

Moby.Read Privacy Policy

Updated: October 10, 2018

Welcome to Moby.Read, a digital application owned and operated by Analytic Measures Inc. (“AMI”, “us”, or “we”). We understand how important privacy is to you, and we are committed to creating a safe and secure environment for learners of all ages. This Privacy Policy applies to the Moby.Read digital application (our “App”). The AMI website and other related applications are governed by a different privacy policy. Our Privacy Policy describes what information we gather from our users, how we use that information, and what we do to protect it. By downloading and using our App, you consent to the information handling practices described in this Privacy Policy.

A note about Student Records: Moby.Read may be used by schools, school districts, students or teachers (“School,” “Teacher,” “Student,” or “You”; collectively referred to as “School Users”) as part of a school’s assessment program. If a Student is using the App, it is only at the direction of a Teacher and as part of a classroom assessment program. When AMI enters into a contract with School Users to provide the Service as part of a school’s assessment tools, we may have access to personal information about students. Please see the section entitled “School Users and Student Records” for information about how we collect and use Student Records gathered during the provision of the App to School Users.

INFORMATION WE COLLECT

We collect personal information and usage information when a School User downloads and uses the App, including:

- **Information you provide to us.** When you sign up for an account on the App, we collect your first name, last name, and email address. When you click on our email to verify your email address, we may also collect your IP address and approximate location at the city or zip code level where you verified the email address. If you choose to establish an account so you may access the App across various devices, we will collect your password. We may collect additional information from you if you contact our technical support team, send us an email, complete a user survey, or otherwise communicate with us.
- **Information you provide about your students.** In order to utilize the app, we will ask you to provide the name and grade of your students. We do not ask for or collect any additional personal information from your students.
- **Audio recordings.** As part of the App and in partnership with Schools, we collect and record audio files of students reading, retelling details and answering questions, along with assessment information and usage history. We use a combination of human and machine scoring methods to score key oral reading fluency skills based on the audio recordings in order to provide the Service to our School customers. Our technology is designed to recognize speech, but cannot be used to recognize a particular individual on the basis of a voice recording.
- **App usage information we collect when you use the App.** We collect information about how you use the App, such as the features you use and the time spent on the App. We associate this information with an internal account ID we assign to you for our rostering and reporting purposes, including, for example, to help us recognize you across devices you use to access the App and personalize your experience based on your last App use. We may also collect

other information from your device(s) or from the app store through which you downloaded the Moby.Read app. For example, we may collect information about the device(s) you use to access the App (e.g., mobile carrier, device type, model and manufacturer, mobile device operating system brand and model, preferred language). We may collect analytics data to help us measure traffic and usage trends for the App and to understand more about the demographics of our users. We use this information to customize the function and appearance of the App based on information related to your account (e.g., your student's grade level and your device settings).

HOW WE USE THE COLLECTED INFORMATION

We use the information we collect to:

- Accurately assess students' performance, as the primary function of the Service that the App provides.
- Operate, maintain, enhance, and provide all of the features of our App.
- Personalize your experience while using the App, including on various devices you use to access the App. For instance, we may remember your recent activity so we can recommend the most appropriate content for you on your next visit.
- Communicate with you about your account and account activity and to respond to inquiries. From time to time, we may also use your information to send you emails about Moby.Read updates and services that may be of interest to you.
- Understand and analyze the usage trends, behaviors, and preferences of our users, to improve the way the App works and looks, and to develop new features and functionality.
- Maintain, develop, support, and improve our App and other educational products and services.

SHARING OR TRANSFERING DATA TO OTHERS

We care deeply about the privacy of our users. We do not rent or sell your personal information to third parties. We share or disclose your personal information only as needed to provide our service and in the following circumstances:

- Vendors and Service Providers. We may share information with our trusted vendors, third party service providers, and individuals to provide services or products for us or on our behalf, which may include hosting, email delivery, and business administration or professional services (e.g., legal advisors, accountants). When we share personal information with third party service providers or vendors, these third parties are contractually obligated to maintain the security and confidentiality of that personal information.
- Aggregate or de-identified information. We may share information in aggregated and/or anonymous form that cannot reasonably be used to identify any individual.
- Merger or Sale. If we become involved in a merger, acquisition, bankruptcy, change of control, or any form of sale of some or all of our assets, your personal information may be transferred or disclosed in connection with the business transaction. In such an event, we will make efforts to require the new owner to abide by the terms of this Privacy Policy or to provide

notice before your personal information is transferred and becomes subject to a different privacy policy.

