

Project Spark Privacy Policy

Last Updated: May 27, 2022

Welcome to the website (the “**Site**”) of Project Spark (“**Project Spark**”). Project Spark is a website that educators and students access in order to work through courses, build cool things, learn interesting stuff, take and grade assessments, and see and share their experience and work (the “**Services**”).

Project Spark is owned and operated by Discovery Education, Inc. (“**Discovery Education**”). This Privacy Policy (“**Policy**”) describes how Discovery Education and its subsidiary and affiliated companies that are incorporated in the United States of America only (collectively, “**we**,” “**us**,” or “**our**”) collect, use, and otherwise process personal information from visitors and users of the Site. Discovery Education is an Illinois corporation and its main office is located at 4350 Congress Street, Suite 700, Charlotte, NC 28209.

Discovery Education is an online education service provider that produce and deliver high-quality digital content for K-12 education and beyond, including digital lessons, textbooks, streaming media, and other rich content. The services we offer enable teachers and students to participate in enhanced learning experiences. Depending on the context of the personal data you or your School provides, we may be the data “controller” or “business”, or “processor” or “service provider” of your personal data under applicable data protection laws. Where Schools register to use the Site and Services as part of a Class, we are a “processor” or “service provider” of personal data submitted to the Site and Services or collected through the Site and Services on behalf of or at the direction of the Schools (the Schools who are the “controllers” of the personal data), and personal data we receive or collect from our Schools. When we are acting as a “processor” or “service provider,” we will only process the personal data on behalf of and subject to the Terms of Use Agreement (“Terms”) and our Data Processing Addendum (available [here](#) and [here](#)). If you have questions about our processing of your personal data on behalf of a School, please refer to the School’s privacy policy.

This Policy is incorporated into and made part of our Terms. Please read our Terms and this Policy carefully. It is your choice whether or not to provide personal information to us. If you choose to do so, you are giving us your express consent to use, process, and disclose your personal information as set forth in this Policy. If you choose not to provide your personal information to us, you may not be able to use the full extent of our Site.

1. Scope of this Policy

This Policy is intended to describe how we process personal information relating to your access and use of the Site (www.learnprojectspark.com).

This Policy does not apply to information that:

- we collect offline or through any other means not listed above,

- is collected by any third party, including through any application or content that may link to or be accessible from or on the Site. These third parties may have their own privacy policies, which we encourage you to read before providing information to them, or
- we collect from our employee and non-employee workers, job applicants, job candidates, or independent contractors.

In this Policy, “personal information” means information relating to an identified or identifiable natural person. An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identified such as a name, an identification number, location data, and online identified or to one or more factors specific to his/her physical, physiological, genetic, mental, economic, cultural, or social identity. Personal information does not include aggregate information or de-identified information, meaning that the information can no longer be attributed to an identifiable natural person without the use of additional information.

2. Information We Collect and How We Collect It

We collect personal information from and about users and visitors of our Site. As described in further detail below, you provide some of this information directly, such as when you create an account. We also may collect some of your information, such as your IP address, automatically when you visit and use our Site.

A. Information You Provide to Us

We ask for and collect the following types of personal information from you when you access our Site. The most common of these circumstances where you would provide personal information include the following:

- i. Creating a Project Spark Account and Using Our Site.** In order to use certain features of our Site, you (or your school) may be required to create a password-protected user account and provide us with personal information, including first name, last name, email address, your role (student or teacher), and location information (state and district), and password. We will store and use this information to administer the Site in which you choose to participate.
- ii. Contacting Us.** When you contact us or request customer service support, we may ask you to provide, or confirm, personal information, including your first and last name, job title, email address, phone number, and location information (city, state, school or district), so that we can better serve you.
- iii. Promotional or Marketing Communications.** If you sign up to receive promotional communications or notifications from us, we may ask you to provide personal information, including name and email address, so that we can provide these to you.

