

## MUSECLASS

### **PRIVACY POLICY**

**Last Updated: July 21, 2020**

MuseClass USA LLC (“MuseClass”, “we”, “us”, “our”) is dedicated to providing educational content and the MuseClass Service while protecting the privacy of teachers, students and parents.

Please read this **Privacy Policy** carefully to learn more about the MuseClass privacy practices. If you have any questions or concerns regarding our **Privacy Policy**, please send a detailed message to: [privacy@museclass.com](mailto:privacy@museclass.com) or write to us at MuseClass, 268 Bush Street, #3044, San Francisco, CA 94104.

#### **WHAT DOES THIS PRIVACY POLICY COVER?**

This **Privacy Policy** refers to the MuseClass website and services (collectively, the “Services”) and governs our data collection and usage policies not only for teachers, students and parents participating in the MuseClass Services. This **Privacy Policy** also covers the privacy practices for children under 13 years old.

#### **WHAT IS “PERSONAL INFORMATION”?**

This **Privacy Policy** discusses the concept of “Personal Information” and the way that it is collected and used by MuseClass. Personal Information is data that is used to identify a person (such as first and last name, locational data, pictures, etc.)

#### **AGE RESTRICTIONS**

Our Services require that all users are old enough to form a binding, legal contract with MuseClass (usually this age is 18 years old). If you are younger than the age to form a valid, legal contract with us, you must get your parent or guardian’s permission to use our Services.

#### **PRIVACY PRACTICES FOR STUDENTS UNDER 13 YEARS OLD**

MuseClass takes children’s privacy very seriously. It is MuseClass’ policy to prohibit the collection of information from children under 13 until we first obtain parental consent from the child’s parent or legal guardian or from teachers, as permitted by law.

#### **How Does MuseClass Obtain Parental Consent?**

The Children’s Online Privacy Protection Act (COPPA) requires us to obtain parental consent from a child’s parent or legal guardian (or teacher as permitted by law) before we can collect personal information from children under 13 years of age. Therefore, we only collect personal information through the Services from with such consent for that child to use the Services and disclose personal information to us or from teachers, as permitted by law.

If we discover that we are collecting information from children under 13 years old without appropriate consent, we will delete this information. If you believe that a child’s participant under the age of 13 has violated our policy and may be participating in the MuseClass Services without parental consent, please notify us immediately at [privacy@museclass.com](mailto:privacy@museclass.com).

## **Can I View My Child’s MuseClass Information?**

Absolutely! As a parent or guardian of a Student under 13 years old, you have the ability to request information from MuseClass regarding the type of data being collected, view your child’s information and online activity, and, if you choose, request that we stop making further use of your child’s information.

For more information on how to do this, please contact [privacy@museclass.com](mailto:privacy@museclass.com).

## **Commitment to Children’s Privacy**

In compliance with the Children’s Online Privacy Protection Act, 15 U.S.C., §§ 6501-06 and 16 C.F.R., §§ 312.1-312.12, the Service does not collect information from children under 13 years of age in the United States without the consent of a parent or legal guardian or another legally recognized consent mechanism. You, as a parent or guardian of a student under the designated minimum legal age may contact us through any of the methods below to request (1) what information we have about such child, (2) that we correct any incorrect information, (3) that we delete any personal data of such child, and/or (4) that we cease further collection or use of any personal data of such child.

## **Notices Specific to Educational Use**

Children under 13 years of age in the United States may use the Service as part of an educational program wherein the respective educational institutions are responsible for collecting required parental consent for children using the Service for educational purposes or are providing parental consent for such student use as allowed under applicable law. For all students in the United States, their use of the Service is compliant with Family Educational Rights and Privacy Act (FERPA) under the “School Official” Provision 34 C.F.R. § 99.31(a)(1)(i)(B).

## **WHAT INFORMATION DOES MUSECLASS COLLECT?**

Because of the interactive nature of the MuseClass Services, we collect different types of information that come from a variety of sources. The following section explains the types of information the MuseClass Services collect (including from Students under 13).

### **Information that You Provide to Us**

We collect the following personal information when a teacher, student or parent enrolls in the MuseClass Service:

- First and Last Name
- Email Address
- Student ID Number
- Telephone Number
- Grade
- School or district name, purchase order numbers.
- Credit card or other financial information for Schools or individuals that purchase that purchase a MuseClass product or subscription.
- Age
- Student Grades for Individual Assignments.
- Instruments Played.