- Other. We may disclose personal information if we have a good faith belief that such disclosure is reasonably necessary to (a) satisfy any applicable law, regulation, legal process, or enforceable governmental request; (b) enforce applicable Terms of Service, including investigation of potential violations thereof; (c) detect, prevent or otherwise address fraud, security or technical issues; (d) protect the rights, property, or personal safety of AMI, our users or the public; or (e) as required or permitted by law.

MARKETING, ADVERTISING OR EMAIL COMMUNICATIONS

Email communications. AMI may, from time to time, send you email regarding our products and services, or products and services we think you may enjoy. Only AMI (or our vendors or service providers operating on our behalf) will send you these emails. You can choose not to receive these emails by clicking the unsubscribe link in any email. Please note that you are not permitted to unsubscribe or opt-out of non-promotional messages regarding your account, such as account verification, changes or updates to features of the App, or technical or security notices.

Interest based advertising. We do not display any targeted advertising in the Moby.Read app. We do not permit third parties to collect information about your use of the Moby.Read App for the purpose of sending you targeted advertisements on other websites or applications. Although we are unable to recognize Do Not Track signals set by your browser, we do not engage in activities which track our users across other websites or mobile apps over time.

To learn about interest-based advertising and your choices, you may wish to visit the Network Advertising Initiative's online resources, at <http://www.networkadvertising.org/choices>, and/or the DAA's resources at www.aboutads.info/choices.

ACCESSING, UPDATING OR DELETING YOUR PERSONAL DATA

Please contact us at Support@analyticmeasures.com to update or delete your personal information.

We may not be able to delete information in all instances, such as information retained in technical support logs and other business records. We may retain information which has been de-identified or disassociated with personal identifiers such that it can no longer be used to reasonably identify a particular individual.

Unless we receive a deletion request, we will retain your information for as long as your account is active or as is reasonably useful for operational purposes. For example, we may retain certain data as necessary to prevent fraud or future abuse, for recordkeeping or other legitimate business purposes, or if required by law. We may also retain information which has been de-identified or aggregated such that it can no longer reasonably identify a particular individual. All retained personal information will remain subject to the terms of this Privacy Policy.

SCHOOL USERS AND STUDENT RECORDS

We strive to implement best practices to protect the privacy of all of our student and non-student users, alike. To help our School partners address their obligations to protect their students' data privacy, we have implemented additional controls and procedures for School Users when they enter into a contract with AMI to use Moby.Read as part of the School's assessment tools. When the App is used as part of the School User's assessment tools, the personal information related to the School User's students that is (i) provided to AMI by a School User, or (ii) collected by AMI during the provision of the App to a School User, may include information defined as "educational records" by the Family Educational Rights and Privacy Act ("**FERPA**") or other information protected by similar student data privacy laws. We call this information "**Student Records.**"

Please note, only personal information relating to user accounts which are (1) created by a School User (for example, when a School User rosters a class using Google Classroom, Clever, or similar single sign-on service), or (2) created by a School User, using a School email address and associated with a School User's class on the Service, and (3) created pursuant to a contract between AMI and the School User, are designated as Student Records by AMI. If you are a School User, please contact us at Support@analyticmeasures.com to learn more about how to create School User accounts which may hold Student Records, or you may also want to refer to the Administration and Scoring Guide for more information about this.

