

Merlyn Mind Classroom Solution Privacy Policy

Effective date: 30th October, 2023

At Merlyn Mind, we take your privacy seriously. Please read this Privacy Policy to learn how we treat your Personal Information. **By using or accessing the Merlyn Mind Classroom Solution in any manner, you acknowledge that you accept the practices and policies outlined below, and you hereby consent that we will collect, use and share your information as described in this Privacy Policy.**

Remember that your use of Merlyn Mind's Classroom Solution is at all times subject to our Merlyn Mind Customer Agreement and the Merlyn Mind Classroom Solution Instructor [Terms of Use](#) (together, the "Agreement") which incorporates this Privacy Policy. Any terms we use in this Policy without defining them have the definitions given to them in the Agreement. This Privacy Policy does not apply to your use of any Merlyn Mind website, including but not limited to, www.merlyn.org, which is governed by the [Website Terms of Use](#) and [Website Privacy Policy](#).

As we continually work to improve the Merlyn Mind Classroom Solution, we may need to change this Privacy Policy from time to time. We will alert you of material changes by placing a notice on the Merlyn Mind website, by sending you an email, and/or by some other means. Please note that if you've opted not to receive legal notice emails from us (or you haven't provided us with your email address), those legal notices will still govern your use of the Merlyn Mind Classroom Solution, and you are still responsible for reading and understanding them. If you use the Merlyn Mind Classroom Solution after any changes to the Privacy Policy have been posted, that means you agree to all of the changes.

Privacy Policy Table of Contents

[What this Privacy Policy Covers](#)

[Personal Information](#)

- [Categories of Personal Information We Collect](#)
- [Categories of Sources of Personal Information](#)
- [Our Commercial or Business Purposes for Collecting or Disclosing Personal Information](#)

[How We Disclose Your Personal Information](#)

[Tracking Tools and Opt-Out](#)

[Data Security](#)

[Personal Information of Children](#)

[Other State Law Privacy Rights](#)

[European Union and United Kingdom Data Subject Rights](#)

[Contact Information](#)

What this Privacy Policy Covers

This Privacy Policy covers how we treat Personal Information that we gather when you access or use the Merlyn Mind Classroom Solution. "Personal Information" means any information that identifies or relates to a particular individual and also includes information referred to as "personally identifiable information" or "personal data" under applicable data privacy laws, rules or regulations. This Privacy Policy does not cover the practices of companies we don't own or control or people we don't manage.

Personal Information

Categories of Personal Information We Collect

Categories of Personal Information We Collect About Institution Parties

This charts detail the categories of Personal Information that we may collect or may have collected about any Institution Parties over the past 12 months in relation to a Merlyn Mind Classroom Solution:

<u>Category of Personal Information</u>	<u>Examples of Personal Information We Collect</u>	<u>Categories of Third Parties With Whom We Disclose Personal Information to:</u>
Profile or Contact Data	• First and last name • Email • Address • Phone number • Unique identifiers such as passwords	• Service Providers • Parties You Authorize, Access or Authenticate
Payment Data	• Financial account information • Bank account information • Billing address	• Service Providers • Parties You Authorize, Access or Authenticate
Commercial Data	• Purchase history	• Service Providers
Technical, Analytics & Usage Data	• IP address (including location data derived from your IP address) • Device ID • Domain server • Type of device/operating system/browser used to access the Merlyn Mind Classroom Solution • Browsing history, including other websites open within your browser or stored in your bookmarks • Statistics associated with the interaction between device or browser and the Merlyn Mind Classroom Solution, including clickstream patterns • Web page interactions • Referring webpage/source through which you accessed the Merlyn Mind Classroom Solution	• Service Providers • Analytics Partners
Professional or Employment-Related Data	• Job title • Institution • Grade and subject taught	• Service Providers • Analytics Partners • Parties You Authorize, Access or Authenticate
Recordings	• Audio recordings of you, which are not used to identify you • Audio recordings of your environment, which are not used to identify you • Transcripts of audio recordings captured by the Merlyn Mind Classroom Solution	• Service Providers • Parties You Authorize, Access or Authenticate
Inferences Drawn From Other Personal Information Collected	• Inferences about your use of Merlyn Mind Classroom Solutions (such as your most utilized features)	• Service Providers • Analytics Partners
Other Identifying Information that You	• Identifying information in emails, letters, texts, surveys, or other communication you	• Service Providers • Analytics Partners

