

**Updated:** December 2022

This Privacy Policy describes Zorbi's privacy practices in relation to information that we collect through the website [www.zorbiapp.com](http://www.zorbiapp.com) operated by us from which you are accessing this Privacy Policy (the "Website") and through the software applications made available by us for use on or through computers and mobile devices that link to this Privacy Policy (the "App").

***To summarize our data privacy commitment in plain English:***

- We do not display advertising on our App or on our Website.
- We do not sell or share your data with third parties to advertise or market their services or products to you.
- We do not host third-party cookies or trackers that would allow those third parties to track you on our site to advertise or market their products or services to you.
- We use the data you share with Zorbi solely to provide you the Zorbi service, to improve it, and to keep you updated about new developments. And we only use third party services that have made the same commitment to us.
- If you ever want to be forgotten, simply email us at [contact@zorbiapp.com](mailto:contact@zorbiapp.com) and all your data will be completely removed from our system.

## **COPPA & FERPA in the USA**

This policy is in accordance with the U.S. Children's Online Privacy Protection Act ("COPPA") and Family Educational Rights and Privacy Act (FERPA), and outlines our practices world-wide regarding the personal information of all students under 13. For more information about COPPA and general tips about protecting children's online privacy, please visit [OnGuard Online](#).

The policies for childrens' privacy protection outlined in this Privacy Policy are intended to supplement the information appearing in the general Privacy Policy and apply to all students in education, not only those under age 13. Where this COPPA Privacy Policy conflicts with our general Privacy Policy concerning information about a Child, the terms of this COPPA Privacy Policy will prevail over our general Privacy Policy.

### **Teacher or schools consent in lieu of a parent**

Zorbi collects limited personal information from students where that student's school, district, or teacher has provided access to the Zorbi service.

If you are accessing Zorbi on behalf of a Class, School or District, anywhere in the world, the following provisions also apply:

- You represent and warrant that you are solely responsible for complying with the Child Online Privacy Protection Act (COPPA) or similar requirement to

secure parental consent for accessing applications which require personal information from children under 13.

- With regard to school-based activities, COPPA allows teachers and school administrators to act in the stead of parents to provide consent for the collection of personal information from children.
- For more information on COPPA, please see [www.ftc.gov/privacy](http://www.ftc.gov/privacy).

## Personal information stored

In order to create a unique account, Zorbi does require that all users enter their email address and create a password, which is stored on the site, or use their own Google or Microsoft Account to sign on (Single-Sign-On), and may collect additional information such as name of school or class, and whether they are a teacher or student, in order to assign the user to the correct user group. Documents may be uploaded to Zorbi by users in order to create flashcards. Zorbi does not store these files once the flashcard creation process is completed. Flashcards made by users are stored on the site in order to display them to other users viewing a shared deck, and to display them to the user if the same file is later re-opened.

We collect and use the following information to provide, improve and protect our Services:

- Account – We collect, and associate with your account, information you give us like your name, email address, phone number, payment info, and physical address. Some of our services let you access your accounts and your information with other service providers.
- Services – When you use our Services, we store, process and transmit your files and information related to them (for example, the flashcards you make). If you give us access to your contacts, we'll store those contacts on our servers only for you to use. This will make it easy for you to do things like sharing your stuff, and inviting others to use the Services.
- Usage – We collect information from and about the devices you use to access the Services, to aid trouble-shooting and optimisation of the Services. This includes things like IP addresses, the type of browser and device you use, the web page you visited before coming to our sites, and identifiers associated with your devices. Your devices (depending on their settings) may also transmit location information to the Services.

Please note that users, including children, can choose whether to share this information with us, but certain features may not function without it. As a result, users may not be able to access certain features if required information has not been provided. We will not require a user to provide more information than is reasonably necessary in order to participate in the online activity, and we use this personal data for no other purpose than providing the service to the user.

Zorbi collects limited personal information from students only where that student's school, district, or teacher has engaged with Zorbi to collect personal information for the use and benefit of the learning environment. This information is not shared outside of the school or with any third parties except those needed for the provision

of the service as outlined in this policy. Students of any age cannot share their profiles publicly outside of their classroom or school.

Teachers can annotate flashcard decks and provide comments to students. Students can annotate deck, create and study flashcards, submit assignments through your learning management system, add comments and take online tests; Teachers or students can record audio or video and attach these recordings to content in our system. None of this information is shared with any third parties without the teacher or school's consent.

Access to user information is given only as discussed below, but we won't give or sell it to advertisers or other third-parties.

- Others working for Zorbi – Zorbi uses certain trusted third party services to help us provide, improve, protect, and promote our Services. These third parties will access your information only to perform tasks on our behalf and in compliance with this Privacy Policy. They are listed below.
- Other users you share it with – Our Services display information like your name and email address to other users in places like your user profile and sharing notifications. Certain features let you make additional information available to other users.
- You can also give third parties access to your information and account – for example, via Zorbi APIs. Just remember that their use of your information will be governed by their privacy policies and terms.
- Law & Order – We may disclose your information to third parties if we determine that such disclosure is reasonably necessary to (a) comply with the law; (b) protect any person from death or serious bodily injury; (c) prevent fraud or abuse of Zorbi or our users; or (d) protect Zorbi's property rights.
- Stewardship of your data is critical to us and a responsibility that we embrace. We believe that our users' data should receive the same legal protections regardless of whether it's stored on our services or on their home computer's hard drive. We'll abide by our principles when receiving, scrutinizing and responding to government requests for our users' data:
  - Be transparent,
  - Fight blanket requests,
  - Protect all users, and
  - Provide trusted services.