Our commitment: Our collection and use of Student Records is governed by our contracts with the School Users, by our Privacy Policy, and by applicable privacy laws. For example, we work with School Users to help protect personal information from students' educational records, as required by the Family Educational Rights and Privacy Act ("**FERPA**"), and to protect the personal information of students under 13 consistent with the Children's Online Privacy Protection Act ("**COPPA**"). If you have any questions about reviewing, modifying, or deleting the personal information of students, please contact your School administration directly.

- We collect, maintain, use and share Student Records only for an authorized educational and as described in our Privacy Policy, or as directed by the School User and/or the student's parent or legal guardian (a "**Parent**").
- We do not build a personal profile of a student other than in furtherance of an educational purpose or as authorized by a Parent.
- We maintain a comprehensive data security program designed to protect the types of Student Records maintained by the Service.
- We will clearly and transparently disclose our data policies and practices to our users.
- We will never sell Student Records unless the sale is part of a corporate transaction, such as a merger, acquisition, bankruptcy, or other sale of assets, in which case we will require the new owner to continue to honor the terms provided in this Privacy Policy or we will provide the School with notice and an opportunity to opt-out of the transfer of Student Records by deleting the Student Records before the transfer occurs.
- We will not make any material changes to our Privacy Policy or contractual agreements that relate to the collection or use of Student Records without first giving notice to the School User and providing a

choice before the Student Records are used in a materially different manner than was disclosed when the information was collected.

SHARING AND DISCLOSURE OF STUDENT RECORDS

We disclose Student Records in the manner described in our Privacy Policy under the Section entitled How We Share and Disclose Information. Depending on the features and account controls applicable to the School User accounts, we may share usernames and profile information with other users on the Service, such as other teachers, reading specialists, instructional coaches, or School administrators, and this information may be visible if a School User posts content in the discussion forums.

Depending on the manner in which Moby.Read is used by a School User and the terms of the agreement between the School User and AMI, AMI may provide access to certain Student Records, School User account usage data (“**School Analytics**”) and other account usage data to the School for the purpose of monitoring student assessment and evaluating the effectiveness of the School’s use of the Moby.Read service.

RETENTION AND DELETION OF STUDENT RECORDS

We will not knowingly retain Student Records beyond the time period required to support an educational purpose, unless authorized by a School. Further, all users can delete their accounts and all personal information associated with the account at any time through emailing AMI at Support@analyticmeasures.com.

The School User/School is responsible for managing Student Records which the School User/School no longer needs for an educational purpose by submitting a deletion request when such data is no longer needed. Schools should contact us at Support@analyticmeasures.com to request deletion of Student Records associated with the School/School User’s use of Moby.Read. Please note that AMI cannot comply with a School’s request to delete personal information in a user account except for School User accounts created by a School (i.e., using a School email address and/or an account login provided by a School) pursuant to a contractual agreement between the School and AMI.

QUESTION ABOUT STUDENT RECORDS

If you have questions about specific practices relating to Student Records provided to AMI by a School, please direct your questions to your School.

DATA SECURITY

Data security is important to you, and to us. We use certain physical, managerial, and technical safeguards designed to preserve the integrity and security of your personal information and other information we maintain in connection with our App. However, no security system is impenetrable, and we cannot guarantee the security of your personal information. In the event that any information under our control is compromised as a result of a breach of security, we will take reasonable steps to investigate the situation and will notify you of the security incident in accordance with applicable laws and regulations.

PROTECTION OF CHILDREN'S PRIVACY

Our App is not intended to be used by children besides Students who are using the App as part of a classroom assessment. An adult with a verified email address, and further, one affiliated with a school district or school, must download the App and create an account. When the App is used by a Teacher in the classroom for an educational purpose, we permit the School to create Student accounts and to provide the requisite consent for the App to collect personal information of a Student for this purpose, in lieu of parental consent. Schools may create a Student account by adding students to the App through Google Classroom, Clever, or similar single sign-on service, or through a school integration mechanism, or a School may create logins/passwords for each individual Student. When Schools create accounts in this manner, we do not request additional consent from the Parent.