Voluntarily Choose to Provide	send us or disclose through the Merlyn Mind Classroom Solution, including but not limited to discussion boards and chat functions - Any other identifying information you authorize Merlyn Mind to access or elect to share with Merlyn Mind, including identifying information from third-party services and any documents, files or data - Any derivatives of such data, including but not limited to audio recordings and transcripts of audio recordings	Parties You Authorize, Access or Authenticate
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Categories of Personal Information We Collect About Participants

These charts detail the categories of Personal Information that we may or may have collected about a Participant over the past 12 months in relation to a Merlyn Mind Classroom Solution:

<u>Category of Personal Information</u>	<u>Examples of Personal Information We Collect</u>	<u>Categories of Third Parties With Whom We Share this Personal Information:</u>
Profile or Contact Data	- First and last name, to the extent provided by Institution Parties - Email, to the extent provided by Institution Parties	- Service Providers - Parties You Authorize, Access or Authenticate
Non-Public Education Data	- Classes enrolled in - Grades or transcripts - Identifying information in Participant assignments or discussions	- Service Providers - Parties You Authorize, Access or Authenticate
Recordings	- Audio recordings of Participants and transcriptions of such audio recordings, which are not used to identify individual Participants - Audio recordings and transcriptions of such audio recordings of Participants' environment, which are not used to identify individual Participants - Transcripts of audio recordings captured by the Merlyn Mind Classroom Solution	- Service Providers - Parties You Authorize, Access or Authenticate
Other Identifying Information that You Voluntarily Choose to Provide	- Identifying information in any Content, emails, letters, texts, or other communication you send us or disclose through the Merlyn Mind Classroom Solution, including but not limited to discussion boards and chat functions - Any derivatives of such data, including but not limited to audio recordings and transcripts of audio recordings	- Service Providers - Parties You Authorize, Access or Authenticate

Categories of Sources of Personal Information

We collect Personal Information about you from the following categories of sources:

- **You**
 - When you provide such information directly to us.
 - When you create an account or use our interactive tools and The Merlyn Mind Classroom Solution.
 - When you voluntarily provide information in free-form text boxes through the Merlyn Mind Classroom Solution or through responses to surveys or questionnaires.
 - When you send us an email or otherwise contact us.
 - When you use the Merlyn Mind Classroom Solution and such information is collected automatically.
 - Through Cookies (defined in the “Tracking Tools and Opt-Out” section below).
 - If you use a location-enabled browser, we may receive information about your location.
 - If you download, install, or run certain applications and software necessary to use the Merlyn Mind Classroom Solution, we may receive and collect information transmitted from your computing device for the purpose of providing you the relevant Merlyn Mind Classroom Solutions, such as information regarding when you are logged on and available to receive updates or alert notices.
- **Third Parties**
 - Vendors
 - We may use analytics providers to analyze how you interact and engage with the Merlyn Mind Classroom Solution, or third parties may help us provide you with customer support.
 - We may use vendors to obtain information to generate leads and create user profiles.

Our Commercial or Business Purposes for Collecting or Disclosing Personal Information

- **Providing, Customizing and Improving the Merlyn Mind Classroom Solution**
 - Creating and managing your account or other user profiles.
 - Providing you with the products, services or information you request.
 - Meeting or fulfilling the reason you provided the information to us.
 - Providing support and assistance for the Merlyn Mind Classroom Solution.
 - Improving the Merlyn Mind Classroom Solution, including testing, research, internal analytics and product development.
 - Personalizing the Merlyn Mind Classroom Solution, website content and communications based on your preferences.
 - Doing fraud protection, security and debugging.
 - Carrying out other business purposes stated when collecting your Personal Information or as otherwise set forth in applicable data privacy laws, such as the GDPR (as defined below).
- **Marketing the Merlyn Mind Classroom Solution**
 - Marketing and selling the Merlyn Mind Classroom Solution. Merlyn Mind does not disclose Participant Personal Information for marketing purposes.

