

# NEW YORK STATE DATA PRIVACY AGREEMENT FOR EDUCATIONAL AGENCIES

(Contractor Modified Version AS2021a)

Churchville-Chili School District

and

**Artsonia LLC**

This Data Privacy Agreement (“DPA” or “Agreement”) is by and between Churchville-Chili School District (“EA”), an Educational Agency, and **Artsonia LLC** (“Contractor”), collectively, the “Parties”.

## ARTICLE I: DEFINITIONS

As used in this DPA, the following terms shall have the following meanings:

- 1. Breach:** The unauthorized acquisition, access, use, or disclosure of Personally Identifiable Information in a manner not permitted by State and federal laws, rules and regulations, or in a manner which compromises its security or privacy, or by or to a person not authorized to acquire, access, use, or receive it, or a Breach of Contractor’s security that leads to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to Personally Identifiable Information.
- 2. Commercial or Marketing Purpose:** means the sale, use or disclosure of Personally Identifiable Information for purposes of receiving remuneration, whether directly or indirectly; the sale, use or disclosure of Personally Identifiable Information for advertising purposes; or the sale, use or disclosure of Personally Identifiable Information to develop, improve or market products or services to students. Notwithstanding the foregoing, the Services provided to Churchville-Chili School District by Contractor, which are described in Exhibit E to this DPA, are not for a prohibited commercial or marketing purpose and are expressly excluded from this definition.<sup>1</sup>
- 3. Disclose:** To permit access to, or the release, transfer, or other communication of personally identifiable information by any means, including oral, written or electronic, whether intended or unintended.

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<sup>1</sup> For purposes of the New York Education Law and Part 121 of the Regulations of the Commissioner of Education, the New York State Education Department explains: “services of a third-party contractor provided to an educational agency pursuant to a valid contract, for the exclusive purpose for which the contract was put in place, is not prohibited commercial or marketing purpose” and a third-party contractor “is not prohibited from undertaking activities pursuant to the contract to provide the contracted for services.” See <http://www.nysed.gov/data-privacy-security/frequently-asked-questions-dpos#tpc>.

4. **Education Record:** An education record as defined in the Family Educational Rights and Privacy Act and its implementing regulations, 20 U.S.C. 1232g and 34 C.F.R. Part 99, respectively.
5. **Educational Agency:** A school district, board of cooperative educational services, school, or charter school that is subject to Education Law 2-d, or the New York State Education Department.
6. **Eligible Student:** A student who is eighteen years of age or older.
7. **Encrypt or Encryption:** As defined in the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Security Rule at 45 CFR 164.304, means the use of an algorithmic process to transform Personally Identifiable Information into an unusable, unreadable, or indecipherable form in which there is a low probability of assigning meaning without use of a confidential process or key.
8. **NIST Cybersecurity Framework:** The U.S. Department of Commerce National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity Version 1.1.
9. **Parent:** A parent, legal guardian or person in parental relation to the Student.
10. **Personally Identifiable Information (PII):** Means personally identifiable information as defined in section 99.3 of Title 34 of the Code of Federal Regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C 1232g pertaining to the Students of a School, and Teacher or Principal APPR Data, as defined below.
11. **Release:** Shall have the same meaning as Disclose.
12. **Services:** See Exhibit E to this DPA.
13. **School:** Any public elementary or secondary school including a charter school, universal pre-kindergarten program authorized pursuant to Education Law § 3602-e, an approved provider of preschool special education, any other publicly funded pre-kindergarten program, a school serving children in a special act school district as defined in Education Law § 4001, an approved private school for the education of students with disabilities, a State-supported school subject to the provisions of Article 85 of the Education Law, or a State-operated school subject to the provisions of Articles 87 or 88 of the Education Law.
14. **Student:** Any person attending or seeking to enroll in an Educational Agency.
15. **Student Data:** Personally identifiable information as defined in section 99.3 of Title 34 of the Code of Federal Regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C 1232g.
16. **Subcontractor:** Contractor's non-employee agents, consultants and/or subcontractors engaged in the provision of services pursuant to the Service Agreement.
17. **Teacher or Principal APPR Data:** Personally Identifiable Information from the records of an Educational Agency relating to the annual professional performance reviews of classroom teachers or principals that is confidential and not subject to release under the provisions of Education Law §§ 3012-c and 3012-d.

## ARTICLE II: PRIVACY AND SECURITY OF PII

### 1. **Compliance with Law.**

In order for Contractor to provide certain the Services to the EA pursuant to this Agreement, Contractor may receive PII regulated by several New York and federal laws and regulations, among them, the Family Educational Rights and Privacy Act (“FERPA”) at 12 U.S.C. 1232g (34 CFR Part 99), Children's Online Privacy Protection Act (“COPPA”) at 15 U.S.C. 6501-6502 (16 CFR Part 312), Protection of Pupil Rights Amendment (“PPRA”) at 20 U.S.C. 1232h (34 CFR Part 98), Individuals with Disabilities Education Act (“IDEA”) at 20 U.S.C. 1400 *et seq.* (34 CFR Part 300), New York Education Law Section 2-d, and the New York Commissioner of Education’s Regulations at 8 NYCRR Part 121. The Parties enter into this DPA to address the requirements of New York law. Contractor agrees to maintain the confidentiality and security of PII in accordance with applicable New York, federal, and local laws, rules and regulations.

### 2. **Authorized Use.**

Contractor has no property or licensing rights or claims of ownership to PII except as necessary to provide the Services, and Contractor must not use PII for any purpose other than to provide the Services set forth in Exhibit E to this Agreement. Neither the Services provided, nor the manner in which such Services are provided, shall violate New York law.

### 3. **Data Security and Privacy Plan.**

Contractor shall adopt and maintain administrative, technical, and physical safeguards, measures, and controls to manage privacy and security risks and protect PII in a manner that complies with New York State, federal, and local laws and regulations and the EA’s policies. Education Law Section 2-d requires that Contractor provide the EA with a Data Privacy and Security Plan that outlines such safeguards, measures and controls, including how the Contractor will implement all applicable data security and privacy requirements. Contractor’s Data Security and Privacy Plan is attached to this DPA as Exhibit C.

### 4. **EA’s Data Security and Privacy Policy**

State law and regulation requires the EA to adopt a data security and privacy policy that complies with Part 121 of the Regulations of the Commissioner of Education and aligns with the NIST Cyber Security Framework. Contractor shall comply with the EA’s data security and privacy policy and other applicable policies.

### 5. **Right of Review and Audit.**

Upon request by the EA, Contractor shall provide the EA with copies of its policies and related procedures that pertain to the protection of PII. It may be made available in a form that does

not violate Contractor's own information security policies, confidentiality obligations, and applicable laws. In addition, Contractor may be required to undergo an audit of its privacy and security safeguards, measures and controls as it pertains to alignment with the requirements of New York State laws and regulations, the EA's policies applicable to Contractor, and alignment with the NIST Cybersecurity Framework performed by an independent third party at Contractor's expense, and provide the audit report to the EA. Contractor may provide the EA with a recent industry standard independent audit report on Contractor's privacy and security practices as an alternative to undergoing an audit.

#### **6. Contractor's Employees and Subcontractors.**

- (a) Contractor shall only disclose PII to Contractor's employees and Subcontractors who need to know the PII in order to provide the Services. The disclosure of PII shall be limited to the extent necessary to provide such Services. Contractor shall ensure that all such employees and Subcontractors comply with the terms of this DPA.
- (b) Contractor must ensure that each Subcontractor that will receive or have access to PII is contractually bound by a written agreement that includes confidentiality and data security obligations equivalent to, consistent with, and no less protective than those found in this DPA.
- (c) Contractor shall examine the data security and privacy measures of its Subcontractors prior to utilizing the Subcontractor. If at any point a Subcontractor fails to materially comply with the requirements of this DPA, Contractor shall: notify the EA and remove such Subcontractor's access to PII and, as applicable, retrieve all PII received or stored by such Subcontractor and/or ensure that PII has been securely deleted and destroyed in accordance with this DPA. In the event there is an incident in which the Subcontractor compromises PII, Contractor shall follow the Data Breach reporting requirements set forth herein.
- (d) Contractor shall take full responsibility for the acts and omissions of its employees and Subcontractors.
- (e) Contractor must not disclose PII to any other party, except to its Subcontractors and for purposes of the Services, unless such disclosure is required by statute, court order, or subpoena, and the Contractor makes a reasonable effort to notify the EA in advance of compliance, but in any case, provides notice to the EA no later than the time the PII is disclosed, unless such disclosure to the EA is expressly prohibited by the statute, court order or subpoena.

#### **7. Training.**

Contractor shall ensure that all its employees and Subcontractors who have access to PII have received or will receive training on the federal and state laws governing confidentiality of such data prior to receiving access.

## **8. Termination**

The obligations of this DPA shall continue and shall not terminate for as long as the Contractor or its Subcontractors retain PII or retain access to PII as part of the Services being provided to the EA.

## **9. Data Return and Destruction of Data.**

- (a) Protecting PII from unauthorized access and disclosure is of the utmost importance to the EA, and Contractor agrees that it is prohibited from retaining PII or continued access to PII or any copy, summary or extract of PII, on any storage medium (including, without limitation, in secure data centers and/or cloud-based facilities) whatsoever beyond the period of providing Services to the EA, unless such retention is either expressly authorized for a prescribed period by the Service Agreement, other written agreement between the Parties, or an agreement between Contractor and a data subject or a person authorized to act on a data subject's behalf, or expressly requested by the EA for purposes of facilitating the transfer of PII to the EA, or expressly required by law. As applicable, upon expiration or termination of this Agreement and written election by the EA, Contractor shall transfer PII, in a format agreed to by the Parties, to the EA.
- (b) If applicable, once the transfer of PII has been accomplished in accordance with the EA's written election to do so, Contractor agrees to return or destroy all PII when the purpose that necessitated its receipt by Contractor, has been completed, except as agreed to by the Parties or as agreed to by Contractor and a data subject or a person authorized to act on behalf of a data subject. Thereafter, with regard to any remaining PII (including without limitation, all hard copies, archived copies, electronic versions, electronic imaging of hard copies), as well as any and all PII maintained on behalf of Contractor in a secure data center and/or cloud-based facilities that remain in the possession of Contractor or its Subcontractors, Contractor shall ensure that PII is securely deleted and/or destroyed in a manner that does not allow it to be retrieved or retrievable, read or reconstructed. Hard copy media must be shredded or destroyed, such that PII cannot be read or otherwise reconstructed. Electronic media must be cleared, purged, or destroyed, such that the PII cannot be retrieved. Only the destruction of paper PII, and not redaction, will satisfy the requirements for data destruction. Redaction is specifically excluded as a means of data destruction.
- (c) Contractor shall provide the EA with a written certification of the secure deletion and/or destruction of PII held by the Contractor or Subcontractors.
- (d) To the extent that Contractor and/or its Subcontractors continue to be in possession of any de-identified data (*i.e.*, data that has had all direct and indirect identifiers removed), they agree not to attempt to re-identify de-identified data and not to transfer de-

identified data to any party, except pursuant to the written consent of a parent or legal guardian.

**10. Commercial or Marketing Use Prohibition.**

Contractor agrees that it will not sell PII or use or disclose PII for a Commercial or Marketing Purpose as defined herein. Contractor’s Services, which are described in Exhibit E hereto, do not constitute the sale, use, or disclosure of PII for a Commercial or Marketing Purpose. The Services are not subject to this section, or any other “Commercial or Marketing Use Prohibition,” and are expressly permitted by this DPA.

**11. Encryption.**

Contractor shall use industry standard security measures including encryption protocols that comply with New York law and regulations to preserve and protect PII. Contractor must encrypt PII at rest and in transit in accordance with applicable New York laws and regulations.

**12. Breach.**

(a) Contractor shall promptly notify the EA of any Breach of PII without unreasonable delay, no later than seven (7) business days after confirmation of the Breach. Notifications required pursuant to this section must be in writing, given by personal delivery, e-mail transmission (if contact information is provided for the specific mode of delivery), or by registered or certified mail, and must include a description of the Breach. To the extent available, this description should include the date of the incident and the date of discovery, the types of PII affected, the number of records affected, a description of Contractor’s investigation, and the contact information for representatives who can assist the EA. Notifications required by this section must be sent to the EA’s District Superintendent or other head administrator with a copy to the Data Protection Office. Violations of the requirement to notify the EA shall be subject to a civil penalty pursuant to Education Law Section 2-d. The Breach of certain PII protected by Education Law Section 2-d may subject the Contractor to additional penalties.

(b) Notifications required under this paragraph must be provided to the EA at the following address:

Name: Derek VanDenHandel

Title: Dir. IT, Data Privacy Officer

Address: 139 Fairbanks Road

City, State, Zip: Churchville, NY 14472

Email: dvandenhandel@cccsd.org

### **13. Cooperation with Investigations.**

Contractor agrees that it will cooperate with the EA and law enforcement, where necessary, in any investigations into a Breach. Any costs incidental to the required cooperation or participation of the Contractor or its Subcontractors, as related to such investigations, will be the sole responsibility of the Contractor if such Breach is attributable to Contractor or its Subcontractors.

### **14. Notification to Individuals.**

In the event Contractor notifies the EA of a Breach in accordance with Article II, Section 11 of this DPA, the EA, and not Contractor, is solely responsible providing any required notice to the affected individuals, Students, Parents, teachers, principals, and relevant authorities, or as may be required by the New York Education Law and its corresponding regulations. Where a Breach of PII occurs that is attributable to Contractor, Contractor shall pay for or promptly reimburse the EA for the full cost of the EA's notification to Parents, Eligible Students, teachers, and/or principals, in accordance with Education Law Section 2-d and 8 NYCRR Part 121.

### **15. Termination.**

The confidentiality and data security obligations of the Contractor under this DPA shall survive any termination of this DPA but shall terminate upon Contractor's certifying that it has destroyed all PII in accordance with Article II, Section 9.

