

XtraMath and Student Data Privacy

Summary

XtraMath is committed to protecting your privacy and the privacy of your students, and to complying with all student data protection laws in all jurisdictions where we operate. These laws include the ones shown in the table below, and numerous others. XtraMath complies with all such laws, and we believe that you may use XtraMath in compliance with those laws. In addition, XtraMath has signed the Student Privacy Pledge.

The content of this whitepaper does not constitute legal advice, nor is it legally part of our Terms of Service. If you have questions regarding applicability of any law as it may apply to you or your school, please consult an attorney.

For additional information about XtraMath and our data practices, please see our [Privacy Policy](#), [Terms of Service](#), and [FAQ](#).

Examples of Student Privacy Laws		
Law	Applies To	Compliance
✓ CIPA	Schools	XtraMath does not have any materials deemed harmful to minors.
✓ COPPA	Vendors	XtraMath complies with all COPPA provisions even though as a nonprofit we are not required to.
✓ FERPA	Schools	Schools can use XtraMath by parental consent or the “school official” exception.
✓ GDPR	Schools and vendors	XtraMath complies with the GDPR as a Data Controller.
✓ HIPAA	Schools and vendors	XtraMath does not collect any protected health information.
✓ PPRA	Schools	XtraMath does not collect any sensitive information covered by the PPRA.
✓ SOPIPA	Vendors	XtraMath complies with SOPIPA

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Student Privacy Pledge

To signal our commitment to privacy, XtraMath has signed the [Student Privacy Pledge](#), which was developed by [The Future of Privacy Forum](#) and [The Software & Information Industry Association](#). Among other obligations, this Pledge includes promises to use student personal data only for authorized educational purposes; to disclose the types of data we collect and how we use, share, and retain that data; and to appropriately safeguard the data we process. Learn more and review the Pledge at studentprivacypledge.org.

U.S. Federal Laws

CIPA | Children's Internet Protection Act

CIPA applies to schools that participate in the federal E-Rate Internet access discount program. These schools must certify that they have an Internet safety policy that includes the use of technology protection measures, such as filtering software, to block minors from using Internet-connected computers to access obscene images or other materials deemed harmful to minors. These and the other requirements of CIPA are summarized by the FCC's [CIPA webpage](#).

CIPA does not apply to XtraMath, as it is not a school, nor does it have any connection with the E-Rate Internet access discount program.

Districts, schools and teachers receiving the technology-related subsidies discussed above must maintain an Internet safety policy with the required provisions. However, none of those requirements restricts use of XtraMath. XtraMath is not the type of website that would be deemed harmful to minors, and therefore must be blocked under CIPA.

COPPA | Children's Online Privacy Protection Act

COPPA applies to operators of commercial websites and online services that collect personal information from children under 13. For instance, operators may be required to post a privacy policy, obtain parental consent before collecting personal data from children, and allow parents to review and/or delete that data. Detailed information about COPPA is available via the FTC's [FAQ about COPPA](#).

COPPA does not apply to XtraMath because, as a non-profit, XtraMath is not under the jurisdiction of the FTC. However, the FTC recommends that non-profit organizations comply with COPPA despite being exempt, and XtraMath does so.

Among other things, XtraMath has done the following to comply with COPPA:

- ✓ We have posted a clear and comprehensive [Privacy Policy](#).
- ✓ We do not obtain any personally identifiable information directly from children. Children under the age of 13 may not create accounts - a parent or teacher must create student accounts for them. The only data we collect from students themselves is non-personal usage and performance data, as a result of them performing educational activities. If a student signs in via a single sign-on provider, such as Google, we store only the provider name and an anonymized identifier that allows us only to authenticate their sign-in.
- ✓ We disclose the third parties we may disclose personal data to, and under what circumstances.
- ✓ We provide parents access to their children's data.
- ✓ If we gain actual knowledge that a child is using XtraMath without the appropriate consent, we terminate the account.
- ✓ We minimize what data we collect, and retain it only as long as necessary. We disclose our data retention and deletion practices in our Privacy Policy.

FERPA | Family Education Rights and Privacy Act

FERPA requires federally funded schools to give parents certain rights regarding their children's educational records. It also limits the circumstances in which schools can disclose a student's personally identifiable information (PII). Detailed information about FERPA is available on the DOE's [FERPA Regulations page](#).

FERPA applies to school usage of XtraMath.

Schools can comply with FERPA while using XtraMath. Schools should determine how they are disclosing PII to XtraMath: typically under the "School Official" exception or after having obtained parental consent. We recommend that Schools disclose XtraMath as a recipient of student data, and that individual teachers ensure their use of XtraMath is allowed by their specific school or district policies.

- ✓ Schools that disclose PII to XtraMath under the "School Official" exception remain in control of that data, and have the ability to access, modify, or delete the data as required.
- ✓ XtraMath uses data only for authorized purposes, as allowed by law and disclosed in our [Privacy Policy](#). We do not data mine or use student data for targeted advertising.
- ✓ We minimize what data we collect, and retain it only as long as necessary. We disclose our data retention and deletion practices in our Privacy Policy.
- ✓ Our Privacy Policy explains the limited circumstances under which we will disclose PII to third parties. It also includes a list of the specific third party providers, and indicates what data is shared.
- ✓ We work with schools to provide parental access to review or correct student PII. Schools can provide such access via allowing the parent to link to the student's account, or by contacting XtraMath support and authorizing the disclosure.

HIPAA | Health Insurance Portability and Accountability Act

HIPAA's Privacy Rule ensures that an individual's sensitive health-related information is protected from inappropriate disclosure. The requirements are summarized on the HHS's [HIPAA Privacy Rule page](#).