B. Information that We Collect Automatically From You On Our Site

We may automatically collect information from you when you visit or access our Site. We use this information to deliver our webpages to you upon request, to tailor our Site to the interests of our users, to learn how our Site is used, and to measure traffic and usages within our Site.

- i. **Usage Details.** When you access and use our Site, we may automatically collect certain details of your access to and use of our Site, including, but not limited to, location data, time of visit, length of time your visit and of specific pages, page views, scroll depth, logs, scoring content that you are interested in, referring or exit website address, the content of any undeleted cookies that your browser previously accepted from us, and other communication data and the resources that you access and use on or through our Site.
- ii. **Device Information.** We may collect information about the device and internet connection you use to access our Site, including, but not limited to, the device's unique device identifier, IP address, operating system, system configuration information, browser type, network information, internet service provider, JavaScript support, language preferences, screen resolution, and screen color processing ability.

We use various technologies to collect information from your computer or other device and about your activities on our Site, including:

- i. **Cookies.** When you visit our Site, we may assign your device one or more cookies to help you navigate our Site efficiently, to personalize your online experience, and to perform certain functions, including website traffic analysis. Through the use of a cookie, we also may automatically collect information about your online activity on our site. A cookie is a small text file that is stored on a user's computer for record keeping purposes. Cookies can be either session cookies or persistent cookies. A session cookie expires when you close your browser and is used to make it easier for you to navigate our website. A persistent cookie remains on your hard drive for an extended period of time. For security purposes, we will encrypt the unique user ID and any other user account-related data that we store in such cookies. The cookie may contain a unique identifier. We may allow our authorized service providers to serve cookies from our website to allow them to assist us in various activities, such as providing analysis and research on the effectiveness of our Site, content, and advertising. Most browsers automatically accept cookies, but you can usually modify your browser setting to decline cookies. You may delete or decline cookies by changing your browser settings (click "Help" in the toolbar of most browsers for instructions). If you do so, some of the features and services of our Site may not function properly. To read more about how we use cookies, please review our Cookie Policy, <https://www.discoveryeducation.com/learn/cookie-policy/>.
- ii. **Pixels and Other Technologies.** We may use pixel tags (also known as clear gifs, web beacons, or web bugs), including pixel tags placed by our third party

vendors, including Segment, for analysis and research on the effectiveness of our Site, content, and advertising. We also may include pixel tags in marketing and promotional email messages or newsletters to determine whether messages have been opened and acted upon. The information we obtain in this manner enables us to customize the services we offer our Site visitors, to deliver targeted advertisements, and to measure the overall effectiveness of our online advertising, content, programming or other activities. Pixel tags are tiny graphics with a unique identifier, similar in function to cookies, and are used to track the online movements of web users or to access cookies. Unlike cookies, which are stored on the user's device, pixel tags are embedded invisibly on web pages (or in email) and are about the size of the period at the end of this sentence. Pixel tags may be used to deliver or communicate with cookies, to count users who have visited certain pages and to understand usage patterns. We also may receive an anonymous identification number if you come to our site from an online advertisement displayed on a third-party website.

- iii. **Google Analytics.** We may use Google Analytics provided by Google Inc. It uses cookies to collect certain information, for example, information about the operating system and the browser that you use, your IP address, the website you previously accessed (referrer URL) and the date and time of your visit to the Services. On subsequent repeated visits to the Site, frequently-used information is automatically displayed for you. We are able to track your usage patterns with the help of the cookies. The information generated by cookies about the use of the Site is transmitted to a Google server, which may be located within or outside of, the United States, and stored there. Google will use this information to evaluate your use of the Site. Google may transfer these rights to third parties insofar as it is required to do so by law or in order that data may be processed on Google's behalf. For more information about Google's data privacy practices, we encourage you to review "How Google uses data when you use our partners' sites or apps", (located at www.google.com/policies/privacy/partners/). By accepting this Policy, you consent to the processing of your data by Google.

