

Privacy & Security

EXAMITY, Inc.

Examity, Inc. (“Examity”) is committed to protecting the privacy and security of the data of its clients and associates (hereafter, “Users”). We want you to understand how we collect and use information through our product and services (hereafter, “Site”) so you can interact with Examity with confidence. By using Examity’s Site you accept and agree to the practices this Privacy Policy describes.

Information We Collect

When you use our Site, we may collect and use personally identifiable information about you, as well as other information. More specifically, when you use our Site, we may collect the following information:

Information relating to your education, including an educational institution’s name, student’s name, the name of the student’s parent or other family members, the address of the student or student’s family, personal identifiers such as the student number or biometric record[1], other indirect identifiers, such as student’s date of birth, other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty, or information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates, as well as other personally identifiable information about other customers or employees, including, but not limited to, driver’s license number or state-issued identification card number, financial account number, credit card number, or debit card number with or without any required security code, access code, personal identification number or password, that would permit access to an individual’s financial account.

If our online proctoring services are used, your webcam and computer screen may be monitored, viewed, recorded, and/or audited to ensure the integrity of the exams, including by Examity, proctors, and university and/or test sanctioning body staff. This means that you and your immediate surroundings, and anything else within range of your webcam or viewable on your computer screen, may be monitored, viewed, recorded, and/or audited during your exam.

Use of Your Information

We use the information we collect from you primarily to enable us to provide our services in the best possible manner, including our online proctoring and exam integrity services. In addition, your information may be used for the following purposes:

- To present our Site and its contents to you;
- To provide you with information, products or services that you request from us;
- To fulfill any other purpose for which you provide it;
- To provide you with notices about your account;

- To carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection;
- To notify you about changes to our Site or any products or services we offer or provide through it;
- To allow you to participate in interactive features on our Site;
- To administer our Site, including by monitoring and analyzing our Site traffic and usage patterns;
- In any other way we may describe when you provide the information;
- For any other purpose with your consent;
- As otherwise described to you when collecting your personal information; or
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us about our consumers is among the assets transferred.

Security

We use commercially suitable physical, electronic, and managerial procedures to safeguard and secure the information we collect. These procedures include, but are not limited to, firewalls, encryption, intrusion detection, and Site monitoring. We also limit access to any personally identifiable information we receive to staff who need access to that information in order to do their jobs. However, no data protection procedures are entirely infallible. As a result, while we strive to protect your personally identifiable information, we cannot guarantee that it will be 100% secure. Your transmission of your data to our Site thus is done entirely at your own risk.

Sharing Your Information

We may share your personal information as follows:

Generally: We may share your personal information with trusted third parties or our affiliates to assist us in providing our service (a “Business Purpose”), including by acting on our behalf to process credit card payments and provide customer assistance. Such third parties have access to personal information as needed to perform their functions, but they are not allowed to use it for other purposes. When we disclose personal information for a Business Purpose, we enter a contract that describes the purpose and requires the recipient to both keep that personal information confidential and not use it for any purpose except performing the contract. We share your personal information with the following categories of third parties:

- Service providers for the processing and storage of digital data
- Service providers for the processing and storage of video data
- Service providers for the processing and storage of credit card data

We do not sell or rent personal information collected through Examity’s Site to anyone.

Other Circumstances: We may disclose your personal information to third parties if we are involved in a merger, acquisition, or sale of any or all of our business and/or our assets to a third party, or if we have a good faith belief that disclosure is necessary to:

- Comply with applicable laws, regulations, legal process (such as a subpoena), or lawful requests by public authorities, including to meet national security or law enforcement requirements;
- Enforce applicable Terms of Service, including investigation of potential violations of such Terms, or to detect, prevent, or otherwise address fraud, security, or technical issues;
- Protect against harm to the rights, property, or safety of Examity, our Users, or the public as required or permitted by law; and/or
- Comply with Student Privacy Pledge that allows parental access to, and correction of errors in, their children's information when Users under 18 years of age interact with our system.

