

Teztus Privacy Notice

Last Updated: October 2023

This Privacy Notice applies to the processing of personal information by TeztUs, Inc. (“**TeztUs**,” “**we**,” “**us**,” or “**our**”), including through our website available at <https://www.teztus.com/>, the Grading Service (defined below), and our other online or offline offerings (collectively, the “**Services**”).

1.ABOUT TEZTUS

TeztUs provides an automated grading service that helps our customers that are schools (collectively, “**Schools**”) grade assignments and tests (the “**Grading Service**”).

As part of the Grading Service, we may collect personal information about the School’s students that is uploaded by or on behalf of the School or otherwise provided to TeztUs (“**Student Personal Information**”).

Student Personal Information may include records that are subject to the Family Educational Rights and Privacy Act, “**FERPA**,” (“**FERPA Records**”), including student names, parent or guardian (collectively, “**Family Member**”) names, and schoolwork containing Student Personal Information. To the extent that Student Personal Information includes FERPA Records, Schools designate TeztUs as a “School Official” (as that term is used in FERPA and its implementing regulations) under the direct control of the Schools with regard to the use and maintenance of the FERPA Records.

In some cases, our processing of Student Personal Information may be governed by the agreement we have executed with the School, not this Privacy Notice. However, in that scenario, we will still process Student Personal Information consistent with this Privacy Notice and provide this Privacy Notice as an informational reference to students, Family Members, and Schools.

2.UPDATES TO THIS PRIVACY NOTICE

We may update this Privacy Notice from time to time in our sole discretion. If we do, we’ll let you know by posting the updated Privacy Notice on our website, and/or we may also send other communications.

3.PERSONAL INFORMATION WE COLLECT

We collect personal information that you provide to us, personal information we obtain automatically when you use the Services, and personal information from third-party sources, as described below.

A. **Personal Information You Provide to Us Directly**

We may collect personal information that you provide to us.

- **Account Information – Students.** We may collect Student Personal Information from students in connection with the creation or administration of a student account. This may include, but is not limited to, first and last name, email address, demographic information about the student such as grade level and gender, and educational records or details (including assignments and tests uploaded by the student).
- **Account Information – Authorized Users of a School.** We may collect personal information from employees, contractors, and other authorized users of Schools in connection with the creation or administration of their School accounts. This may include, but is not limited to, first and last name, email

address, School affiliation, and professional details. Authorized users of Schools may also upload personal information about students including, but not limited to, a student's assignments and tests.

- **Your Communications with Us.** We may collect personal information, such as your name, email address, or phone number when you contact us.
- **Surveys.** We may contact you to participate in surveys. If you decide to participate, we may collect personal information from you in connection with the survey.
- **Interactive Features.** We and others who use our Services may collect personal information that you submit or make available through our interactive features (e.g., forums, blogs, and social media pages). Any information you provide using the public sharing features of the Services will be considered "public."
- **Conferences, Trade Shows, and Other Events.** We may collect personal information from individuals when we attend or host conferences, trade shows, and other events.
- **Business Development and Strategic Partnerships.** We may collect personal information from individuals and third parties to assess and pursue potential business opportunities.
- **Job Applications.** If you apply for a job with us, we will collect any personal information you provide with your application, such as your contact information and CV.

B. Personal Information Collected Automatically

We may collect personal information automatically when you use the Services.

- **Automatic Collection of Personal Information.** We may collect certain personal information automatically when you use the Services, such as your Internet protocol (IP) address, user settings, cookie identifiers, other unique identifiers, browser or device information, location information (including approximate location derived from IP address), and Internet service provider. We may also automatically collect information regarding your use of our Services, such as the results of a student's assignments, analytics about your use of the Services, pages that you visit, items that you search for via the Services, information about the links you click, the frequency and duration of your activities, and other information about how you use our Services.
- **Cookie Notice (and Other Technologies).** We, as well as third parties, may use cookies, pixel tags, and other technologies ("**Technologies**") to automatically collect information through your use of the Services.
 - **Cookies.** Cookies are small text files placed in device browsers that store preferences and facilitate and enhance your experience.
 - **Pixel Tags/Web Beacons.** A pixel tag (also known as a web beacon) is a piece of code embedded in the Services that collects information about engagement on the Services. The use of a pixel tag allows us to record, for example, that a user has visited, a particular web page or clicked on a particular advertisement. We may also include web beacons in e-mails to understand whether messages have been opened, acted on, or forwarded.

