



**Don Johnston Incorporated**  
**Privacy Policy for Don Johnston Products and Services**  
**Effective Date: September 2, 2014**

**Privacy Policy**

Don Johnston Incorporated (“DJI”) values your privacy and desires to ensure a positive experience with Don Johnston Incorporated and related companies (collectively “Don Johnston,” “we,” “our” or “us”). The following privacy policy describes how we collect, use and handle your information, both educator information and student information, for our websites, software and services (collectively “DJ Services” or “DJ Service”).

By accepting this Privacy Policy, you expressly consent to the information-handling practices described in this Policy. This Privacy Policy is a part of and incorporated into Don Johnston’s License Agreements and/or Terms of Service associated with its DJ Services. Your continued use of our DJ Services constitutes your acceptance and agreement to this Policy and any updates.

If you have questions about this policy, please feel free to contact us at:

Don Johnston Incorporated  
Attn: Legal Department  
26799 W. Commerce Drive  
Volo, Illinois 60073  
Email: [info@donjohnston.com](mailto:info@donjohnston.com)  
Subject Line: Legal

**Educator Information**

In describing our collection, use, and sharing of information in this Policy, we refer to our collection and use of “Educator Information.” When we refer to “Educator Information” we are referring to an educational institution’s school officials (teachers and district personnel) using DJ Services. Educator Information, as used in this Policy, may be personally identifiable, which is information that directly identifies an individual, such as first and last name, school mailing address, email address, billing information, telephone number, or other online contact information.

## Collection

We collect Educator Information you provide to us in orders, registration forms, user profiles, requests for customer service, downloads, and account creation.

DJ Services uses Cookies only to enhance performance for you. Cookies are used to allow offline access and to sync data.

School officials can connect to DJ Services through an authorized third party service, and can use the third party login information to log in to DJ Services. By using any third party services to log in to DJ Services, you permit us to access, store and use the user profile information accessible to us through the third party service's application programming interface (API), pursuant to this Policy. Use of Third Party Login is not a requirement. We provide additional options if you do not want to use Third Party Login.

## Use

We use Educator Information to establish and enhance our relationship with our users through communication and optimization. We use Educator Information to provide you with customer support and license management, to process transactions, send updates, seek opinions and feedback, response to requests, and connect users with other DJ Services. We use user information, behavioral metrics, and other Educator Information to operate, provide, improve, and maintain DJ Services, to develop new products and services, to prevent abuse and fraud, and for other administrative and internal business purposes.

You acknowledge and agree that there may be instances where we may elect to notify you about administrative notices regarding your account with us, such as to inform you about changes to our terms of use and privacy policy, that your account may be expiring, or to provide you with other relevant administrative information about your account. Because this information is important to your interaction with us, you may not opt out of receiving these communications. If we learn of a security systems breach, we will attempt to notify you so that you can take appropriate protective steps.

We retain Educator Information for no longer than is commercially useful to carry out our business purposes, or as we believe may be legally required. When Educator Information is deleted, it may take up to 30 days from accessible systems, and up to 90 days from backup systems to be removed.

## Sharing

Don Johnston Incorporated will not sell or rent Educator Information to third parties. We may disclose Educator Information if we have a good-faith belief that doing so is required to comply with the law, prevent fraud, or to protect Don Johnston Incorporated's property rights.

We may provide Educator Information to third parties for their use in performing internal business functions (e.g., payment processing, customer service, maintenance, security, data analysis, email transmission, beta testing, or data hosting) on our behalf.

Educator Information may be disclosed as part of any bankruptcy, merger, sale, transfer of company assets, acquisition, or similar transaction. In the event of such a transaction in which Educator Information would be transferred to a third party, we will make reasonable efforts to notify you. For example, we will post a notice of the transfer of Educator Information on our DJ Services and, if we have your email address, we will send notice of the transfer of Educator Information to that email address.

## Student Information

In describing our collection, use, and sharing of information in this Policy, we refer to our collection and use of “Student Information.” When we refer to “Student Information” we are referring to students who are using DJ Services purchased by an educational institution, parent or guardian. Student Information, as used in this Policy, may be personally identifiable, which is information that directly identifies an individual, such as first and last name. However, for students, DJ Services does not require use of personally identifiable information. Student Information may also include, but is not limited to, student identification number, preferences, grade, and independent reading level.

Use of DJ Services does **not** require students’ real names. DJ Services does **not** collect students’ date of birth, addresses, social security numbers, gender, or emails. DJ Services does **not** use Cookies.

