

# Digiexam

## Privacy Policy

**Last updated: 2023-10-12**

Digiexam Solutions US Inc. and Digiexam Solutions Sweden AB ("Digiexam," "we," "us," "our") know that our users ("you," "your") care about how your personal information ("Personal Data") is used and shared, and we take your privacy seriously.

We are always transparent with you about the type of Personal Data we collect and we provide clear information about how we use that Personal Data. We have taken proper measures to ensure that we follow all applicable data protection laws and regulations and we will cooperate with the authorities when required. In the absence of data protection legislation, we will act in accordance with accepted data protection principles governing data protection.

This policy ("Privacy Policy") describes:

1. the types of Personal Data we collect when you use our service or visit our website
2. why and how we use this Personal Data
3. what security measures we take in order to protect your Personal Data
4. how long we retain it
5. with whom we share it with

It also explains what your rights and options are as they pertain to privacy. By visiting this website or using our service, you acknowledge our collection and use of your Personal Data as described in this Privacy Policy. We strongly suggest that you review this Privacy Policy, and contact us if you have any questions.

### **Note for Students and Teachers:**

This Privacy Policy does not govern the collection, use, or disclosure of Personal Data through the use of the service by the educational institution which has given you access to the service. Please contact this organization to better understand its privacy practices as a data controller. Digiexam will retain Personal Data we process on behalf of organizations for as long as needed to provide services and as necessary to comply with our legal obligations, resolve disputes and enforce our agreements as data processor.

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## **What Does This Privacy Policy Cover**

This Privacy Policy informs about Digiexam's treatment and processing of Personal Data (any directly or indirectly personally identifiable information) that Digiexam gathers when you are accessing or using our website or services. "Processing" refers to any operation or set of operations which is performed on Personal Data or on sets of Personal Data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

## **Types & Purpose for Personal Data Collection**

### **Data You Provide to Us**

We receive and store any Personal Data you actively provide to us. The only Personal Data required from you in order to register or log into our service is your full name and email address. The student codes are collected and used by schools in order to identify their students. The type of student code used varies depending on the school's policy and can consist of an email address, personal identity number or the first letters in the student's first and last name.

Additional information such as student codes that an organization may use to identify students are not required, but also carry Personal Data related to the individual. Sensitive Personal Data relating to an individual's neuropsychological variation can also be collected as this can also be used by organizations in order to enable accommodation settings within the Digiexam platform for these individuals.

We may, from time to time, ask for additional Personal Data to enhance your profile, such as communication preferences, job title or employer. Any such data you elect to add to your account in this regard is voluntary.

You can choose to not provide us with certain Personal Data, but this may impact your ability to take advantage of some additional elements or features of our service. In certain situations, such as data analytics, we anonymize your Personal Data so that you cannot be individually identified either directly or indirectly.

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## Data Collected Automatically

Whenever you interact with our service, we automatically receive and record data on our servers relating to your device's properties. We define this as "Log data". Log data may include, but is not limited to, data such as your device's IP address, type and version of operating system and local time on your device. A client application hash is also collected in order to identify a student's device when a computer error has occurred.

When interacting with our website, certain information is also provided to us from your browser via "cookies." Cookies are identifiers, files or pieces of information that are transferred to the computer or mobile device you are using that allows us to recognize your web browser and inform us about how and when you visit pages on our website.

Cookies may provide information about, inter alia, browser type, how you navigate on our website and other tracking statistics. Some of this information may constitute Personal Data to the extent it can be traced back to an individual. We use this information for our legitimate interest to monitor and analyze the use of our website in order to increase its functionality, user-friendliness, and to better tailor it to your needs.

Each web browser offers its own management tools for removing cookies, and most web browsers are set to accept cookies by default. We would like to inform you that you may be able to change the preferences on your browser or device to delete, prevent or limit your computer or device's acceptance of cookies. This may, in turn, affect the functionality of our website.

Please refer to Digiexam's Cookie policy for details regarding the types of cookies used.

It is important to also mention that our website includes social media features, and that these features may collect your IP address, information about which page you are visiting on our website, and they may set a cookie to enable the feature to function as intended. Interactions with features hosted by a third party are governed by the privacy statement of the company providing it.

Digiexam uses analytics services to help understand and analyze how users interact with our website. These services use cookies and scripts to collect and store data such as user interaction, errors users encounter, device identifiers, frequency of site visits,, what pages are visited, and what other sites were used prior to coming to our website. You may opt out of tracking certain information collected by Google Analytics on our website.

