

PRO-ED, INC.
PRO-ED EXAMINEE PORTAL
PRIVACY POLICY

Effective Date: April 8, 2021

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 [Registration Form](#) from potential examinees.

PRO-ED has developed this test match platform website online service (the “PRO-ED Examinee Portal” or “**Portal**”) to connect individual 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**”).

Legal Terms for PRO-ED Examinee Portal: The legal terms governing your use of this PRO-ED Examinee Portal include respectively, the [Field Examiner Agreement](#) that Field Examiners must agree to before being authorized to use the PRO-ED Examinee Portal; the PRO-ED Examinee Portal [Examinee Participation Agreement](#) that Examinees must accept to be authorized to participate in the Examinee Portal; and this PRO-ED Examinee Portal Privacy Policy (the “**Privacy Policy**”).

PRIVACY POLICY

This Privacy Policy describes how your Personal Information is collected, used, and shared when you use or visit the PRO-ED Examinee Portal that is owned and operated by PRO-ED, Inc. and/or when you participate in a field Test administration. This Privacy Policy applies to the PRO-ED Examinee Portal and all Products and Services that are provided from or through it and our Tests, Test Materials and any field Test administrations.

WHAT PERSONAL INFORMATION IS COLLECTED?

Examinees: The information that you enter when filling out the [Registration Form](#) on the PRO-ED Examinee Portal to become an Examinee will be used as stated in the PRO-ED Examinee Portal Examinee Participant Agreement 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, date 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 (“**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. On the Registration Form you do not have to answer all questions about your disability/exceptionality or provide other requested background information except for those fields with an asterisk that are required. Only the information that you choose to enter will be included in your account profile. The Personal Information you provide will be stored securely and will be kept confidential as described in this Privacy Policy. To confirm your account, we will send you an email confirmation after you complete the Registration Form. A unique username is required for each Examinee. Once you are accepted and registered, we will set up your account including your “profile” that contains your contact, disability/exceptionality and demographic information.

Any Personal Information that an Examinee has authorized PRO-ED to release to any Test Examiners 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: When your registration for the PRO-ED Examinee Portal is completed and accepted by PRO-ED, you will see field Test administration(s) for which you are eligible to participate in. You can select which tests you want to voluntarily participate in, and check a box to allow Field Examiners to contact you about the field testing. When you do this, your name, email address, date of birth, race, and disability/exceptionality information will be provided to the Field Examiner for that field Test administration. 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 an authorization form (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 through the PRO-ED Examinee Portal or 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: Research studies may be done on the PRO-ED Examinee Portal data and registration information. Additionally, 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.

Cookies and Similar Technologies: PRO-ED uses session cookies to allow users to access their accounts and perform other necessary site operations. When you visit the PRO-ED Examinee Portal, we automatically collect certain information about your device, including your IP address, time zone, and some of the cookies that are installed on your device. Additionally, as you use the PRO-ED Examinee Portal, we collect information about the individual web pages or products that you view, what websites or search terms referred you to the Site, and information about how you interact with the Site. We refer to this automatically-collected information as “Device Information.” We collect this Device Information for our site operations using “Cookies” that are data files that are placed on your device or computer and often include an anonymous unique identifier. For more information about cookies, and how to disable cookies, visit <http://www.allaboutcookies.org>.

Portal Analytics: PRO-ED performs quality and evaluation metrics on the PRO-ED Examinee Portal on an on-going basis. Part of that process may involve collecting Device Information about your use of the PRO-ED Examinee Portal, and contact and enrollment status in field Test administrations such as your IP address. This will help us see how useful the PRO-ED Examinee Portal is to PRO-ED and Field Examiners. We also use this information and your Personal Information only as applicable for security and fraud prevention to ensure that each Examinee is a unique individual, prevent fraud and to protect the integrity of our Tests, products and services and the PRO-ED Examinee Portal.

HOW DO WE USE PERSONAL INFORMATION?

We use the Examinee Personal Information from the PRO-ED Examinee Portal registration form (**Registration Information**) to connect Examinees with Test Examiners related to field administrations of our Tests. We may use Test Examiner Personal Information to verify they are authorized to access the PRO-ED Examinee Portal, to qualify them, to register them for our Test Materials database, to verify their credentials, to administer our Tests and to contact them about our Products and Services and needed field test administrations.

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

- To communicate with you;
- To use information in the aggregate to help determine how users to the PRO-ED Examinee Portal use the services and resources provided on the PRO-ED Examinee Portal;
- To improve the PRO-ED Examinee Portal;
- To pay Examinees that participate in online field Test Administrations and complete the respective Test by sending an e-gift card to the email address indicated in their account profile;
- To send Examinees and Test Examiners information they agreed to receive about topics we think will be of interest to them;
- To send emails to respond to inquiries, and/or other requests or questions; and

- To use Device Information to help us screen for potential risk and fraud (in particular, your IP address), and more generally to improve and optimize our Site (for example, by generating analytics about how our users browse and interact with the Portal).
- For fraud prevention and to maintain the security of the Portal and our field Test administrations.

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; Registration and Authorization Forms: Examinee Personal Information from the Registration Form 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 Registration Form and the Examinee Testing Authorization Form in accordance with its retention policies; and the Registration Forms, 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: Examinees and 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 or Field Examiner 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 Personal Information for the PRO-ED Examinee Portal, Registration Form, Examinee Test Authorization Form, and field Test Administrations consistent with its legitimate business purposes and as required by applicable law.

YOUR RIGHTS For the PRO-ED Examinee Portal, Examinees will be able to access as well as change and delete some of your own Personal Information yourself, by logging into your account. You can also delete your account in its entirety. For Examinees, if you delete your account you will no longer be eligible to participate in field Test administrations through the PRO-ED Examinee Portal. Field Examiners should contact us directly with any inquiries or requests at privacy@proedinc.com or at the phone number or address below. For Examinees, if you cannot access, correct, or delete the required information yourself or 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 PRO-ED Examinee Portal or any field Test administration. We collect only as much information as is necessary and related to the PRO-ED Examinee Portal and 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 PRO-ED Examinee Portal and 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 (“CPR”)), 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 the PRO-ED Examinee Portal and/or 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](#).

DO NOT TRACK: Some website and platform browsers may be able to send a “do not track” signal to websites. PRO-ED’s Examinee Portal *does not* respond to do not track signals or similar mechanisms and requests.

LINKS: PRO-ED may provide 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 PRO-ED Examinee Portal, our Tests, Test administrations, our Products and Services, business, applicable law and other reasons. We will include a notice on the home page of the PRO-ED Examinee Portal, but you should also check this PRO-ED Examinee Portal Privacy Policy and the effective date at the beginning. Any changes or amendments are effective immediately upon posting of the changes or amendments on this Privacy Policy.

CONTACT INFORMATION: Questions or inquiries regarding this Terms of Use agreement 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 Examinee Portal Privacy Policy.