

PRIVACY POLICY

Last Modified: March 5, 2020

Introduction

PNQ, LLC (“**PNQ**”, “**we**” or “**us**”) provides advanced classroom management systems for schools in order to better support the needs and development of students, through a platform of products that integrate cutting-edge technology with evidence-based practices to facilitate teacher-student relationships that empower, motivate, and engage students with their learning, while enabling teachers to record, measure, and respond to student performance in real time (the “**Platform**”).

We respect the privacy of our users, including schools, teachers and their students, and are committed to protecting it through our compliance with this privacy policy. This privacy policy describes the types of information we may collect from you or that you may provide when you access or use the Platform, the website <http://www.classtars.com> (our “**Website**”) or any of our other products or services (the Platform, our Application, our Website and any of our other products or services, collectively, referred to as the “**Services**”) and our practices for collecting, using, maintaining, protecting and disclosing that information.

For the purposes of this document the term “User” may refer to a single teacher using the Single User version of the ClasStars application. For schools with an Enterprise License, the “User” may be the teacher, administrator or any other school official that may have access to information collected by the application.

This privacy policy applies to information we collect (i) on or through your use of the Services; (ii) in e-mail and other electronic messages between you and PNQ; and (iii) any mobile and desktop applications you use in connection with the Services.

This privacy policy does not apply to information you provide to or is collected by any third party whether through or in connection with your use of the Services or otherwise, including through any third party application or content (including advertising) that may link to or be accessible from or on the Services. You agree and acknowledge that PNQ has no duty or responsibility to maintain and safeguard any information you may provide to, or is collected by, any third party whether through or in connection with your use of the Services or otherwise.

This privacy policy does not describe how schools or other organizations treat your information. If you are using the Services in a workplace or on a device or account issued to you by your school or another organization, that school or organization may have its own policies regarding storage, access, modification, deletion and retention of communications and content which may apply to your use of the Services. Content that would otherwise be considered private to you or to a limited group of people may, in some cases, be accessible by your administrator. Please check with your school or administrator about the policies it has in place regarding your communications and related content with respect to the Services.

This privacy policy is incorporated by reference into our Terms of Service, found at <https://www.classtars.com/privacypolicy/PNQ-PrivacyPolicy.pdf>.

Please read this privacy policy carefully to understand our policies and practices regarding your and your students' information and how we will treat it. If you do not agree with our policies and practices, do not access or use the Services. By accessing or using the Services, you agree to this privacy policy.

This privacy policy may change from time to time (see [Changes to Our Privacy Policy](#) below). Your continued use of the Services after we make changes is deemed to be acceptance of those changes, so please check this privacy policy periodically for updates.

Children Under the Age of 13

The Services are not intended for children under 18 years of age, and we do not knowingly collect personal information from children under 18. If you are under 18, you are not permitted to provide any information to or on the Services (including any information about yourself, such as your name, address, telephone number, e-mail address or any screen name or user name you may use). Any information about children under 13 collected on or through the Services is collected only from school administrators or teachers. If we learn we have collected or received personal information from a child under 13 without verification of adult consent, we will delete that information.

When User uses the Services, we will not require them to disclose any more personal information about students than is reasonably necessary to use the Services provided to the school. Parents and legal guardians, if your child is under the age of 18 and his or her school or teacher uses the Services, you have the right to request from the school: (i) a description of the type of personal information about your child that is collected through the Services; (ii) a review and copies of that personal information; (iii) modifications of and deletions to that personal information; and (iv) the prevention of further use or collection of your child's personal information. If you wish to make any of these requests, please contact the teacher or administrator at your child's school. Please be aware, however, that, depending on the policies of your child's school, if you request that your child's personal information not be disclosed or used through the Services, your child may no longer be eligible to participate in the Services provided to the school.

Collection of Information

Information We Collect About You

We collect several types of information from and about users of the Services, some of which is personally identifiable and some of which is non-identifying or aggregated, including information:

- by which you may be personally identified, such as name, postal address, e-mail address, telephone number, or any other identifier by which you may be contacted online or offline ("**personal information**");
- that is about you but individually does not identify you; and/or
- about your internet connection, the equipment you use to access the Services and usage details.

We collect this information (i) directly from you when you provide it to us, (ii) automatically as you use the Services (which information may include usage details, Internet Protocol (IP)

addresses and information collected through cookies, web beacons and other tracking technologies), and (iii) from third parties (such as our business partners).