Please see the following links for more information about GoogleAnalytics:

- [http://www.google.com/privacy\\_ads.html](http://www.google.com/privacy_ads.html)
- <http://www.google.com/privacy.html>
- <http://www.google.com/analytics/tos.html>

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## **Purpose for the Use of Your Personal Data and the Legal Basis**

We use the data we receive from you in order to fulfill our agreements with our customers as a data processor and for our legitimate business interests in order to operate, administrate/maintain and improve our website and our service including responding to requests that you make, or otherwise to aid us in serving you better or in order to comply with the law as set out in section D below.

In particular, we use your Personal Data in the following ways to:

1. create and maintain your account
2. identify you as a user in our system
3. operate, maintain, and improve our website and our services
4. personalize and improve your experience
5. send you administrative emails
6. respond to your comments or inquiries.

We have a legitimate interest to send you surveys, promotional communication and information about product and service updates with your permission when logging onto our site; to protect, investigate, and deter against fraudulent, unauthorized, or illegal activity; and to contact you as a part of secondary fraud protection or to solicit your feedback with your permission.

We may also use general data that we collect from you which does not contain Personal Data for our own internal purposes (i.e., to monitor overall usage trends, metrics, page views, etc.).

## **Communication**

We have a legitimate interest to communicate to our users and may contact you, by email or other means. If you wish to subscribe to our newsletter(s), we will use your name and email address to send the newsletter to you.

Out of respect for your privacy, you may choose to stop receiving our newsletter or marketing emails by following the unsubscribe instructions included in these emails. You can also always contact us at [privacy@digiexam.com](mailto:privacy@digiexam.com) if you do not wish to receive any email or contact from us. Please note however, that if you do not want to receive legal notices from us, those legal notices will still govern your use of the website, and you are responsible for reviewing such legal notices for changes. Such legal notices and the complete set of updated terms are to be found on our website.

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## Testimonials

We may post user testimonials/comments/reviews on our website which may contain Personal Data. We do obtain the user's consent via email or another suitable channel prior to posting the testimonial including Personal Data. Such consent may be withdrawn at any time. To request removal of your Personal Data from Testimonials or comments please contact us at [privacy@digiexam.com](mailto:privacy@digiexam.com).

## Where We Store Your Personal Data

Your Personal Data is stored on a cloud platform provided by Google. If you are located outside the European Union, the Personal Data that we collect from you may be transferred to, stored and processed at a destination in the European Union. If you are located within the United States, the Personal Data that we collect from you may be transferred to, stored and processed at a destination in the United States.

We will take all steps reasonably necessary to ensure that your information is treated securely and in accordance with this Privacy Policy. We use sub processors who receive and process certain Personal Data on our behalf. For a complete list of all our sub processors and where they store their data, please contact us at [privacy@digiexam.com](mailto:privacy@digiexam.com).

## Disclosure of Your Personal Data

We will not sell or lease any of your Personal Data in personally identifiable form to anyone. We share such Personal Data in personally identifiable form with third parties as described below.

1. **Trusted Third Parties:** We employ other companies and people to perform tasks on our behalf and need to share your Personal Data with them to provide the services to you. Unless we tell you differently, such third parties do not have any right to use the Personal Data we share with them beyond what is necessary to assist us. This includes third party companies and individuals employed by us to facilitate and improve our services, including the provision of maintenance services, database management, Web analytics and general improvement of the services.
2. **Educational institution or other course provider:** We will share your Personal Data with the educational institution or organization which is linked to your use of the services. For example, this would apply:
  - a. If teachers, administrators and account managers use the platform, for example when teachers use the service in order to prepare and administer exams
  - b. If you as a student are conducting a test, we will share your data including test results with the educational institution providing the test, including teachers.
3. **Business Transfers:** We may choose to buy or sell assets. In these types of transactions,

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Customer data is typically one of the business assets that is transferred. Also, if we (or substantially all of our assets) are acquired, or if we go out of business, enter into bankruptcy, or go through some other change of control, Personal Data would be one of the assets transferred to, or acquired by, a third party. You will be notified via email of any change in ownership or uses of your Personal Data, including a reference to a prominent notice and information on our website as well as a notice when logging onto our service. You will also be informed of any choices you may have regarding your Personal Data.

4. **Protection of Digiexam and Others:** We reserve the right to access, read, preserve, and disclose any data that we reasonably believe is necessary to comply with law or a court order; enforce or apply our conditions of use and other agreements; or protect the rights, property, or safety of DigiExam, our employees, our users, or others. This includes exchanging data with other companies and organizations for fraud protection and credit risk reduction. We also may be required to disclose an individual's Personal Data in response to a lawful request by public authorities, including to meet national security or law enforcement requirements.

Except as set forth above, you will be notified when your Personal Data may be shared with third parties, and you will be able to prevent the sharing of such Personal Data.