C. Information Collected From Other Sources

We may also obtain both personal and non-personal information about you from the following categories of sources: your school, school district, and/or their administrators, companies that license datasets of teachers, educators, and school administrators), advertising networks, and companies we work with to conduct research and surveys. We may combine this information with information we collect through our Sites, or from other sources.

If you have been given access to the Services by a teacher or a school you are affiliated with, this Policy does not govern how the user's school might collect, use, or disclose the user's Personal Information. We are not responsible for the user's school's collection, use, or disclosure of the user's Personal Information or information shared at the user's school's request. Please contact the user's school directly for more information about their privacy practices.

3. Purposes for Processing Personal Information

While the purposes for which we may process personal information will vary depending upon the circumstances, in general we use personal information for the purposes set forth below. For an explanation of how we use personal information relating to children users of the Site, see section 7 (“Children’s Personal Information”) below.

- Register and create your Project Spark user account.
- Respond to your queries and to provide you with customer support.
- Personalize and improve our Site and your experiences when you use our Site, including to develop new products and services.
- Process and complete a transaction or service requested by you.
- Communicate with you about our products and services that may interest you; offers (such as a free-trial of a product or services); updates on new or popular content, features and Services; special events; educational programs; and news from us. (If you prefer that we not contact you in this manner, please follow the Opt-Out instructions in this Policy). We do not contact students for this purpose.
- For service administration where we need to contact you for reasons related to Project Spark (for example, where we need to send you a password reminder, to notify you about services updates or amendments to our Terms of Use or Privacy Policy).
- For marketing purposes, including helping us create and publish content most relevant and impactful to you; developing and displaying content and advertising tailored to your interests on our Sites; measuring and improving the effectiveness of our advertising campaigns; and developing sales and business development leads.
- To aggregate and/or de-identify information about users or to use suggestions, comments, and ideas that are not personally identifiable. We are free to use and disclose through any means and use for any purpose information that is not personally identifiable in our sole discretion.
- Monitor and analyze trends, usage, and activities in connection with our Site.
- Manage our business and perform functions as otherwise described to you at the time of collection.
- Enforce our Terms of Service.
- Protect against or identify possible fraud.
- For legal compliance purposes.

4. Sharing of Personal Information with Others

We share your personal information as necessary to provide the services you request, including sharing information with third party service providers; when required by law; to protect rights and safety; and with your consent. For an explanation of how we share personal information relating to children users of the Site, see section 7 (“Children’s Personal Information”) below.

We may share personal information with:

- **Your Teacher, School, and/or School District:** We may share a user’s personal information, including information about your work in the courses and grade assessments, with their affiliated teacher, school, and/or school district. The user’s school may choose to share, and we may share at their request, the user’s personal information with new administrators or teachers.
- **Authorized Service Providers:** We may share your personal information, including name, unique personal identifier, IP address, email address, job title, other similar identifier, usage details, profile reflecting a consumer’s preferences, characteristics, behavior, abilities, and aptitudes and device details with our authorized service providers that perform certain services on our behalf. These services may include delivering our Site to you; providing customer service and support to you; providing marketing, advertising, and business development; performing marketing, business and sales research and analytics; supporting our Site functionality; conducting surveys and research for product development and improvement; processing payments through a third-party payment service provider; and supporting challenges, contests, promotions, sweepstakes, surveys and other features offered through our Site. The research reports and white papers do not contain personal information.
- **Discovery Education Corporate Group.** Between and among Discovery Education, Mystery Science, our affiliates, subsidiaries and the companies under our control and ownership, we may share personal information such as name and contact details of our customers’ primary point of contact and end users of the Services, users’ usage details of the Services, customer’s sales history and account information, and information collected through our Site by tracking technologies (as described above) for the following purposes: identifying business development opportunities, our marketing and advertising activities, conducting research and analytics, and improving our Sites, Services and product development.
- **Other situations.** We also may disclose your information:
 - i. In response to a subpoena, document request, or similar investigative demand, a court order, or a request for cooperation from a law enforcement or other government agency; to establish or exercise our legal rights; to prosecute or defend against legal claims; or as otherwise required by law. In such cases, we may raise or waive any legal objection or right available to us.
 - ii. When we believe disclosure is appropriate in connection with efforts to investigate, prevent, or take other action regarding illegal activity, suspected

fraud or other wrongdoing; to protect and defend the rights, property or safety of our company, our users, our employees, or others; to comply with applicable law or cooperate with law enforcement; or to enforce our terms and conditions or other agreements or policies.