Information You Provide to Us

The information we collect on or through our Website or otherwise through your use of the Services may include (i) information that you provide about yourself or your students by using our Services (including information provided at the time of registering to use our Services, subscribing to our Services, posting material or requesting further Services); (ii) records and copies of your correspondence (including e-mail addresses), if you contact us; (iii) your responses to surveys that we might ask you to complete for research purposes; and (iv) details of any transactions you carry out through the Services.

We may collect certain information when a User registers a school with our Services, or if the User corresponds with us online, including a name, school name, school district, school e-mail address and/or account name and password, phone number, message content, and information relating to the school's information systems. We may also retain information provided by a school if the school sends us a message, posts content to our Website or through the Services, or responds to e-mails or surveys. Once a school begins using the Services, we will keep records of activities related to the Services. We use this information to operate, maintain, and provide the features and functionality of the Services, to analyze our Service offerings and functionality, and to communicate with our schools and website visitors.

Depending on the school, we may also collect other data about students and teachers (such as demographics including ethnicity, age and gender) to provide custom reports based on these demographics. This data is only accessible by persons who have been granted such access by the school. We may also track server requests to prevent abuse, help in support cases, and maintain a quality of service.

We may have access to personally identifiable information about students provided by schools and/or teachers ("**Student Data**") in the course of providing the Services to a school. We consider Student Data to be confidential and do not use such data without anonymizing or de-identifying it for any purpose other than to provide the Services to the school. We receive Student Data only from the teacher, the school, or from any third party that may store information on behalf of the school and to which the school has granted us access, and not from the student directly. If you are a student or parent, please contact your school or teacher if you have questions about the school's or teacher's use of technology service providers like PNQ. If a student contacts us with a question about our Service, we will collect personal information from that student only as necessary to respond to the student's request and direct the student to contact the student's school, and we will then delete, anonymize or de-identify the personal data of the student after providing our response.

When using the Enterprise version of the application, Teacher and student profiles may be viewed by other teachers and administrators in the same school; however, no teacher or student profile is made available or visible to the general public through the functionality of the Services.

You also may provide information to be published or displayed on public areas of the Services, or transmitted to other users of the Services or third parties (collectively, "**User Data**"). User Data is posted on and transmitted to others at your own risk. Although we limit access to certain

information, please be aware that no security measures are perfect or impenetrable. Additionally, we cannot control the actions of other users of the Services. Therefore, we cannot and do not guarantee that User Data will not be viewed by unauthorized persons.

Information Collected Through Data Tracking Technologies

As you use the Services, we may use automatic data collection technologies to collect certain information about your devices, browsing actions and patterns, including details of your use of the Services (such as traffic data, location data, logs and other communication data) and information about your devices and internet connection (including your IP address, operating system and browser type).

The technologies we use for this automatic data collection may include:

- **Cookies and other similar technologies.** We may place cookies on your device to collect anonymous data related to your use of the Services. In general, a cookie is a small file placed on your device that can be used to help recognize your browser across different web pages, websites, and browsing sessions. We may use cookies to provide certain features of the Services. It may be possible to refuse to accept cookies by activating the appropriate setting on your device. However, if you select this setting you may be unable to access certain features of the Services. We may also use other technologies to tailor the Services to you, such as web beacons (also referred to as clear gifs, pixel tags and single-pixel gifs) that permit PNQ, for example, to track how visitors interact with the Services and for other statistics related to the Services (such as recording the popularity of certain content and verifying system and server integrity).
- **Log Information.** We may automatically collect and store certain information in our server logs when you use the Services, including details about how you used the Services, IP address, and information specific to your device (such as system activity, hardware settings, browser type, and browser language).
- **Device Identifiers.** We may collect information about your device, such as your operating system, hardware version, device settings, file and software names and types, and device identifiers. This helps us measure how the Services are performing and improve the Services for you on your particular device.
- **Location-Based Data.** We may, collect and process information about your geographic location (for example, through GPS signals) when you use the Services. Except with respect to tablets we provide in connection with your use of the Services, we will not store or track your device location on an on-going basis or without your permission. We do not share precise geolocation data with third parties, other than our service providers as necessary to provide the Services. We do not collect precise geolocation data from students.
- **Analytics Data.** We may also collect analytics data, or use third-party analytics tools, to help us measure traffic and usage trends for the Services. These third-party analytics do not collect direct personal information about any user.

