Privacy Policy

Please read this Privacy Policy carefully before accessing or registering the Nearpod Spookie Selfie Application ("Spookie Selfie"). You agree to be bound by this Privacy Policy if you use the Spookie Selfie. If you do not agree, then you may not access the Spookie Selfie.

Personally Identifiable Information from Children.

This application is meant to be downloaded for use by educators. We provide our services to teachers and we do not intentionally collect any personally identifiable information from users under the age of 13. If you are a parent or guardian or teacher and believe that your child or student has provided Nearpod with personally identifiable information, you should notify us at privacy@nearpod.com so that we may immediately delete the information from our servers. Nearpod is a proud signatory of the Student Privacy Pledge.

Privacy Shield Privacy Practices and the GDPR

Nearpod complies with the EU-US Privacy Shield Framework and Swiss-U.S. Privacy Shield Framework as set forth by the US Department of Commerce and the provisions of the European General
Data Protection Regulation ("GDPR") regarding the collection, use, and retention of personal information from European Union, Switzerland and the United Kingdom to the United States. If there is any conflict between the terms in this privacy policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. Nearpod has certified to the Department of Commerce that it adheres to these Privacy Shield Privacy Principles. To learn more about the Privacy Shield program, and to view Nearpod’s certification, visit www.privacyshield.gov. With respect to personal data received or transferred pursuant to the Privacy Shield Framework, Nearpod is subject to the regulatory enforcement powers of the U.S. Federal Trade Commission. For purposes of Article 14(2) of the GDPR, Nearpod relies on the following lawful basis for processing Personal Data: consent, compliance with law and legitimate interest. Nearpod and the Spooky Selfie comply with applicable law, including the Family Educational Rights and Privacy Act (FERPA) and Children's Online Privacy Protection Act (COPPA). For purposes of verifiable consent, as required under COPPA, Nearpod relies on the consent of the educators on behalf of their students.

What types of information do we collect?
Information you provide to us

During the Nearpod sign-up process as a teacher, you may be asked to provide some basic information such as your first and last name, email address, school, grade level, password, role, and a profile photo.

Information collected automatically

We may automatically receive information from your device when you use Nearpod. For example, we may receive the duration of time you spend on Nearpod, the type of device you’re using, a device identifier, the version of the Nearpod application on mobile devices, device event information like crashes, hardware settings, date and time information, and actions performed by you while visiting our website or application. For Spookie Selfie account holders, in addition to the items in the previous sentence, we also collect the IP address.

On our website, we do not collect any kind of personally identifiable information through the use of cookie technology or IP numbers that track the audience. In HTML e-mails that we may send you, we may use technical methods for a number of purposes, including determining whether you have opened or forwarded those e-mails and/or clicked on links in those e-mails. These technical methods may enable us to collect and use information in a form that is personally identifiable.
Spookie Selfie is based on face detection. In order to use Spooky Selfie, we use TrueDepth API to detect your face and to process the images taken by your device’s camera. All images taken by your camera are processed only on your device and are not sent to our servers. In other words, we will have no access to your images.

Does Nearpod share information with third parties?
Nearpod will not use any personally identifiable information to advertise or market third party services to its users, and does not sell or rent such information. We do use the information you provide to us to improve our offerings and to provide you with the best possible experience on Nearpod. We may share the IP address that we automatically collect with various third parties. If you want to limit the third parties who receive your information, use it, or disclose it, or obtain more information on removing your information, please email privacy@nearpod.com.
We may also share your personally identifiable information with law enforcement officials, or other third parties, when we are compelled to do so by a subpoena, court order, or similar legal procedure. In addition, we may share personally identifiable information if we believe in good faith that the disclosure of such information is necessary to
prevent physical harm or financial loss, to report suspected illegal activity, to investigate violations of our Terms and Conditions or to the extent necessary to meet national security requirements. If we sell or otherwise transfer part or all of our business or assets to another organization, such as in the course of an acquisition, merger, bankruptcy or liquidation, we may transfer your personally identifiable information. In such an event, we will endeavor to require the buyer or transferee to agree to our commitments provided in this Privacy Policy.

Nearpod shall ensure that a contract is in place between it and any third party entity or agent that participates in an onward transfer of Personal Data. The contracts specify that such Personal Data may only be processed for limited and specified purposes consistent with the consent provided by the individual and that the recipient will provide the same level of protection as stated in the Principles. Nearpod remains liable for the acts and omission of its third party agents.

