

Woodcock Assessment and Intervention Suite

Privacy Policy

This Privacy Policy describes HMH’s collection, use, and sharing of information associated with the HMH online assessment platform (“the Product”) made available through this website (the “website” or “site”). “You” and “Your” refer to anyone using the Product via our site. Use of the Product entails Your submission of Submitted Data (as that term is defined below) as well as our passive collection of technical and other information in connection with Your use of the Product and the site. This Privacy Policy applies to the Product and the site, regardless of how You access the Product, whether via personal computers, mobile devices, or otherwise.

To the extent particular information qualifies as Protected Health Information (PHI) under the Health Insurance Portability and Accountability Act (“HIPAA”) and HIPAA affords greater privacy protections than those set forth in this Privacy Policy, HMH will comply with the relevant HIPAA requirements regarding privacy for that particular information.

1. Definitions

De-Identified Information. The term “De-Identified Information” means information that meets each of the following criteria: the information (i) does not identify a particular natural person; (ii) does not identify, by network Internet Protocol address, raw hardware serial number, or raw MAC address, a particular device or computer associated with or used by a person; (iii) does not identify the school or natural person at issue by name or address; and (iv) is not reasonably linkable to a particular natural person or school because of technical, legal, or other controls.

FERPA. The term “FERPA” means the Family Educational Rights and Privacy Act, 20 USC §1232g, and the Protection of Pupil Rights Amendment (“PPRA”), including associated regulations.

HIPAA. The term “HIPAA” means the Health Insurance Portability and Accountability Act, 42 U.S.C. §§ 1320d et seq., and the Health Information Technology for Economic and Clinical Health Act (the “HITECH Act”), including associated regulations under HIPAA and the HITECH Act.

Nonpersonal Information. The term “Nonpersonal Information” refers to information that is not Personal Information.

Personal Information. The term “Personal Information” refers to information that identifies a particular person, such as first and last name, social security number, e-mail address, phone number, and residential street address.

Relevant Information Security Standards. The term “Relevant Information Security Standards” means the higher information security standards required under either (i) FERPA, or (ii) HIPAA.

Submitted Data. The term “Submitted Data” means any information You provide to HMH in connection with Your use of the Product including, but not limited to, information about examinees. The term “Submitted Data” expressly excludes De-Identified Information.

Usage Information. The term “Usage Information” means information that does not directly identify a particular person, but that may be linkable to a particular computer, device, operating system, platform, or software instance (via a unique device ID or otherwise).

2. Information We Collect

Information You Provide to Us. We collect the Submitted Data You provide. Depending on what You provide, Submitted Data generally includes both Personal Information and Nonpersonal Information about You as well as about examinees.

Information We Passively Collect. In addition to the information You actively provide, we also passively collect Usage Information to help enable the functionality of the Product as an online service and to help us improve and maintain the Product. Some examples of the kinds of information we may passively collect include randomly assigned unique identifiers and other information contained in browser cookies and “Flash” cookies or HTML5 local storage; Internet Protocol address (“IP Address”); unique device identifiers; login information; session information; device type; operating system type and version; browser software type and version; timestamp information; screen resolution; Your browser software’s installed plug-ins; and other technical or similar information.

Browser Cookies are small text files stored on Your device, which are transmitted to us when You use our site. The use of cookies helps us understand how our site is used. Cookies help us to improve content, navigation, and functionality. You can manage the placement of cookies on Your device through the features found in most Internet browsers, including adjusting Your browser settings to warn You before a cookie is stored or to block all cookies. Please be aware that if You disable or remove cookies on Your device, some parts of our Product may not function properly or may be completely disabled, and that when You revisit our Product, Your ability to limit cookies is subject to Your browser software’s settings and limitations.

Flash Cookies and other Local Shared Objects, or “LSOs,” may be used in conjunction with Adobe’s Flash Player and similar technology. They are typically used for functionality in video and rich content, but they can also be used for analytics and many of the same purposes as Browser Cookies. Flash Cookies and LSOs are not stored in the Browser. Information and a tool to delete and manage Flash Cookies and LSOs may be found at https://www.adobe.com/support/documentation/en/flashplayer/help/settings_manager07.html.