See "[Your Privacy Choices and Rights](#)" below to understand your choices regarding these Technologies.

C. Personal Information Collected from Third-Party Sources

We may collect personal information from other sources, including third-party services and publicly available sources.

4.HOW WE USE PERSONAL INFORMATION

We use personal information for a variety of business purposes, including to provide the Services, for administrative purposes, and to provide you with marketing materials, as described below.

A. Student Personal Information

TeztUs only uses Student Personal Information to provide the Grading Service, as permitted by our contracts with Schools, or as required by law. If any other section of the Privacy Notice conflicts with this Section, this Section will control.

B. Provide the Services

We use personal information to fulfill our contract with you and provide the Services, such as:

- Managing your information;
- Providing access to certain areas, functionalities, and features of the Services;
- Answering requests for support;
- Communicating with you;
- Processing applications if you apply for a job we post on our Services; and
- Allowing you to register for events.

C. Administrative Purposes

We use personal information for various administrative purposes, such as:

- Pursuing our legitimate interests such as direct marketing, research and development (including marketing research), network and information security, and fraud prevention;
- Detecting security incidents, protecting against malicious, deceptive, fraudulent or illegal activity, and prosecuting those responsible for that activity;
- Carrying out analytics;
- Measuring interest and engagement in the Services;
- Improving, upgrading, or enhancing the Services;
- Developing new products and services;
- Creating de-identified and/or aggregated information.
- Ensuring internal quality control and safety;
- Authenticating and verifying individual identities, including requests to exercise your rights under this Privacy Notice;
- Debugging to identify and repair errors with the Services;
- Auditing relating to interactions, transactions, and other compliance activities;
- Sharing personal information with third parties as needed to provide the Services;
- Enforcing our agreements and policies; and
- Carrying out activities that are required to comply with our legal obligations.

D. Marketing

We may use personal information to tailor and provide you with marketing and other content. We may provide you with these materials as permitted by applicable law.

If you have any questions about our marketing practices, you may contact us at any time as set forth in "[Contact Us](#)" below.

E. **With Your Consent**

We may use personal information for other purposes that are clearly disclosed to you at the time you provide personal information or with your consent.

F. **Other Purposes**

We also use personal information for other purposes as requested by you or as permitted by applicable law.

5. HOW WE DISCLOSE PERSONAL INFORMATION

We disclose personal information to third parties for a variety of business purposes, including to provide the Services, to protect us or others, or in the event of a major business transaction such as a merger, sale, or asset transfer, as described below.

A. **Disclosures to Provide the Services**

The categories of third parties with whom we may share your personal information are described below.

- **Service Providers.** We may disclose personal information to our third-party service providers and vendors that assist us with the provision of the Services. This includes service providers and vendors that provide us with analytics, marketing services, IT support, hosting, customer service, and related services.
- **Schools.** Schools (including teachers) may be able to access Student Personal Information about their students, including as required by FERPA. Schools may also be able to access personal information about their authorized users (i.e., teachers and other staff) use of the Services.
- **Family Members.** Family Members may be able to access Student Personal Information about their children who are students of Schools, including as required by FERPA.
- **Business Partners.** We may share your personal information with business partners to provide you with a product or service you have requested. We may also share your personal information with business partners with whom we jointly offer products or services.

However, we do not disclose Student Personal Information to business partners unless we are directed by the School and/or a student's Family Member and permitted by law to do so.

- **Affiliates.** We may share your personal information with our corporate affiliates.
- **Advertising Partners.** We may share your personal information with third-party advertising partners. These third-party advertising partners may set Technologies and other tracking tools on our Services to collect information regarding your activities and your device (e.g., your IP address, cookie identifiers, page(s) visited, location, time of day). These advertising partners may use this information (and similar information collected from other services) for purposes of delivering personalized advertisements to you when you visit digital

properties within their networks. This practice is commonly referred to as “interest-based advertising” or “personalized advertising”.

We do not disclose Student Personal Information to third-party advertising partners.