iii. In connection with a substantial corporate transaction, such as the sale of our business, a divestiture, merger, consolidation, or asset sale, or in the unlikely event of bankruptcy.

iv. When you provide us with your consent to share your information with third parties.

Aggregated and Non-personal Information:

We may share aggregated and non-personal information we collect under any of the circumstances set forth in this Policy. We may share aggregated information with third parties, including advisors, corporate and non-profit partners, and potential customers, for the purpose of conducting general business analysis. For example, we may tell our advertisers the number of visitors to our Site and the most popular features or services accessed. This information does not contain any personal information and may be used to develop website content and services that we hope you and other users will find of interest and to target content and advertising.

5. How Long We Retain Your Personal Information

Discovery Education will retain your personal information for as long as is needed to fulfill the purposes set forth in this Policy, unless a longer retention period is required or permitted by law (such as for tax, accounting, or other legal requirements).

6. Your Privacy Rights

You may have certain rights in relation to your personal information. If you would like to exercise any of them, please contact us (contact details below).

We will consider all such requests and provide our response within a reasonable period (and in any event within any time period required by applicable law). Please note, however, that certain personal information may be exempt from such requests in certain circumstances.

If an exception applies, we will tell you this when responding to your request. We may request you provide us with information necessary to confirm your identity before responding to any request you make.

A. How You Can Access or Request to Delete Your Information

You may request to review, update, amend, have deleted, or otherwise access your rights under applicable privacy laws over your personal information that we collected or otherwise maintain subject to certain limitations under applicable privacy laws. You may submit a request to us by using the contact information provided at the end of this Policy. If you have an online account

with us, you may be able to review and update your personal information online by logging into your account. You may also be able to review and update your personal information by contacting your school.

We will respond to your request as soon as practicable for us and in the timeframes provided under the applicable privacy laws.

B. Opt-Out

At any time you can choose to no longer receive commercial or promotional emails or newsletters from us by modifying your email preferences by selecting the “Opt-Out” link found in the footer of the communication or contacting us. It may take up to ten (10) days for us to process an opt-out request. We may send you other types of transactional and relationship email communications, such as service announcements, administrative notices, and surveys, without offering you the opportunity to opt out of receiving them. Please note that changing information in your account, or otherwise opting out of receipt of promotional email communications will only affect future activities or communications from us.

Even if you opt-out of receiving promotional or marketing communications, you may continue to receive emails and notifications relating to Project Spark, service announcements, administrative notices, surveys, and/or other business-related communications.

7. Children’s Personal Information

In most instances, Discovery Education will only request the first name and email address of a child under 16 years old in order to complete an immediate request from the child. For students using the Site, any personal information that may be provided, which may include, but is not limited to, first and last name, email address, and school, may be provided by the school district, school, teacher, or individual using the Site.

Use of Personal Information Collected from Children

When we collect personal information from children under 16 years old, we will only use that information for the express purpose for which it was collected. The personal information will not be used for any other purpose.

Sharing of Personal Information Collected from Children

Except as provided in this Section, we do not share personal information collected from children under 16 years old with any third parties. We may, however, share a child’s personal information that we have collected from the child’s school district, school or from the child in the following limited instances:

- We may share a user’s personal information with their affiliated teacher, school, and/or school district. The user’s school may choose to share, and we may share at their request, the user’s personal information with new administrators or teachers.