Third Party Websites and Social Media Features

Examity's Site may contain links to other sites, including those of third parties or business partners. While we seek to link only to sites that share our high standards and respect for privacy, we cannot be responsible for the privacy practices other websites use. By accessing other third-party websites or applications through our Site, you are consenting to the terms and privacy policies of those websites. It is possible that other parties may collect personally identifiable information about your online activities over time and across different websites when you use Examity's Site.

Review and Correction of Your Information

You may review and edit the information Examity collected about you at any time by contacting us at the address below.

California Privacy Rights

California Civil Code Section §1798.83 allows California residents to ask companies with whom they have an established business relationship to provide certain information about the companies' sharing of personal information with third parties for direct marketing purposes. Examity does not share any California consumer personal information with third parties for marketing purposes without consent. California Users who wish to request further information about our compliance with this law or have questions or concerns about our privacy practices may contact us using the contact information set forth below.

If you are a California resident, please see our [California Resident Privacy Notice](#), below.

Visitors from the European Union and European Economic Area

Examity's Site is hosted and operated in the United States ("US"). Unless you have been informed otherwise, by using the Site, you are consenting to the transfer of your personal information to the US. If you are accessing the Site from outside the US, please be advised that US law may not offer the same privacy protections as the law of your jurisdiction.

If you are a resident of the European Union or the European Economic Area, please see our **European Union and European Economic Area Resident Privacy Notice**, below.

Privacy Policy Updates

This Privacy Policy was last updated on January 13, 2020.

We update the Privacy Policy from time to time, so please review it regularly. If we materially change our Privacy Policy, we will notify you by contacting you through your user account email address or by posting a notice on our Site and request new consent. If Examity wishes to disclose personal information collected to a third party, appropriate notice and choice will be issued to the individuals for whom the personal information pertains to. Your continued use of the Site will be deemed your agreement that your information may be used in accordance with the new policy. If you do not agree with the changes, then you should stop using the Site and notify us that you do not want your information used in accordance with the changes.

Contacting Us

We welcome any questions, comments, or complaints you may have regarding this Privacy Policy. Please do not hesitate to contact us at:

Examity
153 Needham Street
Newton, MA 02464
Info@examity.com or support@examity.com
855-Examity (855-392-6489)

[1] A “biometric record” is a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, such as fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting.

APPENDIX A

California Resident Privacy Notice

The below privacy notice supplements the information contained in this Privacy Policy and applies solely to California residents or those protected by California law. We adopt this notice to comply with the California Consumer Privacy Act of 2018 (CCPA) and any terms defined in the CCPA have the same meaning when used in this Notice.

Information We Collect:

We collect information that identifies, relates to, describes, references, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer, household, or device (“personal information”). Personal information does not include:

- Publicly available information from government records.
- Deidentified or aggregated consumer information.

In particular, we have collected the following categories of personal information from our Users within the last twelve (12) months:

Category	Examples	Collected
A. Identifiers.	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, driver’s license number, passport number, or other similar identifiers.	YES
B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver’s license or state identification card number. Some personal information included in this category may overlap with other categories.	YES
C. Protected classification characteristics under California or federal law.	Age (40 years or older), race, color, citizenship, physical or mental disability, sex (including gender, gender identity, gender expression).	YES
D. Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	NO
E. Biometric information.	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a	YES

	template or other identifier or identifying information, such as fingerprints, faceprints, and voiceprints, keystroke.	
F. Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	NO
G. Geolocation data.	Physical location or movements.	YES
H. Sensory data.	Audio, electronic and visual.	YES
I. Professional or employment-related information.	Current or past job history or performance evaluations.	NO
J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as class lists, student identification codes.	YES
K. Inferences drawn from other personal information.	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	NO

We obtain the categories of personal information listed above from the following categories of sources:

- Directly from you. For example, from forms you complete or products and services you purchase.
- Indirectly from you. For example, from observing your actions on our Site.

Use of Personal Information

We may use the personal information we collect for the purposes described in the Privacy Policy above.

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

Sharing Personal Information

We may disclose your personal information to a third party for a Business Purpose, as described in the Privacy Policy above.

Disclosures of Personal Information for a Business Purpose

In the preceding twelve (12) months, Examity has not disclosed the following categories of personal information for a business purpose:

Category A: Identifiers.

Category B: California Customer Records personal information categories.

Category C: Protected classification characteristics under California or federal law.

