

# Privacy Policy

*Effective: March 23, 2023*

NCS Pearson, Inc. (“Pearson”) respects your privacy and has adopted this Privacy Policy (hereinafter “Privacy Policy”) to let you know how we collect, use, manage, share, and protect information that we may gather or receive when you use our Online Scoring and Reporting System (OSCAR). This Privacy Policy applies to this Site and any personally identifiable information collected by Pearson through this Site.

This Privacy Policy applies only to the Site where this notice is posted. Other websites, including other Pearson websites linked through this Site, may have their own privacy policies and practices. Your use of any other website is subject to the privacy policy of that website.

**By using this Site, you agree to the terms of the Privacy Policy in effect at the time of use. It is your responsibility to read this Privacy Policy and check for updates on a regular basis. By continuing to use our Site, products or services after such updates have been made you are agreeing to be bound by any changes to this Privacy Policy. If you do not agree to the terms and conditions of this Privacy Policy, please do not use this Site.**

## Purpose

Pearson is under contract with certain education agencies (including state education agencies), institutions, customers, or organizations (each an "Education Agency" or collectively, "Education Agencies") to provide services for designated educational assessment programs ("Assessment Programs"). Each Education Agency contracts with Pearson to provide this site pursuant to agreed specifications. Some features of this site may not be accessible to all users.

The purpose of this Site is to facilitate distributed human scoring of assessment constructed responses, extended responses, performance tasks, essays, portfolios, and other item types that are not traditionally machine scorable. OSCAR is designed to provide Education Agencies with access to the assessment scoring tools and to provide statistical reports regarding assessments scored with OSCAR.

Pearson serves as a data Processor, and Pearson collects, processes, and uses personal data through this Site in accordance with, and for the purpose of, fulfilling its contract the Education Agency, the data Controller, for which such personal data is collected. Use of this Site is subject to the Terms of Use.

## What Personally Identifiable Information Do We Collect and How Do We Use It?

**Assessment Information.** Assessments to be scored through OSCAR will be uploaded onto this Site by Pearson or by the Education Agency. This assessment performance data may contain and/or be associated with personally identifiable student information, as designated by the Education Agency in their applicable service contract with Pearson. This Site collects score information recorded on this Site by users of this Site.

**Education Agency and School District Personnel:** If you are using this site pursuant to a contract between Pearson and an Education Agency, then you will be required to provide Pearson with your

name and e-mail address, which Pearson will use to confirm authorization and to provide access the site, before access will be granted. If Pearson receives inquiries or emails about or through this Site from users, Pearson may keep a record of the email, correspondence, and comments, including the individual's name, school district or organization name and email address in order to reply to the communication, perform Site support and issue resolution and maintain business records concerning this Site.

**Independent Contractors and Pearson Employees:** Independent Contractors and Pearson employees that use this site may regularly be required to update their personal contact information or other data as requested by the Site administrator.

**Information from Children:** This Site is not directed to or intended for use by children, including anyone under the age of thirteen (13). Pearson will not knowingly collect or process any personal information from anyone under the age of thirteen (13) through this Site.

## How Do We Share Personally Identifiable Information?

**Pearson will never sell your personal information.** An individual's assessment information will be used by Pearson for purposes of performing its contractual obligations to the applicable Education Agency for the Assessment Program for which such individual's assessment information is collected. The personal information supplied by Site Users will be used by Pearson in connection with its educational assessment scoring activities, to perform contractual obligations and to comply with state and federal law, audit, security, and internal Pearson control requirements.

Except as specifically stated in this Privacy Policy, it is our policy not to share or disclose personal information collected through this Site with third parties other than affiliates of Pearson and other companies and organizations who perform work for us under contract or sell products or services that complement our products and services and who are committed to protect the privacy of personal information in a manner consistent with this Privacy Policy. We may use and disclose a user's personal information:

- To the Education Agency for the Assessment Program for which such information was collected;
- In response to a subpoena, court order or legal process, to the extent permitted or required by law;
- To protect the security of the user and other persons, our systems and the data we hold, consistent with applicable law;
- In connection with a sale, joint venture or other transfer of some or all of our company or its assets;
- To address actual or suspected fraud or other illegal activities; or
- In order to enforce the Site's Terms of Use or any contract between us and such user.

## Information Access and Correction

Users may view, update and correct their own personal information by using the functions of this Site. Please contact Pearson at [mzd\\_support@grp.pearson.com](mailto:mzd_support@grp.pearson.com) if you have difficulty accessing information through this Site or correcting any of your own personal information.

## Non-Personally Identifiable Information

We may collect non-personally identifiable information about users whenever they interact with this Site. Such non-personally identifiable information may include the browser name, the type of computer, and technical information about the users' means of connection to our Site, such as the operating system, internet service provider and IP address (a number automatically assigned to the user's computer by their internet service provider). This information is generally collected for system administration purposes, to monitor activity levels and for security purposes. Pearson does not link IP addresses to personal information, except that we reserve the right to link IP addresses and other non-personally identifiable information to protect the integrity of this Site, to monitor compliance with our Terms of Use and for security purposes.

## Data Retention and Destruction

Pearson acts as a data processor for our customers, the education agencies, and we process personal information on their behalf and at their direction. Pearson will retain and destroy all data pursuant to the contracts with our customers or applicable legal requirements.

## Disclosure and Transfer of Information

The Site is hosted and operated in the United States and is subject to United States law. We will comply with the privacy and data collection laws of the jurisdiction of the individual from whom the information is collected. Personal Data and information of users located outside of the United States will be transferred to Pearson and our third-party vendors in the United States only to facilitate the purpose for which it was collected. For transfers of personal information from the European Union, the United Kingdom, and Switzerland, we rely on appropriate transfer mechanisms, including but not limited to, Standard Contractual Clauses and performance of contract.

## Changes to the Privacy Policy

We reserve the right to update the terms of this Privacy Policy from time to time. We encourage you to visit and review this Privacy Policy periodically to ensure you agree with any changes or updates. We will post our revised privacy notice on our website and update the 'Last Updated' date to reflect the date of the changes.

By continuing to use our website after we post any such changes or updates you accept the privacy notice as modified.

## How to Contact Us

If you have questions or concerns about this Privacy Policy, please contact us at [dataprivacyUS@pearson.com](mailto:dataprivacyUS@pearson.com). If you want us to respond to your comment or question, please provide your contact information in your message.

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