

Data Privacy Framework (Status Pending)

Effective Date: August 1, 2023

Introduction

EdPower is an Education Technology Provider.

We understand that you are aware of and care about your own personal privacy interests, and we take that seriously. This Privacy Notice describes EdPower's policies and practices regarding its collection and use of your personal data, and sets forth your privacy rights. We recognize that information privacy is an ongoing responsibility, and so we will from time to time update this Privacy Notice as we undertake new personal data practices or adopt new privacy policies.

Data Protection Officer

EdPower is headquartered in 2063 E Copper Point Dr. Suite 160 Meridian Idaho 83642, in the United States. EdPower has appointed an internal data protection officer for you to contact if you have any questions or concerns about EdPower's personal data policies or practices. If you would like to exercise your privacy rights, please direct your query to EdPower's data protection officer. EdPower's data protection officer's name and contact information are as follows:

Joe Wallace

EdPower

2063 E Copper Point Dr. Suite 160 Meridian Idaho 83642

How we collect and use (process) your personal information

EdPower collects personal information about its end users. Customer Data includes personal data below, including but not limited to

- Name
- Job Title
- Employer Name
- Work Address

- Work Email
- Work Phone Number

We use this information to provide prospects and customers with services.

We do not sell personal information to anyone and only share it with third parties who are facilitating the delivery of our services.

EdPower receives personal information about individuals from school districts directly or through a partner company.

Student Educational Records

EdPower collects personal information about students. Student Data includes personal data below, including but not limited to:

- Student Number
- State Number
- First Name
- Last Name
- Middle Name
- DOB
- Gender
- Ethnicity
- Birth Country
- US School Entry Date
- Primary Language
- Home Language
- Parent / Guardian
- Mailing Address ID
- Physical Address ID
- Phone1
- Phone2
- Additional categories of information
- Parent / Guardian information
- Class Schedule
- Attendance
- Behavior incidents
- Interventions
- Plan
- Programs
- Assessment Results

We use this information to provide prospects and customers with services.

We do not sell personal information to anyone and only share it with third parties who are facilitating the delivery of our services.

EdPower receives personal information about individuals from school districts directly or through a partner company.

The following provisions of this section shall apply to the extent, if any, that Customer Data includes any student educational records. Nothing in this Agreement is intended to diminish any students' (or their parent's) rights in relation to their educational records. The parties acknowledge that student educational records are subject to the United States Family Educational Rights and Privacy Act (FERPA) and may be subject to other federal, state, and local privacy laws and regulations. Each party agrees to safeguard student educational records in its possession or control in compliance with all applicable requirements of FERPA and such other laws and regulations. EdPower (dba) specifically agrees not to disclose any personally identifiable information from education records in violation of FERPA, not to use such information for any sales, marketing, advertising, or other prohibited purposes, and to protect such information as Confidential Information of Customer for purposes of this Agreement. The parties agree that EdPower (dba) is permitted to process or monitor such information solely to provide and maintain the integrity of the Hosted Service. EdPower (dba) will promptly notify Customer of any known unauthorized use or disclosure of student educational records in EdPower (dba) possession or control and will take commercially reasonable corrective efforts to mitigate the effects and to prevent the recurrence of such violation.

Cookies and Tracking Technologies

EdPower makes available a comprehensive Cookie notice that describes the cookies and tracking technologies used on the EdPower website and provides information on how users can accept or reject them. To view the notice, just click <https://www.myedpower.com/data-sharing>

Sharing Information with Third Parties

The personal information EdPower collects from you is stored in one or more databases hosted by third parties. These third parties do not use or have access to your personal information for any purpose other than cloud storage and retrieval. On occasion, EdPower engages third parties to send information to you, including information about our products, services, and events.

