

PRIVACY POLICY

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Version [14]

No Advertising to Students. Gameplan does not display, deliver, or serve commercial advertisements to students through the Services. Gameplan shall not use, or permit any third party to use, Student Data, School Data, Education Records, or data derived from them, including de-identified data, for advertising, targeted or behavioral advertising, marketing, product promotion, commercial profiling, data brokerage, or any other unrelated commercial purpose. Gameplan does not use advertising cookies or cross-site tracking in the Services.

This Privacy Policy explains how Gameplan Education Inc. (“Gameplan,” “we,” “us,” or “our”) collects, uses, discloses, retains, and protects Personal Data in connection with the Services.

For Consumer Accounts. A “Consumer Account” is an account created directly by an individual rather than created, purchased, or administered by an institution or organization. For Consumer Accounts, this Privacy Policy describes Gameplan’s collection and Processing of Personal Data. By creating or using a Consumer Account, you acknowledge that you have received and read this Privacy Policy. Where applicable law requires consent for particular Processing, Gameplan will request that consent separately. Consumer use of the Services may also be governed by the consumer terms presented at registration or purchase.

For Institution Accounts. “Institution Accounts” are accounts created, purchased, or administered by a school, district, university, company, organization, or other entity that makes the Services available to its students, employees, staff, contractors, or other authorized users. For Institution Accounts, Gameplan Processes Personal Data on behalf of, and under the instructions of, the applicable institution or organization.

The applicable service agreement, Terms of Service, Data Processing Agreement, and any other incorporated contractual terms collectively constitute the agreement governing an Institution Account (the “Institution Agreement”). This Privacy Policy is provided as a transparency notice only. It does not form part of, amend, or override the Institution Agreement and does not constitute consent by the institution or any individual user to additional collection, use, disclosure, or international transfer of Personal Data.

Access to or use of the Services by a student, educator, staff member, or other authorized user of an Institution Account does not, by itself, constitute separate consent to the Processing of Personal Data beyond what is authorized by the Institution Agreement, the applicable institution or organization, and applicable law.

The U.S. K-12 School Data Processing Agreement applies only to eligible U.S. K-12 customers and only when incorporated into the applicable Service Agreement. If there is a conflict between the Data

Processing Agreement and this Privacy Policy concerning the Processing of School Data or Student Data, the Data Processing Agreement controls.

Capitalized terms not defined in this Privacy Policy have the meanings given to them in the applicable terms or agreement governing the relevant Services.

Changes to This Privacy Policy. We may update this Privacy Policy from time to time. When we do, we will post the updated version at <https://app.gameplan.com/privacy-policy> and revise its effective date and version number. Where required by applicable law, we will provide additional notice or obtain consent. For Institution Accounts, an update to this Privacy Policy does not amend or override the applicable Institution Agreement.

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What this Privacy Policy Covers

This Privacy Policy covers how we treat Personal Data that we gather when you access or use our Services. “Personal Data” means any information that identifies or relates to a particular individual and also includes information referred to as “personally identifiable information” or “personal information” under applicable data privacy laws, rules or regulations. This Privacy Policy does not cover the practices of companies we don’t own or control or people we don’t manage.

Personal Data

Categories of Personal Data We Collect

This chart details the categories of Personal Data that we collect:

<u>Category of Personal Data</u>	<u>Examples of Personal Data We Collect</u>	<u>Categories of Third Parties With Whom We Share this Personal Data:</u>