Web Beacons are very small image files that trigger the transmission of cookies or may be used to collect IP Addresses. Web beacons and similar technologies are often used for analytics, to count visitors to the site, to monitor how users use the Product, and for other related purposes.

3. Information We Generate

We may de-identify and otherwise convert Usage Information and Submitted Data into De-Identified Information.

4. **How We Use Information**

Our Use of Personal Information. Our primary purpose in collecting information about You is to provide You with the Product that You request and to operate the services that comprise the Product. We may also decide to send You e-mails and other correspondence regarding the Product, our site and other information and services that we believe may be of interest to You as well as customer satisfaction surveys and requests for Feedback about our Product and site. You may opt out from receiving certain communications by following the instructions provided at the bottom of the communication. Please understand that You will not be able to opt out of formal notices concerning the operation of our site, and legal and other related notices concerning Your relationship with us, the site, and the Product.

Our Use of Usage Information. We use Usage Information to track how our site is used, or not used, and to improve the functionality of our Products and services.

Our Use of De-Identified Information. HMH will only use De-Identified Information for lawful purposes, including but not limited to, quality assurance, research, and/or test development. HMH may de-identify Usage Information in accordance with HIPAA and FERPA, and use this De-Identified Information to develop, evaluate, and provide improved educational products and services, as permitted under HIPAA and FERPA.

5. **How We Share Information**

We do not sell, rent, or license Your Personal Information to anyone. We do share Personal Information with other companies in the following situations:

Sharing Your Information with Subcontractors. We may share information with subcontractors that act as our agent and that provide us with services related to the provision or operation of the Product. These services may include, among other things, helping us to provide products or services that You request, creating or maintaining our databases, processing orders and transactions, and other similar purposes. Any party with whom we share Your Personal Information is required either contractually or by law to keep Your Personal Information confidential and not to disclose or repurpose the information, and to use such information only as required for the services to be performed.

Law Enforcement and Legal Process. We may disclose Personal Information to government and regulatory agencies to comply with a court order or as otherwise required by applicable law.

Targeted Advertisers. We do not engage in interest-based advertising, also known as online behavioral advertising, or “OBA,” with respect to Your use of this Product. We may, however, provide contextual information, including contextual marketing or advertising that does not rely on information about Your Internet browsing behavior.

6. **How We Protect Your Information**

HMH shall implement and maintain for the Product information security controls that comply with Relevant Information Security Standards.

7. Links to Other Websites

We may provide links to third-party websites to provide information that may be of interest to our users. If we provide links to third-party websites and You select a link to a third-party site, please note that You are subject to the privacy and security policies of the third party who controls or operates that site. We are not responsible for the security or protection of information You provide to such third parties once You leave our site.

8. How to Contact Us

If You have questions or concerns regarding this Policy, please contact us at privacy@hnhco.com. If we need to contact You concerning any event that involves Your information, we may do so by e-mail, telephone, or mail.

9. Revisions

We reserve the right to make changes to this Privacy Policy at any time. Any changes or updates become effective immediately upon posting of the change. Please check the revision date below to determine whether there have been any changes since You have last reviewed our Privacy Policy.

10. Transfer of Ownership

We shall be entitled to transfer Submitted Data (including, but not limited to, Personal Information) to a third party in connection with a sale of all or substantially all of the assets of the entity responsible for the information under this Privacy Policy, provided the acquiring third party has agreed to safeguard Your Submitted Data with protections that in all material respects are the same as or more protective than those set out in this Privacy Policy.

11. Do-Not-Track

Because We do not use online behavioral advertising as part of the Product, the website and any online service associated with the Product do not change their behavior if and when they receive a “Do-Not-Track” flag from browser software.

12. Complete Agreement

This Privacy Policy must be read in conjunction with our Terms of Use, and the provisions of our Terms of Use are incorporated herein. To the extent the Terms of Use conflict with the terms of this Privacy Policy, the terms of this Privacy Policy shall control.

Effective Date: June 2014