A list of our third-party subprocessors can be found here:

AWS

Zoho Analytics

We do not otherwise reveal your personal data to non-EdPower persons or businesses for their independent use unless: (1) you request or authorize it; (2) it's in connection with EdPower-hosted and EdPower co-sponsored conferences as described above; (3) the information is provided to comply with the law (for example, compelled by law enforcement to comply with a search warrant, subpoena, or court order), enforce an agreement we have with you, or to protect our rights, property or safety, or the rights, property or safety of our employees or others; (4) the information is provided to our agents, vendors or service providers who perform functions on our behalf; (5) to address emergencies or acts of God; or

(6) to address disputes, claims, or to persons demonstrating legal authority to act on your behalf. We may also gather aggregated data about our services and website visitors and disclose the results of such aggregated (but not personally identifiable) information to our partners, service providers, advertisers, and/or other third parties for marketing or promotional purposes.

The EdPower website connects with third-party services such as Facebook, LinkedIn, Twitter, and others. If you choose to share information from the EdPower website through these services, you should review the privacy policy of that service. If you are a member of a third-party service, the aforementioned connections may allow that service to connect your visit to our site to your personal data.

Transferring Personal Data to the U.S.

EdPower has its headquarters in the United States. Information we collect about you will be processed in the United States. By using EdPower's services, you acknowledge that your personal information will be processed in the United States. The United States has not sought nor received a finding of "adequacy" from the European Union under Article 45 of the GDPR. Pursuant to Article 46 of the GDPR, EdPower is providing for appropriate safeguards by standard data protection clauses, enforceable by data subjects in the EEA and the UK. These clauses have been enhanced based on the guidance of the European Data Protection Board and will be updated when the new draft model clauses are approved.

Additionally, EdPower complies with the EU-U.S. Data Privacy Framework (EU-U.S. DPF) and the UK Extension to the EU-U.S. DPF as set forth by the U.S. Department of Commerce. EdPower has certified to the U.S. Department of Commerce that it adheres to the EU-U.S. Data Privacy Framework Principles (EU-U.S. DPF Principles) with regard to the processing of personal data received from the European Union and the United Kingdom in reliance on the EU-U.S. DPF and the UK Extension to the EU-U.S. DPF. If there is any conflict between the terms in this privacy policy and the EU-U.S. DPF Principles, the Principles shall govern. To learn more about the Data Privacy Framework (DPF) program, and to view our certification, please visit <https://www.dataprivacyframework.gov/>

Depending on the circumstance, EdPower also collects and transfers to the U.S. personal data with consent; to perform a contract with you; or to fulfill a compelling legitimate interest of EdPower in a manner that does not outweigh your rights and freedoms. EdPower endeavors to apply suitable safeguards to protect the privacy and security of your personal data and to use it only consistent with your relationship with EdPower and the practices described in this Privacy Statement. EdPower also enters into data processing agreements and model clauses with its vendors whenever feasible and appropriate. Since it was founded, EdPower has received zero government requests for information.

For more information or if you have any questions, please contact us at support@myedpower.com

Data Subject Rights

The European Union's General Data Protection Regulation (GDPR) and other countries' privacy laws provide certain rights for data subjects. Data Subject rights under GDPR include the following:

- Right to be informed

- Right of access
- Right to rectification
- Right to erasure
- Right to restrict processing
- Right of data portability
- Right to object
- Rights related to automated decision making including profiling

This Privacy Notice is intended to provide you with information about what personal data EdPower collects about you and how it is used.

If you wish to confirm that EdPower is processing your personal data or to have access to the personal data EdPower may have about you, please contact us.

You may also request information about the purpose of the processing; the categories of personal data concerned; who else outside EdPower might have received the data from EdPower; what the source of the information was (if you didn't provide it directly to EdPower); and how long it will be stored. You have a right to correct (rectify) the record of your personal data maintained by EdPower if it is inaccurate. You may request that EdPower erase that data or cease processing it, subject to certain exceptions. You may also request that EdPower cease using your data for direct marketing purposes. In many countries, you have a right to lodge a complaint with the appropriate data protection authority if you have concerns about how EdPower processes your personal data. When technically feasible, EdPower will—at your request—provide your personal data to you.