## **Use of Personally Identifiable Information.**

We use your personally identifiable information in the following ways:

- to provide you with our Service;
- to process any enquiry or expression of interest received from you;
- to notify you about any changes to our Website or to our Service;
- to provide you with our newsletters concerning our Service;
- to contact you regarding billing and account renewal;
- to improve and support our Website and our Service;
- to provide you with information about products and services which we think may interest you. If you are an existing user, we will only contact you by electronic means (e-mail) with information about goods and services similar to those which were the subject of a previous sale or negotiations of a sale to you. If you are a new user, we will contact you by electronic means only if you have consented to this.

We will only use your personally identifiable information to the extent that the law allows us to do so. We rely on the following lawful bases for processing your personally identifiable information:

- where you have given consent to the processing; which consent may be withdrawn at any time without affecting the lawfulness of processing based on consent prior to withdrawal;
- where it is necessary for the performance of the contract we have entered into, or are about to enter into, with you (whether in relation to the provision of our Service or otherwise); and/or
- where it is necessary for the purposes of our legitimate interests and your interests or fundamental rights and freedoms do not override those legitimate interests.

## **INFORMATION WE COLLECT AUTOMATICALLY**

There are some types of information that are collected automatically every time a user accesses the MuseClass Services. This automatic collection also applies to all users, including users under 13 years old. MuseClass records details of user activity on the Services, including the frequency of Services usage, operating systems and browsers used and IP addresses. The information we automatically collect enables MuseClass to improve the design, content and internal performance of our Services. We also may use this information in aggregate form in order to analyze site usage and the popularity of our Services. Additionally, we may use such information to calculate necessary royalty payments to third party content providers, which are often based on the number of times a work is opened or accessed by our users.

## **COOKIES**

Our Services also implement “cookies” to help you personalize your online experience. A cookie is a text file that is placed on your hard disk by a website server. Cookies cannot be used to run programs or deliver viruses to your computer. Cookies are uniquely assigned to you, and can only be read by a web server in the domain that issued the cookie to you.

One of the primary purposes of cookies is to provide a convenience feature to save you time. The purpose of a cookie is to tell the web server that you have returned to a specific page.

You have the ability to accept or decline cookies. Most browsers automatically accept cookies, but you can usually modify your browser setting to decline cookies if you prefer. If you choose to decline cookies, you may not be able to fully experience the features of the MuseClass Service.

### **Users (Schools and School Districts).**

If you are a user of MuseClass, we are providing our products and services directly to your school or school district and we are a “data controller” for purposes of the personal information collected in connection with the user accounts.

### **Student Personal Data Ownership**

All student personal data remains the property of and is solely owned, and thereby controlled, by our MuseClass users. You grant MuseClass a non-exclusive, royalty free license, to use equipment, software, your data or other material of yours solely for the purpose of providing, maintaining, and supporting you and other licensees with MuseClass products and services. MuseClass will only use student personal data for the purposes of providing the products and services that our users (teachers, schools or school districts) have contracted with us to provide and we will process student personal data according to instructions and the terms of our contract with our users. Student personal data will not be used for targeted advertising by MuseClass or any of its affiliates.

### **Parents and Students:**

#### **The school or school district decides how your personal information is used.**

MuseClass provides learning and registration products and services to end-users of a school or school district (our users) as a “data processor.” The main responsibility of what is known as a “data controller” lies with the school or school district. This also means that the school or school district’s own privacy statement governs the use of student personal information. MuseClass’s users determine what information we collect through the MuseClass products and services and how it is used, and we process that information according to our user’s instructions and the terms of our contract with our user.

### **United States Federal and State Education Privacy Laws**

MuseClass, in its role as a vendor to educational agencies and institutions, both public and private entities (“Educational Agencies”), receives disclosures from the Educational Agencies, which include the personal information and other data (“Student Data”) contained in student records as well as directly from students and parents of students. Only information that is needed for MuseClass to perform services, which are outsourced to MuseClass by the Educational Agencies, is disclosed to MuseClass. These disclosures are authorized by the federal Family Educational Rights and Privacy Act (FERPA). MuseClass considers Student Data to be strictly confidential and do not use Student Data for any purpose other than improving and providing our products and services to the Educational Agencies or on the Educational Agencies’ behalf. Our collection, use, and sharing of Student Data is governed by our contracts with the Educational Agencies, the provisions of FERPA, the Children’s Online Privacy Protection Act (COPPA), and other applicable state and federal laws and regulations that relate to the collection and use of personal information of students. **If you have questions about reviewing, modifying, or deleting personal information of a student, please contact the relevant Educational Agency(ies) directly**

### **DOES MUSECLASS SHARE PERSONAL INFORMATION (INCLUDING INFORMATION FROM STUDENTS UNDER 13) WITH OTHER PEOPLE?**

#### **Service Providers**

We may employ third party companies to provide user support, perform Website-related services (e.g., without limitation, maintenance services, database management, web analytics and improvement of the Website's features) or to assist us in analyzing how our Service is used. These third parties may have access to your personal information to the extent required to perform these tasks on our behalf and are obligated not to disclose or use it for any other purpose.

