

PRO-ED, INC.

PRIVACY POLICY

PARTICIPATION IN PRODUCTS AND SERVICES DEVELOPMENT, INCLUDING FIELD EXAMINATION

Effective Date: 5-17-21

Overview: PRO-ED, Inc. (“PRO-ED”) develops and publishes standardized tests, books, curricular and therapeutic materials, including online software (the “Products and Services”) used by schools, professionals, and caregivers to improve the education and quality of life for students, clients, family members, and their caregivers. We have over 250 standardized assessments that require updating every 7 to 10 years. A major part of creating and updating these assessments involves administering paper and pencil and online tests along with collecting basic background data on individuals of varying ages, races, ethnicities, and ability levels. Our “**Tests**” include certain PRO-ED tests and assessments that PRO-ED owns or has the rights to use.

The data we collect is used to establish “norms,” which are national averages so that future professional clinicians can use these measures to determine if a given individual has a disability and to determine the severity of that disability. While our Tests are used primarily with persons suspected of having some sort of educational disability, the Examinees we need and the data we collect is typically from persons not diagnosed with a disability. However, for some of our Tests related to specific conditions, we need to test examinees that have been diagnosed with certain conditions/exceptionalities to validate our Tests. As a result, we request condition/exceptionality information in the from potential examinees.

PRO-ED uses data collection from test examinees who volunteer to take our Tests (“**Examinee(s)**”) with PRO-ED authorized and qualified testing professionals who administer our Tests when we need to update and improve them (“**Field Examiner(s)**”) (Examinees and Field Examiners collectively referred to in this Privacy Policy as, “**you**”, or “**your**”).

PRIVACY POLICY

This Privacy Policy describes how your Personal Information is collected, used, and shared when you participate in a field Test administration. This Privacy Policy applies to all Products and Services that are provided from or through field Test administrations.

WHAT PERSONAL INFORMATION IS COLLECTED?

Examinees: The information that you enter when filling out the Examinee Authorization For Participation in Products and Services Development, Including Field Test Administration (“**Examinee Authorization**”) to become an Examinee will be used as stated in the Examinee Authorization and in this Privacy Policy. The Personal Information that we require you to provide and is collected from you includes information that can identify you, including your first name, last name, data of birth, email address, city, state, zip code, gender, race, Spanish/Hispanic, Latino, and current Grade or highest level of education obtained, and a username and password to create an your account profile, if you are using one of our online portals (“**Personal Information**”). You can also provide the following additional

Personal Information: phone number, language information of you and your parents, free or reduced lunch eligibility, school type, setting, college institution type and how many years in school, work/school status, disability/exceptionality status. The Personal Information you provide will be stored securely and will be kept confidential as described in this Privacy Policy.

Any Personal Information that an Examinee has authorized PRO-ED to release to any Test Examiner is no longer controlled by PRO-ED but each Test Examiner must agree to keep Examinee Personal information confidential and secure and only retain it for necessary periods related to field Test administrations.

Field Test Administrations: The Field Examiner will be either an employee of PRO-ED or a qualified third-party professional that has a written agreement with PRO-ED. Field Examiners are required to keep your Personal Information confidential and secure and only use it for the specific field Test administration purposes.

Field Test Authorization Form: If you volunteer to participate in any field Test administrations, you will be required to complete and sign the Examinee Authorization (available in English and Spanish) and will be required to provide the following Personal Information: your name, date of birth, and phone number. If you are under 18 or under the care of another, your legal parent or guardian must sign the authorization form.

Field Examiners: Field Examiners also provide Personal Information about themselves and their qualifications when registering to become a Field Examiner and/or complete the Qualifications Process. PRO-ED will use this Personal Information as described in the Field Examiner Agreement and in this Privacy Policy.

Research Studies: For any field Test administrations, PRO-ED, its Field Examiners, contractors and other third parties may conduct research on information obtained during field Test administrations. If this type of research is done, every participant, including Examinees and Test Examiners, will be anonymized and will not be able to be identified.