Why We Collect Information

The information we collect helps us to improve the Services and to deliver a better and more personalized experience, including by enabling us to estimate our user size and usage patterns, store information about your preferences, allowing us to customize our Services according to your individual interests, and recognize you when you use the Services.

Third-party Collection of Information

Some content or applications, including advertisements, on the Services may be served by third-parties, including advertisers, ad networks and servers, content and application providers. These third parties may use tracking technologies to collect information about you when you use the Services. The information they collect may be associated with your personal information or they may collect information, including personal information, about your online activities over time and across different websites and other online services. They may use this information to provide you with interest-based (behavioral) advertising or other targeted content. We do not allow third parties to collect Student Data for third party advertising or any kind of behaviorally-targeted advertising.

PNQ does not control these third parties' tracking technologies or how they may be used. If you have any questions about an advertisement or other targeted content, you should contact the responsible provider directly. For information about how you can opt out of receiving targeted advertising from many providers, see Your Choices About Our Use and Disclosure of Your Information below.

How We Use Your Information

We use information that we collect about you or that you provide to us, including any personal information, to:

- Provide you with the Services, and any other information, products or services that you request from us.
- Present our Website and its contents to you.
- Fulfill any other purpose for which you provide it.
- Give you notices about your account.
- Carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection.
- Notify you when updates to the Services are available, and about changes to any products or services we offer or provide through our Services.

Additionally, we may use information that we collect about you or that you provide to us in any other way we may describe when you provide the information or for any other purposes with your consent.

PNQ may use education records that have been de-identified for product development, research or other purposes ("**De-Identified Data**"). De-Identified Data will have all direct and indirect personal identifiers removed, including, but not limited to, name, date of birth, demographic information, location information and school identity. PNQ agrees not to attempt to re-identify the De-Identified Data and not to transfer the De-Identified Data to a third party unless that party agrees not to attempt re-identification.

Following termination or deactivation of a school account, we may retain information and content for backup, archival, audit or other business purposes, or otherwise in accordance with applicable laws. We may maintain anonymized, de-identified or aggregated data, including usage data, for analytics purposes. If you have any questions about data retention or deletion, please e-mail support@pnqsys.com.

For information about how you can opt out of receiving targeted advertising from many providers, see [Your Choices About Our Use and Disclosure of Your Information](#) below.

Disclosure of Your Information

We may disclose anonymized, de-identified or aggregated information about our users, and information that does not identify any individual, without restriction.

We may share your name and other information when you interact with other users through the Services. For example, we may disclose information in order to connect users who are affiliated with the same school. By connecting users with their school, the Service may enable and provide additional collaboration features for teachers and administrators within the same school such as sharing information about student behavior. Additionally, a student's name will be visible to teachers and other school administrators who are linked to such student. Teachers and administrators may be granted access to student records depending on how the school has been configured to use the Services.

We may disclose personal information that we collect or you provide:

- To our subsidiaries and affiliates.
- To contractors, service providers and other third parties we use to support our business and who are bound by contractual obligations to keep personal information confidential and use it only for the purposes for which we disclose it to them.
- To a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation or similar proceeding, in which personal information held by us is among the assets transferred.
- To third parties to market their products or services to you if you have consented to or not opted out of these disclosures; provided, however, that we will not disclose Student Data in this way without anonymizing or de-identifying it. We contractually require these third parties to keep personal information confidential and use it only for the purposes for which we disclose it to them.
- To fulfill the purpose for which you provide it.
- For any other purpose disclosed by us when you provide the information.
- With your consent.
- To comply with any court order, law or legal process, including to respond to any government or regulatory request.

- To enforce or apply our Terms of Service, found at <https://www.classtars.com/docs/PNQ-TermsOfService.pdf>, and other agreements, including for billing and collection purposes.
- If we believe disclosure is necessary or appropriate to protect the rights, property, or safety of PNQ, our customers or others. This includes exchanging information with other companies and organizations for the purposes of fraud protection and credit risk reduction.

We may also share aggregated, non-personally identifiable information publicly, including with users, partners or the press in order to, for example, demonstrate how our Services are used, evaluate industry trends, or to create our marketing materials. Any aggregated information shared this way will not contain any personal information.

