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September 2024

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# Ativion Education Privacy Notice

[www.Ativion.com](http://www.Ativion.com)

The logo for Ativion, featuring a stylized white 'A' followed by the word 'ATIVION' in a bold, sans-serif font. The background of the entire page is a dark blue color with two large, light blue, semi-transparent geometric shapes (a triangle and a parallelogram) that create a layered effect behind the text.

ATIVION

# Ativion Education Privacy Notice



**Last Updated and Effective Date: September 20, 2024**

The Ativion Group is a group of subsidiary companies of Impala Bidco and forms part of the Ativion and Netop companies as defined in our Group Structure available at [www.ativion.com/legal/group-structure](http://www.ativion.com/legal/group-structure) ("Ativion" or "we" or "us"). Ativion operates services, including websites, software, technologies, services, support services, applications, and accounts. Ativion is committed to respecting the privacy of information and data of the users of our applications and other individuals ("you").

The Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. section § 1232g; 34 CFR Part 99, is a Federal law that protects the privacy of student education records. FERPA provides custodial and noncustodial parents certain rights to access students' education records.

This Education Privacy Notice describes the rights provided with respect to the collection and use of information that falls within the definition of "education records" under FERPA that are collected in connection with or through use of our products or services, including any personally identifiable information ("PII") contained therein ("Student Data"). For definitions of certain capitalized terms, please refer to the Privacy Policy available at [www.ativion.com/legal/privacy-policy](http://www.ativion.com/legal/privacy-policy).

## 1. FERPA and COPPA

Ativion is a vendor to educational agencies and institutions, and Ativion is subject to FERPA and regulations related to the use and redisclosure of PII. Ativion will not disclose a student's PII without Version: September 2024 consent of the parent or guardian or a student who is 18 years or older, unless FERPA or applicable laws permit the disclosure of such information.

For more information about FERPA and further federal student and child data rights, please visit:

- U.S. Department of Education:  
<https://studentprivacy.ed.gov>

- Future of Privacy Forum:  
<https://studentprivacycompass.org>

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## 2. New York Parents' Bill of Rights

Ativion is committed to complying with the New York State Parents' Bill of Rights for Data Privacy and Security to the extent it applies to education technology contractors, and to supporting affiliated educational institutions in meeting their obligations thereunder.

For more information about New York State Education Law §2-d and the New York State Parents' Bill of Rights, please visit:

- New York State Department of Education:  
<https://www.nysed.gov/data-privacy-security>
- New York Regional Information Centres:  
<https://riconedpss.org/resources>

## 3. Student's Rights

Students or their parents or guardians may have the legal right (including under FERPA, COPPA and the U.S. State Privacy Laws (e.g., California Consumer Privacy Act (CCPA))) to access, correct, export or delete certain of their own PII information in the student record or content, or to make certain choices and to exercise certain rights. To make a request, please contact your school or school district educational institution or educational agency. We will help them provide the requested access or make appropriate corrections. If we receive such requests directly, we will refer those inquiries to the applicable educational institution to the extent required or permitted by applicable law or contract.

## 4. Right to Inspect and review Education Records.

- A parent, legal guardian or student has the right to submit to the educational institution, written requests that identify the student



record(s) they wish to inspect. student's request must be submitted to the educational institution's registrar, or the appropriate official at the educational institution. If the records are not maintained by the educational institution, the official at the educational institution will advise the student of the correct entity to whom the request should be addressed.

- All requests shall be granted or denied in writing within 45 days of receipt. If the request is granted, you will be notified of the time and place where the records may be inspected.
- If the request is denied or not responded to within 45 days, you may appeal to the educational institution's FERPA appeals officer. Additional information regarding the appeal procedures will be provided to you if a request is denied.
- Educational institutions are not required to provide copies of records unless, for reasons such as great distance, it is impossible for students to review the records.

## 5. Right to Request Amendment of student's Education Records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights

- A parent, legal guardian or student may request the educational institution to the amendment of the student's education records that the parent, legal guardian or student believes are inaccurate,

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misleading, or otherwise in violation of the student's privacy rights under FERPA.

- You should write to the official of the educational institution responsible for the record, clearly identify the part of the record you want changed and specify why it should be changed.
- If the educational institution decides not to amend the record as requested by you, the educational institution will notify you of the decision in writing and will advise you of your right to a hearing before the educational institution's FERPA appeals officer regarding the request for amendment. Additional information regarding the hearing procedures will be provided to you by the educational institution when notified of your right to a hearing.

## **6. The right to provide consent to disclosure, except to the extent that FERPA authorizes disclosure without consent.**

A parent, guardian, or student has the right to provide written consent prior to the educational institution disclosing PII contained in the student's education records. However, there are exceptions.

Exceptions which permit disclosure without consent is disclosure to educational institution's officials with legitimate educational interests include the following:

- To other officials, including teachers, within the educational information whom the educational institution has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the educational institution has outsourced institutional services or functions, provided that certain



conditions are met;

- To officials of another educational institution where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to certain requirements of the regulations;
- To authorized representatives of the U. S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made, subject to certain requirements, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf;
- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid.

- To organizations conducting studies for, or on behalf of, the educational institution, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction.
- To accrediting organizations to carry out their accrediting functions.
- To parents of an eligible student if the student is a dependent for IRS tax purposes.
- To comply with a judicial order or lawfully issued subpoena.
- To appropriate officials in connection with a health or safety emergency, subject to certain regulations
- Information the educational institution has designated as “directory information”.
- To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to certain requirements. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding.
- To the general public, the final results of a disciplinary proceeding, subject to certain requirements under the regulation, if the educational institution determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the educational institution’s rules or policies with respect to the allegation made against him or her.
- To parents of a student regarding the student’s violation of any Federal, State, or local law, or of any rule or policy of the educational institution, governing the use or possession of alcohol or a controlled substance if the educational institution determines the student committed a disciplinary violation and the student is under the age of 21



## 7. Right to File a Complaint

Parents, guardians, and eligible students have the right to file complaint with the U.S. Department of Education for alleged failures by the educational institution to comply with FERPA.

The contact information for the U.S. Department of Education is the following:

**Attn: Family Policy Compliance Office,  
U.S. Department of Education,  
400 Maryland Avenue SW  
Washington, D.C. 20202**

## 8. Directory Information

Under FERPA, educational institutions may designate certain personal information in a student’s education records as Directory Information. Directory Information is generally defined as information not considered harmful or an invasion of privacy if released and allows the educational institution to release the Directory Information.

Directory Information includes:

- name
- attendance dates (periods of enrolment)
- address
- telephone number
- place of birth
- photograph
- email address
- full- or part-time status
- enrolment status (undergraduate, graduate, etc.)

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- level of education (credits) completed
  - major field of study
  - degree enrolled for
  - participation in officially recognized activities and sports
  - height and weight of athletic team members
  - previous school attended
  - degrees, honours and awards received



By submitting a “Request to Prevent Disclosure of Directory Information” form with your educational institution, current and former students may request that any or all of this directory information not be released without their prior written consent.

## 9. Contact Us

If you have any questions about this Education Privacy Notice or our use of your personal data, please contact us:

By mail:

**Impero Solutions Inc. d/b/a Ativion**  
**Attn: Student Privacy**  
**10300 SW Greenburg Rd,**  
**Suite 303, Portland, OR 97223**

By email:

**[dpo@ativion.com](mailto:dpo@ativion.com)**