HOW DO WE USE PERSONAL INFORMATION?

We may also use information collected from Examinees or Test Examiners as follows:

- To communicate with you;
- To pay Examinees that participate in field Test Administrations and complete the respective Test by sending an e-gift card to the email address you may have provided.
- To send Examinees and Test Examiners information they agreed to receive about topics we think will be of interest to them; and
- To send emails to respond to inquiries, and/or other requests or questions.

SHARING YOUR INFORMATION

- PRO-ED will not sell, lease or rent any of your information to others.
- We share your Personal Information with our third-party service providers to help us use your Personal Information as described above but only as authorized in our written agreements with them. These service providers are required to keep Personal Information confidential and secure and are subject to deletion requirements.

- We share anonymized and aggregated information from field Test administrations with our contractors, researchers and assessment developers to aid in the research and development of assessments and our other products and services. In these instances, only anonymized, aggregated data is provided to these third parties and you will not be identified individually.
- PRO-ED may also share your Personal Information to comply with applicable laws and regulations, to respond to a subpoena, search warrant or other lawful request for information we receive, or to otherwise protect our rights.
- PRO-ED reserves the right to transfer Examinee and Test Examiner information (including, but not limited to, Personal Information) to a third party in connection with the sale of all or substantially all the assets of PRO-ED provided the purchaser has agreed to safeguard Personal Information with protections that are at least as protective as those set out in this Privacy Policy.

INFORMATION SECURITY AND RETENTION

PRO-ED uses physical, administrative, and technological safeguards designed to protect Personal Information against loss, misuse, and unauthorized access or disclosure. Moreover, PRO-ED has implemented policies and procedures to comply with the applicable legal and regulatory requirements for safeguarding such information. We have an information security program and work to periodically update our technical and operational security measures. Our security measures include the use of data encryption, firewalls, limitations on the data use and access for our personnel and subcontractors, the use of secure database hosting, and the use of physical access controls within our facilities.

Deidentification of Examinee and Examiner Data and Authorization Forms: Examinee Personal Information are de-identified, which means that no names are associated with an individual in our data sets that are used for the Test validation, improvement, evaluations from the field testing and our product and service development and improvement. Instead, PRO-ED assigns a unique ID number to each Examinee and Examiner. PRO-ED retains the the Examinee Testing Authorization Form in accordance with its retention policies; and the Authorization Forms and any key to link individuals in the data sets is stored securely within PRO-ED with access limited to only authorized PRO-ED employees.

Training and Confidentiality: PRO-ED employees who have access to Personal Information are provided appropriate training on the requirements applicable to the collection, use, disclosure, operation, or maintenance of that information. The training covers PRO-ED's privacy and security policies and procedures related to privacy and security of Personal Information. Field Examiners have written agreements requiring that they keep Examinee Personal Information confidential and secure and only use Examinee Personal Information as authorized by PRO-ED and not disclose it except as permitted for a field test administration.

Notification of Security Incidents: Field Examiners are responsible for notifying us immediately of any known or suspected unauthorized use(s) of their accounts, or any known or suspected breach of security, including loss, theft, or unauthorized disclosure of login credentials or any other Personal Information. Any fraudulent, abusive, or otherwise illegal activity on your account may be reported to appropriate law enforcement agencies by us. Please be aware that, despite our best efforts, no security

measures are perfect. As a result, we cannot guarantee or warrant the security of Personal Information that is provided to us.

In the event of a security incident that involves Examinee Personal Information, PRO-ED will notify the respective regulator, law enforcement, and/or individuals of such incident as required by applicable law.

PRO ED will retain Examinee Test Authorization Form, and field Test Administrations consistent with its legitimate business purposes and as required by applicable law.

