

## FERPA PRIVACY STATEMENT

This Privacy Statement describes the personal data that ALE International and its affiliated entities (collectively, “ALE,” “we,” “us,” or “our”) collect and/or process (which may include collecting, organizing, structuring, storing, using, or disclosing) from students under the age of 18 when they receive educational services from schools and other organizations that use ALE’s Rainbow Classroom to provide educational services.

### What personal data do we receive?

Personal data is any information from or about an identified or identifiable person, including information that ALE can associate with an individual person. We may collect, or process, on behalf of our customers, the following categories of personal data when you use or interact with Rainbow Classroom:

- **Account Information.** Information associated with an account that licenses Rainbow Classroom, which may include contact information, account ID, and account plan information.
- **Profile and Participant Information.** Information associated with the Rainbow Classroom profile of a user who uses Rainbow Classroom under a licensed account or that is provided by an unlicensed participant joining a meeting, which may include name, display name, picture, email address, phone number, job information, stated locale, user ID, or other information provided by the user or their account owner.
- **Contacts.** Contact information added by accounts or their users to create contact lists on Rainbow Classroom from by users within their own closed user groups.
- **Settings.** Information associated with the preferences and settings on a Rainbow Classroom account or user profile, which may include audio and video settings, and other personalization settings and configuration information.
- **Registration Information.** Name and contact email address, which are required and retained when registering for Rainbow Classroom.
- **Device Information.** Information about the computers, phones, and other device types people use when interacting with Rainbow Classroom, which may include information about the speakers, microphone, camera, and OS version,
- **Lesson, Meeting, Webinar, and Messaging Content and Context.** Content generated in lessons, meetings, webinars, or messages that are hosted on Rainbow Classroom, which may include audio, video, in-meeting messages, chat-messaging content, transcriptions, written feedback, responses to polls and Q&A, and files, as well as related context, such as invitation details, meeting or chat name, or meeting agenda. Content may contain your voice and image, depending on the account owner’s settings, what you choose to share, your settings, and what you do on Rainbow Classroom.
- **Product and Website Usage.** Information about how people and their devices interact with Rainbow Classroom, such as when participants join and leave a

meeting; whether participants sent messages and who they message with; and other usage information and metrics, including when and how people visit and interact with Rainbow Classroom.

- **Communications with ALE.** Information about your communications with ALE, including relating to support questions, your account, and other inquiries.

### How do we use personal data?

ALE employees do not access meeting, webinar, or messaging content (specifically, audio, video, files, and messages) unless directed by an account owner, or as required for legal, safety, or security reasons, as discussed below. ALE uses personal data to conduct the following activities:

- **Provide ALE Products and Services.** To provide products, features, and services to account owners, their users, and those they invite to join meetings and webinars hosted on their accounts, including to customize Rainbow Classroom features and recommendations for accounts or their users. ALE also uses personal data, including contact information, to route invitations and messages to recipients when people send invitations and messages using Rainbow Classroom. This may also include using personal data for customer support, which may include accessing audio, video, files, and messages, at the direction of the account owner or their users. We also use personal data to manage our relationship and contracts with account owners, including billing, compliance with contractual obligations, and related administration.
- **Authentication, Integrity, Security, and Safety.** To authenticate accounts and activity, detect, investigate, and prevent malicious conduct or unsafe experiences, address security threats, protect public safety, and secure Rainbow Classroom.
- **Legal Reasons.** To comply with applicable law or respond to valid legal process, including from law enforcement or government agencies, to investigate or participate in civil discovery, litigation, or other adversarial legal proceedings, and to enforce or investigate potential violations of our Terms and Conditions or policies.

ALE uses advanced tools to automatically scan content such as virtual backgrounds, profile images, and files uploaded or exchanged through chat, for the purpose of detecting and preventing violations of our terms or policies and illegal or other harmful activity, and its employees may investigate such content where required for legal, safety, or security reasons.

### How do we share personal data?

ALE provides personal data to third parties only with consent or in one of the following circumstances (subject to your prior consent where required under applicable law):

- **Resellers.** If an account owner licensed Rainbow Classroom from a third-party reseller of Rainbow Classroom, the reseller may be able to access personal data and content in order to provide support services.
- **For Legal Reasons.** ALE may share personal data as needed to: (1) comply with applicable law or respond to, investigate, or participate in valid legal process and proceedings, including from law enforcement or government agencies; (2) enforce or investigate potential violations of its Terms and Conditions or policies; (3) detect, prevent, or investigate potential fraud, abuse, or safety and security concerns, including threats to the public; (4) meet our corporate and social responsibility commitments; (5) protect our and our customers' rights and property; and (6) resolve disputes and enforce agreements.