- **Corresponding with You**
 - Responding to correspondence that we receive from you, contacting you when necessary or requested, and sending you information about Merlyn Mind or the Merlyn Mind Classroom Solution.
 - Sending emails and other communications according to your preferences or that display content that we think will interest you.
- **Meeting Legal Requirements and Enforcing Legal Terms**
 - Fulfilling our legal obligations under applicable law, regulation, court order or other legal process, such as preventing, detecting and investigating security incidents and potentially illegal or prohibited activities.
 - Protecting the rights, property or safety of you, Merlyn Mind or another party.
 - Enforcing any agreements with you.
 - Responding to claims that any posting or other content violates third-party rights.
 - Resolving disputes.

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.

How We Disclose Your Personal Information

We disclose your Personal Information to the categories of service providers and other parties listed in this section. Depending on state laws that may be applicable to you, some of these disclosures may constitute a “sale” of your Personal Information. For more information, please refer to the state-specific sections below.

- **Service Providers.** These parties help us provide the Merlyn Mind Classroom Solution or perform business functions on our behalf. They include:
 - Hosting, technology and communication providers.
 - Security and fraud prevention consultants.
 - Support and customer service vendors.
 - Audio transcription providers and processors.
 - Product fulfillment and delivery providers, including resellers and distributors.
 - Providers of Third Party Solutions.
- **Analytics Partners.** These parties provide analytics on web traffic or usage of the Merlyn Mind Classroom Solution. They include:
 - Companies that track how users found or were referred to the Merlyn Mind Classroom Solution.
 - Companies that track how users interact with the Merlyn Mind Classroom Solution.
- **Parties You Authorize, Access or Authenticate.**
 - Third parties you access through the Merlyn Mind Classroom Solution.
 - Your Institution.

Legal Obligations

We may share any Personal Information that we collect with third parties in conjunction with any of the activities set forth under “Meeting Legal Requirements and Enforcing Legal Terms” in the “Our Commercial or Business Purposes for Collecting Personal Information” section above.

Business Transfers

All of your Personal Information that we collect may be transferred to a third party if we undergo a merger, acquisition, bankruptcy or other transaction in which that third party assumes control of our business (in whole or in part). Should one of these events occur, we will make reasonable efforts to notify you before your information becomes subject to different privacy and security policies and practices.

Data that is Not Personal Information

We may create aggregated, de-identified or anonymized data from the Personal Information we collect, including by removing information that makes the data personally identifiable to a particular user. We may use such aggregated, de-identified or anonymized data and share it with third parties for our lawful business purposes, including to analyze, build and improve the Merlyn Mind Classroom Solution and promote our business, provided that we will not share such data in a manner that could identify you or any Participant, Instructor or IT Administrator.

Tracking Tools and Opt-Out

The Merlyn Mind Classroom Solution uses cookies and similar technologies such as pixel tags, web beacons, clear GIFs and JavaScript (collectively, “Cookies”) to enable our servers to recognize your web browser, tell us how and when you visit and use the Merlyn Mind Classroom Solution, analyze trends, learn about our user base and operate and improve the Merlyn Mind Classroom Solution. Cookies are small pieces of data— usually text files – placed on your computer, tablet, phone or similar device when you use that device to access the Merlyn Mind Classroom Solution. We may also supplement the information we collect from you with information received from third parties, including third parties that have placed their own Cookies on your device(s).

We use the following types of Cookies:

- Essential Cookies. Essential Cookies are required for providing you with features or services that you have requested. For example, certain Cookies enable you to log into secure areas of the Merlyn Mind Classroom Solution. Disabling these Cookies may make certain features and services unavailable.
- Functional Cookies. Functional Cookies are used to record your choices and settings regarding the Merlyn Mind Classroom Solution, maintain your preferences over time and recognize you when you return to the Merlyn Mind Classroom Solution. These Cookies help us to personalize our content for you, greet you by name and remember your preferences (for example, your choice of language or region).
- Performance/Analytical Cookies. Performance/Analytical Cookies allow us to understand how visitors use the Merlyn Mind Classroom Solution. They do this by collecting information about the number of visitors to the Merlyn Mind Classroom Solution, what pages visitors view on the Merlyn Mind Classroom Solution and how long visitors are viewing pages on the Merlyn Mind Classroom Solution. Performance/Analytical Cookies also help us measure the performance of our advertising campaigns in order to help us improve our campaigns and the Merlyn Mind Classroom Solution’ content for those who engage with our advertising. For example, Google LLC (“Google”) uses cookies in connection with its Google Analytics services. Google’s ability to use and share information collected by Google Analytics about your visits to the Merlyn Mind Classroom Solution is subject to the Google Analytics Terms of Use and the Google Privacy Policy. You have the option to opt-out of Google’s use of Cookies

by visiting the Google advertising opt-out page at www.google.com/privacy_ads.html or the Google Analytics Opt-out Browser Add-on at <https://tools.google.com/dlpage/gaoptout/>.

You can decide whether or not to accept Cookies through your internet browser's settings. Most browsers have an option for turning off the Cookie feature, which will prevent your browser from accepting new Cookies, as well as (depending on the sophistication of your browser software) allow you to decide on acceptance of each new Cookie in a variety of ways. You can also delete all Cookies that are already on your device. If you do this, however, you may have to manually adjust some preferences every time you visit our website and some of the Merlyn Mind Classroom Solution and functionalities may not work.

To find out more information about Cookies generally, including information about how to manage and delete Cookies, please visit <http://www.allaboutcookies.org/> or <https://ico.org.uk/for-the-public/online/cookies/> if you are located in the European Union or United Kingdom, respectively.

Data Security

We seek to protect your Personal Information from unauthorized access, use and disclosure using appropriate physical, technical, organizational and administrative security measures based on the type of Personal Information and how we are processing that data. You should also help protect your data by appropriately selecting and protecting your password and/or other sign-on mechanism; limiting access to your computer or device and browser; and signing off after you have finished accessing your account. Although we work to protect the security of your account and other data that we hold in our records, please be aware that no method of transmitting data over the internet or storing data is completely secure.

Data Retention

We retain Personal Information about you for as long as necessary to provide you with the Merlyn Mind Classroom Solution or to perform our business or commercial purposes for collecting your Personal Information. When establishing a retention period for specific categories of data, we consider who we collected the data from, our need for the Personal Information, why we collected the Personal Information, and the sensitivity of the Personal Information. In some cases we retain Personal Information for longer, if doing so is necessary to comply with our legal obligations, resolve disputes or collect fees owed, or is otherwise permitted or required by applicable law, rule or regulation. We may further retain information in an anonymous or aggregated form where that information would not identify you personally.

For example:

- We retain your profile information and credentials for as long as you have an account with us.
- We retain your payment data for as long as we need to process your purchase or subscription.
- We retain audio recordings for as long as we need to make a transcription of such recording. Audio data is never used to identify Participants.

Family Educational Rights and Privacy Act (FERPA)

Certain Personal Information of Participants may be subject to FERPA, 34 C.F.R. §99 et. seq. We remain under the “direct control” of the Institutions we provide Merlyn Mind Classroom Solutions to with respect to the use and handling of any FERPA-protected “education records.”

Personal Information of Children

We use Participant Personal Information only to support the legitimate educational interests of the Institution as governed by the Agreement, and we require Institution Parties to obtain any necessary consents to use and deploy the Merlyn Mind Classroom Solution, including those under the Children’s Online Privacy Protection Act (“COPPA”).

If you choose to use the Merlyn Mind Classroom Solution in environments with Participants under age 13, you agree that you will not collect or solicit personally identifiable information from or about any person, including a Participant under the age of 13 without obtaining verifiable consent from that child’s parent or guardian (“Parental Consent”), except for the limited amount of personally identifiable information you need to collect in order to obtain Parental Consent (“Required Information”). Until you have received Parental Consent, please do not attempt to send any Personal Information about any Participant under the age of 13. If you believe that Participant under 13 years of age has provided us with Personal Information (beyond the Required Information) without our obtaining Parental Consent, please contact us at privacy@merlyn.org. We do not condition participation in the Merlyn Mind Classroom Solution on disclosure of more Personal Information from any person under 13 years of age than is reasonably necessary for that participation, and we do not retain Personal Information from children under 13 years of age longer than is reasonably necessary in order to fulfill the purpose for which it was disclosed.