- We may share such information with our authorized service providers who help us maintain our Site and provide other services to us. We seek to ensure that these service providers may not use the personal information for any other purpose. These service providers have agreed to maintain the confidentiality, security and integrity of the personal information.
- We may disclose a child's personal information to third parties if we believe we are required to do so in order to comply with law (including court orders and subpoenas); to comply with requests from law enforcement agencies or the government; to enforce our Terms of Use; to protect our rights, privacy, safety or property and the rights, privacy, safety or property of our employees or others; to protect our operations; and to permit us to pursue available remedies or limit the damages that we may sustain.

Note to Parents and Legal Guardians

Please contact Discovery Education at any time regarding privacy questions or concerns, or to request to review what personal information we have collected from a child. Parents may also contact us at any time to request that we delete the personal information of a child or a parent and/or refuse to permit further collection or use of a child's information. We will take steps to verify that any person contacting us for a child's information is that child's parent or guardian.

Discovery Education, Inc.

Attn: General Counsel

4350 Congress Street

Suite 700

Charlotte, NC 28209

Tel: 1-800-323-9084

Email: privacy@discoveryed.com

8. Other Important Information

Below, you will find additional privacy information you may find important.

Security

The security of your personal information is important to us. We follow generally accepted standards (including by taking physical, electronic and procedural measures) to protect the personal information that we collect and process.

While we are focused on the security of your personal information and follow strict standards, processes and procedures that are designed to protect your personal information, you must remember that the internet is a global communications vehicle open to threats, viruses and intrusions from others and so we cannot promise, and you should not expect, that we will be able to protect your personal information at all times and in all circumstances.

You should also take care with how you handle and disclose your personal information and should avoid sending personal information through insecure email. Please refer to the Federal Trade Commission's website at <http://www.ftc.gov> for information about how to protect yourself against identity theft.

No Rights of Third Parties

This Policy does not create rights enforceable by third parties.

Changes to this Policy

We will occasionally update this Policy to reflect material changes in our privacy practices. If we make any material changes in the way we collect, use, and/or share your personal information, we will notify you by posting the modified Policy on our Site and indicating at the top of the Policy the date it was last updated. We encourage you to review the Policy each time you visit one of our Site to see if this Policy has been updated since your last visit to make sure you understand how your personal information will be processed.

9. Age Screening

If we become aware that we have inadvertently received personal information from a child under the age of thirteen other than in a legally permissible situation, we will delete the information from our records as soon as we discover it.

10. Additional Information for Residents in Certain Jurisdictions

In this section, we set forth additional information as required under applicable privacy laws in certain jurisdictions.

A. California

In this section, we provide information for California residents as required under California privacy laws, including the California Consumer Privacy Act (the "CCPA"), which requires that we provide California residents certain specific information about how we handle their personal information, whether collected online or offline. This section does not address or apply to our handling of:

- Publicly available information made lawfully available by state or federal governments;
- Personal information we collect about job applicants, independent contractors, or current or former full-time, part-time and temporary employees and staff, officers, directors or owners of Discovery Education or Mystery Science; or
- Personal information about individuals acting for or on behalf of another company, to the extent the information relates to our transactions with such company, products or services that we receive from or provide to such company, or associated communications or transactions (except that such individuals have the right to opt-out of any sale of their personal information and to not be subject to any discrimination for exercising such right).

Categories of personal information that we collect and disclose. Our collection, use and disclosure of personal information about a California resident will vary depending upon the circumstances and nature of our interactions or relationship with such resident. The Section above entitled “Information We Collect and How We Collect It” sets out generally the categories of personal information (as defined by the CCPA) about California residents that we collect, sell, and disclose to others for a business purpose. We collect these categories of personal information from the sources described in the Section above entitled “Information We Collect and How We Collect It,” and for the purposes described in the Section above entitled “Purposes for Processing Personal Information.”