### **For Legal Enforcement Purposes**

We reserve the right to disclose your Personal Information, including credit card information, as required by law or in special cases when we have reason to believe that disclosing this information is necessary to identify, contact or bring legal action against you if you are violating the Terms of Service for this Service or may be causing injury to or interference (intentionally or unintentionally) with our company's rights or property, other users of this Service or anyone else who could be harmed by your activities. Additionally, MuseClass cooperates with government and law enforcement officials and private parties to enforce and comply with the law. We will disclose any information about you to government or law enforcement officials or private parties as we, in our sole discretion, believe necessary or appropriate to respond to claims and legal process (including but not limited to subpoenas), to protect the property and rights of MuseClass or a third party, to protect the safety of the public or any person, or to prevent or stop activity we may consider to be, or to pose a risk of being, an illegal, unethical or legally actionable activity.

### **As an Asset of MuseClass**

If MuseClass becomes involved in a merger, acquisition, or any form of sale or transfer of some or all of its assets, your information will be transferred to the acquiring entity. In such a situation, you will be provided with notice that a transfer of your information is imminent, and you will be given an opportunity to opt-out of the transfer of your information.

## **SECURITY OF YOUR PERSONAL INFORMATION**

MuseClass secures your personal information (including personal information from users under 13) from unauthorized access, use or disclosure through a username and password. MuseClass secures the Personal Information you provide on computer servers in a controlled, secure environment, protected from unauthorized access, use or disclosure.

## **OUR LOCATION & DATA TRANSFERS**

Our Services and the servers that make the MuseClass website available are governed by U.S. law, but may not be located in the country where you live. By using the MuseClass services, you agree to the transfer, collection, processing and use of data by MuseClass.

## **THIRD PARTY WEBSITES**

This ***Privacy Policy*** does not apply to the practices of companies that MuseClass does not own or control or that MuseClass does not employ or manage. MuseClass is not responsible for the policies, content, and practices of third-party websites to which the Services may link. Please refer to these sites' privacy policies to learn how they collect and use personal information.

## **CHANGES TO THIS PRIVACY POLICY**

If MuseClass materially changes the way that it collects, uses or discloses Personal Information, we will notify users via email. In the event that MuseClass materially changes the way that it collects, uses, or

discloses Personal Information of Students under 13, we will notify parent(s), guardian(s) or teachers via email.

#### **A FINAL NOTE TO PARENTS/GUARDIANS REGARDING USER POSTS:**

While MuseClass is an online learning environment meant for educational use, it is still a service that is provided on the Internet. As with every internet-based service, it is important to be aware of your surroundings and about the information you post online. MuseClass encourages parents to stress the importance of and talk about online safety with their children. A great resource about talking to your children about being online can be found here: <https://www.consumer.ftc.gov/articles/0031-protecting-your-childs-privacy-online> (July 2013).

#### **QUESTIONS/CONCERNS**

If you have any questions or concerns regarding our ***Privacy Policy***, please send a detailed message to: [privacy@museclass.com](mailto:privacy@museclass.com) or write to us at MuseClass, 268 Bush Street, #3044, San Francisco, CA 94104.

## MUSECLASS CALIFORNIA PRIVACY NOTICE

This California Privacy Notice supplements the information contained in MuseClass' Privacy Policy and applies solely to Site visitors, users, and others who reside in the State of California (“**Consumers**”). We adopted this notice to comply with the California Consumer Privacy Act of 2018 (“**CCPA**”). Any terms defined in the CCPA have the same meaning when used in this notice.

Please note that certain exemptions and limitations apply to your rights and MuseClass' obligations under the CCPA. These rights and requirements may not apply in certain situations depending on your relationship with MuseClass, our other legal obligations, or as otherwise provided in the CCPA.