Profile or Contact Data	• First and last name • Email • Unique identifiers such as passwords • Student, Educator or Other (text input)	• Service Providers • Parties You Authorize, Access or Authenticate
Payment Data	• Financial account information • Payment card type • Last 4 digits of payment card • Billing address, phone number, and email	• Service Providers (specifically our payment processing partner, currently Stripe, Inc. and Chargebee Inc.)
Device/IP Data	• IP address • Type of device/operating system/browser used to access the Services • Cookies used to store authentication data • Data on who is logged in • Voucher authentication data	• Service Providers
Geographic Data	• Country • State • District (if applicable) • School (if applicable)	• Service Providers • Parties You Authorize, Access or Authenticate
Social Network Data	• Email • User name or other identifiers	• Service Providers • Parties You Authorize, Access or Authenticate
Consumer Demographic Data	• Age / date of birth • Gender & Ethnicity (optional)	• Service Providers • Parties You Authorize, Access or Authenticate
Professional or Employment-Related Data	• Job title	• Service Providers • Parties You Authorize, Access or Authenticate
Non-Public Education Data	• Grades, transcripts, or other feedback • Classes enrolled in • Identifying information in student assignments or discussions	• Service Providers • Parties You Authorize, Access or Authenticate
Photos, Videos and Recording	• Photos, videos or recordings of you • Photos, videos or recordings of your environment	• Service Providers • Parties You Authorize, Access or Authenticate
Other Identifying Information that You Voluntarily Choose to Provide	• Identifying information in any Content, emails, letters, texts, or other communication you send us or disclose through the Services	• Service Providers • Parties You Authorize, Access or Authenticate

Categories of Sources of Personal Data

We collect Personal Data about you from the following categories of sources:

1. You

a . When you provide such information directly to us.

- i. When you create an account or use our interactive tools and Services.
- ii. When you voluntarily provide information in free-form text boxes through the Services or through responses to surveys or questionnaires.

- iii. When you send us an email or otherwise contact us.
- b. When you use the Services and such information is collected automatically.
 - i. Through Cookies (defined in the “How We Use Cookies” section below).
 - ii. If you use a location-enabled browser, we may receive information about your location.

2. Third Parties

a. Sub-processors

- i. Gameplan engages service providers and other subprocessors to Process Personal Data on Gameplan’s behalf and under Gameplan’s instructions as reasonably necessary to operate, host, support, secure, maintain, and improve the Services. These subprocessors are contractually restricted from using Personal Data for advertising, marketing, commercial profiling, data brokerage, or any independent commercial purpose.
For Institution Accounts, subprocessors may Process School Data only as permitted by the applicable Institution Agreement and Data Processing Agreement. Gameplan remains responsible for its subprocessors as provided in the applicable Data Processing Agreement.

Our Business Purposes for Collecting or Disclosing Personal Data

3. Providing, Customizing and Improving the Services

- a. Creating and managing your account or other user profiles.
- b. Processing orders or other transactions; billing.
- c. Providing you with the products, services or information you request.
- d. Meeting or fulfilling the reason you provided the information to us.
- e. Providing support and assistance for the Services.
- f. Personalizing the Services, website content and communications based on your preferences.
- g. Doing fraud protection, security and debugging.
- h. Carrying out other business purposes stated when collecting your Personal Data or as otherwise set forth in applicable data privacy laws.

With respect to education records and other institution-provided student data, Gameplan acts as a school official or service provider performing an institutional service for the Institution, is under the Institution’s direct control regarding the use and maintenance of such data, and will use such data only for the purposes set forth in the Agreement and the Institution’s written instructions. Gameplan shall not disclose such data except as permitted by law and this Agreement.

4. Educational Content Integrations

- a. YouTube API: Our Product integration with the YouTube API Service allows our customers to utilize certain YouTube services directly in our Services. For example,

educators can embed videos into course materials. For more information about the YouTube API Service, please refer to YouTube's [Terms of Service](#). You can learn more about how YouTube uses your personal information in the [Google Privacy Policy](#).

5. Corresponding with You

- a. Responding to correspondence that we receive from you, contacting you when necessary or requested, and sending you information about Gameplan or the Services.

6. Meeting Legal Requirements and Enforcing Legal Terms

- a. Fulfilling our legal obligations under applicable law, regulation, court order or other legal process, such as preventing, detecting and investigating security incidents and potentially illegal or prohibited activities.
- b. Protecting the rights, property or safety of you, Gameplan or another party.
- c. Enforcing any agreements with you.
- d. Responding to claims that any posting or other content violates third-party rights.
- e. Resolving disputes.