## **General Practices Related to Data Security**

We take the security of your Personal Data seriously and use appropriate measures to protect it against unauthorized or unlawful processing and against accidental loss, destruction or damage. Our security measures are constantly being revised in accordance with technological developments. Which actions that are necessary will depend on the type of Personal Data being processed and the specific risks associated with that processing.

You must prevent unauthorized access to your account and Personal Data by protecting your credentials appropriately and limiting access to your computer or device and browser by signing off after you have finished accessing your account.

DigiExam is committed to maintaining the security and confidentiality of a user's Personal Data. To that end, DigiExam has taken the following actions: (a) limiting employee access to Personal Data pertaining to students based on roles and responsibilities; (b) conducting background checks on employees who have access to student data; (c) conducting privacy training for employees with access to students' Personal Data; (d) protecting Personal Data with technical, contractual, administrative, and physical security safeguards in order to protect it from unauthorized access, release or use.

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When you enter your Personal Data on our site we encrypt the transmission of that Personal Data using transport layer security (TLS).

Whenever your Personal Data is used for purposes such as statistics or general user activity monitoring we make sure to anonymize the data where appropriate.

Our website or tests provided in the service may contain links to other sites. We are not responsible for the privacy policies and/or practices on other sites. When following a link to another site you must read that site's Privacy Policy. If you share your computer or use a computer that is accessed by the general public, remember to sign off and close your browser window when you have finished your session.

## Data Breach

If Digiexam is notified about a security breach of a system by an unauthorized party or that any user's Personal Data was used for an unauthorized purpose, we will comply with applicable data protection legislation regarding data breaches and use appropriate measures to mitigate the breach.

## Personal Data Rights

As a data subject you have many rights regarding your Personal Data which is collected and stored. In summary, these include the right to:

1. transparency and access with respect to the Personal Data that is stored and processed
2. corrections of any mistakes in the Personal Data and erasure in certain situations
3. restriction of processing in certain circumstances
4. object at any time to processing of Personal Data concerning you when such processing is based on our legitimate interest, for direct marketing and in certain other situations
5. lodge a complaint with a data protection supervisory authority
6. data portability, i.e. to receive Personal Data collected about you in a structured, commonly used and machine-readable format
7. claim compensation for damages caused by our breach of any data protection legislation

You may access, and, in some cases, edit, update or delete Personal Data you have provided to us. You have the right to decline to share certain elements of Personal Data that we ask you to provide, but keep in mind that the Personal Data may be needed to use our services. We may use any aggregated data derived from or incorporating your Personal Data after you update or delete it, but not in a manner that would identify you personally.

The Personal Data you can view, update, and delete may change as the website changes. If you have any

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questions about viewing or updating Personal Data we have on file about you, please contact us at [privacy@digiexam.com](mailto:privacy@digiexam.com). We will respond to your request to access it within 30 days.

## **Personal Data Retention**

Personal Data will never be stored longer than necessary in view of the above-mentioned purposes. The criteria for determining the retention period are based on our agreement with your educational institution, the legal obligations we have to adhere to, and our legitimate interest to communicate with you in order to manage the service and any user problems that can occur, as well as marketing purposes. The same Personal Data can be stored in different locations for different purposes. Your Personal Data is only accessible by authorized personnel.

In general, we will retain your Personal Data for as long as your account is active or as needed to provide you services. You may request deletion of your account by contacting us at [privacy@digiexam.com](mailto:privacy@digiexam.com). All of your Personal Data will be deleted from our database or de-identified when the account is closed.

We will store the Personal Data per the user's license requirement or delete the account upon user request. For database backups, we do a daily backup which is stored up to 90 days. Log data is stored up to 180 days.

Our current data retention policy is to keep each student's data within the active contract period or a minimum duration required for licensing compliance per request from the Customer within the active contract period. We may also choose to anonymize certain parts of the Personal Data you provide to us so that it can no longer be attributed to you if we would like to retain it for longer periods of time.

## **Changes to this Policy**

Digiexam reserves the right, at its sole discretion, to modify, add or remove portions of this Privacy Policy from time to time. We will note any such changes by updating the publication date of this Privacy Policy and inform our users of this when logging onto our platform including a link to the downloadable Privacy Policy on our website. It is each user's responsibility to review the Privacy Policy when it is changed.

If we make significant changes impacting the collection, use, disclosure or retention of Personal Data, we will also provide an email notice to you thirty (30) days in advance of implementing those changes.

## **Contact Us**

If you have questions or concerns about this Privacy Policy, please contact us at [privacy@digiexam.com](mailto:privacy@digiexam.com).