### Who can see and share my personal data when I use Rainbow Classroom?

When you join the Rainbow Classroom platform, send messages, or join lessons, meetings, and webinars on Rainbow Classroom, other people and organizations have a limited access to specific personal data as follows:

- **Account Owner.** An account owner is the organization or individual that signs up for a Rainbow Classroom account. Typically, an account owner designates one or more people as an administrator to manage their account and can grant privileges to users on the account. Depending on their license with ALE, the account owner can authorize additional users on their account, and the account owner can create and/or access the profile information for all users on their account. The account owner and their users can invite others (including guests not on their account) to meetings or webinars hosted on their account. ALE gives account owners controls and features that they can use to determine whether certain types of content, such as recordings or out-of-meeting messages, can be created or sent for meetings and webinars hosted on their account. Depending on their settings, account owners and the people they designate can access personal data for people who join meetings and webinars on their account or send messages to users on their account. Specifically, account owners may have access to:
  - **Account Usage.**
    - **Product Usage.** Information about how people and their devices interact with their account, which may include device information, who joined meetings or webinars on their account, and how long people participated in their meetings.
    - **Participant List.** Information about the participants in a Rainbow Classroom lesson, meeting, webinar, or chat, which is limited to name, display name, and email address.
- **Meeting Hosts and Participants.** Hosts and other participants in a meeting may be able to see your email, display name, organization name, and profile picture. Meeting hosts and participants can also see or save meeting content, audio transcripts, messages sent to everyone or to them directly, and files, whiteboards, or other information shared during a meeting. Hosts may also be

able to record sessions (depending on the account owner's settings) and see responses to Q&A and polls generated during the meeting.

### **What are my privacy rights?**

If you are in the European Economic Area (EEA), Switzerland, or the UK, or are a resident of California, please refer to the respective dedicated sections below. Otherwise, at your request, and as required by applicable law, we will:

- Inform you of what personal data we have about you that is under our control;
- Amend or correct such personal data or any previous privacy preferences you selected, or direct you to applicable tools; and/or
- Delete such personal data or direct you to applicable tools.

In order to exercise any of your rights as to personal data controlled by ALE, please contact us via the contact information below. If we are permitted to respond to such requests, we will do so. Otherwise, we will forward such requests to your school subscriber who may have sole discretion regarding such requests. Where legally permitted, we may decline to process requests that are unreasonably repetitive or systematic, require disproportionate technical effort, or jeopardize the privacy of others. As an account owner or a user under a licensed account, you may also take steps to affect your personal data by visiting your account and modifying your personal data directly.

### **What are children's rights regarding Rainbow Classroom?**

For educational organizations that use Rainbow Classroom to provide educational services to children under 18, please refer to ALE's Children's Educational Privacy Statement below.

### **How can you contact us?**

Contact ALE using the below contact information if you have questions regarding this Privacy Statement, or ALE's use of student information.

FERPA Officer  
ALE USA Inc.  
salvatore.zoida@al-enterprise.com  
(747) 388-7468

You can also contact us by writing to the following address:

ALE USA Inc.  
Attention: Legal, FERPA Officer  
26801 W. Agoura Road  
Calabasas, CA 91301

## How long must personal data be retained?

We retain personal data for as long as required to engage in the uses described in this Privacy Statement, unless a longer retention period is required by applicable law.

The criteria used to determine our retention periods include the following:

- The length of time we have an ongoing relationship with you and provide Rainbow Classroom to you (for example, for as long as you have an account with us or keep using Rainbow Classroom);
- Whether account owners modify, or their users delete, information through their accounts;
- Whether we have a legal obligation to keep the data (for example, certain laws require us to keep records of your transactions for a certain period of time before we can delete them); or
- Whether retention is advisable in light of our legal position (such as in regard to the enforcement of our agreements, the resolution of disputes, and applicable statutes of limitations, litigation, or regulatory investigation).

## What are my rights under European data protection law?

If you are in the EEA, Switzerland, or the UK, your rights in relation to your personal data processed by us as a controller specifically include:

- **Right of access and/or portability.** You have the right to access any personal data that we hold about you and, in some circumstances, have that data provided to you so that you can provide or “port” that data to another provider.
- **Right of erasure.** In certain circumstances, you have the right to the erasure of personal data that we hold about you (for example, if it is no longer necessary for the purposes for which it was originally collected).
- **Right to object to processing.** In certain circumstances, you have the right to request that we stop processing your personal data.
- **Right to rectification.** You have the right to require us to correct any inaccurate or incomplete personal data.
- **Right to restrict processing.** You have the right to request that we restrict processing of your personal data in certain circumstances (for example, where you believe that the personal data we hold about you is not accurate or lawfully held).

To exercise your rights, or if you have any other questions about our use of your personal data, please send a request using the contact details in this Privacy Statement below. Please note that we may request you to provide us with additional information in order to confirm your identity and ensure that you are entitled to access the relevant personal data.

You also have the right to lodge a complaint to a data protection authority. For more information, please contact your local data protection authority.