We will not collect additional categories of Personal Data or use the Personal Data we collected for materially different, unrelated or incompatible purposes without providing you notice.

How We Disclose Your Personal Data

We disclose your Personal Data to the categories of service providers and other parties listed in this section. For more information, please refer to the state-specific sections below.

- **Service Providers.** These parties help us provide the Services or perform business functions on our behalf. They include:
 - o Hosting, technology and communication providers.
 - o Security and fraud prevention consultants.
 - o Support and customer service providers.
 - o Content and certification providers.
 - o Payment processors.
 - Our payment processing partners Stripe, Inc. ("Stripe") and Chargebee Inc. ("Chargebee") collect your voluntarily-provided payment card information necessary to process your payment.
 - Please see Stripe's and/or Chargebee's terms of service and privacy policy for information on its use and storage of your Personal Data.
- **Parties You Authorize, Access or Authenticate**
 - o Your Institution (as defined below).
 - o Third parties you access through the services.
 - o Social media services.
 - o Other users.

Legal Obligations

We may share any Personal Data that we collect with third parties in conjunction with any of the activities set forth under “Meeting Legal Requirements and Enforcing Legal Terms” in the “Our Business Purposes for Collecting Personal Data” section above.

Business Transfers

All of your Personal Data that we collect may be transferred to a third party if we undergo a merger, acquisition, bankruptcy or other transaction in which that third party assumes control of our business (in whole or in part). Should one of these events occur, we will make reasonable efforts to notify you before your information becomes subject to different privacy and security policies and practices.

How We Use Cookies

Session and Authentication Cookies

When you sign in, we place a small number of cookies on your device to keep you logged in and manage your session. These cookies contain a random session identifier and are transmitted securely over HTTPS. One additional cookie allows the application to warn you before your session expires.

We do not use cookies for advertising, and we do not use cookies for cross-site tracking.

Security and Operational Logging

When you sign in, we record your IP address, browser type, and the page you came from (referrer). Your IP address is stored in encrypted form and is used to determine your approximate location (city and country level only). This information helps us monitor for unauthorized access and maintain the security of our platform.

During normal use of the Services, we may log basic request information, including your IP address and browser type, for operational, security, and troubleshooting purposes. These logs are retained for one week and then deleted or anonymized, unless a longer retention period is required to investigate or prevent security incidents, comply with legal obligations, or resolve disputes.

Data Security

We seek to protect your Personal Data from unauthorized access, use and disclosure using appropriate physical, technical, organizational and administrative security measures based on the type of Personal Data and how we are processing that data. You should also help protect your data by appropriately selecting and protecting your password and/or other sign-on mechanism; limiting access to your computer or device and browser; and signing off after you have finished accessing your account. Although we work to protect the security of your account and other data that we hold in our records, please be aware that no method of transmitting data over the internet or storing data is completely secure.

Data Retention

We retain Personal Data about you for as long as necessary to provide you with our Services or to perform our business purposes for collecting your Personal Data. When establishing a retention period for specific categories of data, we consider who we collected the data from, our need for the Personal Data, why we collected the Personal Data, and the sensitivity of the Personal Data. In some cases we retain Personal Data for longer, if doing so is necessary to comply with our legal obligations, resolve disputes or collect fees owed, or is otherwise permitted or required by applicable law, rule or regulation.

For example:

1. We retain your profile information and credentials for as long as you have an account with us.
2. We retain your payment data for as long as we need to process your purchase or subscription.
3. We retain your device/IP data for as long as we need it to ensure that our systems are working appropriately, effectively and efficiently.

Where certification services are used, Gameplan may retain limited Personal Data for 3 years associated with certification examinations and credentials after an account, subscription, or customer relationship ends when reasonably necessary to issue, maintain, and verify credentials; administer retakes, reviews, and appeals; investigate examination irregularities, fraud, security incidents, or credential revocations; and comply with applicable legal and recordkeeping obligations.

