

For New York educational agencies, pursuant to N.Y. Education Law § 2-d:

"Student data" has the same definition as appears in N.Y. Education Law § 2-d.

1. Zearn shall maintain the confidentiality of the shared student data or teacher or admin data in accordance with federal and state law and the educational agency's policy on data security and privacy.
2. Zearn will not use personally identifiable information collected for any purpose not explicitly authorized by these Terms of Use.
3. Zearn shall not disclose any personally identifiable information to any other party without the prior written consent of the parent or eligible student;
 - a. except for authorized representatives of the third-party contractor such as a subcontractor or assignee to the extent they are carrying out the contract and in compliance with state and federal law, regulations and its contract with the educational agency; or
 - b. unless required by statute or court order and the third-party contractor provides a notice of disclosure to the department, district board of education, or institution that provided the information no later than the time the information is disclosed, unless providing notice of disclosure is expressly prohibited by the statute or court order
4. Zearn does not sell personally identifiable information nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.
5. Zearn uses the following administrative, operational and technical safeguards and practices in place to protect personally identifiable information:
 - a. Zearn limits internal access to personally identifiable information to only those employees or subcontractors that need access to provide the contracted services.
 - b. Encryption of data in transit and at rest at 128-bit encryption or better.
 - c. Two-factor authentication prior to access to personal identifiable information.
 - d. Antivirus and malware software.
6. Any Zearn employee who has access to student data or teacher or principal data has received or will receive training on the federal and state law governing confidentiality of such data prior to receiving access.
7. Zearn shares personally identifiable information with third-party service providers solely for the purposes of providing the Services. To ensure student personal data is protected, Zearn reviews the data security practices of its third-party service providers and obtains written assurances and agreements from them.
8. Zearn maintains an internal incident response plan to manage data security and privacy incidents that implicate personally identifiable information and to enable Zearn to notify educational agencies of unauthorized disclosure.
9. Zearn gives users control over the deletion of personal data through the product account dashboard, or by written request to privacy@zearn.org.