## **ARTICLE III: PARENT AND ELIGIBLE STUDENT PROVISIONS**

### **1. Parent and Eligible Student Access.**

Education Law Section 2-d and FERPA provide Parents and Eligible Students the right to inspect and review their child's or the Eligible Student's Student Data stored or maintained by the EA. To the extent Student Data is held by Contractor pursuant to this Agreement, Contractor shall respond within thirty (30) calendar days to the EA's requests for access to Student Data so the EA can facilitate such review by a Parent or Eligible Student, and facilitate corrections, as necessary. Except as contemplated by the Services, if a Parent or Eligible Student contacts Contractor directly to review any of the Student Data held by Contractor pursuant to this Agreement, Contractor shall promptly notify the EA and refer the Parent or Eligible Student to the EA.

### **2. Bill of Rights for Data Privacy and Security.**

As required by Education Law Section 2-d, the Parents' Bill of Rights for Data Privacy and Security and the supplemental information for the Service Agreement are included as Exhibit A and Exhibit B, respectively, and incorporated into this DPA. Contractor shall complete and

sign Exhibit B and append it to this DPA. Pursuant to Education Law Section 2-d, the EA is required to post the completed Exhibit B on its website.

## ARTICLE IV: MISCELLANEOUS

### 1. Priority of Agreements and Precedence.

In the event of a conflict between and among the terms and conditions of this DPA, including all Exhibits attached hereto and incorporated herein and the Service Agreement, the terms and conditions of this DPA shall govern and prevail, shall survive the termination of the Service Agreement in the manner set forth herein, and shall supersede all prior communications, representations, or agreements, oral or written, by the Parties relating thereto.

### 2. Execution.

This DPA may be executed in one or more counterparts, all of which shall be considered one and the same document, as if all parties had executed a single original document, and may be executed utilizing an electronic signature and/ or electronic transmittal, and each signature thereto shall be and constitute an original signature, as if all parties had executed a single original document.

EDUCATIONAL AGENCY	CONTRACTOR
Signature: <b>Derek VanDenHandel</b> <small>Digitally signed by Derek VanDenHandel Date: 2022.06.01 11:53:17 -04'00'</small>	Signature: <b>James Meyers</b> <small>Digitally signed by James Meyers Date: 2022.06.01 12:15:21 -05'00'</small>
Name: <b>Derek VanDenHandel</b>	Name: James Meyers
Title: <b>Dir. ITS, Data Privacy Officer</b>	Title: CEO
Date: <b>6/1/2022</b>	Date: 7/30/2021

## EXHIBIT A: EDUCATION LAW §2-D BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY

Parents (including legal guardians and persons in parental relationships) and Eligible Students (students 18 years and older) can expect the following:

1. A student’s personally identifiable information (PII) cannot be sold or released for any prohibited Commercial or Marketing purpose. PII, as defined by Education Law § 2-d and the Family Educational Rights and Privacy Act (“FERPA”), includes direct identifiers, such as a student’s name or identification number, parent’s name, or address, and indirect identifiers, such as a student’s date of birth, which, when linked to or combined with other information, can be used to distinguish or trace a student’s identity. Please see FERPA’s regulations at 34 CFR 99.3 for a more complete definition.
2. The right to inspect and review the complete contents of the student’s education record stored or maintained by an educational agency. This right may not apply to Parents of an Eligible Student.
3. State and federal laws, such as Education Law § 2-d, the Commissioner of Education’s Regulations at 8 NYCRR Part 121, FERPA at 12 U.S.C. 1232g (34 CFR Part 99), Children's Online Privacy Protection Act (“COPPA”) at 15 U.S.C. 6501-6502 (16 CFR Part 312), Protection of Pupil Rights Amendment (“PPRA”) at 20 U.S.C. 1232h (34 CFR Part 98), and the Individuals with Disabilities Education Act (“IDEA”) at 20 U.S.C. 1400 *et seq.* (34 CFR Part 300), protect the confidentiality of a student’s identifiable information.
4. Safeguards associated with industry standards and best practices including, but not limited to, encryption, firewalls and password protection must be in place when Student PII is stored or transferred.
5. A complete list of all Student Data elements collected by NYSED is available at [www.nysed.gov/data-privacy-security/student-data-inventory](http://www.nysed.gov/data-privacy-security/student-data-inventory) and by writing to: Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234.
6. The right to have complaints about possible breaches and unauthorized disclosures of PII addressed. (i) Complaints should be submitted to the EA at: [dvandenhandel@cccsd.org](mailto:dvandenhandel@cccsd.org). (ii) Complaints may also be submitted to the NYS Education Department at [www.nysed.gov/data-privacy-security/report-improper-disclosure](http://www.nysed.gov/data-privacy-security/report-improper-disclosure), by mail to: Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234, by email to [privacy@nysed.gov](mailto:privacy@nysed.gov), and by telephone at 518-474-0937.
7. To be notified in accordance with applicable laws and regulations if a breach or unauthorized release of PII occurs.
8. Educational agency workers that handle PII will receive training on applicable state and federal laws, policies, and safeguards associated with industry standards and best practices that protect PII.
9. Educational agency contracts with vendors that receive PII will address statutory and regulatory data privacy and security requirements.

CONTRACTOR	
<b>Signature:</b>	<b>James Meyers</b> <small>Digitally signed by James Meyers Date: 2022.06.01 12:15:42 -05'00'</small>
<b>Name:</b>	<b>James Meyers</b>
<b>Title</b>	<b>CEO</b>
<b>Date:</b>	<b>7/30/2021</b>

## EXHIBIT B: SUPPLEMENTAL INFORMATION FOR CONTRACTS THAT UTILIZE PII

### BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY - SUPPLEMENTAL INFORMATION FOR CONTRACTS THAT UTILIZE PERSONALLY IDENTIFIABLE INFORMATION

Pursuant to Education Law § 2-d and Section 121.3 of the Commissioner’s Regulations, the Educational Agency (EA) is required to post information to its website about its contracts with third-party contractors that will receive PII.

<b>Name</b>	Artsonia LLC
<b>Description of the purpose(s) for which Contractor will receive/access PII</b>	<p>Artsonia is the world’s largest online student art museum, offering a free, educational resource to schools, teachers and parents. Art teachers publish student artwork to the school’s online gallery, creating a digital portfolio for each individual student. This enables teachers to explain what the student has learned and what methods were used in the creative process. Teachers also help get the parent connected to the student portfolios, which enable the parents to unlock additional features of Artsonia.</p> <p>Parents may decide to allow Artsonia to display their child’s artwork in the school’s public online-gallery for other family members, friends, and art appreciators to enjoy. Parents may also upload artwork created outside of school to the student’s portfolio. Artsonia doesn’t display artwork to the public unless it has parental consent and a teacher or parent has verified that the artwork does not contain PII. Parents know and agree that their child’s publicly available artwork will be associated with the student’s school and a unique screenname generated by Artsonia. If the teacher or parent determines that there is personal information and does not mask or remove it, then the artwork should not be made publicly available. Instead, it should only be viewed by teachers at the student’s school, the student’s parents, and fan club members that the parent has authorized for the student.</p> <p>Parents, family members, friends, and other art appreciators may purchase keepsakes from our gift shop with a student’s publicly available artwork on the item. Parents and parent-authorized fan club members are able to purchase keepsakes with their child’s private artwork as well. Twenty percent (20%) of all purchases are donated back to the school’s art program. Parents and students also have the opportunity to participate in additional activities, including special exhibits, art contests and other art-related events.</p> <p>Artsonia notifies the parents, family members and friends of the student-artists when new artwork is available and invites them to browse the school gallery. We also let our users know about other aspects of our service, such as our gift shop, sales, products, shipping information, website features, events, updates, contests, exhibits, and general information about Artsonia.</p> <p>On Artsonia, participating art teachers also have the opportunity to share project ideas, post and view lesson plans, participate in art contests and events, and make other community-based connections with fellow art teachers.</p>
<b>Type of PII that Contractor will receive/access</b>	<p>Check all that apply:</p> <p><input checked="" type="checkbox"/> Student PII</p> <p><input type="checkbox"/> APPR Data</p>

<b>Contract Term</b>	Contract Start Date: 6/1/2022 Contract End Date: 6/1/2025
<b>Subcontractor Written Agreement Requirement</b>	Contractor will not utilize Subcontractors without a written contract that requires the Subcontractors to adhere to, at a minimum, materially similar data protection obligations imposed on the contractor by state and federal laws and regulations, and the Contract (check applicable option).  <input type="checkbox"/> Contractor will not utilize Subcontractors. <input checked="" type="checkbox"/> Contractor will utilize Subcontractors.
<b>Data Transition and Secure Destruction</b>	Upon written request from the EA, Contractor shall securely dispose of or provide a mechanism for the EA to transfer all Student Data obtained under the Service Agreement, within sixty (60) days of the date of said request and according to a schedule and procedure as the Parties may reasonably agree. Upon termination of this DPA, if no written request from the EA is received within ninety (90) days, Contractor shall securely dispose of all Student Data obtained under the Service Agreement after providing the EA with reasonable prior notice.
<b>Challenges to Data Accuracy</b>	Parents, teachers or principals who seek to challenge the accuracy of PII will do so by contacting the EA. If a correction to data is deemed necessary, the EA will notify Contractor. Contractor agrees to facilitate such corrections within 21 days of receiving the EA's written request.
<b>Secure Storage and Data Security</b>	<b>Please describe where PII will be stored and the protections taken to ensure PII will be protected (check all that apply):</b> <input checked="" type="checkbox"/> Using a cloud or infrastructure owned and hosted by a third party. <input checked="" type="checkbox"/> Using Contractor owned and hosted solution <input type="checkbox"/> Other: <b>Please describe how data security and privacy risks will be mitigated in a manner that does not compromise the security of the data:</b> PII will be stored on systems maintained by the Contractor, or by a Subcontractor under the direct control of Contractor, in a secure data center facility located within the United States. The measures that Contractor and its Subcontractors, if any, shall take to protect PII include adoption of technologies, safeguards and practices that align with, or are comparable to, the NIST Cybersecurity Framework, and safeguards associated with industry standards and best practices including, but not limited to, disk encryption, file encryption, firewalls, and password protection.
<b>Encryption</b>	Contractor shall encrypt PII while such is in motion and at rest using encryption technology that meets the requirements of New York State Education Law Section 2-d and Part 121 of the Regulations of the Commissioner of Education.

<b>CONTRACTOR</b>	
<b>Signature:</b>	<b>James Meyers</b> Digitally signed by James Meyers Date: 2022.06.01 12:16:03 -05'00'
<b>Name:</b>	<b>James Meyers</b>
<b>Title:</b>	<b>CEO</b>
<b>Date:</b>	<b>07/30/2021</b>

## EXHIBIT C: CONTRACTOR'S DATA PRIVACY AND SECURITY PLAN

### CONTRACTOR'S DATA PRIVACY AND SECURITY PLAN

The Educational Agency (EA) is required to ensure that all contracts with a third-party contractor include a Data Security and Privacy Plan, pursuant to Education Law § 2-d and Section 121.6 of the Commissioner's Regulations. For every contract, the Contractor must complete the following or provide a plan that materially addresses its requirements, including alignment with the NIST Cybersecurity Framework, which is the standard for EA data privacy and security policies in New York state. **While this plan is not required to be posted to the EA's website, contractors should nevertheless ensure that they do not include information that could compromise the security of their data and data systems.**

1	Outline how you will implement applicable data security and privacy contract requirements over the life of the Contract.	Contractor will maintain the latest security updates to our data, perform periodic security scans, encrypt all the data both in transit and at rest, segment the data and networks to minimize access to data, limit data to key employees.
2	Specify the administrative, operational and technical safeguards and practices that you have in place to protect PII.	See Exhibit D, pp. 33-34, 42-50.
3	Address the training received by your employees and any Subcontractors engaged in the provision of services under the Contract on the federal and state laws that govern the confidentiality of PII.	Employees receive an annual privacy training, as well as periodic updates based on new state laws. New employees must receive initial training as well as sign a data confidentiality agreement with regards to their access to student data.
4	Outline contracting processes that ensure that your employees and any Subcontractors are bound by written agreement to the requirements of the Contract, at a minimum.	Employees with access to PII must sign an employee Data Confidentiality Agreement and also receive annual training on security practices. With regard to Subcontractors, please see Exhibit D, pp. 29, 34-35, 47.
5	Specify how you will manage any data security and privacy incidents that implicate PII and describe any specific plans you have in place to identify breaches and/or unauthorized disclosures, and to meet your obligations to report incidents to the EA.	Upon uncovering an incident, we will enact our Incident Response Plan and begin alerting individuals and schools based on our breach notification obligations. We also do quarterly security scans as part of our PCI compliance process.
6	Describe how data will be transitioned to the EA when no longer needed by you to meet your contractual obligations, if applicable.	Upon request of the EA, Contractor will package up the data in an acceptable format for the school. Some available options are burning artwork to a CD or putting artwork on a memory stick. Included will be an excel file that provides student data tied to artwork files.
7	Describe your secure destruction practices and how certification will be provided to the EA.	Contractor will delete all data upon request. See Exhibit D, pp. 34, 46-50.
8	Outline how your data security and privacy program/practices align with the EA's applicable policies.	Contractor will work with EA policy to adhere to their requirements as much as possible. Collection of data requires consent from the School, Parent, or a combination of both. Please see Exhibit D for detailed

		information regarding our privacy program and how it aligns with the EAs policies.
9	Outline how your data security and privacy program/practices materially align with the NIST CSF v1.1 using the Framework chart below.	Please see Exhibit D, generally. Additional information can be found at <a href="https://www.artsonia.com/privacy/center.asp">https://www.artsonia.com/privacy/center.asp</a> .

## **EXHIBIT D-1: ARTSONIA PRIVACY POLICY**

Your privacy is important to us at Artsonia and it is a responsibility we take seriously, so we encourage you to review our Privacy Policy below.

By accessing or using the Service, you are consenting to the collection, use, disclosure and other handling of your information as described below. If you have any concern about providing information to us or having such information displayed on the Service or otherwise used in any manner permitted in this Privacy Policy, you should not use the Service.