Don Johnston only collects Student Information **where that student’s educational institution has contracted with Don Johnston to collect the Student Information for the use and benefit of the student’s school and/or school district and for no other commercial purpose.** Children under 13 years old are not allowed to create an account without an educational institution acquiring a parent or guardian’s express consent.

If you believe that a student is using DJ Services without consent of an educational institution, parent, or guardian, please contact Don Johnston Incorporated at [info@donjohnston.com](mailto:info@donjohnston.com), Subject Line: Legal.

### Collection

We collect Student Information on account creation, assessment creation, through account management, and student management.

Students can connect to DJ Services through an authorized third party service, and can use the third party login information to log in to DJ Services. By using any third party services to log in to DJ Services, you permit us to access, store and use the user profile information accessible to us through the third party service’s application programming interface (API), pursuant to this Policy. Use of Third Party Login is not a requirement. We provide additional options if you do not want to use Third Party Login.

### Use

Don Johnston Incorporated does not use any personally identifiable Student Information. We do not advertise or contact students in any way.

Student Information that may be personally identifiable is made available only to school officials solely for the benefit and use of the educational institution and the student’s education.

We use behavioral metrics, and other non-personally identifiable Student Information to improve, and maintain DJ Services, to develop new products and services, and to prevent abuse and fraud.

We retain Student Information for no longer than is commercially useful to carry out our business purposes, or as we believe may be legally required. When Student Information is deleted, it may take up to 30 days from accessible systems, and up to 90 days from backup systems, for us to delete such Student Information.

## Sharing

Don Johnston Incorporated will not sell, rent or otherwise disclose Student Information to third parties unless such disclosure is necessary to comply with the law, prevent fraud or abuse, or to protect Don Johnston Incorporated's property rights.

## Where

DJ Services stores Educator Information and Student Information (collectively "Information") in the United States of America. Information may also be stored locally on the devices you use to access DJ Services.

## Parents

If you are a parent of a student and would like to request or delete Student Information for your child, contact your educational institution and they can remove the student or change preferences so no data is collected on your child.

## Changes and Updates to This Policy

We may update this Policy from time to time. If we do, we will update the "effective date" at the top of the Policy. We will post the updated Policy on the affected DJ Service, and on our website.

We encourage you to review this Policy periodically to stay informed about our collection, use and disclosure of Personal Information and Student Information. Your continued use of DJ Services constitutes your agreement to this Policy and any updates.

## International Users & U.S.-EU Switzerland Safe Harbor

Don Johnston Sites and/or DJ Services may be hosted in the United States. If you utilize our Sites and/or DJ Services from the European Union or Switzerland, or any other region with laws governing data collection and use that may differ from U.S. law, please note that you are transferring your personal data outside of those jurisdictions to the United States. The United States does not have the same data protection laws as the European Union, Switzerland and other regions. By providing Personal and Student Information under this Policy, you consent to the use of your Personal and Student Information in accordance with this Policy and the transfer of your Personal Information to the United States.

The Educator and Student Information practices set out in this Privacy Policy apply to DJ Services, and customers worldwide. You have a right of access and to correct such data. To exercise these rights, or for other data privacy questions, please contact Don Johnston Incorporated at [info@donjohnston.com](mailto:info@donjohnston.com), Subject Line: Legal.

Don Johnston is committed to complying with the U.S.-EU Safe Harbor Framework and the U.S.-Swiss Safe Harbor Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information from European Union member countries and Switzerland.

## **Enforcement**

Don Johnston regularly reviews its compliance with this Privacy Policy. Please feel free to direct any questions or concerns regarding this Policy or Don Johnston's treatment of Personal Information and Student Information by contacting us through DJ Services at [info@donjohnston.com](mailto:info@donjohnston.com) or by writing to us at Privacy Group, c/o Don Johnston Incorporated at the address set forth in the contact section above.

When Don Johnston receives a formal written complaint at this address, it is Don Johnston's policy to contact the complaining party regarding his or her concerns. Don Johnston will cooperate with the appropriate regulatory authorities, including local data protection authorities, to resolve any complaints regarding the transfer of personal data that cannot be resolved by Don Johnston and an individual.

## **No Error-Free Performance**

Don Johnston does not guarantee error-free performance under this Privacy Policy. Don Johnston will use reasonable efforts to comply with this Privacy Policy and will take prompt corrective action when Don Johnston learns of any failure to comply with our Privacy Policy. Don Johnston shall not be liable for any incidental, consequential or punitive damages relating to this Privacy Policy. This Privacy Policy shall be governed by the laws of the State of Illinois and the United States, to the extent applicable.