**Personal Information We Collect.** MuseClass collects information that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular Consumer or device (“**Personal Information**”). The specific pieces of Personal Information we collect from a given consumer depends on how that consumer interacts with MuseClass. As a general matter, MuseClass has collected the following categories of Personal Information from Consumers within the last twelve (12) months:

<b>Category</b>	<b>Examples</b>	<b>Collected</b>
<b>A. Identifiers</b>	A real name, alias, postal address, online identifier, Internet Protocol address, email address, account name, state identification number, or other similar identifiers.	YES
<b>B. Personal Information</b> categories listed in the California User Records statute (Cal. Civ. Code § 1798.80(e))	A name, signature, address, telephone number, state identification number, insurance policy number, education, employment information, financial information, medical or health insurance information. Note that some Personal Information included in this category may overlap with other categories.	YES
<b>C. Protected classification</b> characteristics under California or federal law	Age (40 years or older), race, color, citizenship, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), veteran or military status.	YES
<b>D. Commercial information</b>	Records of products or services purchased or considered, other purchasing or consuming histories or tendencies.	YES
<b>E. Biometric information</b>	Behavioral information, biological characteristics, fingerprints, and sleep, health, or exercise data.	YES

<b>F.</b> Internet or other similar network activity	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	YES
<b>G.</b> Geolocation data	Physical location or movements.	NO
<b>H.</b> Sensory data	Audio, electronic, visual, thermal, olfactory, or similar information.	YES
<b>I.</b> Professional or employment-related information	Current or past job history or contact information.	YES
<b>J.</b> Nonpublic education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Pt 99))	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	YES
<b>K.</b> Inferences drawn from other Personal Information	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	YES

Personal Information does not include (i) deidentified or aggregated Consumer information, (ii) publicly available information from government records, or (iii) information protected by certain federal privacy laws and subject to an exclusion under the CCPA.

**Sources for the Personal Information We Collect.** We collect the Personal Information described above from the following sources:

- **Directly from you.** The Personal Information we collect directly from you depends on your interactions with MuseClass, such as when you communicate with us, enroll your child in our services, fill out a form, or submit an inquiry to MuseClass.
- **Indirectly from you.** We collect certain Personal Information automatically from your use of the Site mobile application.
- **Third parties.** As described in more detail below.

**Use of Personal Information.** Depending on your interactions with MuseClass, we may use or disclose the Personal Information we collect about you for one or more of the following business purposes:

- to provide you with our services, which includes, but is not limited to, confirming your child's enrollment to our MuseClass service and other Site features, communicating with you, ensuring that your child is receiving safe and appropriate care, and complying with licensing regulations and other legal requirements.
- for our direct marketing efforts, including when we send you marketing communications about our services that may be of interest to you, respond to your inquiries, and send you promotional messages, advertising, surveys, and other information that may be of interest to you.

- to create and maintain a trusted and safe MuseClass environment (e.g., to detect and prevent fraud, abuse, or security incidents, conduct security investigations and risk assessments, enforce our policies, or comply with our legal obligations and licensing requirements).
- to maintain and improve the security and functionality of the Site by processing the Personal Information we collect automatically from your use of the Site. We use this information to personalize your user experience; ensure that our web pages appear and function properly; improve the Site, programs, products, services, advertising, and content; and perform other functions.
- for other purposes as permitted by law, such as notifying you about changes to the Site; protecting our rights and property; complying with a law, regulation, legal process or court order; or fulfilling any other purpose with your consent.

We will not collect additional categories of Personal Information or use the Personal Information we collect for materially different, unrelated, or incompatible purposes without notifying you.

**Disclosing Personal Information.** MuseClass may disclose Personal Information for a bona fide business purpose to the following categories of Third Parties:

- medical providers.
- law enforcement, regulatory and other governmental agencies.
- service providers or third parties.
- parent entities, affiliates and subsidiaries.
- cookie information recipients, subject to their respective privacy notices.

**No Sale of Personal Information.** MuseClass has not sold Personal Information in the preceding twelve (12) months. If MuseClass ever chooses to sell Personal Information, you would have the right to opt out of the sale of your Personal Information.

**Your Rights and Choices.** The CCPA provides Consumers with specific rights regarding their Personal Information. The following paragraphs describe your CCPA rights and explain how to exercise those rights. Each of these rights is subject to our receipt of your verifiable consumer request (see Submit a Consumer Privacy Request ).