### **What is Artsonia?**

Artsonia LLC ("Artsonia," "we," "us," and "our") is an online children's art gallery with artworks published from thousands of schools, school districts, or other similar educational institutions worldwide ("School(s)"). Thousands of teachers, parents and children use Artsonia every day. Teachers, school leaders, aides or similar personnel ("Teacher(s)") use it to manage School art galleries in a safe and educational manner, providing a positive and safe educational environment for children to showcase their creative works, developing children's pride and self-esteem and involving parents and relatives in children's arts education. Parents, guardians, or other authorized Users who are legally authorized to act on behalf of parents under state or federal law (collectively "Parent(s)") use Artsonia to manage and maintain a portfolio of their child's artwork. In addition, Parents view feedback from the Teacher, receive notifications of new artwork posted, approve comments left on their child's artwork, and also add, edit and verify "fan club" members for their child. Visitors to Artsonia can purchase keepsakes with artwork imprinted on it and 20% of the merchandise sales is donated back to the School's art program. Families can also upgrade to a premium membership for access to additional arts instructional resources, contests and events for their children, and 20% of their membership cost is also donated back to the School's art program.

More information on how the Service operates is located here and your participation and use of the Service is governed by our Terms of Service ("Terms"), available at <https://www.artsonia.com/terms/>.

### **What this Privacy Policy Covers**

Our Privacy Policy explains:

- What information we collect and why we collect it.
- How we use and share that information.
- The choices and rights you have, including how to access, update and delete your information, and take your information out of Artsonia.

We will only collect, use, and share your personal information as defined in the Artsonia Helpdesk ("Personal Information") in accordance with this Privacy Policy. Artsonia may be acting as both a Controller and Processor as those terms are defined under the European Union's General Data Protection Regulation ("GDPR"). For more information please see the Is Artsonia a Controller? section, below.

This Privacy Policy applies whether you login to use Artsonia through <https://www.artsonia.com> (the “Artsonia Website”), our mobile applications (the “Artsonia Apps”), collectively, the Artsonia platform (“Artsonia Platform”), or any of our other products or services that link to this Privacy Policy (collectively, the "Service").

Our Privacy Policy is designed to provide transparency into our privacy practices and principles. We've tried to keep it as simple as possible, but if you're not familiar with terms like personal information, cookies, IP addresses, pixel tags and browsers, then read about these key terms first. For children, we have a short video that highlights the most important details of our Privacy Policy that they should know about.

Your privacy is important to Artsonia and a responsibility we take seriously, so we encourage you to review our Privacy Policy. If you have any questions, we're here to help. You can visit the Artsonia Privacy Center to learn more about how we protect your privacy, or contact us as described in the Contacting Artsonia section below. By using the Service, you acknowledge that you accept and agree to this Privacy Policy.

### **Artsonia Certifications, Commitments and Adherence**

Artsonia has also committed to a set of principles intended to safeguard children privacy, including responsible stewardship, protection, and transparent handling of children's Personal Information.



Artsonia participates in the iKeepSafe Safe Harbor program. Artsonia has been granted the iKeepSafe COPPA Safe Harbor seal signifying its Website, Platform, and Apps have been reviewed and approved for having policies and practices surrounding the collection, use, maintenance and disclosure of Personal Information from children consistent with the iKeepSafe COPPA Safe Harbor program guidelines. For more information, see <https://ikeepSAFE.org/certification/coppa/>.

Artsonia holds the **iKeepSafe FERPA Certification** signifying its Website, Platform, and Apps have been reviewed and approved for having policies and practices that are compliant with the federal mandates for FERPA. For more information, see <https://ikeepSAFE.org/certification/ferpa/>,

Artsonia is an active member of the **Future of Privacy Forum**, which is an organization dedicated to student privacy leadership and scholarship. For more information, see <https://fpf.org/>.

Please visit our **Privacy Center** for details at <https://www.artsonia.com/privacy/center.asp>.

### **How We Protect Children's Personal Information**

Protecting children's privacy is especially important to us – we have received iKeepSafe's Children's Online Privacy Protection (“COPPA”) Safe Harbor seal, signifying that this Privacy Policy and our practices with respect to the operation of the Service have been reviewed and approved for compliance with iKeepSafe's COPPA Safe

Harbor program. COPPA protects the online privacy of children under the age of 13 (“Child” or “Children”). For more information about COPPA and generally protecting Children's online privacy, please visit OnGuard Online at <https://www.consumer.ftc.gov/features/feature-0038-onguardonline>. We've also made a short video for Children that highlights the most important details in our Privacy Policy that they should know about, available at <https://artsoniablob.blob.core.windows.net/videos-help/Student-Privacy-20180821.mp4>.

### ***What Information Does Artsonia Collect from Children, and How Is It Used?***

The statements that we make regarding the information we collect from or about Children and how we use this information applies equally to all Children regardless of their age. Accordingly, where this Privacy Policy references Children or any information collected from or about Children our privacy policy applies to children under 13 years of age as well as children 13 years of old and above.

Artsonia collects the minimal amount of information from Children necessary to use our Service. This information is necessary to enable us to comply with legal obligations and given our legitimate interest in being able to provide and improve the Service and for security and safety purposes.

### **Student Submitted Information within Schools.**

Artsonia has created a Class Portal (see <https://help.artsonia.com/hc/en-us/articles/115000408434>), which is a method for students to access, submit and manage artwork, photography, voice or video (collectively, “Artwork”) and other information within a School classroom setting. For more information, visit. Artsonia follows the Federal Trade Commission's (FTC) Children's Online Privacy Protection Act (“COPPA”) rules for parental consent. Prior to a student submitting any information within a School setting by accessing Artsonia's Class Portal, the Teacher must certify that he/she received permission (see <https://help.artsonia.com/hc/en-us/articles/360047261293>) and either a) chose to act as an agent of the Parent and consented on Parents behalf under what is commonly referred to under COPPA as school consent or b) collected the appropriate parental consent. For more information on school consent, please see the FTC's COPPA FAQs. Once the Teacher has activated the Class Portal, then the following information may be collected from the student:

- i. **Student option to enter in their name as part of being on roster.** Typically, the Teacher creates a School roster of their students and sets up their accounts. In some cases, Teachers enable students themselves to submit their first name, last name, grade and homeroom.
- ii. **Student option to enter in Parent’s email address.** Typically, the Teacher enters in Parent email addresses to connect Parents to their children’s accounts. However, if a Teacher has not done so, students are given the option to enter their Parent’s email address, which we will then use, consistent with the requirements of COPPA, to seek parental consent or provide parental notice (as applicable). We will not use Parent emails provided this way to market our Service to the Parent, unless the Parent has separately created an account on our Service.
- iii. **Student submissions of Artwork.** Once a student accesses the Class Portal, they can upload Artwork, art titles, artist statements and other information related to the School classroom (which may contain Personal Information). All Artwork and other information is then submitted to the Teacher for approval prior to posting within the Service.

- iv. **Student comments on other Artwork.** While the student is accessing the Service through Class Portal, the student may enter in a comment (which also may contain Personal Information) on another student's Artwork (in order to teach children about digital citizenship). Prior to being posted on the public Artsonia Website, these comments are then proofread by the student's Teacher and the Teacher will confirm that there is no Personal Information contained within the student's comment (or alternatively, they can edit and remove the Personal Information).
- v. **Student submission of photo or other image.** In addition, students will be able to submit a photo, emoji or other representation of themselves within the Class Portal. This photo or other image will be accessible within the School setting, and if the Parent provides additional consent, within other portions of the Service.

It is important to note that, no Artwork uploaded by a Student will be shown publicly until Artsonia has received parental consent from that student's Parent, regardless of whether or not school consent was utilized as the method of consent

#### **Child Submitted Information from Parent created account.**

Once a Parent creates an account on Artsonia, they have the ability to access and manage their child's online Artwork portfolio. The Parent themselves can submit Artwork, approve comments, add or edit Fan Club Members, manage communication preferences and set privacy settings for their child. In addition, the Parent can setup account access for their child directly. Once the Parent has setup child access, then the following information may be collected from the child:

- i. **Child submissions of Artwork.** Once a child accesses their Parent created account, they can photograph and upload Artwork and an art title (which may contain Personal Information). All Artwork and other information is then submitted to his/her Parent for approval prior to posting within the Service.
- ii. **Child comments on other Artwork.** While the child is accessing the Service through the Parent created account, the child may enter in a comment (which also may contain Personal Information) on another child's Artwork (in order to teach children about digital citizenship). Prior to being posted on the public Artsonia Website, these comments are then proofread by the child's Parent and the Parent will confirm that there is no Personal Information contained within the children's comment (or alternatively, they can edit and remove the Personal Information).
- iii. **Child submission of photo or other image.** In addition, children will be able to submit a photo, emoji or other representation of themselves within the Parent created child account. This photo or other image will be accessible within other portions of the Service.
- iv. **Child entry to other events or activities.** Children may choose to enter into contests, events or other galleries, collectively "Events". If these Events require additional permissions, their submissions will be on hold until the Parent provides the appropriate consent.

Beyond this, children are also restricted from accessing certain features on our Service that would allow the Child to post or disclose additional Personal Information. Currently:

- We DO NOT allow Children under 13 to become a Fan Club Member.
- We DO NOT allow Children under 13 to leave a comment on the Artsonia Website unless they are either participating in the Class Portal (which is moderated by his/her Teacher) or participating via the child account created by the Parent (which is moderated by his/her Parent).
- We DO NOT allow Children under 13 to leave a Teacher Compliment on the Artsonia Website.

In addition to the information entered by the Child, we automatically collect some information from any use of our Service as set forth in the *Information Collected Automatically* section below.

We use this information to provide the Service to the Child, for educational, security and safety purposes, or as required by law or to enforce our Terms. We will not require Children to provide more Personal Information than is reasonably necessary in order to participate in the Service. If we discover that we have collected information from a Child in a manner inconsistent with COPPA, we will take appropriate steps to either delete the information, or immediately seek the Parent's consent for that collection.

We do not disclose any Personal Information about Children to third parties, except to subprocessors necessary to provide the Service, as required by law, authorized School personnel as directed by the Child's School, or to protect the security of the Service or other users.

Information collected from Students (including Personal Information and information collected automatically) is **never** used or disclosed for third-party advertising. Additionally, Personal Information collected from Students is never used for behaviorally-targeted advertising to Students (first or third party). Lastly, Children's Personal Information is **never** sold or rented to anyone, including marketers or advertisers. For the purposes of this disclosure, "sold" does NOT include the sale of merchandise that may contain Personal Information as sold within the Artsonia Gift Shop.

Artsonia's collection of information from Children and Students is further subject to our Terms. Parents and Teachers should review carefully and understand the Terms before permitting Children to use the Artsonia Website.

#### ***What Children's Information is Visible to Others?***

- Artwork Submissions.** When a student uploads Artwork within the Class Portal, the student's Teacher must review the Artwork uploaded by the student (and associated title and statement) to decide whether or not there is Personal Information of the student contained within the Artwork or the associated title and statement. If there is no Personal Information (or if the Teacher removed or masked all Personal Information), then we require the Teacher to represent to us that they have reviewed and approved the student uploaded Artwork and associated title and statement to the Artsonia Website. The designation of whether the Artwork contains Personal Information will decide whether the Artwork will remain private (accessible to only Parents and their verified Fan Club Members) or public (available on the Artsonia Website for all to view).

**IMPORTANT NOTE:** Regardless of the Personal Information designation on Artwork, no School (Teacher or student submitted) Artwork is shown publicly unless the student's Parent has given parental consent to Artsonia (if school consent was utilized previously).

Similarly, when a child uploads an Artwork within Parent created child account, the Parent must review the Artwork uploaded by the child (and associated title) to decide whether or not there is Personal Information of the child contained within the Artwork or the associated title. If there is no Personal Information (or if the Parent removed or masked all Personal Information), then we require the Parent to represent to us that they have reviewed and approved the child uploaded Artwork and associated title to the Artsonia Website. The designation of whether the Artwork contains Personal Information will decide whether the Artwork will remain private (accessible to only Parents and their verified Fan Club Members) or public (available on the Artsonia Website for all to view).

Additionally, consistent with the requirements of COPPA, we ensure that any geolocation metadata that may be contained in the photos is removed prior to posting the files on the Artsonia Website.

- ii. **Comments.** Students while using the Class Portal or children while using the Parent created child account are able to post comments (which may contain Personal Information) on other artwork (in order to teach children about digital citizenship). These comments may be posted publicly alongside artwork, but **ONLY** after the following process occurs:

If the child is a student using the Class Portal, the student created comment must be proofread by the student's Teacher, and the Teacher must affirmatively represent to us that they have reviewed and removed all Personal Information within the comment. Likewise, if the child is using the Service within a Parent created child account, the child created comment must be proofread by the child's Parent and the Parent must affirmatively represent to us that they have reviewed and removed all Personal Information within the comment.

After the above process has been completed, then the Parent of the child artist receiving the comment must **ALSO** review and approve the posting of the comment. Only after the Parent of the artist receiving the comment has **ALSO** reviewed and approved the comment will the comment be posted publicly alongside the artwork. In other words, the Parent (or Teacher) of the submitting child **AND** the Parent of the receiving child must both approve the comment prior to it being publicly posted.

- iii. **Child's Photo or Image.** When a child submits a photo or image of themselves to their account, this photo will show alongside their portfolio for others to see. The Parent, the Teacher, other students accessing the **Class Portal** from the same School, and Parent verified Fan Club Members will also be able to view the image. The Child's image will **NOT** be available to the public on the Artsonia Website.

It is Artsonia's policy to protect the identity of the children showcasing their Artwork on Artsonia. Children's Artwork and comments will be identified by their unique screenname (which often but not necessarily consists of the artist's first name and a numerical suffix). This unique screenname (and not the student's entire first and last name) is what is shown on the public Artsonia Website next to any uploaded Artwork (including any related title and statement associated with the Artwork) and comment. Artsonia does not knowingly post the full first name and last names of students on the Artsonia Website or Service next to student Artwork or comments. If a Parent would like to remove all child related Artwork from the public Artsonia Website, they can login to their account and choose to make their child's entire art portfolio private, viewable only by Parents, Teacher, verified Fan Club Members and other students within the Class Portal from the same School. Please see the *Parental Choices* section, below, for more details.