Retained Certification Records remain subject to applicable privacy and security protections and will not be used for advertising, marketing, commercial profiling, data brokerage, or any purpose unrelated to certification administration, credential verification, examination integrity, security, or legal compliance.

If deletion is requested for a Certification Record that is necessary to support or verify an active credential, Gameplan may revoke or invalidate the affected credential before deleting the record, after informing the requester of that consequence.

Family Educational Rights and Privacy Act

In the event the Services are provided to you by your Institution (as defined below), certain Personal Data may be subject to the Family Educational Rights and Privacy Act, 34 C.F.R. §99 et seq. ("FERPA"). We remain under the "direct control" of the institution, such as your school or school district (the "Institution"), that we provide the Services to with respect to the use and handling of any FERPA-protected "education records."

Personal Data of Children

We use the Personal Data of children under the age of 13 only to support the legitimate educational interests of the Institution as governed by the agreement with the Institution, and we require Institutions to obtain any necessary consents to use and deploy the Services, including those under the Children’s Online Privacy Protection Act (“COPPA”).

If you believe that a participant under 13 years of age has provided us with Personal Information (beyond the Required Information) without our obtaining Parental Consent, please contact us at info@gameplan.com. We do not condition use of the Services on disclosure of more Personal Data from any person under 13 years of age than is reasonably necessary for that participation, and we do not retain Personal Data from children under 13 years of age longer than is reasonably necessary in order to fulfill the purpose for which it was disclosed.

If you are a parent or guardian of a user of the Services who is under 13 years of age, please contact the Institution to address your rights with respect to such data in the first instance.

Personal Data of Children (B2C Services)

When we provide our Services directly to individual consumers (B2C)—such as when students register independently to access our Services—we take special precautions regarding the collection and use of Personal Data from minors.

Age Requirements and Parental Consent:

- Minimum age for use:
 - Users in the United States must be 13 years or older to use our Services independently.
 - Users under 13 must provide a parental email address to obtain verifiable parental consent before accessing age-restricted parts of the Services, including exams.
- We ask all users to confirm their country of residence and age before taking part in exams or other key activities to ensure compliance with applicable child privacy laws (e.g., COPPA, GDPR).
- Where parental consent is required and not obtained, we will not permit access to key features of the Services and will delete the child’s information as required by law.

State Law Privacy Rights

Minnesota Student Data and Breach Notifications

When providing services to Minnesota public schools and school districts, Gameplan handles educational data in accordance with applicable requirements of Minnesota Statutes Section 13.32. Such data are not Gameplan’s property. We use them only to provide the contracted services and do not sell

them or use them for advertising or other commercial purposes. Disclosures are limited to those permitted by law.

We protect student data with appropriate security measures. Only authorized employees and contractors who need the data to do their work may access it. Within 90 days after the contract ends, we return the data to the school or district or securely delete it, unless we reasonably expect the contract to be renewed.

Following discovery of a breach affecting educational data, we promptly notify the affected school or district and provide the information necessary for it to meet its obligations under Minnesota Statutes Section 13.055. Where Section 325E.61 applies, we notify the data owner immediately following discovery and provide any required notices to affected Minnesota residents without unreasonable delay, subject to legally permitted delays.

California Resident Rights

Under California Civil Code Sections 1798.83-1798.84, California residents are entitled to contact us to prevent disclosure of Personal Data to third parties; in order to submit such a request, please contact us at info@gameplan.com.

Nevada Resident Rights

If you are a resident of Nevada, you have the right to opt-out of the sale of certain Personal Data to third parties. You can exercise this right by contacting us at info@gameplan.com with the subject line “Nevada Do Not Sell Request” and providing us with your name and the email address associated with your account. Please note that we do not currently sell your Personal Data as sales are defined in Nevada Revised Statutes Chapter 603A.

Contact Information:

If you have any questions or comments about this Privacy Policy, the ways in which we collect and use your Personal Data or your choices and rights regarding such collection and use, please do not hesitate to contact us at:

- <https://gameplan.com>
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