

Privacy Policy

Apex Education, Inc. (“Apex”) respects the privacy of any Personal Information we may collect. This policy explains how Apex treats personal information we obtain from clients and other authorized users of our web application datahub.apexeval.org and our mobile app Apex Data App (“Application”). This policy is part of the Terms of Service that govern the use of the Application. By using the Application you agree to comply with the terms of this Privacy Policy.

Personal and Other Information We Collect.

Through your interaction with and use of the application, Apex may collect “personal information”, which is information that identifies an individual or relates to an identifiable individual. Personal information may include, but is not limited to your name, e-mail address, location or site name.

Apex may also collect other information in other routine, lawful operations, which we conduct in the ordinary course of operating our business. These operations may include the use of common data gathering functionality, such as cookies and other direct interactions. We may use the information we collect in connection with your use of the Application in order to investigate, enforce, and apply our Terms of Service and Privacy Policy.

How We Collect Information

Apex collects information by direct interactions from your use of and interaction with the application and by automated interactions, such as electronic communication protocols or cookies.

Electronic Communication Protocols:

As is true with most web applications, Apex may automatically receive information from you as part of the communication connection itself, which often consists of your browser type, IP address, data, and time. Apex may also automatically receive and record information about your interaction with the Application which could include, but is not limited to log in information, your activity within the Application, and time spent using the Application.

Cookies:

A cookie is a small piece of information sent by a Web server to store on a Web browser. Cookies may collect information, including a unique identifier, user preferences, profile information, and general usage and volume statistical information. Cookies may also be used to collect individualized web application use data, and/or provide electronic application personalization. Some cookies may remain on user’s computers after they leave the web application. While the majority are set to expire within 1-24 months of your last visit to the web application that set the cookie, others may not expire because of their nature, such as cookies that remember opt-out preferences. Your browser may provide you with information and control over

cookies. You can set your browser to alert you when a cookie is being used, and accept or reject the cookie. You can also set your browser to refuse all cookies or accept only cookies returned to the originating servers.

How we use and share the information about the user.

We may disclose certain information we obtain as our agreements with our clients, other authorized users, vendors, technology partners, and others permit. In order to insure continuity of the Application and the integrity and availability of the information required to provide, information provided to us may be backed up or archived, and this may include the storage of information at facilities operated by our vendors.

Apex may disclose your personal information as we believe necessary or appropriate to protect the health and safety of our employees and visitors, our physical and online operations, our property, rights, and privacy. If you visit our office, you may be photographed or videotaped as part of maintaining the security of our facilities. Facility security photography will be treated as sensitive information and will only be used for security and investigation purposes.

Finally, we may disclose your personal information as we believe necessary or appropriate to: (a) comply with applicable law and regulations; (b) to comply with legal processes; (c) to respond to public and government authorities; (d) to enforce our terms of use; and (e) to allow us to pursue available remedies or limit the damages that we may sustain.

We may use, transfer, and disclose Other Information we collect for any purpose, except where applicable law requires otherwise. If we are required to treat Other Information as Personal Information under applicable law, then we will only use it in the same way that we are permitted to use and disclose Personal Information.

Opt-Out Rights

You may access or change your cookie preference at any time. Users can generally disable the cookie feature on their browser without affecting their ability to use the site, except in some cases where cookies are used as an essential security feature necessary for transaction completion. Cookies, however, are important to the proper functioning of a site, and disabling them may degrade your experience and interfere with the web application features and customizations.

Access, Correction, and Profile Updates

You may request to review, correct, update, suppress, or otherwise modify any of the Personal Information that you have previously provided to us through the Application, or object to the use of or processing of such Personal Information by us. You have the ability to update your profile and related Personal Information at any time. If you have questions about your account or are having trouble accessing your account, you can request help with your account. If you have privacy concerns regarding access to or the correction of your personal information, please contact us at support@apexeval.org.

In your request, please make clear what Personal Information you would like to have changed, whether you would like to have the Personal Information that you have provided to us suppressed from our database or otherwise let us know what limitations you would like to put on our use of your Personal Information.

While the majority of questions and issues related to access can be handled quickly, complex requests may take more research and time. In such cases, issues will be addressed, or you will be contacted regarding the nature of the problem and appropriate next steps, within thirty days.

Apex may, at any time, remove your access from this application for lack of activity, or misuse.