### ***How Long Does Artsonia Keep Children's Information?***

We will not retain a Child's Personal Information for any longer than is necessary for educational purposes or legal obligations, or to provide the Service for which we receive or collect the Child's Personal Information. Additionally, we only keep a Child's Personal Information for as long as his or her Student account is active, unless we are required by law or the Child's School to retain it, need it to ensure the security of our community or our Service, or to enforce our Terms. Please note that deletion does not include Student Artwork submitted by the Student or Teacher or messaging between a Teacher and Parent (i.e., the electronic newsletters or Student activity reports) or Teacher and Student (i.e., Teacher feedback) as we may be required to retain these at the direction of the School (e.g., for legal compliance reasons such as maintenance of "education records" under the Family Educational Rights and Privacy Act (FERPA) or "Student records" under various state Student privacy laws). Please click [here](#) to learn how to request deletion of this content.

### ***Parental Choices***

If you are the Parent of a Child who is using Artsonia and they are participating at the direction of their Teacher under school consent (you did not give consent directly to Artsonia, but the Teacher obtained your consent or acted as your agent and consented on your behalf), please contact the appropriate official at your Child's School to access, review, correct or delete any of your Child's Personal Information in the Service. If the School determines that the request should be implemented, the School may either make the change themselves or submit the request to Artsonia by contacting us as described in the *Contacting Artsonia* section below.

If you are the Parent of a Child who is using Artsonia and have also given parental consent directly to Artsonia, you may access, review, correct, or delete any of your Child's Personal Information in the Service by contacting us as described in the *Contacting Artsonia* section below. Any content uploaded (e.g., Artwork), however, that is shared as part of a class at a School is retained at the direction of the School (e.g., for legal compliance reasons such as maintenance of "education records" under FERPA); to correct or delete this content, please contact the appropriate official at your Child's School. If the School determines that the request should be implemented, the School may either make the change themselves or submit the request to Artsonia by contacting us as described in the *Contacting Artsonia* section below. Additionally, at any time, you can refuse to permit us to collect further Personal Information from your Child, and can request that we delete the Personal Information we have collected from your Child by contacting us as described in the *Contacting Artsonia* section below.

Additionally, at any time, you can refuse to permit us to collect further Personal Information from your child, and can request that we delete the Personal Information we have collected from your child by contacting us as described in the ***Contacting Artsonia*** section below.

For either method described above, we will use commercially reasonable efforts to process such requests in a timely manner consistent with applicable law. We will need to verify your identity, for example by requiring that you provide acceptable forms of personal identification.

### **Types of Information We Collect**

We collect two types of information about you: (1) information that you may choose to voluntarily provide us while using the Services (described below under *Information You Provide to Us* and (2) information collected automatically as a result of your use of the Services (described below under *Information Collected Automatically*). We may also receive information about you from third-party sources (as described below under *Information Received from Third-Party Sources*). The types and amounts of information collected will vary

depending on whether the user is a Teacher, Parent, Fan Club Member, customer (e.g. someone who purchases a custom keepsake), or Child and how they use Artsonia.

### ***Information You Provide to Us***

We ask for and collect the following Personal Information about you when you use the Service. This information is necessary for the adequate performance of the contract between you and us, for our legitimate interest in being able to provide and improve the Service, and to allow us to comply with our legal obligations. Without it, we may not be able to provide you with all the requested services.

There are currently five categories of users on our Service: Teachers, Parents, Fan Club Members, customers (who purchase various products), and Children. Additionally, as a non-logged in general visitor to the Artsonia Website you may provide Personal Information to us. We describe the information collected from Children, including Children under 13, in the *How We Protect Children's Personal Information* section above; for other users, we collect and store the information provided from each type of user as described below. Our use of the information set forth below is described further in the *How We Use the Information We Collect* section. If you are using the Artsonia App, we may ask you for certain mobile app permissions. We have also prepared this chart of the Personal Information we collect, how we use it, and where it is stored.

### **Information Provided by Teachers**

- ***Account Sign-up and Profile Information:*** Any Teacher who wishes to display their Students' Artwork, lesson plans or other educational materials on Artsonia is required to register as a member and will be asked to provide some basic information such as first and last name, email address, phone number, password and a profile photo. A Teacher may also choose to provide an additional personal description or bio. The information provided during the registration process is used to communicate with the Teacher as well as to create a public School gallery on Artsonia, which will list the Teacher's name, profile photos (if provided), bio (if provided) and the name of the School. The Teacher's name will also be used in automated emails from Artsonia, sent on behalf of the Teacher, such as Teacher-requested newsletters and Student activity reports. If an Artsonia Website visitor sends a compliment to a Teacher in the public gallery (the Teacher's email is not shown publicly), Artsonia will deliver this compliment to the Teacher's email address on file. Teacher profiles may be viewed by other Teachers and by the general public on the Service.
- ***School Information:*** As a Teacher, as part of the profile information you provide, you will be asked to provide the name and address of the School that you are associated with (or to associate your account with an existing School already recognized on the Service). By connecting you with your School, the Service may enable and provide additional collaboration features for Teachers within the same School such as sharing roster Students with other verified Teachers in that School.
- ***Class Information:*** To organize Artwork and to allow Students to use the Service, Teachers input first and (optionally) last names of Students in a Student roster. It is entirely the Teacher's choice what they enter here: for example, Teachers could enter John S or John Smith. The first and last names are entered into separate fields, and unique screennames are then generated by Artsonia for each Student, based on the entry in the first name field. Additionally, Teachers will need to enter the Student's grade (e.g. first grade), and optionally homeroom information as well as the Student's Parent email address. The Parent email address given to Artsonia by the Student's Teacher will be used to obtain parental

consent and will not be further by Artsonia unless the Parent separately creates an account on Artsonia. Alternatively, Teachers can also upload a spreadsheet to the Service with the Students first and last names, current grade and Parent email address. Student last names are used to identify Students in the School roster and are only visible to verified Teachers at the same School. Homeroom names are used to organize the roster for the Teacher's benefit and are only viewable within that Teacher's account. The Student's first names are used in email correspondences to Parents and Fan Club Members and is also the default caption (which can be edited) on all Custom Merchandise sold in the gift shop.

- **Lesson Plans:** As a Teacher, you may choose to submit information about your Lesson Plans on Artsonia ("Lesson Plans"). Such information may include, the lesson title, grade level, content and achievement standards, objective of the lesson, how to assess the achievement of the objectives, the required materials, a description of the lesson procedure, resources, discussion questions, and links to sample artwork. Once you publish your Lesson Plans, they can be viewed by other Teachers signed into the Artsonia Platform or Artsonia App, but they will not be viewable by the general public on the Artsonia Website.
- **Instructional Videos:** As a Teacher, you may choose to submit Instructional Videos on Artsonia ("Instructional Videos"). Once you publish your Instructional Videos, they can be viewed by other Teachers signed into the Artsonia Platform or Artsonia Apps as well as families that choose to utilize the Artsonia Plus Related Services (as defined in the Terms), but they will not be viewable by the general public on the Artsonia Website.
- **Artwork:** As a Teacher, you may elect to either turn on the Class Portal feature to allow Students to upload their own Artwork (and corresponding title and statements) or you may choose to upload the Student's Artwork yourself (as well as optionally providing the corresponding title and statement). The Artwork that you upload on behalf of the Students, as well as the Artwork you approve while using the Class Portal, will not be shown publicly (along with the Student's unique screenname) until Artsonia receives parental consent. Additionally, you may choose to upload your own Artwork, which will be immediately available to the public under a screenname you choose to represent you as the Teacher, and will also be shown next to your Teacher bio in the School gallery, which may display certain Personal Information entered with your bio, including your first and last name and photograph.
- **Feedback:** As a Teacher, you can provide feedback on your Students' Artwork. This feedback cannot be viewed by the general public through our Service. A Student's feedback can only be viewed on Artsonia by that Student (if the Teacher utilizes the Class Portal feature), the Teacher who wrote the feedback, that Student's Parents, and other Teachers using Artsonia from the same School.
- **Comments:** As a Teacher, you can provide comments on your Students' Artwork. These comments can be viewed by the general public through our Service and are posted alongside Artwork.
- **Inviting Others:** As a Teacher, you can invite your Students' Parents to join the Service by providing their email address. We will collect and store the email you provide with these requests, and will also treat this as Personal Information in accordance with this Privacy Policy. Please note that if you provide Parent email addresses, those email addresses will ONLY be used to invite the Parent to give permission and setup their account. If the Parent does NOT respond within a period of time, the email address will be deleted. It will NOT be sold or used for any other purpose.

- **Messaging:** As a Teacher, you can create a newsletter to communicate with Parents as well as Student activity reports. We will store any content sent with the newsletters (e.g., links text and images), to provide the Service, and to help Teachers keep a log of their communications with Parents.
- **Testimonials:** You may provide Personal Information (such as your name, photo and/or a video) if you choose to give us a testimonial. We post testimonials on our Service or the Artsonia Website which may contain this Personal Information in the testimonial. We obtain the individual's consent in advance to ensure we have permission to post this content publicly. To request removal of your Personal Information from our testimonials, please contact us as described in the *Contacting Artsonia* section below.
- **Fundraising Information:** As a Teacher, you may participate in fundraising on Artsonia. If so, you may also provide a fundraising statement and photo which will be sent along with your full name in emails to Parents and Fan Club Members, including to promote products (e.g. the custom keepsakes containing Artwork from the Student's in the Teacher's class). Additionally, once a Teacher has received funds, they may enter additional Personal Information to redeem funds.

Teachers should be aware that, because Personal Information about themselves (i.e., their name, profile photo, bio and School), any Artwork they submit (either their own Artwork or that of their Students), and any other content submitted to Artsonia as described above is posted on the Artsonia Service, and that information or content could be collected, used, and disclosed by others. Artsonia is not responsible for the collection, use, or disclosure of such information or content by others that view your information or content. Artsonia does not post Teachers' email addresses on the Artsonia Service, and does not sell or share that list with third parties, except to our subprocessors as necessary to provide the Service.

### Information Provided by Parents

- **Account Sign-up and Profile Information:** As a Parent, you may wish to sign-up for an account on Artsonia and connect to your Child at a participating School. You will need a unique Parent Code from that Child's Teacher, which will either be sent home to you directly with your Child or be sent to you via an email link from the email address provided by your Child's Teacher to Artsonia. You will then be asked to provide some basic information such as first and last name, email address (if you were not sent the link via email), phone number (optional), password, and relationship to the Child (e.g. mother). The information provided during the registration process is used to communicate with the Parent as well as to create a public School art gallery on Artsonia, which will list the Parent's first name as well as the relationship to the Child in the Child's art gallery as a Fan Club Member. Parent profiles are not viewable by the general public on the Service, but first name and relationship to the Child will be in the Fan Club Member list linked to the public artist gallery, unless either a) the Parent has marked their Child's artist gallery as private or b) the participating School has marked their entire School as private.

Please note that if you do not create an account on Artsonia, the email provided by your Child's Teacher will not be further used to send marketing communications to you. If you create an account on Artsonia, we will email you as further set forth under the section entitled *Communications from Artsonia*, below.

You may also create an account that is not connected to a School by providing your name and email address, as well as your Child's name. After verifying your email address, you will also be asked for some

additional basic information such as your relationship to the Child, phone number (optional) and create a password.

- **Fan Club Information:** As a Parent, you may invite others to become fans of your Child's Artwork. To do so, you provide certain information to Artsonia, such as the individual's first name, last name, relationship to your Child and their email address. The information you provide in the "first name" box and relationships that you provide to Artsonia will be shown publicly alongside your Child's art gallery. Artsonia will use the emails that you provide to send notifications to these individuals, including when new Artwork is published, and may send additional marketing emails. Fan Club Members always have the option to delete their account, or simply opt-out of any marketing communications using opt-out links at the bottom of emails received. See the section entitled *Communications from Artsonia* for more details.
- **Artwork:** As a Parent, you may elect to upload your Child's Artwork (and corresponding title and statements) yourself. The Artwork that you upload on behalf of your Child will be shown publicly with the Child's screenname, provided the artwork has been designated as NOT containing Personal Information by the Parent.
- **Comments on Artwork:** As a Parent, you will receive notice when anyone leaves a comment about your Child's Artwork. If a non-Student (ie anyone NOT using the Class Portal) leaves a comment about your Child's Artwork, you must approve the comment prior to the comment being publicly posted. However, Student comments submitted through the Class Portal will be approved by the submitting Student commentor's Teacher before being publicly posted alongside your Child's Artwork).
- **Inviting Others:** As a Parent, you can also invite others to join the Service. We will collect and store the email and phone numbers you provide with these requests, and will also treat this as Personal Information in accordance with this Privacy Policy. We may also ask you for access to the contacts on your mobile device to prevent you from having to enter contact information for those invitations you send through our application and may store these contacts from your address book. If these individuals would like to request deletion of their information, they may contact us directly as described in the *Contacting Artsonia* section below.

Parents should be aware that, because 1) the information the Parent types in the first name field textbox when registering on Artsonia or when adding Fan Club Member, or 2) the content they upload when adding any Artwork of behalf of their Child or 3) any comments on their Child's Artwork they approve, are posted on the Artsonia Website and are publicly accessible to all users of the Artsonia Website, that information or content could be collected, used, and disclosed by others. Artsonia is not responsible for the collection, use, or disclosure of such information or content by others.

#### **Information Provided by Fans or Fan Club Members**

- **Account Sign-up and Profile Information:** Any individual who wishes to sign-up as a fan of an artist ("Fan" or "Fan Club Member") will be asked to provide some basic information such as first and last name, email address, and relationship to the Child (e.g. aunt). The information provided during the signup process is used to communicate with Fan Club Members regarding the artist's activity and as set forth in the *Communications from Artsonia* section, and the information provided in the "first name" box

as well as the relationship to artist will be shown publicly alongside the artist in his/her public gallery. Fan Club Member profiles are not viewable by the general public on the Service, but the artist's Parents are able to view and edit the first and last name, email address and relationship of the Fan Club Member and may also remove any Fan Club Member.

- **Comments on Artwork or Compliments to Teacher:** Fan Club Members may provide additional information to Artsonia, such as when they choose to leave a comment for an artist, or compliment a Teacher. This additional information may include, date of birth (as we restrict access to certain features on the Artsonia Website), first name, and the information typed in a comment or compliment.

Please note, that even if you did not join as a Fan Club Member yourself, you may have been added as a Fan Club Member by the Child's Parent (who also provided Artsonia your name, email address and relationship to the artist). The email provided either by you during a Fan Club Member signup or by the Child's Parent will be used to provide communications to you as set forth under the section entitled *Communications from Artsonia*. Any email communication you receive will provide an opt-out link if you wish to be removed as a Fan Club Member from the artist.