### **What are the legal bases for processing the personal data of European individuals?**

We only use your information in a lawful, transparent, and fair manner. Depending on the specific personal data concerned and the factual context, when/if ALE processes personal data as a controller for individuals in regions such as the EEA, Switzerland, and the UK, we rely on the following legal bases as applicable in your jurisdiction:

- **As necessary for our contract.** When/if we enter into a contract directly with you, we process your personal data on the basis of our contract in order to prepare and enter into the contract, as well as to perform and manage our contract (i.e., providing Rainbow Classroom to account owners, their users, and those they invite to join meetings and webinars hosted on their accounts, and manage our relationship and contract, including billing, compliance with contractual obligations, and related administration). If we do not process your personal data for these purposes, we may not be able to provide you with all features and services related to Rainbow Classroom.
- **As necessary to comply with our legal obligations.** We process your personal data to comply with the legal obligations to which we are subject for the purposes of compliance with EEA laws, regulations, codes of practice, guidelines, or rules applicable to us, and for responses to requests from, and other communications with, competent EEA public, governmental, judicial, or other regulatory authorities. This includes detecting, investigating, preventing, and stopping fraudulent, harmful, unauthorized, or illegal activity and compliance with privacy laws.
- **To protect your vital interests or those of others.** We process certain personal data in order to protect vital interests for the purpose of detecting and preventing illicit activities that impact vital interests and public safety, including child sexual abuse material.
- **As necessary for our (or others') legitimate interests, unless those interests are overridden by your interests or fundamental rights and freedoms, which require protection of personal data.** We process your personal data based on such legitimate interests to (i) enter and perform the contract with the account owner and/or reseller providing you with Rainbow Classroom (which includes billing, compliance with contractual obligations, and related administration and support); (ii) develop, test, and improve Rainbow Classroom and troubleshoot products and features; (iii) ensure authentication, integrity, security, and safety of accounts; and (iv) comply with non-EEA laws, regulations, codes of practice, guidelines, or rules applicable to us and respond to requests from, and other communications with, competent non-EEA public, governmental, judicial, or other regulatory authorities, as well as meet our corporate and social responsibility commitments, protect our rights and property and the ones of our customers, resolve disputes, and enforce agreements.

## **Might my personal data be transferred or stored outside of my jurisdiction?**

ALE operates globally, which means personal data may be transferred, stored (for example, in a data center), and processed outside of the country or region where it was initially collected where ALE or its service providers have customers or facilities, including in countries where meeting participants or account owners hosting meetings or webinars that you participate in or receiving messages that you send are based.

Therefore, by using Rainbow Classroom, or providing personal data for any of the purposes stated above, you acknowledge that your personal data may be transferred to or stored in the United States where we are established, as well as in other countries outside of the EEA, Switzerland, and the UK. Such countries may have data protection rules that are different and less protective than those of your country.

We protect your personal data in accordance with this Privacy Statement wherever it is processed and take appropriate contractual or other steps to protect it under applicable laws. Where personal data of users in the EEA, Switzerland, or the UK are being transferred to a recipient located in a country outside the EEA, Switzerland, or the UK which has not been recognized as having an adequate level of data protection, we ensure that the transfer is governed by the European Commission's standard contractual clauses. Please contact us if you would like further information in that respect.

## **What are my rights under the California Consumer Privacy Act?**

Under the California Consumer Privacy Act of 2018 and its amendments (the "CCPA"), California residents may have a right to:

- **Be notified** which categories of your personal data are being collected and the purposes for which the personal data is being used;
- **Request that we disclose** information to you about our collection, use, sale, disclosure for business purposes, and sharing of your personal data;
- **Opt-out of the "sale"** of your personal data;
- **Request the deletion** of your personal data;
- **Correct your inaccurate** personal data maintained by us; and
- **Not be discriminated against** for exercising any of your consumer rights.

To exercise your rights, please contact us by using the contact information above. We will acknowledge receipt of your request within 10 business days, and provide a substantive response within 45 calendar days, or inform you of the reason and extension period (up to 90 days) in writing.

Under the CCPA, only you or an authorized agent may make a request related to your personal data. Note that to respond to your requests to access or delete personal data under the CCPA, we must verify your identity. We may do so by requiring you to log into your Rainbow Classroom account (if applicable), provide information relating to

your account (which will be compared to information we have, such as profile information), give a declaration as to your identity under penalty of perjury, and/or provide additional information. You may designate an authorized agent to submit your verified consumer request by providing written permission and verifying your identity, or through proof of power of attorney.

### **What are my rights under California's Shine the Light Law?**

California Civil Code Section 1798.83, also known as "Shine The Light" law, permits California residents to annually request information regarding the disclosure of their personal information (if any) to third parties for the third parties' direct marketing purposes in the preceding calendar year. We do not share personal information with third parties for the third parties' direct marketing purposes.

### **Is this Privacy Statement subject to change?**

We may update this Privacy Statement periodically to account for changes in our collection and/or processing of personal data, and will post the updated Privacy Statement on our website, with a "Revised" date indicated. If we make material changes to this Privacy Statement, we will notify you and provide you with an opportunity to review before you choose to continue using Rainbow Classroom.

Revised: October 13, 2022