How does Nearpod protect information you provide to us?

We have implemented and maintain information technology security measures designed to protect personally identifiable information from
unauthorized disclosure to or access by a third party. Your account and associated information is protected by a password, which you should keep secret at all times. We encrypt password information stored in our databases. Although we make concerted efforts to protect personally identifiable information and maintain security, it is not 100% guaranteed. Outages, attacks, unauthorized use, or other factors may compromise the security of user information at any time. In the event of a security breach, we will notify you by posting on Nearpod and notifying you by email using the email address on your account. For EU residents, notification to the Nearpod Supervisory Authority shall be made within 72 hours of Nearpod becoming aware of such breach.

In addition, Nearpod uses personal information only in ways that are compatible with the purposes for which it was collected or subsequently authorized by the individual. Nearpod takes reasonable steps to ensure that personal information is relevant to its intended use, accurate, complete and current.

Data Ownership

The Nearpod account owner is the owner of any data, including student Content, submitted through the Spooky Selfie. Nearpod
retains a perpetual, irrevocable, worldwide, sublicensable and transferable right to use, publish, display, modify and copy anonymized Content. For the avoidance of doubt, such anonymized Content shall not include any personally identifiable information.

Newsletters
Nearpod may offer e-mail newsletters to the user in charge of implementing Nearpod. By registering for Nearpod, you may receive occasional emails about your account or about updates to the platform. You may unsubscribe from these emails at any time.

How you can access, change, or delete personally identifiable information or limit the use and disclosure?
You can contact us to access, change, or remove any personally identifiable information that we have collected from you by sending an e-mail to privacy@nearpod.com Please include your username and e-mail address so that we can better assist you with your inquiry or request. Please be advised that: (i) requesting the removal of or not providing personally identifiable information may result in the termination, removal, or blocking of your account, registration, or
access to the Spookie Selfie; and (ii) changing personally identifiable information may affect your use of the Spookie Selfie including the correctness of any results. Once you request a change or removal of your personally identifiable information or your account, we can give you no assurances that such information or account may be retrieved or reopened in the future.

How do we enforce this Policy?

Nearpod conducts self-assessed compliance audits of its relevant privacy practices to verify adherence to this Policy. Any employee that Nearpod determines is in violation of this policy will be subject to disciplinary action.

In compliance with the Privacy Shield Principles and GDPR, Nearpod commits to resolve complaints about our collection or use of your personal information. EU residents with inquiries or complaints regarding our Privacy Shield policy should first contact Nearpod at:

- Chief Privacy Officer: Felipe Sommer
- 1855 Griffin Road, A-290
- Dania Beach, FL 33004
- privacy@nearpod.com
If an issue cannot be resolved by Nearpod’s internal dispute resolution mechanism, Nearpod has chosen JAMS to be its independent recourse mechanism for Privacy Shield. Nearpod agrees to be bound by any decision of JAMS. Individuals may contact JAMS at https://www.jamsadr.com/eu-us-privacy-shield to address complaints. More information about JAMS is available at https://www.jamsadr.com. Further, if Nearpod does not resolve the complaint, you can submit the matter to binding arbitration to a single arbitrator of the Privacy Shield Panel. The remedies from this arbitration are limited to individual-specific, non-monetary equitable relief (such as access, correction, deletion, or return of the individual’s data in question) necessary to remedy the violation of the Principles only with respect to the individual.

In addition, you may contact our European Data Supervisory Authority: Ireland Data Protection Commissioner; Canal House, Station Road, Portarlington. R32 AP23. www.dataprotection.ie

Will there be changes to our Privacy Policy?

We expect to amend our Privacy Policy from time to time as we change the registration procedure, possibly introduce or alter our offerings, change levels of user participation, or release new features. We will notify you of any updates by posting on Nearpod.
Nearpod retains the right in its sole discretion to remove or delete, temporarily or permanently, any and all information, including personally-identifiable and non-personally identifiable profile and registration information, Submissions, and any other information collected from or provided by you during and after installing Nearpod. Please note that, at all times, you should update your personal information to provide us with current e-mail addresses.

How to contact us:
You can contact us with any questions by sending an email to privacy@nearpod.com or at the following address:

- Chief Privacy Officer, Felipe Sommer
- 1855 Griffin Road, A-290
- Dania Beach, FL 33004

Effective Date: October 31, 2019