B. Disclosures to Protect Us or Others

We may access, preserve, and disclose any information we store associated with you to external parties if we, in good faith, believe doing so is required or appropriate to: comply with law enforcement or national security requests and legal process, such as a court order or subpoena; protect your, our, or others’ rights, property, or safety; enforce our policies or contracts; collect amounts owed to us; or assist with an investigation or prosecution of suspected or actual illegal activity.

C. Disclosure in the Event of Merger, Sale, or Other Asset Transfers

If we are involved in a merger, acquisition, financing, reorganization, bankruptcy, receivership, purchase or sale of assets, transition of service to another provider, or other similar corporate transaction, your personal information may be disclosed, sold, or transferred as part of such a transaction.

6.YOUR PRIVACY CHOICES AND RIGHTS

Your Privacy Choices. The privacy choices you may have about your personal information are determined by applicable law and are described below.

- **Email Communications.** If you receive an unwanted email from us, you can use the unsubscribe link found at the bottom of the email to opt out of receiving future emails. Note that you will continue to receive transaction-related emails. We may also send you certain non-promotional communications regarding us and the Services, and you will not be able to opt out of those communications (e.g., communications regarding the Services or updates to this Privacy Notice).
- **“Do Not Track.”** Do Not Track (“DNT”) is a privacy preference that users can set in certain web browsers. Please note that we do not respond to or honor DNT signals or similar mechanisms transmitted by web browsers.
- **Cookies.** You may stop or restrict the placement of Technologies on your device or remove them by adjusting your preferences as your browser or device permits. However, if you adjust your preferences, the Services may not work properly.

The online advertising industry also provides websites from which you may opt out of receiving targeted ads from organizations that participate in self-regulatory programs. You can access these and learn more about targeted advertising and consumer choice and privacy by visiting the [Network Advertising Initiative](#), [the Digital Advertising Alliance](#), and [the Digital Advertising Alliance of Canada](#).

Please note you must separately opt out in each browser and on each device.

Your Privacy Rights. In accordance with applicable law, you, the School, or your Family Member may have the right to:

- **Request Access to Your Personal Information;**

- **Request Inspection or Correction** of your personal information;
- **Request Restriction of our Processing** of your personal information;
- **Opt-Out of Certain Processing Activities**;
- **Withdraw your Consent** to our processing of your personal information; and
- **Request Not to be Subject to Automated Decision-Making**.

If you would like to exercise any of these rights, please contact us as set forth in “Contact Us” below. We will process such requests in accordance with applicable laws.

7.INTERNATIONAL TRANSFERS OF PERSONAL INFORMATION

All personal information processed by us may be transferred, processed, and stored anywhere in the world, including, but not limited to, the United States or other countries, which may have data protection laws that are different from the laws where you live.

However, we may agree in a contract with a School that we will only host Student Personal Information in a certain country or region.

8.RETENTION OF PERSONAL INFORMATION

We retain Student Personal Information for the period of time set forth in our agreement with the School. Typically, when the agreement with the School terminates, it requires us to delete their Student Personal Information.

Otherwise, we store the personal information we collect as described in this Privacy Notice for as long as you use the Services, or as necessary to fulfill the purpose(s) for which it was collected, provide the Services, resolve disputes, establish legal defenses, conduct audits, pursue legitimate business purposes, enforce our agreements, and comply with applicable laws.

9.CHILDREN’S INFORMATION

Our Services are not directed to children, and we do not knowingly collect any information from any individual under 13 years of age, except in situations where we have the consent of that individual’s Family Member, or are otherwise authorized to do so by applicable law.

For example, in some cases students in the United States under the age of thirteen may use the Services pursuant to an agreement we have with the student’s School. For more details regarding our processing of Student Personal Information that we collect from such students, please see our Supplemental Privacy Notice for Children in the United States attached hereto as **Exhibit A**.

10.THIRD-PARTY WEBSITES/APPLICATIONS

The Services may contain links to other websites/applications and other websites/applications may reference or link to our Services. These third-party services are not controlled by us. We encourage our users to read the privacy policies of each website and application with which they interact. We do not endorse, screen, or approve, and are not responsible for, the privacy practices or content of such other websites or applications. Providing personal information to third-party websites or applications is at your own risk.