PNQ will never share personally identifiable information from an eligible student's education records with third parties except (i) as directed by a PNQ user (e.g., teacher sharing with another teacher or parent); or (ii) to our service providers that are necessary for us to provide the Services. Education records are never used or disclosed for third party advertising or any kind of behaviorally-targeted advertising to students or parents. Additionally, PNQ does not collect information directly from a student, and personal information collected from a school or school official about a student is never sold or rented to anyone without first being anonymized or de-identified. This section shall not be construed (i) to prohibit PNQ from marketing or advertising directly to parents so long as the marketing or advertising did not result from the use of education records to provide behaviorally targeted advertising or (ii) to limit the ability of PNQ to use student information or education records for adaptive learning or customized student learning purposes.

Your Choices About Our Use and Disclosure of Your Information

We strive to provide you with choices regarding the personal information you provide to us. This section describes mechanisms we provide for you to control certain uses and disclosures of your information.

- **Tracking Technologies.** You can set your browser to refuse all or some browser cookies, or to alert you when cookies are being sent. If you disable or refuse cookies or block the use of other tracking technologies, some parts of the Services may then be inaccessible or not function properly.
- **Third-Party Advertising.** If you do not want us to share your personal information with unaffiliated or non-agent third parties for advertising and marketing purposes as provided herein, you can opt-out by logging into the Services and adjusting your user preferences in your account profile or by sending us an e-mail stating your request to support@pnqsys.com.
- **Promotional Offers.** If you do not want us to use your e-mail address or contact information to promote our own or third parties' products or services as provided herein, you can opt-out by sending us an e-mail stating your request to support@pnqsys.com.
- **Targeted Advertising.** If you do not want us to use information that we collect or that you provide to us to deliver advertisements according to our advertisers'

target-audience preferences as provided herein, you can opt-out by sending us an e-mail stating your request to support@pnqsys.com.

Accessing and Correcting Your Information

Schools licensed for our Enterprise version may review and update account information and modify Services by logging into the administrator account. Schools and other Website visitors can opt-out of receiving promotional e-mails (but not Service-related e-mails) from us by clicking on the unsubscribe feature at the bottom of each e-mail.

Student Data is provided and controlled by the schools using our Enterprise version. If you have any questions about accessing, correcting, or deleting personal information of a student, please contact your school directly.

For user of the Single User version, the teacher has direct control to access, edit or delete student information.

You may also send us an e-mail at support@pnqsys.com to request access to, correct or delete any personal information that you have provided to us. We may not accommodate a request to change information if we believe the change would violate any law or legal requirement or cause the information to be incorrect.

If you delete User Data from the Services, copies of the User Data may remain viewable in cached and archived pages, or might have been copied or stored by other users of the Services. Proper access and use of information provided on the Services, including User Data, is governed by our Terms of Service, found at <https://www.classtars.com/docs/PNQ-TermsOfService.pdf>.

Your California Privacy Rights

California Civil Code Section 1798.83 permits users of the Services that are California residents to request certain information regarding our disclosure of personal information to third parties for their direct marketing purposes. To make such a request, please send an e-mail to support@pnqsys.com.

Data Security

We have implemented measures designed to secure your personal information from accidental loss and from unauthorized access, use, alteration and disclosure. All information you provide to us is stored on our secure servers behind firewalls. Any information you provide to us through your use of the Services will be encrypted using industry standard technology.

The safety and security of your information also depends on you. Where we have given you (or where you have chosen) a password for access to the Services, you are responsible for keeping this password confidential. We ask you not to share your password with anyone.

Unfortunately, the transmission of information via the internet is not completely secure. Although we do our best to protect your personal information, we cannot guarantee the security of your personal information transmitted through the Services. Any transmission of personal information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures we provide.

Changes to Our Privacy Policy

Any changes we make to our privacy policy will be posted on this page. If we make material changes to how we treat our users' personal information, we will notify you through a notice on the Website and/or by any other reasonable means. The date the privacy policy was last modified is identified at the top of the page. You are responsible for ensuring we have an up-to-date active and deliverable e-mail address for you, and for periodically visiting our Website and this privacy policy to check for any changes.

PNQ will not change how Student Data is used or shared under this privacy policy without advance notice and consent from the applicable school or administrator.

Contact Information

To ask questions or comment about this privacy policy and our privacy practices, contact us at:

PNQ, LLC
6 Elm St.
Woodmere, NY 11598
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