### **Information Provided by Customers (purchasers of product)**

Online shoppers on the Artsonia Website must be over eighteen (18) years of age and must use a valid credit card or other valid payment method accepted by us to purchase products online. When an online order is placed, we collect information associated with the requested transaction, such as the customer's first and last name, mailing address, phone number, products ordered, shipping addresses, email address, and credit card information. We ask for this information so that we may fulfill the order. We will send a confirmation email to the address provided after the order is successfully placed. We also send a follow-up order satisfaction survey which may contain additional promotional offers. A customer may also provide personalization on the product (i.e. providing a Child's name under the Artwork) and may also upload an image to Artsonia to use on products. If a customer wishes to upload their own image, they will additionally be asked their date of birth as this feature is restricted to users over thirteen (13) years of age. Credit card or other payment information is never shared with third parties, except those subprocessors needed to fulfill the transactions.

For additional information on our credit card security policies, please see our *Data Security* section below.

### **Information Provided by Users of the Artsonia Website**

- **Comments or Compliments:** Any visitor to the Artsonia Website may provide additional information to Artsonia, such as when they choose to leave a comment for an artist, or compliment a Teacher. This additional information may include, date of birth (as we restrict access to certain features on the Artsonia Website), first name, and the information typed in a comment or compliment.
- **Contact Information:** Additionally, any visitor to the Artsonia Website (including anyone signed in as a Teacher or Parent), may also choose to voluntarily provide additional Personal Information through the Service - such as a name, email address and telephone number - in order to request information from us. For example, when you send us an email asking a question, send us information through the "Contact Us" request, submit a support request, participate in a video testimonial about our Service, register for webinars or demonstrations, sign up for an Artsonia newsletter, or choose to participate in any research

efforts with Artsonia to improve the Service. When you send us a message using the "Contact Us" page or via email, the email addresses and phone numbers collected are not further used to market to the individual beyond providing the services requested or responding to the requests.

Users of the Service should be aware that any Personal Information that is posted on the Service (such as your comment for an artist or compliment for a Teacher along with your name) is accessible to other users of the Service and could be collected, used and disclosed by others. Artsonia is not responsible for the collection, use, or disclosure of such information or content by others.

### ***Information Collected Automatically***

Like most web-based services, we (or our subprocessors) may automatically collect information from your browser or your device when you use the Services or the Artsonia Website. This information is necessary to improve performance and troubleshoot our Service and the Artsonia Website. If we do combine any automatically-collected information with Personal Information, we will treat the combined information as Personal Information, and it will be protected as per this Privacy Policy.

The technologies and information we automatically collect include:

- ***Cookies and other similar technologies:*** We (or our subprocessors) use cookies or similar technologies to identify your browser or device. Artsonia uses these technologies to analyze trends, store preferences, administer the Service and to help the Service and Artsonia Website work better for you - for example, to remember your login session as you browse the Artsonia Website. "Persistent unique identifiers" like DeviceID are not collected by third-party cookies (beacons/pixels) for non-educational commercial purposes. Further, we don't allow third-parties to advertise on our Service. Please read our Online Tracking Technologies Policy for more details, including how to modify your cookie settings and a list of the tracking technologies we use.
- ***Local storage:*** We may collect, use and store information (including Personal Information) and preferences locally on your device using mechanisms such as browser local storage (including HTML 5) and application data caches. Third parties with whom we partner to provide certain features on our website also may use HTML5 or other local storage to collect and store information. Please read our Online Tracking Technologies Policy for more details
- ***Device information:*** We may collect device-specific information such as your device type, device brand, operating system, hardware version, device settings, file and software names and types, and unique device identifiers. This helps us measure how the Service or Artsonia Website is performing and improve the Service and Artsonia Website for you on your particular device.
- ***Mobile application information:*** Certain mobile applications or "apps" include a unique application number. This number and information about your installation (for example, the operating system type and application version number) may be sent to Artsonia when you install or uninstall that application, such as when you install the Artsonia App, or when that application periodically contacts our servers, such as for automatic updates. Additionally, we may receive application state and crash log information which will help with "debugging" and for improvement of the Artsonia App.

- **Location information:** When you use our Service or browse the Artsonia Website, we may collect and process information about your geographic location, for example through IP address, GPS, Bluetooth or Wi-fi signals. We collect both coarse (i.e., city-level) location data and precise location data. We only collect coarse location data, unless you provide your full address information to us manually (e.g. when a Teacher registers for a School account or a customer purchases a product).
  - We **do not** collect precise geolocation data from Children. We will not store or track your device location on an on-going basis or without your permission. We do not share precise geo-location data with third parties, other than our subprocessors as necessary to provide the Service (such as fulfilling product orders).
- **Server log data:** Like most online services, when you use our Service or the Artsonia Website, even if you have not created an Artsonia account or logged in, we automatically collect and store certain information in our server log files. Examples include things like:
  - Details of how you used our Service or the Artsonia Website, such as your activity on the Service or the Artsonia Website, and the frequency and duration of your visits to the Artsonia Website, Artsonia Platform or Artsonia App
  - IP Address
  - Device event information such as crashes, system activity, hardware settings, browser type, browser language, the date and time of your request and referral URL
  - Telephony log information like your phone number and SMS routing information
- **Cross-device collection:** To provide users with a seamless online experience, we may link your identifiers on different browsers and environments to be able to provide a seamless experience across multiple devices and browsers without collecting or processing any additional identifying personal data.

This information helps us make decisions about what we should work on next - for example, by showing which features are most (or least) popular. We may use your IP address and share it with subprocessors to help diagnose problems with our Service, for security purposes, to manage the Service, to enhance the Services or Artsonia Website based on usage pattern for analytics, and for tracking online voting (e.g. restricting voting frequency).

### ***Information Received from Third-Party Sources***

We may also obtain information, including Personal Information, from third-party sources to update or supplement the information you provided or we collected automatically. Local law may require you authorize the third party to share your information with us before we can acquire it. This may include aggregated anonymous information or certain Personal Information that may be provided to us. If we receive Personal Information from third parties, we will handle it in accordance with this Privacy Policy. If we directly combine information we receive from other third parties with Personal Information that we collect through the Service or Artsonia Website, we will treat the combined information as Personal Information and handle it in accordance with this Privacy Policy. Additionally, we may use any aggregated anonymous information received by third parties as set forth below under the heading *Aggregated Information and Non-Identifying Information*. We do

not control, supervise, or respond to how third parties providing your information process your Personal Information, and any information request regarding the disclosure of your Personal Information to use should be directed to such third parties.

### **How We Use the Information We Collect**

Artsonia does not sell or rent any of your or your Child's Personal Information to any third party for any purpose – including for advertising and marketing purposes. Third-party advertising is not permitted on our Service and Personal Information collected from Children is never used for behaviorally-targeted advertising to Children (first or third party). We use information, including Personal Information, collected through our Service for the purposes described in this Privacy Policy, including as set forth above under *Information Collected Automatically*. Our use of information collected from Children is set forth above in the section How We Protect Children's Personal Information. In addition, we may use the information, including Personal Information, from non-Child users we collect to:

- Provide the Services, Artsonia Website, products, or information you request.
- Personalize the Artsonia Website, Services, content and experiences for you.
- Communicate with you about your use of the Service, your account or transactions with us.
- Respond to your emails, submissions, questions, comments, requests, complaints and provide customer service.
- Send you information about features on our Service or changes to our policies and Service.
- Optimize or improve the Artsonia Website, Services and operations and develop new products.
- Send you security alerts, and support and administrative messages and otherwise facilitate your use of, and our administration and operation of, the Service and Artsonia Website.
- For safety and security reasons, such as detecting, investigating and preventing activities that may violate our policies or be illegal.
- Notify and contact contest and sweepstakes entrants.
- Provide Parents and Teachers information about events, announcements, offers, promotions, products, including third-party products, and services we think will be of interest to you.
- For any other purpose for which the information was collected (e.g. fulfilling product orders).

To learn more about how we use your information for personalization and tracking, please see visit [Online Tracking Technologies Policy](#).

We process this information given our legitimate interest in improving the Artsonia Website, the Service and our users' experience with it, in protecting the Service and the Artsonia Website, where necessary for the adequate performance of the contract with you, and to comply with applicable laws.

Additionally, we will process your Personal Information for the purposes listed in this section related to marketing given our legitimate interests in undertaking marketing activities to offer you products and services that may be of your interest. You can opt-out of receiving marketing communications from us by following the unsubscribe instructions included in our marketing communications or changing your notification settings within your Artsonia account.

### **Sharing Your Information**

First and foremost, you should know that Artsonia **does not sell or rent** your (or your Child's) Personal Information to any third party for any purpose - including for advertising or marketing purposes. Third-party advertising is not permitted on our Service and Personal Information collected from Children is never used for behaviorally-targeted advertising to Children (first or third party). Furthermore, we do not share Personal Information with any third parties except in the limited circumstances described in this Privacy Policy and as set forth below:

**Other Users You Share and Communicate with on Artsonia:** If you are a Teacher, Parent or Fan Club Member, you may choose to share information or content through the Service with other Artsonia Teachers, Parents or Fan Club Members or to your Children (if you are a Parent). For example, things like your account or profile information and Lesson Plans (if you are a Teacher), feedback created for Students you teach (if you are a Teacher), Artwork (if you are a Parent or Teacher), or other information you share with Teachers, Parents or Fan Club Members. Additionally, Artwork (and associated title and statement) posted by Students may be shared with others if publicly posted on the Artsonia Website (which is only after Artsonia receives parental consent) and comments entered by Students while in the Class Portal and approved by their Teacher, will also be publicly posted on the Artsonia Website.

Please keep in mind that information (including Personal Information or Children's Personal Information) or content (such as Artwork) that you voluntarily disclose to others - including to other Artsonia users you interact with through the Service (such as messages you might send other users or other Teachers you collaborate with) - can be viewed, copied, stored, and used by the people you share it with. We cannot control the actions of people with whom you choose to share information.

**Third-party Integrations on our Service:** When, as a Teacher, Parent or Child, you use third-party apps, websites or other services that use, or are integrated with, our Service, they may receive information about what you post or share. Please see Integrated Services and third party Subprocessors for more information. Information collected by these apps, websites or integrated services is subject to their own terms and policies.

**Subprocessors:** We do work with vendors, subprocessors, and other partners to help us provide the Service and Artsonia Website by performing tasks on our behalf. We may need to share or provide information (including Personal Information) to them to help them perform these business functions, for example database management services, database hosting, and fulfilling product orders. These subprocessors have limited access to your Personal Information to perform these tasks on your behalf, and are contractually bound to protect and use it only for the purpose for which it was disclosed and must adhere to confidentiality and security obligations in a way that is consistent with this Privacy Policy.

**Social Media Platforms:** Where permissible according to applicable law, we may share certain limited Personal Information (such as Teacher name or School, but never Personal Information about Children) with social media platforms and other websites, applications or partners, to market and advertise our products or services on

those websites or applications. These social media platforms with which we may share this limited Personal Information are not controlled or supervised by Artsonia. Therefore, any questions regarding how your social media platform processes your Personal Information should be directed to such provider.

**Aggregated Information and Non-Identifying Information:** We may share aggregated information (information about our users that we combine together so it no longer identifies or references an individual user) and other de-identified, or non-personally identifiable information (such as statistics about visitors, traffic patterns and electronic postcard usage) including with users, partners, sponsors, or the press in order to, for example, demonstrate how Artsonia is used, spot industry trends, or to provide marketing materials for Artsonia. Any aggregated information and non-personally identifiable information shared this way will not contain any Personal Information.

**Analytics Services:** We may use analytics services, including mobile analytics software, to help us understand and improve how the Service and Artsonia Website is being used. These services may collect, store and use de-identified information in order to help us understand things like how often you use the Service and Artsonia Website, the events that occur within the application, usage, performance data, and from where the application was downloaded.

**Legal Requirements:** We may use or disclose information, including Personal Information, if we have a good faith belief that doing so is necessary to comply with the law, such as complying with a subpoena or other legal process. We may need to disclose Personal Information where, in good faith, we think it is necessary to protect the rights, property, or safety of Artsonia, our employees, our community, or others, or to prevent violations of our Terms or other agreements. This includes, without limitation, exchanging information with other companies and organizations for fraud protection or responding to government requests. Where appropriate, we may notify users about the legal requests, unless (i) providing notice is prohibited by the legal process itself, by court order we receive, or by applicable law; (ii) we believe that providing notice would be futile, ineffective, create a risk of injury or bodily harm to an individual or group, or create or increase a risk of fraud upon Artsonia, or its users. In instances where we comply with legal requests without notice for these reasons, we will attempt to notify that user about the request after the fact where appropriate and where we determine in good faith that we are no longer prevented from doing so.

**Sharing with Artsonia Companies:** Over time, Artsonia may grow and reorganize. We may share your information, including Personal Information with affiliates such as a parent company, subsidiaries, joint venture partners or other companies that we control or that are under common control with us, in which case we will require those companies to agree to use your Personal Information in a way that is consistent with this Privacy Policy.

**With your consent:** Other than the cases above, we won't disclose your Personal Information for any purpose unless you consent to it. Additionally, as discussed above, we will never sell or rent your Personal Information to advertisers or other third parties.

### **Transparency and Your Rights**

We try to be transparent about what information we collect, so that you can make meaningful choices about how it is used. You control the Personal Information you share with us. You can access or correct this information at any time. You can also delete your account. We also provide you tools to object, restrict, or withdraw consent where applicable for the use of Personal Information you have provided to Artsonia. We also make the Personal

Information you share through our Service or the Artsonia Website portable and provide easy ways for you to contact us.

You may exercise any of the rights described in this section by contacting us as described in the **Contacting Artsonia** section below or making a request at <https://www.artsonia.com/contact.asp>. Please note that we may ask you to verify your identity before taking further action on your request.

### ***Accessing, Managing or Correcting Your Personal Information***

Artsonia aims to provide you with easy access to any Personal Information we have collected about you. If that information is incorrect, we give you easy ways to update it, or to delete it, unless we have to keep that information for legitimate business (e.g., we need at least an email address for your account) or legal purposes. You have the right to correct inaccurate or incomplete Personal Information concerning you (and which you cannot update yourself within your Artsonia account).