Retention and Deletion

Apex will retain your Personal Information for as long as your account is active; as needed to provide you service; as needed for the purposes outlined in this policy or any of Apex's policies and procedures, or at the time of collection; as necessary to comply with legal obligations, resolve disputes, and enforce our agreements; or to the extent permitted by law.

At the end of the retention period, Apex will delete your Personal information in a manner designated to ensure that it cannot be reconstructed or read.

Advertising

Apex will not use your Personal Information for advertising.

Security

Some data provided to us may be Protected Health Information ("PHI"), as that term is defined in and subject to protection under the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 ("HIPAA"), the Health Information Technology for Economic and Clinical Health Act, and ("HITECH"), Title XIII of Division A and Division B of the American Recovery and Reinvestment Act of 2009 ("ARRA"), Public Law 111-5 (Feb 17, 2009) and related regulations, the HIPAA Privacy Rule, 45 C.F.R. Parts 160 and 164, as amended, the HIPAA Security Rule, 45 C.F.R. Parts 160, 162, and 164, as amended, and other relevant laws, including subsequently adopted provisions applicable to use and disclosure of confidential information and applicable agency guidance. We offer and provide the Application in a manner that complies with all applicable laws and regulations we are aware of and/or become known to us and will continue to do so. We have Business Associates Agreements in place with our clients, partners, and vendors that govern the use and disclosure of PHI that is required for us to provide them with the services they have requested.

If you provide us with PHI that is protected under any federal or state laws (including HIPAA), you grant to us a non-exclusive, perpetual, irrevocable, royalty-free right and license to use de-identified patient and administrative data ("De-Identified Data" as defined under 45 C.F.R. §165.514) collected or provided through your use of the Application for any lawful business purpose, including but not limited to creating statistical norms and reports, regional or national

benchmarking, or to be used for research considerations, provided, however, that the data shall not include member identities and claims information that is protected. Personally identifiable information shall remain confidential and shall not be released. Further, should we choose to use the De-Identified Data in studies and/or analyses conducted directly or indirectly by us, no such data shall be identified as originating from you, or your patients. The De-Identified Data shall also not be utilized in any study, report, or publication without first being integrated with a significant body of other data, such that neither you nor your patients can be identified unless appropriate, advance, and written consents to such identification are obtained.

Apex is committed to the security of your Personal Information or PHI, and has in place physical, administrative, and technical measures designed to prevent unauthorized access, loss, misuse, disclosure, alteration and destruction to that information. Apex's employees are required to maintain the confidentiality of services data. Employee's obligations include written confidentiality agreements, regular training on information protection, and compliance with company policies concerning the protection of confidential information.

In the event that your Personal Information or PHI is acquired, or is reasonably believed to have been acquired, by an unauthorized person and applicable law requires notification, Apex will notify you by e-mail, fax, or U.S. mail. Apex will give you notice promptly, consistent with the reasonable needs of law enforcement, Business Associates Agreements, and/or Apex to determine the scope of the breach and to investigate and restore the integrity of the data system.

Dispute Resolution

If you have any complaints regarding our compliance with this policy or unresolved privacy or data concerns you should contact us. We will investigate and attempt to resolve complaints and disputes regarding use and disclosure of personal information in accordance with this privacy policy. We ask that you do not send or share with us any sensitive Personal Information, such as Social Security Numbers.

Children's Privacy

We do not use the Application to knowingly solicit data from or market to children under the age of 13. If a parent or guardian becomes aware that his or her child has provided us with information without their consent, he or she should contact us at support@apexeval.org. We will delete such information from our files within a reasonable time.

Consent

By using the Application, you are consenting to our processing of your information as set forth in this privacy policy now and as amended by us. "Processing", means using or touching information in any way, including, but not limited to, monitoring usage, recording usage, auditing usage, collecting, storing, using, combining and disclosing information, all of which will take place in the United States. If you reside outside the United States your information will be transferred, processed, and stored under United States privacy standards.

Contact Us

If you have any questions or concerns regarding your privacy while using the Application, please contact us via email at support@apexeval.org. Written questions or concerns may be addressed to:

Apex Education, Inc.

PO Box 93633

Albuquerque, NM 87199

Policy Updates

We may update this policy from time to time. We will post a prominent notice in this section of the policy to notify users when it is updated.

Last Updated: August 12, 2020