Category E: Biometric information.

Category F: Internet or other similar network activity.

Category H: Sensory data.

Category J: Non-public education information.

Sales of Personal Information

In the preceding twelve (12) months, Examity has not sold personal information.

Your Rights and Choices

The CCPA provides consumers (California residents) with specific rights regarding their personal information. This section describes your CCPA rights and explains how to exercise those rights.

Access to Specific Information and Data Portability Rights

You have the right to request that we disclose certain information to you about our collection and use of your personal information over the past twelve (12) months. Once we receive and confirm your verifiable consumer request (see Exercising Access, Data Portability, and Deletion 0), we will disclose to you:

- The categories of personal information we collected about you.
- The categories of sources for the personal information we collected about you.
- Our business or commercial purpose for collecting or selling that personal information.
- The categories of third parties with whom we share that personal information.
- The specific pieces of personal information we collected about you (also called a data portability request).
- If we disclosed your personal information for a business purpose, two separate lists disclosing:
 - disclosures for a business purpose, identifying the personal information categories that each category of recipient obtained.

Deletion Request Rights

You have the right to request that we delete any of your personal information that we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request (see Exercising Access, Data Portability, and Deletion 0), we will delete (and direct

our service providers to delete) your personal information from our records, unless an exception applies.

We may deny your deletion request if retaining the information is necessary for us or our service provider(s) to:

1. Complete the transaction for which we collected the personal information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, fulfill the terms of a written warranty or product recall conducted in accordance with federal law, or otherwise perform our contract with you.
2. Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
3. Debug products to identify and repair errors that impair existing intended functionality.
4. Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
5. Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 *et seq.*).
6. Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
7. Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
8. Comply with a legal obligation.
9. Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

Exercising Access, Data Portability, and Deletion Rights

To exercise the access, data portability, and deletion rights described above, please submit a verifiable consumer request to us by either:

- Calling us at 855-392-6489
- Emailing us at info@examity.com
- Visiting [Examity.com](https://examity.com)

Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your personal information. You may also make a verifiable consumer request on behalf of your minor child. You may only make a verifiable consumer request for access or data portability twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative, which may include the user's first name, last name, email address, exam date and time, and exam ID.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

We cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request and confirm the personal information relates to you.

Making a verifiable consumer request does not require you to create an account with us. However, we do consider requests made through your password-protected account sufficiently verified when the request relates to personal information associated with that specific account.

We will only use personal information provided in a verifiable consumer request to verify the requestor's identity or authority to make the request.

Response Timing and Format

We endeavor to respond to a verifiable consumer request within forty-five (45) days of its receipt. If we require more time (up to 45 days), we will inform you of the reason and extension period in writing.

If you have an account with us, we will deliver our written response to that account. If you do not have an account with us, we will deliver our written response by mail or electronically, at your option.

Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance.

We do not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

Non-Discrimination

We will not discriminate against you for exercising any of your CCPA rights. Unless permitted by the CCPA, we will not:

- Deny you goods or services.
- Charge you different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

However, we may offer you certain financial incentives permitted by the CCPA that **can result** in different prices, rates, or quality levels. Any CCPA-permitted financial incentive we offer will reasonably relate to your personal information's value and contain written terms that describe the program's material aspects. Participation in a financial incentive program requires your prior opt-in consent, which you may revoke at any time.

APPENDIX B**European Union and European Economic Area Resident Privacy Notice**

Examity is a leading online proctoring firm and consumer privacy is one of the most important tenets of our business. Examity complies with the EU-US Privacy Shield Framework, as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union to the United States. Examity's participation in the Privacy Shield is part of compliance with the EU General Data Protection Regulation 2016/679 ("GDPR"). Examity has certified to the Department of Commerce that it adheres to the Privacy Shield Principles. If there is any conflict between the terms in this privacy policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our Certification please [visit https://www.privacyshield.gov](https://www.privacyshield.gov).

Examity may receive, maintain, or transmit personal information ("PI") (as defined below) in its course of business.