- **Accessing Your Information:** Upon request, Artsonia will provide you with information about whether we hold any of your Personal Information, and if you are user of the Service, you may request access to all of your Personal Information controlled by Artsonia by contacting us as described in the *Contacting Artsonia* section below. In some cases, we won't be able to guarantee complete access due to legal restrictions - for example, you will not be allowed to access files that contain information about other users or information that is confidential to us.
- **Managing Your Information:** If you have registered for an account on Artsonia, you may update, correct, or delete some of your profile information or your preferences at any time by logging into your account on Artsonia and accessing your account settings page. You may also, at any time, update, correct, or delete certain Personal Information that you have provided to us by contacting us as described in the *Contacting Artsonia* section below. When updating your Personal Information, we may ask you to verify your identity before we can act on your request. We will respond to your request within a reasonable timeframe. Please note that while your changes may be reflected promptly in active content, users that have previously accessed the content may still have access to old copies cached on their device or may have copied and stored your content. You may also exercise your control or choices with the communications we send you as set forth in *Communications from Artsonia* section below.
- **Accessing Your Child's Information:** Take a look at our *Parental Choices* section to see how you can obtain copies of your Child's Personal Information.

We may reject requests for access, change or deletion that are unreasonably repetitive, require disproportionate technical effort (for example, developing a new system or fundamentally changing an existing practice), risk the privacy of others, or would be extremely impractical (for instance, requests concerning information residing on backup systems).

Where we can provide information access and correction, we will do so for free, except where it would require a disproportionate effort.

### ***Deleting Your Account***

If for some reason you ever want to delete your account (or your Child's account, if you are his or her Parent), you can do that at any time by contacting us as described in the *Contacting Artsonia* section below.

When you delete your account, we delete your profile information and any other content you provide in your profile (such as your name, screenname, password, email address, bio, and profile photos) and depending on the category of user you are (i.e., Teacher, Parent, Fan Club Member or Child) additional information such as Teacher Artwork, comments, compliments, and information collected through mobile permissions you've granted. Information that you have shared with others, others have shared about you, or content other users may have copied and stored, is not part of your account and may not be deleted when you delete your account.

Additionally, please note, that even if your account is deleted, messages sent between Teachers and Parents or Teachers and Student are retained to assist Schools with various recordkeeping or compliance obligations. This includes, for example, Student activity reports and newsletters which we consider messaging between Parents and Teachers. Additionally, some content within a Student account, such as Artwork, or Student Artwork uploaded by a Teacher or feedback from a Teacher on a Student's Artwork, will be kept after the Student account is deleted for School legal compliance reasons (e.g. maintenance of "education records" under FERPA or "Student records" under various state Student privacy laws). If you would like this content deleted, please first put in a request to your (or your Child's) School. If the School determines that the request should be implemented, the School may submit the request by contacting us as described in the Contacting Artsonia section below. For more details, please read "What happens when I terminate or delete my account?" in our HelpDesk.

We aim to maintain our services in a manner that protects information from accidental or malicious destruction. Because of this, even after you update or delete Personal Information you have provided us from our Service or the Artsonia Website, your Personal Information may be retained in our backup files and archives for a reasonable period of time for legal purposes or for so long as is necessary in light of the purposes for which such records were collected or legitimately further processed.

### ***Object, Restrict, or Withdraw Consent***

Where you have provided your consent to Artsonia for the processing of your Personal Information by us you may withdraw your consent at any time by changing your account settings or by sending a communication to Artsonia specifying which consent you are withdrawing. Please note that the withdrawal of your consent does not affect the lawfulness of any processing activities based on such consent before its withdrawal.

Artsonia provides Parents and Teachers with the opportunity to withdrawal consent or 'opt-out' of receiving any future marketing communications from Artsonia and its partners at any time. Additionally, you can always decline to share Personal Information with us, or even block all cookies. However, it's important to remember that many of Artsonia's features may not be accessible, or may not function properly - for example, you may not be able to login to your Teacher or Parent account.

In some jurisdictions, law may entitle you to require Artsonia not to process your Personal Information for certain specific purposes (including profiling) where such processing is based on legitimate interest. If you object to such processing Artsonia will no longer process your Personal Information for these purposes unless we can demonstrate compelling legitimate grounds for such processing or such processing is required for the establishment, exercise or defence of legal claims. Additionally, in some jurisdictions, applicable law may give you the right to limit the ways in which we use your Personal Information, in particular where (i) you contest the accuracy of your Personal Information; (ii) the processing is unlawful and you oppose the erasure of your Personal Information; (iii) we no longer need your Personal Information for the purposes of the processing, but

you require the information for the establishment, exercise or defence of legal claims; or (iv) you object to the processing and pending the verification whether the legitimate grounds of Artsonia override your own.

### ***Additional Information or Assistance***

If you are located in the European Union or the EEA, you have a right to lodge complaints about the data processing activities carried about by Artsonia with Artsonia's lead supervisory authority, the Information Commissioner's Office. You can find their contact details at <https://ico.org.uk/make-a-complaint/>.

### **Data Security**

The security of your Personal Information is important to us. To prevent unauthorized access, disclosure, or improper use of your information, and to maintain data accuracy, we've established physical, technical, and administrative safeguards to protect the Personal Information we collect. In particular:

- We periodically review our information collection, storage and processing practices, including physical security measures, to guard against unauthorized access to systems.
- We perform application security testing; penetration testing; conduct risk assessments; and monitor compliance with security policies.
- When you enter any information anywhere on the Service, we encrypt the transmission of that information using Secure Socket Layer Technology (SSL) by default.
- Artsonia's database where we store your Personal Information is encrypted **at rest**, which converts all Personal Information stored in the database to an unintelligible form.
- We ensure passwords are stored and transferred securely using encryption and salted hashing.
- Artsonia's Website and the Service is hosted by third-party subprocessors at separate facilities, with whom we have a contract providing for enhanced security measures.
- Artsonia is in compliance with the Payment Card Industry Data Security Standard (PCI DSS). Our alignment with this standard is reflected in the people, technologies and processes we employ.
- We restrict access to Personal Information to authorized Artsonia employees, agents or independent contractors who need to know that information in order to process it for us, and who are subject to strict confidentiality obligations and may be disciplined or terminated if they fail to meet these obligations.

For additional information on our security practices, please visit our Privacy Center. Although we make concerted good faith efforts to maintain the security of Personal Information, and we work hard to ensure the integrity and security of our systems, no practices are 100% immune, and we can't guarantee the security of information. Outages, attacks, human error, system failure, unauthorized use or other factors may compromise the security of user information at any time.

If we learn of a security breach, we will attempt to notify you electronically (subject to any applicable laws and reporting requirements) so that you can take protective steps; for example, we may post a notice on the

Artsonia Website or elsewhere on the Service, and may email you at the email address you have provided to us. Depending on where you live, you may have a legal right to receive notice of a security breach in writing.

## **Data Retention**

We store your Personal Information for as long as it is necessary to provide products and Services to you and others, including those described above. Personal information associated with your account will be kept until your account is deleted, unless we no longer need the data to provide products and services.

Please note that we may have to retain some information after your account is closed, to comply with legal obligations, to protect the safety and security of our community or our Service, or to prevent abuse of our Terms. You can, of course, delete your account at any time. Additionally, please note, that even if your account is deleted, messages sent between Teachers and Parents or between Students and Teachers are retained to assist Schools with various recordkeeping or compliance obligations. Additionally, Artwork uploaded by Students or Teachers on behalf of Students are retained at the direction of the School (e.g., for legal compliance reasons such as maintenance of "education records" under FERPA or "Student records" under various state Student privacy laws) and will not be deleted until we receive direction from the School.

**Student Data Protection Policy:** We will not retain a Student's Personal Information for any longer than is necessary for educational purposes or legal obligations, or to provide the Service for which we receive or collect the Student's Personal Information. Additionally, we only keep a Student's Personal Information for as long as his or her Student account is active, unless we are required by law or the Student's School to retain it, need it to ensure the security of our community or our Service, or to enforce our Terms. Please note that deletion does not include Artwork submitted by the Student or Teacher or messaging between a Teacher and Parent (i.e., the newsletters or student activity reports) or Teacher and Student (i.e., Teacher feedback) as we may be required to retain these at the direction of the School (e.g., for legal compliance reasons such as maintenance of "education records" under the FERPA or "student records" under various state student privacy laws)). Please visit our helpdesk to learn how to request deletion of this content.

School provided Parent email addresses (including Student provided Parent email addresses using the Class Portal) are used to obtain parental consent, only, and unless the Parent separately creates an account on Artsonia. If the Parent does not provide consent within 90 days, then the provided email address is deleted.

Please visit the *How We Protect Children's Personal Information* section for more information on our data retention policies surrounding Children's Personal Information.

## **Integrated Services**

Artsonia may permit you to register for and sign on to the Service through, or otherwise associate your Artsonia account with, certain third party social networking or integrated services, such as the sign-in with Facebook, Google or Apple services ("Integrated Service"). By registering for or signing on the Service using (or otherwise granting access to) an Integrated Service, you agree that Artsonia may access your Integrated Service's account information, and may store and use certain information already associated with the Integrated Service consistent with our Privacy Policy, and you agree to any and all terms and conditions of the Integrated Service regarding your use of the Service via the Integrated Service. You may revoke Artsonia's access to your account on any Integrated Service at any time by updating the appropriate account settings of the respective Integrated Service. You should check your privacy settings on each Integration Service to understand and change the information sent to us through each Integration Service. You agree that you are solely responsible for your

interactions with the Integrated Service as a result of accessing the Service through the Integrated Service. Artsonia does not control the practices of Integrated Services, and you are advised to read the privacy policy and terms and conditions of any Integrated Service that you use to understand their practices.

### **Third-Party Services**

The Service or the Artsonia Website may contain links to websites and services provided by third parties. Any Personal Information you provide on third-party websites or services is provided directly to that third party and is subject to that third party's policies governing privacy and security. This Privacy Policy does not apply to these websites or services. The fact that we link to a website is not an endorsement, authorization or representation that we are affiliated with that third party, nor is it an endorsement of their privacy or information security policies or practices. These other websites may place their own cookies or other files on your computer, collect data or solicit Personal Information from you. We are not responsible for the content or privacy and security practices and policies of third-party websites or services. We encourage you to learn about third parties' privacy and security policies before providing them with Personal Information.

### **International Users**

The Service and Artsonia Website is hosted and operated in the United States. If you access or use the Service from the European Union, or any other region with laws governing data collection, protection and use that may differ from United States law, please note that you may be transferring your Personal Information outside of those jurisdictions to the United States.

By using the Service or the Artsonia Website, you consent to the transfer of your Personal Information outside your home jurisdiction, including to the United States, and to the storage of your Personal Information in the United States, for the purpose of hosting, using and processing the Personal Information in accordance with this Privacy Policy and the Terms of Service. You further acknowledge that these countries may not have the same data protection laws as the country from which you provided your Personal Information, and that Artsonia may be compelled to disclose your Personal Information to U.S. authorities. You have the right to withdraw your consent at any time by contacting us as described in the *Contacting Artsonia* section below.

### **Is Artsonia a Controller?**

Artsonia processes Personal Information both as a Processor and as a Controller, as defined in the GDPR. When Teachers, Parents, Fan Club Members, customers, Children, or general Artsonia Website users enter information directly into our Service or the Artsonia Website, Artsonia will generally be the Controller for the user data, as outlined above in the *Types of Information We Collect* section. However, in certain circumstances, where requested by the Student's School, Artsonia will be the Processor, and will only delete records per the School's specific instructions and will request that you make any requests for access, correction or deletion of Personal Information through the School. Artsonia will respond to such requests when received from the School. Please see Artsonia's policy on *Data Retention*, below.

### **Communications from Artsonia**

If you created an account on Artsonia, provided an email or phone number to us, or otherwise opted-in to receive communications from us, we may send you messages and updates regarding your account, including privacy and security notices, updates regarding the Service, and information regarding products, features or services from Artsonia (or third parties we believe you may be interested in). These communications may include, but are not limited to, social media communications, SMS, push notifications, email, telephone calls,

and postal mail. If you have an account with us, we'll also use your email address to contact you for customer service purposes, or for any legal matters that arise in the course of business. We may receive a confirmation when you open an email from us if your device supports it. We use this confirmation to help us understand which emails are most interesting and to improve our future communications.

If you invite another person to join you on Artsonia by providing their email address or phone number, we may contact them regarding the Service using the appropriate form of communication. If they would prefer not to receive our marketing communications, they may opt-out using the "Unsubscribe" or "STOP" instructions contained in those communications.

You can always unsubscribe from receiving any of our: 1) marketing emails at any time by clicking the "Unsubscribe" link at the bottom of any Artsonia email; 2) marketing texts by replying "STOP" if you receive SMS communications; or 3) marketing push notifications by turning off push notifications on your device. Also, you may indicate your preferences regarding marketing emails by contacting us as described in the *Contacting Artsonia* section below. If you have a Teacher, Parent, or Fan Club Member account, you may also update your preferences within your logged in account. Please note that opting-out of marketing communications does not affect your receipt of business communications that are important to your interaction with Artsonia, such as support/service communications, security updates, or account management communications. You may not opt-out of receiving these communications.

### **Changes and Updates to this Privacy Policy**

We may revise our Privacy Policy from time to time. You can see when the last update was by looking at the "Last Updated" date at the top of this page. We won't reduce your rights under this Privacy Policy without your explicit consent. If we make any significant changes, we'll provide prominent notice by posting a notice on the Service or the Artsonia Website and/or notifying you by email (using the email address you provided), so you can review and make sure you know about them.

In addition, if we ever make significant changes to the types of Personal Information we collect from Children, or how we use it, we will notify Parents in order to obtain parental consent or notice for those new practices, and provide Schools with the necessary information about these changes where they have obtained permission and either a) chose to act as an agent of the Parent and consented on Parents behalf using school consent or b) collected the appropriate parental consent for the Class Portal.

We encourage you to review this Privacy Policy from time to time, to stay informed about our collection, use, and disclosure of Personal Information through the Service and Artsonia Website. If you don't agree with any changes to the Privacy Policy, you may terminate your account. By continuing to use the Service or the Artsonia Website after the revised Privacy Policy has become effective, you acknowledge that you accept and agree to the current version of the Privacy Policy.