YOUR RIGHTS. For Examinees, to revoke any authorizations you have provided PRO-ED to use your Examinee Personal Information or if you need assistance, please contact us at privacy@proedinc.com or at the phone number or address below.

Please remember that many of your rights are not absolute. In some circumstances PRO-ED is not legally required to comply with your request because of its legitimate business purposes, relevant legal requirements or obligations which require us to retain your Personal Information.

CHILDRENS' PRIVACY

We do not knowingly collect any information from children (including those under 13) unless the legal parent or guardian has provided authorization for an Examinee to participate in the Test Match Platform or any field Test administration. We collect only as much information as is necessary and related for participation in field Test administrations, and an Examinee or their legal parent or guardian may access, delete, or withdraw authorization for continued processing of the child's information at any time. If you have any questions about reviewing, modifying, or deleting Personal Information of a child under the age of 13, please contact us at privacy@proedinc.com; OR if you believe we have inadvertently collected Personal Information from a child under 13 without proper consent. This will allow us to delete such information as quickly as possible.

CALIFORNIA RESIDENT NOTICES

CCPA PRIVACY NOTICE: Under the California Consumer Privacy Act ("CCPA"), when we are a conducting "business" functions, and are not acting a service provider, California residents have the right to request that we disclose the Personal Information (as defined in CCPA) that we have collected, used, or disclosed regarding them during the past twelve (12) months related to the field Test administrations as well as the categories of sources from which their Personal Information was collected, our business purposes for collecting their Personal Information, and the categories of third parties with whom we shared their Personal Information. A California resident also has the right to ask us to delete the Personal Information we have collected, although that right is not always granted if we have a legal basis for retaining it. We do not discriminate against a California resident for exercising any of their rights under the CCPA.

PRO-ED does not sell any Personal Information as defined in CCPA. Under CCPA, California residents have the right to opt out of the sale of their Personal Information. Because we do not sell Personal Information, we do not offer this opt out. California residents or their authorized agent registered with the California Secretary of State can make a request to know or delete by contacting us as by email at privacy@proedinc.com or by phone at 800-397-7633. We may require you to provide

additional Personal Information to verify your identity, but any Personal Information that you provide to verify your identity will not be used for any other purpose.

For any Sensitive Personal Information (as defined in California Consumer Privacy Rights Act (“CPRA”), PRO-ED will obtain opt-in affirmative consent before processing such information. Generally, the only Sensitive Personal Information PRO-ED collects is race and disability/exceptionality information (and in certain jurisdictions information from children under 13) from Examinees, which becomes part of an anonymous, de-identified record that is used in an aggregated manner for research purposes. On the Registration form disability/exception information is an optional field to complete.

SHINE THE LIGHT LAW: California law (California Civil Code Section 1798.83) “Shine the Light Law” permits residents of California to opt out of our disclosures of Personal Information to third parties for marketing purposes at any time. PRO-ED will not disclose Personal Information to third parties for marketing without giving you notice and getting your consent. Please note this opt-out does not prohibit disclosures for nonmarketing purposes from field Test administrations. You can opt out for free by contacting us at privacy@proedinc.com, calling 800-397-7633, or writing to [PRO-ED, Inc., c/o Privacy Officer, 1301 W. 25th St., Suite 300, Austin, TX 78705](#).

LINKS: PRO-ED may provide website links to third party websites as a resource to you. We are not responsible for the content or activities of these sites. We strongly encourage you to read the privacy policy on these sites.

CHANGES: PRO-ED may change or amend this Privacy Policy due to changes in the, Test administrations, our Products and Services, business, applicable law and other reasons.

CONTACT INFORMATION: Questions or inquiries regarding this Privacy Policy should be directed to privacy@proedinc.com or 800.897.3202 or [PRO-ED, Inc., c/o Privacy Officer, 1301 W. 25th St., Suite 300, Austin, TX 78705](#).

Thank you for reading the PRO-ED Privacy Policy for Participation in Products and Services Development, Including Examination.