If you are a parent or guardian of a Participant of the Merlyn Mind Classroom Solution who is under 13 years of age, please contact the Institution to address your rights with respect to such data in the first instance. You may request that (a) we stop collecting Personal Information from the Participant, (b) we delete any Personal Information already collected from the Participant (although note that we may further retain information in an anonymous or aggregated form where that information would not identify such user personally), or (c) we stop disclosing Personal Information collected from the Participant to third parties, but continue to allow for collection and use of Personal Information collected from such user in connection with the Merlyn Mind Classroom Solution.

Other State Law Privacy Rights

California Resident Rights

Under California Civil Code Sections 1798.83-1798.84, California residents are entitled to contact us to prevent disclosure of Personal Information to third parties for such third parties’ direct marketing purposes; in order to submit such a request, please contact us at privacy@merlyn.org.

Nevada Resident Rights

If you are a resident of Nevada, you have the right to opt-out of the sale of certain Personal Information to third parties. You can exercise this right by contacting us at privacy@merlyn.org with the subject line “Nevada Do Not Sell Request” and providing us with your name and the email address associated with your account.

European Union and United Kingdom Data Subject Rights

EU and UK Residents

If you are a resident of the European Union (“EU”), United Kingdom (“UK”), Lichtenstein, Norway or Iceland, you may have additional rights under the EU or UK General Data Protection Regulation (the “GDPR”) with respect to your Personal Information, as outlined below.

For this section, we use the terms “Personal Data” and “processing” as they are defined in the GDPR, but “Personal Data” generally has the same meaning as “Personal Information (defined at the beginning of this Privacy Policy) and “processing” generally covers actions that can be performed in connection with data such as collection, use, storage and disclosure. Merlyn Mind will be the controller of your Personal Data processed in connection with the Merlyn Mind Classroom Solution.

If there are any conflicts between this this section and any other provision of this Privacy Policy, the policy or portion that is more protective of Personal Data shall control to the extent of such conflict. If you have any questions about this section or whether any of the following applies to you, please contact us at privacy@merlyn.org. Note that we may also process Personal Data of our customers’ end users or employees in connection with our provision of certain services to customers, in which case we are the processor of Personal Data. If we are the processor of your Personal Data (i.e., not the controller), please contact the controller party in the first instance to address your rights with respect to such data.

Personal Data We Collect

The “Categories of Personal Data We Collect” section above details the Personal Data that we collect from you.

Personal Data Use and Processing Grounds

The “Our Commercial or Business Purposes for Collecting Personal Data” section above explains how we use your Personal Data.

We will only process your Personal Data if we have a lawful basis for doing so. Lawful bases for processing include consent, contractual necessity and our “legitimate interests” or the legitimate interest of others, as further described below.

- **Contractual Necessity:** We process the following categories of Personal Data as a matter of “contractual necessity”, meaning that we need to process the data to perform under our Agreement with you, which enables us to provide you with the Merlyn Mind Classroom Solution. When we process data due to contractual necessity, failure to provide such Personal Data will result in your inability to use some or all portions of the Merlyn Mind Classroom Solution that require such data.
 - Profile or Contact Data
 - Professional or Employment-Related Data
 - Payment Data
 - Commercial Data
 - Non-Public Education Data
 - Recordings
 - Technical, Analytics & Usage Data