### **Contacting Artsonia**

If you have questions or concerns about this Privacy Policy or our collection, use, or disclosure of your Personal Information, please contact us in one of the following ways:

#### ***E-Mail:***

**[privacy@artsonia.com](mailto:privacy@artsonia.com)**

**Phone:**

1-(800)-869-9974

**Postal:**

Artsonia LLC  
ATTN: Privacy  
1350 Tri-State Parkway, Ste 106  
Gurnee, IL 60031

**Contact Us Page:**

Please visit our contact page at <https://www.artsonia.com/contact.asp>

**Additional Privacy and Security Resources**

For Teachers, Parents, Children, fans, or administrators seeking more information on how we provide safety on Artsonia, we provide privacy and security related materials on our Privacy Center.

**Key Terms**

Please visit <https://help.artsonia.com/hc/en-us/sections/115000120913> to view additional key terms referenced on this page.

## **EXHIBIT D-2: ARTSONIA ONLINE TRACKING POLICY**

Artsonia offers a range of features that use technologies like cookies, pixel tags ("pixels"), device or other identifiers and local storage (collectively, "Online Tracking Technologies") to provide a seamless and safe experience on Artsonia.com, our mobile application and any sites linking to this policy (the "Service").

First and foremost, we do not use or disclose information collected through Online Tracking Technologies for third-party advertising on our website or elsewhere (including behaviorally-targeted advertising to students). As described in more detail below, we use these technologies in many ways so that Artsonia works, like for security purposes, to provide certain helpful features, and also to understand and measure how Artsonia is used. Third parties that you interact with as you use the Service may also use these technologies for a variety of purposes. Below we provide more information about Online Tracking Technologies and how they work.

### **What are some of these Online Tracking Technologies?**

- Cookies and Similar Technologies
- Pixel Tags
- Local Storage

### **How does Artsonia use Online Tracking Technologies when visitors use a mobile device?**

Many mobile devices act just like computers, such as smart phones that support full-featured browsers. For those devices, we use Online Tracking Technologies in ways that are similar to when you are accessing the web from a computer. Other devices use different technologies such as local storage on a device, Software Development Kits (SDKs) or Advanced Programming Interfaces (APIs) to facilitate the same types of processes we use cookies for, as described below. As on the web, we also may use similar technologies to store and retrieve an identifier or other information from or on your device.

### **How can visitors manage these Online Tracking Technologies?**

**Browser Cookie Controls:** Your browser or device may offer settings related to these technologies - visit your browser or device's help menu to learn about your options (browsers for mobile devices may not offer visibility). For example, you may set your browser to refuse all cookies or to indicate when a cookie is being sent. However, changing these settings may impact your use of some features or services on our Service as they may not function properly without cookies.

**Flash Cookies:** Cookie management tools provided by your browser will not remove Flash cookies. Learn how to manage privacy and storage settings for Flash cookies. If you disable Flash cookies, you won't have access to certain features that make your guest experience more efficient and some of our Services will not function properly, such as online voting for a particular artist.

**Mobile:** Please note that the choices described above regarding browser-based opt-outs may not apply to opt-outs involving mobile applications.

## **Why does Artsonia use Online Tracking Technologies?**

Artsonia uses cookies that are session-based and persistent. Session cookies exist only during one session. They disappear from your computer when you close your browser software or turn off your computer. Persistent cookies remain on your computer after you close your browser or turn off your computer. We use these technologies for a variety of reasons, such as allowing us to show you content that's most relevant to you, improving our products and services, and helping to keep our Service secure.

While specific names of the Online Tracking Technologies that we use may change from time to time as we improve and update our Service, they generally fall into the below categories of use:

### **Categories of Use & Description**

#### **Authentication**

- These tell us when you're logged in, so we can show you the appropriate experience and features. For example: cookies help us remember your browser so you do not have to keep logging into our Service.
- Most Artsonia users that log in will have an authentication cookie called 'AuthUser' in their browsers. A browser sends this cookie with requests to the Artsonia website. This cookie contains a unique ID Artsonia uses to know that you are logged in.

#### **Security, and Service Integrity**

- These help keep Artsonia safe and secure by supporting and enabling security features and to help us detect activity that violates our Terms of Service or otherwise degrades our ability to provide our Service.

#### **Localization**

- These help us provide localized experiences. For example: We may store information in a cookie that is placed on your browser or device so you will see the website in your preferred language.
- Most Artsonia users will have a preferences cookie called 'Locale' in their browsers. A browser sends this cookie with requests to the Artsonia website. The Locale cookie contains a unique ID Artsonia uses to remember your preferred language (e.g. English).

#### **User Preferences**

- These provide functionality that help us deliver products and services and change the way the website behaves or looks. For example: Cookies help us store preferences, know when you've seen or interacted with certain content, and provide you with customized content and experiences. For instance, cookies allow us to make suggestions to you and others, and to customize content on our Service.
- Loss of the information stored in a preference cookie may make the website experience less functional but should not prevent it from working.
- *For example:* We use a cookie called 'History' which Artsonia uses to remember your preferences and other information, such as the last visited artwork.

#### **Session State**

- Websites often collect information about how users interact with a website. This may include the pages users visit most often and whether users get error messages from certain pages. We use these so-called

'session state cookies' to help us improve our Services, in order to improve our users' browsing experience.

- Blocking or deleting these cookies will not render the website unusable.
- *For example:* we use a cookie called 'Sessions' to record a general session when you visit our Services. This is used, for example, to aggregate and identify errors that occur during a user's session.

### **Performance**

- These help us ensure Artsonia is operationally performing at a high level, such as by understanding how quickly our website loads for different users.
- *For example:* these cookies help us route traffic between servers and understand how quickly certain pages load for different people and if they receive error messages from certain pages.

### **Processes**

- Process cookies help make the Artsonia website work and deliver services that the website visitor expects, like navigating around web pages or accessing secure areas of the website. Without these cookies, the website cannot function properly.
- *For example:* we use a cookie called 'OpenHouse' that makes it possible for parents to give permission during a school-sponsored parent night to have their child's artwork displayed on the website.

### **Analytics and Research**

- These are used to understand how our visitors use and engage with our Service, and thus so we can continue to find ways to make Artsonia a great experience. For example: We may use these technologies to know which content on Artsonia is the most popular and which ones could be improved, such as the cookie called 'User' that tracks user activity after clicking a link in a notification email.
- From time-to-time, Artsonia engages third parties to track and analyze usage and volume statistical information from individuals who visit our Service. Artsonia may also utilize Flash cookies for these purposes.

### **How do third parties use Online Tracking Technologies on Artsonia's Service?**

In addition to our own Online Tracking Technologies, we work with various companies to help us analyze how our Service is used, for functionality and serving content and to improve Artsonia. These third parties may use web measurement and customization technologies (such as cookies) in conjunction with the provision of these services. Take a look at our third-party service providers to learn more about them as well as to review their privacy policies.

### **Does Artsonia use Online Tracking Technologies if visitors don't have an account or have logged out of his/her account?**

We still use cookies if you don't have an account or have logged out of your account. For example, if you have logged out of your account we use cookies to, help you log in faster the next time.

We also set cookies if you don't have an Artsonia account, but have visited artsonia.com, to help us protect our Services and the people who use it from malicious activity. For example, these cookies help us detect and prevent denial-of-service attacks and the mass creation of fake accounts.

## EXHIBIT D-3: ONLINE SAFETY & PRIVACY FEATURES

**Screennames:** Each student that a teacher inputs into his/her class roster on Artsonia is assigned a unique screenname by Artsonia based on the list provided by the student's teacher to Artsonia. Screennames typically consist of the child's first name, followed by a number (e.g., Cam396). Parents and relatives can locate a gallery by going to <https://www.artsonia.com> and entering the student's screenname into the search bar.

**Parent Codes:** Every student on Artsonia is assigned a unique parent code, which is a randomly-assigned sequence of letters and numbers. This code allows a parent to verify their identity, give consent for their child to display artwork publicly and use the Class Portal, and create a parent account. The student's teacher distributes each student's unique parent code to his/her parent or legal guardian in one of two ways:

- **Emailed parent codes:** Parents may receive an email from Artsonia (on behalf of the teacher) seeking parental consent. The email will contain the parent code as well as a convenient link that embeds the parent code. Parents must click the link contained in the email (or go to the parent section of the website and directly enter the code) to give permission for your child to participate in Artsonia.
- **Printed slips:** Parents may instead receive a printed slip from the teacher that was given to the child to bring home. The slip contains the parent code that the parent must enter into the parent section of the website to give permission for the child to participate on Artsonia.

**School Access Codes:** A school access code is a unique code that enables students to gain access to upload artwork, titles and artist statements. Teachers can find their school's access code in the class portal section of their teacher portal. This eight-digit code can be manually entered or students can scan the QR code using their iOS/Android device. Once the access code is used, the iOS/Android device can submit artwork for any student within the school using the same device. Additionally, if the teacher desires, he/she can activate student PINs, which is a PIN for each individual student within a school. Teachers can learn more information by logging into their teacher section and clicking on the "class portal."

**What are PINs and how do they work within the Class Portal?** When students access the Class Portal, they must enter the school access code (or scan the School QR Code) to select their name from a list. If they are not listed, they can optionally enter their name to create a student listing. If the teacher is concerned that a student might upload images to a different student's gallery, the teacher can enable the pin function that requires students to enter a unique pin before they can view or submit artwork to their gallery. To enable pins, the teacher must open the Class Portal section of their teacher page and select, "student PINs" under Advanced Settings. The pins consist of a number that must be at least 4 digits in length.

**Verified Teacher:** For security reasons, when a teacher creates an account for a school where there is more than one teacher (either currently or previously active with past students), the teacher must be verified as a valid teacher at the school prior to accessing any roster information, submitting any artwork or redeeming any fundraising funds. In addition, if a teacher is trying to access project idea content such as lesson plans and teacher instructional videos, he/she will also need to be verified. Teachers can request a verification code by logging into their teacher account and selecting, the "verify your account" link, under the "messages" section. The teacher can have their verification instructions and code sent to either their school email address or to the school fax number.

**What is the difference between public artwork and private artwork?** Artwork that can be viewed by any visitor to the Artsonia website/app is considered "public artwork". Artwork that is only available for viewing by the teacher or parent within their logged in area of the website/app is considered "private artwork". Before a parent registers and gives permission, ALL artwork that is submitted by a teacher (or student using the Class Portal) is always private artwork. Once a parent registers and gives permission, the artwork will become public artwork based on the following scenarios:

1. When a teacher submits artwork, he/she must select whether or not the artwork contains personal information based on the Content Submission Guidelines. If the teacher confirms the artwork contains personal information, then that artwork will remain private artwork even after the parent registers and gives permission. If the teacher confirms the artwork does NOT contain personal information, then the artwork will become public artwork once the parent registers and gives permission.
2. When a student submits artwork within Class Portal, the teacher must approve each piece and choose whether or not the artwork contains personal information, and the same rules apply as the previous scenario.
3. When a parent submits artwork on behalf of their child, they must also select whether or not the artwork contains personal information based on the Content Submission Guidelines. Similar to the first scenario, the artwork remains private artwork if the artwork contains personal information, and will be public artwork if there is no personal information.

**Obtaining Parental Consent:** When teachers (or students who have parent permission under "school consent") upload artworks, titles, statements or other information to the school gallery, those submissions are visible only to the teacher and students from the same school while logged in to either the teacher account or the class portal. This enables teachers to use Artsonia as a classroom-only tool for educational purposes. If a student's artwork is to be shown publicly on the Artsonia website or mobile app, Artsonia must also obtain parental consent itself (this is a separate and distinct parental consent from your "school consent").

This additional parental consent will enable artwork that does NOT contain personal information to be displayed in the public school gallery, while artwork that DOES contain personal information will NOT be public, but rather only be accessible to the teacher, the student's parents, and other verified fan club members. This parental consent also enables students to receive comments from website visitors, have individuals join their "fan club" (after being verified by the parent), and have their artwork available for purchase on custom products in the Artsonia Giftshop (which also helps raise funds for US and Canadian schools).

Artsonia provides teachers with a robust process for obtaining and tracking parental consent. The teacher can either (a) provide Artsonia with parent emails (which are often readily available from the school front office in a spreadsheet). (b) print and send home "take home slips" that allow parents to enter their email address and give permission directly. (c) setup an "Open House" to obtain parent permission from parents during a live event. Or (d) utilize the Class Portal and allow the student to enter in their parent's email address. Regardless of which method you use, Artsonia will then initiate the COPPA permission process to obtain parental consent by sending an email to the parents. This process is commonly referred to as the "email plus" method. For more information on "email plus" consent under COPPA, please see the FTC's FAQ (section H.4) regarding this. The parents will receive a second email from Artsonia after they have given their consent.

**School Consent:** When teachers agree to act as the parent's agent, and provide consent on their behalf to use Artsonia solely in the educational context. Under this type of consent, no artwork or related content submitted by students will not be shown publicly, unless parents give additional parental consent to Artsonia.

**Content Submission Guidelines:** Teachers (or School Personnel) who are submitting content to Artsonia must comply with the following guidelines:

- **TAG PERSONAL INFORMATION:** For privacy and security reasons, if teachers submit artwork or other material that contains images of children, last names on artwork or any other personal information, the teacher must indicate that the entry contains personal information, and that entry will only be posted in the parent's private area for display and will NOT be posted in the public gallery.
- **NO INAPPROPRIATE ARTWORK:** Because the Service is directed to children and visitors of all ages, teachers may not submit artwork or other material that is unsuitable for viewing by children, including without limitation artwork or other material that is sexually explicit, or that depicts nudity or violence.
- **NO COPYRIGHTED MATERIAL:** Teachers may not submit artwork or other material that depicts or contains copyrighted materials or trademarks owned by others, including without limitation, company or product logos, copyrighted cartoon characters or other material that could infringe on the intellectual property rights of third parties.