Reasonable access to your personal data will be provided at no cost. If access cannot be provided within a reasonable time frame, EdPower will provide you with a date when the information will be provided. If for some reason access is denied, EdPower will provide an explanation as to why access has been denied.

For questions or complaints concerning the processing of your personal data, you can email us at support@myedpower.com. Alternatively, if you are located in the European Union, you can also have recourse to the European Data Protection Supervisor or with your nation's data protection authority.

Choice and Consent

You have the right to opt-out of our use of your personal information for marketing purposes or the disclosure of your personal information to third parties. If you wish to exercise this right, please contact us at support@myedpower.com.

Data Storage and Retention

Your personal data is stored by EdPower on its servers, and on the servers of the cloud-based database management services the EdPower engages. EdPower retains service data for the duration of the customer's business relationship with EdPower and for a period of time thereafter and archiving purposes associated with EdPower's services. EdPower retains

prospect data until such time as it no longer has business value and is purged from EdPower systems. All personal data that EdPower controls may be deleted upon verified request from Data Subjects or their authorized agents. For more information on where and how long your personal data is stored, and for more information on your rights of erasure and portability, please contact us at: support@myedpower.com

Dispute Resolution

In compliance with the EU-U.S. DPF and the UK Extension to the EU-U.S. DPF, EdPower commits to refer unresolved complaints concerning our handling of personal data received in reliance on the EU-U.S. DPF and the UK Extension to the EU-U.S. DPF to VeraSafe, an alternative dispute resolution provider based in the United States, the European Union, the United Kingdom. If you do not receive timely acknowledgment of your DPF Principles-related complaint from us, or if we have not addressed your DPF Principles-related complaint to your satisfaction, please visit <https://verasafe.com/privacy-solutions/data-privacy-framework/> for more information or to file a complaint. The services of VeraSafe are provided at no cost to you.

If a privacy complaint or dispute relating to Personal Data received by Silverback Learning (DBA as EdPower) in reliance on the Data Privacy Framework (or any of its predecessors) cannot be resolved through our internal processes, we have agreed to participate in the VeraSafe Data Privacy Framework Dispute Resolution Procedure. Subject to the terms of the VeraSafe Data Privacy Framework Dispute Resolution Procedure, VeraSafe will provide appropriate recourse free of charge to you. To file a complaint with VeraSafe and participate in the VeraSafe Data Privacy Framework Dispute Resolution Procedure, please submit the required information here: [Submit a Dispute | VeraSafe](#)

If a complaint or dispute cannot be resolved through our internal process, we have also agreed to cooperate with the EU [A1] and UK data [A2] protection authorities and Information Commissioner [A3] and to participate in the dispute resolution procedures of the panel established by such data protection authorities.[A4]

Federal Trade Commission (FTC)

EdPower is subject to the investigatory and enforcement powers of the Federal Trade Commission (FTC)

Binding Arbitration

EdPower is obligated to arbitrate claims and follow the terms as set forth in Annex I of the DPF Principles, provided that an individual has invoked binding arbitration by delivering notice to your organization and following the procedures and subject to conditions set forth in Annex I of Principles.

Transfers to Third Parties

EdPower is a liability in cases of onward transfers to third parties.

Questions, Concerns or Complaints

If you have questions, concerns, complaints, or would like to exercise your rights, please contact us at:

EdPower
2963 E Copper Point Dr
Meridian ID, 83642
United States
208 250 2580
support@myedpower.com

References

[A1]@Client: Only include this reference to the EEA data protection authorities if your organization has certified to the EU-U.S. DPF and paid the fee to the panel of the EU data protection authorities. If you require assistance in doing that, kindly contact VeraSafe (info@verasafe.com).

[A2] @Client: Only include this reference to the UK data protection authorities if you've updated your DPF certification to include the UK Extension to the EU-U.S. DPF. If you require assistance in doing that, kindly contact VeraSafe (info@verasafe.com).