**Right to Disclosure.** 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 12 months, such as:

- the categories of Personal Information we have collected about you.
- the categories of sources for the Personal Information we have 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.
- if we sold or disclosed your Personal Information for a business purpose, two separate lists disclosing (i) sales, identifying the Personal Information categories that each category of recipient purchased; and (ii) disclosures for a business purpose, identifying the Personal Information categories that each category of recipient obtained.

MuseClass is only required to respond to two disclosure requests within a 12-month period.

**Right to Access.** You have the right to request that we provide you with access to specific pieces of Personal Information we have collected about you over the past 12 months (also called a data portability request). If you submit a right to access request, we will provide you with copies of the requested pieces of Personal Information in a portable and readily usable format. Please note that MuseClass is prohibited by law from disclosing copies of certain pieces of Personal Information (e.g., government identification numbers, financial account information, and passwords or security questions and answers) because the disclosure would create a substantial, articulable, and unreasonable risk to the security of the information, our business systems, or your account. MuseClass is only required by law to respond to two access requests within a 12-month period.

**Right to Deletion.** You have the right to request that we delete any of your Personal Information that we collected from you and retained, with certain exceptions. We may deny your deletion request if retaining the Personal Information is necessary for MuseClass or our Service Providers to:

- complete the transaction for which we collected the Personal Information, provide a service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you.
- detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
- debug products to identify and repair errors that impair existing intended functionality.
- comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 seq.).
- enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
- comply with a legal obligation.
- make other internal and lawful uses of that information that are compatible with the context in which you provided it.

**Submit a Consumer Privacy Request.** To exercise any of the above rights, please submit a verifiable consumer privacy request to MuseClass:

- by email at [privacy@museclass.com](mailto:privacy@museclass.com)
- or write to us at MuseClass, 268 Bush Street, #3044, San Francisco, CA 94104.

We cannot respond to your request or provide you with Personal Information unless we can verify your identity and your authority to make the request and confirm that the Personal Information relates to you. A verifiable consumer privacy request must:

- provide sufficient information that allows us to reasonably verify you are the person about whom we have collected Personal Information or an authorized representative.
- describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

You do not have to register with MuseClass to make a verifiable consumer privacy request. We will only use Personal Information provided in a verifiable consumer privacy request to verify the requestor's identity or authority to make the request.

**MuseClass' Response.** We endeavor to respond to a verifiable consumer request within 45 days of receipt. If we require more time, we will notify you in writing of the reason and extension period. 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 receipt of the verifiable consumer request. If we cannot comply with part or all of your request, we will explain the reasons in our response.

We do not charge a fee to process or respond to your verifiable consumer privacy 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.

**Authorized Agent.** You may make a verifiable consumer request on behalf of your minor child. Otherwise, only you, or a person you have designated in writing as your authorized agent or who is registered with the California Secretary of State to act on your behalf, or to whom you have provided power of attorney pursuant to California Probate Code sections 4000 to 4465 (“**Authorized Agent**”) may make a verifiable consumer request related to your Personal Information. If you wish to have an Authorized Agent make a verifiable consumer request on your behalf, they will need to provide us with sufficient written proof that you have designated them as your Authorized Agent, and we will still require you to provide sufficient information to allow us to reasonably verify that you are the person about whom we collected Personal Information.

**Nondiscrimination.** We will not discriminate against you for exercising any of your CCPA rights. Unless permitted by law, we will not do any of the following as a result of your having exercised your right under the CCPA:

- 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.

**Other California Privacy Rights.** California Civil Code sections 1798.83-1798.84 entitles California residents to ask us for a notice that identifies the categories of Personal Information we share with affiliates and/or third parties for marketing purposes and provides contact information for such affiliates and/or third parties. If you are a California resident and you would like to request a copy of this Privacy Notice, please contact us at [privacy@museclass.com](mailto:privacy@museclass.com) with the subject line “Request for California Privacy Information.”

**Changes to this California Privacy Notice.** We reserve the right to amend this California Privacy Notice at our discretion and at any time. When we make changes to this notice, we will post the updated notice on our website and update the effective date. Your continued use of our website following the posting of changes constitutes your acceptance of such changes.

**Contact Information.** If you have any questions or comments about this California Privacy Notice, the ways in which we collect and use your Personal Information, or your choices and rights regarding such use, or if you wish to exercise your rights under California law, please do not hesitate to contact us:

- by email at [privacy@museclass.com](mailto:privacy@museclass.com).
- or write to us at MuseClass, 268 Bush Street, #3044, San Francisco, CA 94104

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