HIPAA does not apply to XtraMath, because we do not collect or process any protected health information (PHI) about our users.

XtraMath does not request any health-related data, including PHI, from its users.

PPRA | Protection of Pupil Rights Amendment

The PPRA places limitations on federally funded programs that require children to participate in DOE-funded surveys. Such programs must make related instructional materials available for inspection by parents, and must obtain written parental consent if a survey will reveal certain sensitive information. Summarized information about the PPRA's requirements is available on the DOE's [PPRA page](#).

The PPRA does not apply to XtraMath, as we are not federally funded. It also does not apply to individual or school usage of XtraMath, because no covered sensitive information is requested or revealed in the use of XtraMath.

XtraMath does not request any information covered by the PPRA.

U.S. State Laws

Many states have enacted laws relating to student data privacy. Some of these laws apply to educational services like XtraMath, while others apply only to schools or state agencies. [The Education Privacy Resource Center](#) maintains a valuable resource in its [State Student Privacy Laws page](#) (though please note that this page also lists many student privacy laws which are not applicable to use of XtraMath).

Many of these laws are based upon California's SOPIPA — these are addressed below.

We are in the process of updating this whitepaper with more information about compliance with other U.S. state laws.

SOPIPA | Student Online Personal Information Protection Act

In 2014, California enacted its Student Online Personal Information Privacy Act (SOPIPA). The law prohibits specific online operators from engaging in certain activities, such as behaviorally targeted advertising, amassing a profile of a student except in furtherance of K-12 school purposes, selling student data, and disclosing student personally identifiable information (PII). Since then, many other states have passed laws influenced in large or small part by California's SOPIPA. These states include: Arizona; Arkansas; Colorado; Connecticut; Delaware; Georgia; Hawaii; Illinois; Kansas; Maine; Maryland; Michigan; Nebraska; Nevada; New Hampshire; North Carolina; Oregon; Tennessee; Texas; Utah; Virginia; Washington; and Washington, DC.

While SOPIPA-type laws vary, they may apply to XtraMath. Some of these laws have narrow definitions of "operator" or "contractor" that do not include XtraMath, but XtraMath complies anyway.

XtraMath's complies with SOPIPA and substantially similar laws:

- ✓ We never use personal data for targeted advertising, on our own site or elsewhere.
- ✓ We do not profile students, and we use student information only as allowed by law and as noted in our privacy policies.
- ✓ We don't sell or rent student information.
- ✓ We don't disclose information except as allowed by law and as noted in our privacy policies.
- ✓ We maintain appropriate security procedures and practices.
- ✓ We delete information promptly upon request.

International Laws

GDPR (E.U.) | General Data Protection Regulation

The GDPR is a European Union regulation that establishes specific data-related rights for individuals in the EU, including the rights to access, correct, and delete personally-identifiable information. These rights and other aspects of the GDPR, such as how data collection and processing are restricted, are summarized by the European Commission's [GDPR page](#). The United Kingdom's ICO also provides a comprehensive [Guide to the GDPR](#).

The GDPR applies to XtraMath, as we collect and process data about our users, some of whom are in the European Union.

XtraMath complies with the GDPR as a [Data Controller](#). Schools should ensure their own compliance with GDPR as regards disclosing data to XtraMath.

- ✓ Our [Privacy Policy](#) provides detailed information about what types of data we collect, how we use it, with whom and when we may share it, and how long we retain it.
- ✓ We minimize the data we collect, and process it only as noted in our Terms and as allowed by law.
- ✓ We support the rights of data subjects, and allow them to access, review, amend, delete, or transfer their personal data.
- ✓ We are particularly attentive to the rights of children. Children under the age of 16 may not create accounts - a parent or teacher must create student accounts for them. The only data we collect from students themselves is non-personal usage and performance data, as a result of them performing educational activities. If a student signs in via a single sign-on provider, such as Google, we store only the provider name and an anonymized identifier that allows us only to authenticate their sign-in.
- ✓ We have written contracts with our third party processors. Our Privacy Policy includes a list of these specific parties, and indicates what data is shared.
- ✓ We have a Data Protection Officer, who may be contacted about data and privacy issues: privacy@xtramath.org.
- ✓ We have a Data Breach Response Plan that we will follow if a breach occurs.

PIPEDA (Canada) | Personal Information Protection and Electronic Documents Act

PIPEDA is a federal privacy law in Canada that regulates how businesses can collect and use personal information in the course of commercial activity. Some requirements of PIPEDA include the need to provide individuals with access to their data, to obtain consent before collecting or using data, and to use data only for the purpose for which it was collected. These and other requirements are summarized on the OPC's [PIPEDA in brief](#) page.

PIPEDA does not apply to XtraMath, as we do not collect, use, or disclose personal information for commercial activity. We are a non-profit organization that makes a free educational math program, and user information is collected solely to provide that service. Our paid app funds our free program, and is not required to use the XtraMath program.

XtraMath complies with PIPEDA's Principles despite being exempt:

- ✓ We have a Data Protection Officer, who may be contacted about data and privacy issues: privacy@xtramath.org.
- ✓ We have posted a clear and comprehensive [Privacy Policy](#) that identifies what data we collect and how we use it.
- ✓ We do not collect highly sensitive information like medical or financial records. Most user data is collected via implied consent, but we use express consent as appropriate and feasible.
- ✓ We collect the minimum amount of data required to operate our program.
- ✓ We use and disclose data only as specified in our published policies.
- ✓ We follow industry-standard security practices.
- ✓ We allow data subjects to review, modify, and delete their data. We respond to such requests promptly.

Individual Contracts & Addendums

For schools whose districts or local laws require it, we may be able to execute individual contracts. Please see our [FAQ entry](#) on this topic.