PI includes, but is not limited to, an educational institution's name, student's name, the name of the student's parent or other family members, the address of the student or student's family, personal identifier such as the student number or biometric record, other indirect identifiers, such as student's date of birth, other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty, or information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates, as well as other personally identifiable information about other customers or employees, including, but not limited to, driver's license number or state-issued identification card number, financial account number, credit card number, or debit card number with or without any required security code, access code, personal identification number or password, that would permit access to an individual's financial account.

1. Notice

Examity informs individuals about the purpose for which it collects and uses information about them, how to contact the organization with inquiries or complaints, the choices and means Examity offers individuals for limiting its use and disclosure, and how it is secured. This Notice is provided in a clear and conspicuous language when individuals are first asked to provide personal information while creating their profiles.

2. Choice

Examity does not intend to disclose customer's personal information with a third party or use the collected information for a purpose that is incompatible with the purpose(s) for which this information was originally collected. If Examity wishes to disclose personal information collected to a third party, appropriate notice and choice will be issued to the individuals for whom the personal information pertains to.

3. Security

Examity understands the need for security of personal data and has taken adequate measures to protect it from loss, misuse, and unauthorized access, disclosure, alteration, and destruction. Examity uses an SSAE-certified datacenter that adheres to the EU-US Privacy Shield Framework to manage and process data for its daily operations. Additional information on Examity's security handling is available in Examity's security policy, which can be obtained by contacting Examity.

4. Data Integrity

Personal information collected by Examity is relevant for the purpose for which it is to be used. Examity does not process or use personal information in a way that is incompatible with the purpose for which it has been collected or subsequently authorized by the individual. Examity's staff are thoroughly briefed on using personal data in a manner consistent with Examity's privacy policy before granting access to personal information.

5. Access, Correction, and Deletion

Examity ensures that individuals have access to the personal data they have provided to Examity. Individuals will be able to correct, amend, or delete that information, except where the burden or expense of providing access would be disproportionate to the risks to the individual's privacy in the case in question, where the rights of persons other than the individual would be violated, or as otherwise permitted by the GDPR. Examity employs role-based permissions to ensure adequate access and security is provided to the stored personal information.

6. Onward Transfer

Examity is responsible for taking all reasonable steps to protect data transferred to third parties. Examity requires such third parties to enter into contracts ensuring that your data is only processed for the limited and specified purposes consistent with your authorization. We require that the third-party recipients provide the same level of protection as reflected in the EU-US Privacy Shield principles as well as the GDPR and will take all reasonable and appropriate steps to ensure that the third-party recipient effectively processes the personal information. Upon request, we will provide a summary or a representative copy of the relevant privacy provisions of our contract with the third-party recipient.

7. Enforcement

Examity provides recourse mechanisms to individuals to assure compliance with the EU-US Privacy Shield Framework. Examity's internal recourse and dispute resolution mechanism is comprehensive and provides a readily available, affordable and transparent way to address privacy concerns of individuals. Examity acknowledges the possibility, under certain conditions, for individuals to invoke binding arbitration. Individuals with concerns or complaints regarding their privacy can reach out to our support team via phone, email and chat.

8. Dispute Resolution Mechanism

Examity is subject to the investigatory and enforcement powers of the Federal Trade Commission and will cooperate with the European Data Protection Authorities (“DPAs”) to avail dispute resolution mechanisms for individuals to whom the data relates. Examity shall cooperate with the DPAs in the investigation and resolution of complaints brought under the EU-US Privacy Shield Framework and will comply with any advice given by the DPAs where the DPAs take the view that Examity needs to take specific action to comply with the Privacy Shield Principles, including remedial or compensatory measures for the benefit of individuals affected by any non-compliance with the Principles.

9. Training

Examity’s privacy policies and procedures shall be documented, reviewed yearly, and updated as necessary in response to environmental or operational changes affecting privacy of Examity’s PI. The yearly review of documentation will be handled by the CTO’s office and duly signed off by senior management. In addition to the internal review, Examity shall establish its security training to comply with the EU-US Privacy Shield Framework. All employees of Examity receive a copy of Examity’s data security policies and procedures during the onboarding process and are expected to read and fully comply with these policies and procedures when performing their job duties.

10. Privacy Shield and GDPR Contact Point

The Chief Technology Officer of Examity shall serve as the contact point for Privacy Shield and GDPR-related information requests, assessment and discussions.