11. CONTACT US

If you have any questions about our privacy practices or this Privacy Notice, or to exercise your rights as detailed in this Privacy Notice, please contact us at: contact@teztus.com.

Exhibit A – Supplemental Privacy Notice for Children in the United States

This Supplemental Privacy Notice for Children in the United States (“**Supplemental Privacy Notice for Children**”) governs TeztUs’s collection, use and disclosure of Student Personal Information from children under the age of thirteen in the United States who are students at Schools (each a “**Child**” and collectively “**Children**”). This Supplemental Privacy Notice for Children supplements TeztUs’s Privacy Notice to notify parents, guardians, and/or Schools (each a “**Responsible Parent**”) of:

- **The types of Student Personal Information TeztUs may collect from Children;**
- **How TeztUs uses the Student Personal Information it collects from Children;**
- **TeztUs’s practices for disclosing that Child’s Student Personal Information;** and
- **How a Responsible Parent may request access, modification, and deletion of a Child’s Student Personal Information TeztUs has collected.**

When a School has contracted with TeztUs to provide the Grading Service to Children at its school, TeztUs relies on the School to consent on behalf of each Child’s parent or guardian to TeztUs’s collection, use, and disclosure of the Child’s Student Personal Information as set forth in this Supplemental Privacy Notice for Children. If any provisions in this Supplemental Privacy Notice for Children conflict with the Privacy Notice, this Supplemental Privacy Notice for Children controls.

Student Personal Information TeztUs Collects from Children

TeztUs only collects Student Personal Information from a Child in connection with the creation or administration of the Child’s account or when the Child uses the Grading Service in connection with their account (as applicable).

Student Personal Information that TeztUs collects in connection with the creation or administration of a Child’s account may include the Child’s first and last name, email address, demographic information about the Child such as grade level and gender, and educational records or details (including those provided by a School). In addition, if a Child communicates with TeztUs for support or other purposes, TeztUs may collect Student Personal Information from the Child.

TeztUs may collect certain Student Personal Information from Children automatically when they use our Services, such as Internet protocol (IP) address, user settings, cookie identifiers, other unique identifiers, browser or device information, location information (including approximate location derived from IP address), and Internet service provider. TeztUs may also automatically collect Student Personal Information regarding a Child’s use of the Grading Service, such as the results of the Child’s assignments, analytics about a Child’s use of the Grading Service, pages that a Child visits using the Grading Service, information about the links a Child clicks, the types of content a Child interacts with, the frequency and duration of a Child’s activities, and other information about how a Child uses the Grading Service.

How TeztUs Uses Children’s Student Personal Information

TeztUs only uses Student Personal Information collected from Children to provide the Grading Service.

TeztUs’s Practices for Disclosing Children’s Student Personal Information

TeztUs may disclose a Child’s Student Personal Information:

- To the School on whose behalf the Child uses the Grading Service (including the Child’s teachers at the

School).

- To service providers TeztUs uses to provide the Grading Service.
- If TeztUs is required to do so by law or legal process, such as to comply with any court order or subpoena or to respond to any government or regulatory request.
- If TeztUs believes the disclosure is necessary or appropriate to protect the rights, property, or safety of TeztUs, its customers or others, including to:
 - protect the safety of a Child;
 - protect the safety and security of the Services; or
 - enable TeztUs to take precautions against liability.
- To law enforcement agencies or for an investigation related to public safety.
- In addition, if TeztUs is involved in a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of TeztUs's assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding or event, TeztUs may transfer the Children's Student Personal Information it has collected or maintain to the buyer or other successor.

Parental Choices and Controls

At any time, a Responsible Parent may use the Grading Service to review a Child's Student Personal Information, require TeztUs to correct or delete a Child's Student Personal Information, and/or refuse to permit TeztUs from further collecting or using a Child's Student Personal Information. Please keep in mind that a request to delete records may lead to a termination of an account and/or the Services.

Responsible Parent can request assistance from TeztUs to change or delete a Child's Student Personal Information by sending TeztUs an email at contact@teztus.com. TeztUs may require that Responsible Parent take certain steps or provide additional information to verify its identity before TeztUs provides any information or makes corrections.