**Masking:** Teachers can mask personal information on a piece of artwork by using the Blur tool with the Artsonia app or website. For the website, teachers select the Blur tool and then highlight the portion of the artwork they need to mask. Teachers then select the apply button and the area is masked. If the teacher needs to redo the process, they can always select the undo option. For the Artsonia app, teachers also select the Blur tool and then use their finger to rub out the area with the personal information. Teacher then select apply to continue with the publishing process. Once a teacher has edited the artwork and remove personal information, Artsonia deletes from our servers any original (unmodified) artwork and associated title and statement that may have contained personal information. Additionally, consistent with the requirements of COPPA, we ensure that any geolocation metadata that may be contained in the photo is removed prior to posting on Artsonia.

**How do parents give permission to display their child's artwork publicly?** In order for a child's artwork to appear publicly on Artsonia, parents can provide permission using one of two ways.

1. Obtain the parent code from the art teacher, usually sent home on a parent slip. Once you have the parent code, you can go to [www.artsonia.com/parents](http://www.artsonia.com/parents) and enter the artist's screenname, the parent code, and fill in the requested information. After you have done this, the email in # 2 below will be sent to you for you to click on the "Give Permission" link.
2. If you've received an email from Artsonia on behalf of your child's art teacher, click on a "Give Permission" link and fill in the requested information.

**How do parents approve artwork comments left by visitors?** To approve comments, the parent must log into their parent account and select "review new comments." The parent can then accept, edit or decline the comments. If the parent declines the comment, it will be deleted. Parents are instructed to remove any personal information with the comment such as first and last names, email addresses, etc. Once the comment has been approved, it will appear publicly on Artsonia next to the child's artwork.

**How do parents add / edit fan club members for his/her child?** If a parent would like to add friends and family members to their child's Artsonia fan club, they must log into their parent account and select, "add fans." From there the parent can enter the fan's name, relationship to the child, and email address. If you add a fan, please

note that we will send that individual email communications about the artist and his/her artwork. Any email communication they receive will provide an opt-out link if they wish to be removed as a fan club member from the artist and no longer receive emails from Artsonia.

**How do parents remove a fan club member for his/her child?** If a parent would like to remove a fan from their child's fan club, they must log into their parent account, select, "view fans," select, "edit" next to the fan's name, then select, "remove." If a student has multiple parents registered, then only the parent that added the fan can edit, remove, or view the email address of that particular fan.

## **EXHIBIT D-4: DATA RETENTION & SECURITY**

### **Data Retention**

We store your Personal Information for as long as it is necessary to provide products and Services to you and others, including those described above. Personal information associated with your account will be kept until your account is deleted, unless we no longer need the data to provide products and services.

Please note that we may have to retain some information after your account is closed, to comply with legal obligations, to protect the safety and security of our community or our Service, or to prevent abuse of our Terms. You can, of course, delete your account at any time, as per the Deleting Your Account section. Additionally, please note, that even if your account is deleted, messages sent between Teachers and Parents or between Students and Teachers are retained to assist Schools with various recordkeeping or compliance obligations. Additionally, Artwork uploaded by Students or Teachers on behalf of Students are retained at the direction of the School (e.g., for legal compliance reasons such as maintenance of "education records" under FERPA or "Student records" under various state Student privacy laws) and will not be deleted until we receive direction from the School.

Student Data Protection Policy: We will not retain a Student's Personal Information for any longer than is necessary for educational purposes or legal obligations, or to provide the Service for which we receive or collect the Student's Personal Information. Additionally, we only keep a Student's Personal Information for as long as his or her Student account is active, unless we are required by law or the Student's School to retain it, need it to ensure the security of our community or our Service, or to enforce our Terms. Please note that deletion does not include Artwork submitted by the Student or Teacher or messaging between a Teacher and Parent (i.e., the newsletters or student activity reports) or Teacher and Student (i.e., Teacher feedback) as we may be required to retain these at the direction of the School (e.g., for legal compliance reasons such as maintenance of "education records" under the FERPA or "student records" under various state student privacy laws)). Please visit our helpdesk to learn how to request deletion of this content.

School provided Parent email addresses (including Student provided Parent email addresses using the Class Portal) are used to obtain parental consent and are not used further by Artsonia unless the Parent separately creates an account on Artsonia. If the Parent does not provide consent within 90 days, then the provided email address is deleted.

### **"At-rest" Database Encryption**

"At-rest" database encryption helps protect against the threat of malicious activity by performing real-time encryption and decryption of the database, associated backups, and transaction log files at rest without requiring changes to the application. All data in the database is converted into an unintelligible form, such that if the database files are ever stolen, the data stored on them is inaccessible.

### **Secure Socket Layer Technology (SSL)**

Typically, information transmitted between web servers is shown in basic text. This can leave private information vulnerable to cyber-attacks. Socket layer technology encrypts data sent between web servers, keeping your private information safe and secure. Artsonia's entire website is transmitted using SSL technology.

### **Third-Party Subprocessors**

It's important to us that we keep your information safe and secure. In order to help Artsonia provide, maintain, protect and improve our services, Artsonia shares information with other partners, vendors and trusted organizations to process it on our behalf in accordance with our instructions, Privacy Policy, and any other appropriate confidentiality, security or other requirements we deem appropriate. These companies will only have access to the information they need to provide the Artsonia service. You can find information on these partners and subprocessors we work with below, including what data we share with them or they provide to us, the service they provide for Artsonia and links to their respective privacy policies This list may change over time, and we'll work hard to keep it up-to-date. For the most recent list, please visit <https://help.artsonia.com/hc/en-us/articles/115000424413>.

**Does Artsonia collect IP address information from children?** Artsonia may collect IP address information from children which we use for the purpose of providing support for the internal operations of our service, for things such as blocking abuse and diagnosing user connectivity issues. We do not share this information with any third parties, except for those subprocessors necessary to help us provide the service by performing tasks on our behalf. We do not use IP address information collected from children to contact them, including through behavioral advertising, or for any other purpose. Additionally, we delete or de-identify IP address information every six (6) months.

**What happens when a student account becomes inactive?** Artsonia considers a student account to be inactive when all the following conditions are satisfied:

- Neither the student nor the student's parent(s) have logged into their account in 2+ school years.
- The student's teacher has not performed any activity on this student account in 2+ school years, including uploading new artwork or giving new feedback.

Once all these conditions are met, Artsonia automatically deletes Artwork that is flagged as containing personal information and de-identifies Artwork that does not contain personal information by removing the last name of the student. Please note that Artwork uploaded by students or teachers on behalf of students may be required to be retained at the direction of the school (e.g. for legal compliance reasons such as maintenance of "education records" under FERPA or "student records" under various state student privacy laws). This condition would override the above inactive account actions. A student account becoming inactive is different than when a parent or teacher deletes a student from the website.

**How do parents take information out of Artsonia?** If a parent would like to download an image from their child's gallery to their computer or device, they can log into their parent account, select, "edit past art," select the desired artwork, then select, "download image." Currently, Artsonia only stores images at a maximum resolution of 2000x2000 pixels. The parent can also login to their account and copy and paste any comments, statements or feedback they would like to take out of Artsonia. If a parent would like to remove their account altogether, or request that Artsonia provide them with any additional personal information, they can do so by contacting us at [privacy@artsonia.com](mailto:privacy@artsonia.com).

**How do parents remove their child's artwork and other content?** If a parent would like to remove their child's artwork or other content, the parent can login to their parent portal and remove the artwork or other content. Please note that if the artwork was uploaded by the student or the teacher on behalf of the student, then Artsonia will alert the teacher of the deletion and offer the teacher an opportunity to retrieve the artwork and related content prior to fully deleting the content. This is required because the student artwork submitted by

the teacher (or child under the direction of the teacher) and other related content may be considered an "education record" under the Family Educational Rights and Privacy Act (FERPA) or "student data" under various state student privacy laws, and we are required to give the school an opportunity to retrieve the content prior to deleting.

**What happens when a parent deletes his/her account?** If a parent would like to delete their account, they can contact us at [privacy@artsonia.com](mailto:privacy@artsonia.com). Artsonia will first verify the requestor's identity and confirm that he/she understands that all associated content will be deleted. Once we receive confirmation, Artsonia will delete the parent account as requested. Please note that by deleting their account, if the parent is the only legal guardian registered to an artist, then any personal gallery artwork submitted to their child's art portfolio will also be deleted. However, any artwork submitted by the teacher (or child under the direction of the teacher) and other student or teacher related content (such as the teacher's feedback on the child's artwork) may be considered an "education record" and will be retained by us at the direction of the school (e.g., for school legal compliance reasons such as maintenance of "education records" under the Family Educational Rights and Privacy Act (FERPA) or "student data" under various state student privacy laws). The parent must first contact the school directly to remove their child's artwork. Please click here to learn how to request deletion of this content.

NOTE: If a parent deletes his/her account, it is deleted in a manner similar to emptying the recycle or trash bin on a computer. Any removed content may persist in backup copies for a reasonable period of time (but will not be available to others).

**How do teachers take information out of Artsonia?** If an Artsonia teacher would like to take information out of Artsonia, they can do so by logging into their teacher section and doing the following:

- If a teacher would like to download a piece of student artwork, they can log into their teacher section, select the student roster button, select a student, select his/her artwork and then select the download image link. If the teacher would like to remove the artwork from Artsonia he/she can select the delete button instead of the download button.
- If a teacher would like to remove his/her bio or personal photo, the teacher can select the "my profile" link, remove the data, and then select "save changes."
- If a teacher would like to remove a student from their roster, they can browse to the roster grade, select "remove students", select the student(s) they want removed, then select the remove button. Please note: this does NOT remove the artwork, but simply removes the student from the roster. To remove the artwork, the teacher must select the individual student and remove each piece prior to removing the student from the roster. If they need to remove a bunch of students or have any problems, they can contact us directly at [info@artsonia.com](mailto:info@artsonia.com).
- If a teacher would like to remove a project from their school gallery, they can select the individual project, select "edit setup" and then select "delete project."

If an Artsonia teacher would like to remove all of their school information from Artsonia, they can do so by contacting us directly at [info@artsonia.com](mailto:info@artsonia.com).

**What happens when a teacher deletes his/her account?** If a teacher has retired or left their school, or no longer has interest in using Artsonia, they may contact us and request that we delete their account. The roster, student artwork, and funds linked to the school will remain on the site for the next art teacher to take over the school's Artsonia gallery. The teacher's name and personal bio will remain associated with the school for historical purposes. If the teacher would like to delete all information submitted to Artsonia (including the school

submitted artwork and any additional educational records), they will need to have the appropriate school official contact us (such as the school principal) and we will confirm that they understand that all artwork and associated content (comments, feedback, fan club members, viewing stats) will be deleted. Once the school official confirms, Artsonia will delete the content in the following manner:

- If the parent has already given consent separately to Artsonia for their child's artwork to be showcased on Artsonia and still has an active parent account, then the artwork (and its associated content) will be de-linked from the school but remain on Artsonia in the child's personal gallery.
- Any additional student artwork (and associated content) that does not have a registered parent that has given consent will be permanently removed.
- All teacher related data (including his/her bio, newsletters, lesson plans, lesson plan feedback, teacher feedback on artwork, project details, fundraising statement, etc.) will be permanently removed.
- If there are no additional teachers using Artsonia from the school, then the entire school roster (which may include the first and last name of the student, their grade and homeroom) will be deleted. If there are additional teacher(s) using Artsonia, then we will work with the school official to coordinate which grade(s) should be removed from the roster based on the original school official's request for deletion.

Additionally, teachers should be aware that, because certain personal information about themselves (i.e., their name, profile photo, bio and school) and any artwork or other content they submit (either their own artwork or that of their students) is publicly posted on the Artsonia website and is publicly accessible to all users of the Artsonia Website, that information or content could be collected, used, and disclosed by others and therefore this content may still show up on the service after the teacher has deleted his or her account. Artsonia is not responsible for the collection, use, or disclosure of such information or content by others that teachers choose to share with, or those that view teacher information or content publicly. Please see our DMCA Notification Guidelines to further remove any copyrighted content that is still on our service after the deletion of a teacher account.

NOTE: If a teacher deletes his/her account, it is deleted in a manner similar to emptying the recycle or trash bin on a computer. Any removed content may persist in backup copies for a reasonable period of time (but will not be available to others).

**How can teachers update their email preferences?** Teachers can update their email preferences by following the link at the bottom of their emails from Artsonia or by contacting Artsonia at [privacy@artsonia.com](mailto:privacy@artsonia.com).

Please visit Artsonia's Privacy Center for more information at <https://www.artsonia.com/privacy/center.asp>. Artsonia's Data Usage Chart can be found at <https://help.artsonia.com/hc/en-us/articles/360006768294-Data-Usage-Chart>.

## **EXHIBIT E – DESCRIPTION OF SERVICES**

Artsonia is the world's largest online student art museum, offering a free, educational resource to schools, teachers and parents. Art teachers publish student artwork to the school's online gallery, creating a digital portfolio for each individual student. This enables teachers to explain what the student has learned and what methods were used in the creative process. Teachers also help get the parent connected to the student portfolios, which enable the parents to unlock additional features of Artsonia.

Parents may decide to allow Artsonia to display their child's artwork in the school's public online-gallery for other family members, friends, and art appreciators to enjoy. Parents may also upload artwork created outside of school to the student's portfolio. Artsonia doesn't display artwork to the public unless it has parental consent and a teacher or parent has verified that the artwork does not contain PII. Parents know and agree that their child's publicly available artwork will be associated with the student's school and a unique screenname generated by Artsonia. If the teacher or parent determines that there is personal information and does not mask or remove it, then the artwork should not be made publicly available. Instead, it should only be viewed by teachers at the student's school, the student's parents, and fan club members that the parent has authorized for the student.

Parents, family members, friends, and other art appreciators may purchase keepsakes from our gift shop with a student's publicly available artwork on the item. Parents and parent-authorized fan club members are able to purchase keepsakes with their child's private artwork as well. Twenty percent (20%) of all purchases are donated back to the school's art program. Parents and students also have the opportunity to participate in additional activities, including special exhibits, art contests and other art-related events.

Artsonia notifies the parents, family members and friends of the student-artists when new artwork is available and invites them to browse the school gallery. We also let our users know about other aspects of our service, such as our gift shop, sales, products, shipping information, website features, events, updates, contests, exhibits, and general information about Artsonia.

On Artsonia, participating art teachers also have the opportunity to share project ideas, post and view lesson plans, participate in art contests and events, and make other community-based connections with fellow art teachers.