remember the state of an activity such as an online shopping cart or service such as a membership login. We do not collect personal information through cookies.
- **Other Information:** We automatically receive and record information on our server logs from a user's browser, including a user's IP address. We may collect information about the browser, operating system, or mobile device being used, as well as information about geographic locations and patterns of usage. We keep these records so that we can analyze the 'big picture' of how our visitors use our site and to analyze any technical problems that could occur.
- **Use of Information:** We use the information collected to deliver content, support, track and enhance a user's experience of our services. For example, when a user returns to the services after logging in, cookies help us recognize that user without having to log back in. Additionally, by understanding usage trends, behaviors and preferences of our users, we can improve our services and develop new features and functionality.

Updating Information and Disclosure of Information

Please contact us at helpdesk@starfall.com to update or delete your personal information. We may not be able to delete information in all instances, such as information retained in technical support logs and other business records.

Starfall may disclose information we have retained if we believe it necessary to comply with a legal process, law enforcement investigation, or government request. We may also divulge collected information in response to fraud or technical security issues or in matters of public safety. Any such disclosure will be tailored to disclose only the specifically requested information to the requesting authority.

International Visitors and Use Outside the U.S.

Our services are operated and managed on servers located within the United States. If you are using our services outside the United States, you consent to having your information and data transferred to the United States for the purpose of performing the services according to our Terms of Service. If you are in any jurisdiction with laws or regulations governing internet use, including collection, use, and disclosure of personal data, different from those of the United States, you may only use our services in a manner that is

lawful in your jurisdiction. Please do not use our services if use of our services is unlawful in your jurisdiction.

This paragraph outlines our compliance with the General Data and Protection Regulation (GDPR) of the European Union and other applicable data protection laws. Starfall is the company that controls your data and is sometimes called the 'data controller' within the terms of the GDPR. We maintain records of all requests and our responses with respect to issues addressed in this Privacy Policy. Under the GDPR, we must maintain a data inventory and data flow mapping for compliance purposes. You have various rights under data protection laws and you have the right, without charge, upon verification of identity, to:

1. Request a copy of the personal information about you that we have
2. Correct any inaccuracies in personal data about you that we have
3. Withdraw your consent where we have requested your consent to process information
4. Delete personal information within legally prescribed limitations
5. Lodge a complaint with the appropriate public authority if you have any concerns about how we process or retain your data

If you have any questions or requests concerning these rights, please contact us at helpdesk@starfall.com and your inquiry will be responded to as soon as possible but within 30 days of our receipt of your request. We have appointed an internal Data Protection Officer for you to contact if you have any questions regarding our privacy policy or if you wish to exercise your data protection rights. Your first point of contact should be with our customer service team that can be contacted at helpdesk@starfall.com. The Data Protection Officer for residents of the European Union may be contacted at euprivacy@starfall.com.

COPPA and FERPA

We do not collect personal information from children or track children's progress. Children do not provide personal information to use and access our services. The Starfall websites and apps directed toward children operate in accordance and are consistent with the Children's Online Privacy Protection Act (COPPA) and the Family Educational Rights and Privacy Act (FERPA).

Security

Our servers are located in a secured, locked, and monitored environment. Data access is controlled by several firewall layers. Since no system is absolutely fail proof, we cannot guarantee the absolute security of your information. However, we employ physical, technical and administrative security measures designed to safeguard user information that follow or exceed industry standards.

Advertising and Social Media

Starfall does not display any advertising to children on our websites or apps. We strongly believe that children should not be the targets of marketing efforts during their educational experience. Resources for grown-ups, specifically those found on the Starfall Parent-Teacher Center™ and the Starfall Store™, may

contain links to social media services, but are kept separate from children's activities and safeguarded behind a parent gate.

Updates

We may make changes to this privacy policy from time to time and will notify you of changes by posting the revised privacy policy with an updated date of revision on our websites. If we change this privacy policy in a material manner, we will do our best to notify you of the changes by posting a notice on our websites. Your continued use of our services following the effective date of such update constitutes your acceptance of the revised policy.

Contact Information

Please contact Starfall with any questions or comments.

By email: helpdesk@starfall.com

By mail: Starfall Education Foundation, PO Box 359, Boulder, CO 80306

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