- Other Identifying Information That You Voluntarily Choose To Provide
- **Legitimate Interest:** We process the following categories of Personal Data when we believe it furthers the legitimate interest of us or third parties:
 - Profile or Contact Data
 - Professional or Employment-Related Data
 - Payment Data
 - Technical, Analytics & Usage Data
 - Inferences Drawn From Other Personal Data Collected
 - Commercial Data
 - Non-Public Education Data
 - Recordings
 - Other Identifying Information That You Voluntarily Choose To Provide
 - We may also de-identify or anonymize Personal Data to further our legitimate interests.
- Examples of these legitimate interests include (as described in more detail above):
 - Providing, customizing and improving the Merlyn Mind Classroom Solution.
 - Marketing the Merlyn Mind Classroom Solution. As described above, Merlyn Mind does not disclose Participant Personal Data for marketing purposes.
 - Corresponding with you and Participants.
 - Meeting legal requirements and enforcing legal terms.
 - Completing corporate transactions.
- **Consent:** In some cases, we process Personal Data based on the consent you expressly grant to us at the time we collect such data. When we process Personal Data based on your consent, it will be expressly indicated to you at the point and time of collection.
- **Other Processing Grounds:** From time to time we may also need to process Personal Data to comply with a legal obligation, if it is necessary to protect the vital interests of you or other data subjects, or if it is necessary for a task carried out in the public interest.

Sharing Personal Data

The “How We Share Your Personal Data” section above details how we share your Personal Data with third parties.

EU and UK Data Subject Rights

You have certain rights with respect to your Personal Data, including those set forth below. For more information about these rights, or to submit a request, please email us at privacy@merlyn.org. Please note that in some circumstances, we may not be able to fully comply with your request, such as if it is frivolous or extremely impractical, if it jeopardizes the rights of others, or if it is not required by law, but in those circumstances, we will still respond to notify you of such a decision. In some cases, we may also need you to provide us with additional information, which may include Personal Data, if necessary to verify your identity and the nature of your request.

- **Access:** You can request more information about the Personal Data we hold about you and request a copy of such Personal Data by emailing privacy@merlyn.org.

- **Rectification:** If you believe that any Personal Data we are holding about you is incorrect or incomplete, you can request that we correct or supplement such data by emailing privacy@merlyn.org.
- **Erase:** You can request that we erase some or all of your Personal Data from our systems.
- **Withdrawal of Consent:** If we are processing your Personal Data based on your consent (as indicated at the time of collection of such data), you have the right to withdraw your consent at any time. Please note, however, that if you exercise this right, you may have to then provide express consent on a case-by-case basis for the use or disclosure of certain of your Personal Data, if such use or disclosure is necessary to enable you to utilize some or all of the Merlyn Mind Classroom Solution.
- **Portability:** You can ask for a copy of your Personal Data in a machine-readable format. You can also request that we transmit the data to another controller where technically feasible.
- **Objection:** You can contact us to let us know that you object to the further use or disclosure of your Personal Data for certain purposes, such as for direct marketing purposes.
- **Restriction of Processing:** You can ask us to restrict further processing of your Personal Data.
- **Right to File Complaint:** You have the right to lodge a complaint about Merlyn Mind's practices with respect to your Personal Data with the supervisory authority of your country or EU Member State. A list of Supervisory Authorities is available here: https://edpb.europa.eu/about-edpb/board/members_en.

Transfers of Personal Data

The Merlyn Mind Classroom Solution are hosted and operated in the United States ("U.S.") through Merlyn Mind and its service providers, and if you do not reside in the U.S., laws in the U.S. may differ from the laws where you reside. By using the Merlyn Mind Classroom Solution, you acknowledge that any Personal Data about you, regardless of whether provided by you or obtained from a third party, is being provided to Merlyn Mind in the U.S. and will be hosted on U.S. servers, and you authorize Merlyn Mind to transfer, store and process your information to and in the U.S., and possibly other countries. In some circumstances, your Personal Data may be transferred to the U.S. pursuant to a data processing agreement incorporating standard data protection clauses.

Contact Information:

If you have any questions or comments about this Privacy Policy, the ways in which we collect and use your Personal Information or your choices and rights regarding such collection and use, please do not hesitate to contact us at:

- privacy@merlyn.org
- 8 W 40th Street, New York, New York 10018

If you are located in the EU or UK, you may use the following information to contact our EU or UK-Based Member Representative:

- UK Member Representative:
 - Merlyn Mind UK Limited
 - 3rd Floor, Chancery House, St. Nicholas Way, Sutton, Surrey, United Kingdom SM1 1JB
 - Email us at: uk_representative@merlyn.org