If you are a California resident, the CCPA grants you certain rights and imposes restrictions on particular business practices as set forth below:

- **Do-Not-Sell:** California residents have the right to opt-out of the sale of their personal information. **We do not sell personal information.**
- **Initial Notice:** We are required to notify California residents, at or before the point of collection of their personal information, the categories of personal information collected and the purposes for which such information is used.
- **Request to Delete:** California residents have the right to request deletion of their personal information that we have collected about them and to have such personal information deleted, except where an exemption applies. We will respond to verifiable requests received from California residents as required by law. The instructions for submitting a verifiable Request to Delete are described below.
- **Request to Know:** California residents have the right to request and, subject to certain exemptions, receive a copy of the specific pieces of personal information that we have collected, used, disclosed and sold about them in the prior 12 months and to have this delivered, free of charge, either (a) by mail or (b) electronically in a portable and, to the extent technically feasible, readily useable format that allows the individual to transmit this information to another entity without hindrance. California residents also have the right to request that we provide them certain information about how we have handled their personal information in the prior 12 months, including the:
 - categories of personal information collected;
 - categories of sources of personal information;
 - business and/or commercial purposes for collecting and selling their personal information;
 - categories of third parties with whom we have shared their personal information;
 - categories of personal information that we have sold in the preceding 12 months, and for each category identified, the categories of third parties to which we sold that particular category of information; and
 - categories of personal information disclosed for a business purpose in the preceding 12 months, and for each category identified, the categories of third parties to which we disclosed that particular category of personal information.

California residents may make a Request to Know up to twice every 12 months. We will respond to verifiable requests received from California residents as required by law. The instructions for submitting a verifiable Request to Know are described in the “Submitting Requests” section below.

- **Right to non-discrimination:** The CCPA prohibits discrimination against California residents for exercising their rights under the CCPA. Discrimination may exist where a business denies or provides a different level or quality of goods or services, or charges (or suggests that it will charge) different prices, rates, or penalties on residents who exercise their CCPA rights, unless doing so is reasonably related to the value provided to the business by the residents’ data.

If you are a California resident and would like to make a request to exercise your rights under the CCPA, please contact us at: privacy@discoveryed.com and insert “California Privacy Rights Request” in the subject line or call this toll free number: 1-800-323-9084. You may also designate an authorized agent to make a request on your behalf by submitting your authorization to us via a verified form of communication, such as through the email address you previously provided to us or previously used to communicate with us. Please allow forty-five (45) days for a response.

We will use the following process to verify Requests to Know and Requests to Delete: We will acknowledge receipt of your request, verify it using processes required by law, then process and respond to your request as required by law. To verify such requests, we may ask you to provide the following information:

- For a request to know categories of personal information which we collect, we will verify your identity to a reasonable degree of certainty by matching at least two data points provided by you against information in our systems which are considered reasonably reliable for the purposes of verifying a consumer’s identity.
- For a request to know specific pieces of personal information or for requests to delete, we will verify your identity to a high degree of certainty by matching at least three pieces of personal information provided by you to personal information maintained in our systems and also by obtaining a signed declaration under penalty of perjury that the requestor is the consumer whose personal information is the subject of the request.

An authorized agent can make a request on a California residents’ behalf by providing a power of attorney valid under California law, or providing: (1) proof that the consumer authorized the agent to do so; (2) verification of their own identity with respect to a right to know categories, right to know specific pieces of personal information, or requests to delete which are outlined above; and (3) direct confirmation that the consumer provided the authorized agent permission to submit the request.

We will respond to verifiable requests received from California residents as required by law. For more information about our privacy practices, you may contact us as set forth in the Section below entitled “Contact Us.”

Do Not Track Disclosure

Discovery Education and Mystery Science do not support Do Not Track browser settings and does not currently participate in any “Do Not Track” frameworks that would allow us to respond to signals or other mechanisms from you regarding the collection of your personal information.

11. Contact Us

If you have any questions about this Policy or our privacy practices, please contact us by email or postal mail as follows:

Discovery Education, Inc.
Attn: General Counsel
4350 Congress Street
Suite 700
Charlotte, NC 28209
Email: privacy@discoveryed.com
Tel: 1-800-323-9084