The following applies when a School User uses the App:

- What information do we collect? We collect the name and age/grade of a child provided by the School or Teacher. We do not collect other personal information regarding that child.
- How do we use this information? We use it to operate, personalize, maintain, enhance, and provide all of the features of our App. We do not use this information for marketing or advertising purposes.
- How do we share this information? We share the information only with our service providers, others in the AMI family, and otherwise as described in Section 3 above. We do not share any child's information with third parties for their own purposes.
- How can a School or Teacher control a child's information? The School or Teacher should contact us at Support@analyticmeasures.com to permanently delete any child's information from our systems.

INTERNATIONAL VISITORS

Our App is operated and managed on servers located within the United States. If you choose to use our App from the European Union or other regions of the world with laws governing data collection and use that differ from United States law, then you acknowledge that we will transfer your personal information to the United States for the purpose of performing the App according to our contract (e.g., our Terms of Service) and for any other purpose for which you provide explicit, informed consent.

EUROPEAN UNION DATA PROTECTION

For personal data subject to the European Union General Data Processing Regulations ("GDPR"), we rely on several legal bases to process the data. These legal bases include where:

- The processing is necessary to perform our contractual obligations in our Terms of Service or other contracts with you (such as to provide you the App as described in our Terms of Service);
- You have given your prior consent, which you may withdraw at any time (such as for marketing purposes or other purposes we obtain your consent for from time to time);

- The processing is necessary to comply with a legal obligation, a court order or to exercise or defend legal claims;
- The processing is necessary for the purposes of our legitimate interests, such as in improving, personalizing, and developing the App, marketing the App, such as new features or products that may be of interest, and promoting safety and security as described above.

If you have any questions about or would like further information concerning the legal basis on which we collect and use your personal information, please contact us using the contact details provided below.

Residents in the European Union are entitled to certain rights with respect to personal information that we hold about them:

- **Right of access and portability.** The right to obtain access to your personal information, along with certain related information, and to receive that information in a commonly used format and to have it transferred to another data controller;
- **Right to rectification.** The right to obtain rectification of your personal information without undue delay where that personal information is inaccurate or incomplete;
- **Right to erasure.** The right to obtain the erasure of your personal information without undue delay in certain circumstances, such as where the personal information is no longer necessary in relation to the purposes for which it was collected or processed;
- **Right to restriction.** The right to obtain the restriction of the processing undertaken by us on your personal information in certain circumstances, such as where the accuracy of the personal information is contested by you, for a period enabling us to verify the accuracy of that personal information; and
- **Right to object.** The right to object, on grounds relating to your particular situation, to the processing of your personal information, and to object to processing of your personal information for direct marketing purposes, to the extent it is related to such direct marketing.

You may also have the right to make a complaint to the relevant Supervisory Authority. A list of Supervisory Authorities is available here: http://ec.europa.eu/justice/data-protection/bodies/authorities/index_en.htm. If you need further assistance regarding your rights, please contact us using the contact information provided below and we will consider your request in accordance with applicable law. In some cases our ability to uphold these rights for you may depend upon our obligations to process personal information for security, safety, fraud prevention reasons, compliance with regulatory or legal requirements, or because processing is necessary to deliver the services you have requested. Where this is the case, we will inform you of specific details in response to your request.

LINKS TO OTHER SITES

The App may link to and may be linked by websites operated by other entities or individuals. Some of these websites, such as the AMI page, may be co-branded with our name or logo. This Privacy Policy does not apply to, and we cannot always control the activities of, such other third-party websites. You should consult the respective privacy policies of those third-party websites.

CHANGES AND UPDATES TO THIS PRIVACY POLICY

We may modify or revise this Privacy Policy from time to time and will notify you of any changes to our Privacy Policy by posting the revised Privacy Policy with an updated date of revision on our website. If we change this Policy in a material manner, we will do our best to notify you of the changes by posting a notice on our website. Your continued use of the App following the effective date of such update constitutes your acceptance of the revised Policy.

CONTACTING AMI

Please contact AMI with any questions or comments.

By email: Support@analyticmeasures.com

By mail: Analytic Measures Inc., 1330 Tasso Street, Palo Alto, CA 94301