## **Review and Deletion of Personal Information**

### **General Rules for Deletion of Personal Information**

If you cease to agree with Zorbi's terms of use and privacy policy at some point in the future, you may opt-out and have your personally identifiable information stored by Zorbi removed from our system by contacting us directly at [contact@zorbiapp.com](mailto:contact@zorbiapp.com). We will respond to your request within 30 days.

If you wish to review your personally identifiable information stored by Zorbi, you may email us your request at [contact@zorbiapp.com](mailto:contact@zorbiapp.com) . We will respond to your request within 30 days.

If your personally identifiable information changes, or if you no longer desire our service, you may correct, update, or delete it by making the change directly in the user profile in the Zorbi App, or email us at [contact@zorbiapp.com](mailto:contact@zorbiapp.com) . We will respond to your request within 30 days.

We will retain your information only for as long as your account is active or as needed to provide you services. If you wish to cancel your account or request that we no longer use your information to provide you services, contact us at [support@zorbiapp.com](mailto:support@zorbiapp.com). We will only retain and use your information as necessary to comply with our legal obligations.

## **Rules for Deletion of Personal Information for children**

Under FERPA regulations, Parents have the right to refuse the site further contact with their child and to have access to their child's school record information and to have it deleted by contacting the school administrator.

If you are a parent and would like more information on parental rights with respect to a child's educational record under the U.S. Family Educational Rights and Privacy Act (FERPA), please visit the [FERPA site](#). If you believe that a student's school, district, or teacher has not required parental consent prior to our collection of any personal information, contact us at [contact@zorbiapp.com](mailto:contact@zorbiapp.com)

If you are the parent and guardian of a student using Zorbi, and cease to agree with Zorbi's terms of use and privacy policy at some point in the future, you may opt-out by contacting the Zorbi subscriber (typically your school) if you are a school account user, or contact us directly at [contact@zorbiapp.com](mailto:contact@zorbiapp.com) if you are an individual account user.

If you wish to review your or your student's or your child's personally identifiable information stored by Zorbi, you may email us your request at [contact@zorbiapp.com](mailto:contact@zorbiapp.com) . We will respond to your request within 30 days.

If your or your student's or your child's personally identifiable information changes, or if you no longer desire our service, you may correct, update, or delete it by making the change directly in the user profile in the Zorbi App, or email us at [contact@zorbiapp.com](mailto:contact@zorbiapp.com) . We will respond to your request within 30 days.

In any correspondence such as e-mail or mail, please include the child's username, the school or organization, and the teacher or parent's email address and telephone number. To protect children's privacy and security, we will take reasonable steps to

help verify a teacher or parent's identity before granting access to any personal information.

## Is the Personal Information Secure?

Your account is protected by a password for your privacy and security. You must prevent unauthorized access to your account and Personal Information by selecting and protecting your password appropriately and limiting access to your computer or device and browser by signing off after you have finished accessing your account.

We endeavor to protect the privacy of your account and other Personal Information we hold in our records, but we cannot guarantee complete security. The transmission of information via the Internet is not completely secure. Unauthorized entry or use, hardware or software failure, and other factors, may compromise the security of user information at any time.

When you enter your information on our site we encrypt the transmission of that information using transport layer security (TLS). Firewalls are used to segregate application tiers and provide strict controls on access to resources within our networks. Your data is also encrypted at rest on the servers hosted by our cloud services partners AWS and Google Cloud Platform, which we selected because of their compliance with COPPA, and their stringent security measures, including compliance with the following certifications and third-party attestations:

- SAS70 Type II audits

Level 1 service provider under the Payment Card Industry (PCI) Data Security Standard (DSS)

- ISO 27001 certification

U.S. General Services Administration FISMA-Moderate level operation authorization

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 the Zorbi Website and notifying you by email using the email address on your account within 72 hours of Zorbi becoming aware of such breach. For EU residents, notification to the Zorbi Supervisory Authority shall be made within the same time period.

## Third Party Service Providers used

We work with a number of third-party service providers to help improve the quality of our service. We have contracts with these third parties which guarantee that they do not share your information with any other third parties and protect the data at least the same level as we do ourselves. In case a transfer of data is needed while collaborating with one of those third parties we make sure the transfer is executed to

a country which is providing adequate protection according to EU. If this is not the case we sign agreements which includes the EU Standard Contractual Clauses (also called Model Clauses) published by the European Commission to protect EU data.

Zorbi uses the following third-party services :

- Microsoft – if you choose to log into Zorbi using your Microsoft account (often referred to as Single Sign-on or “SSO”), your login will be authenticated by Microsoft. If you open/save files on OneDrive, Microsoft will first request authorization for this. You can review Microsoft’s Privacy Policy for use of your Microsoft account [here](#); and update or revoke your permissions as described [here](#).
- Google – if you choose to log into Zorbi using your Google account, your login will be authenticated by Google. If you open/save files on Google Drive, Google will first request authorization for this. You can review Google’s Privacy Policy for use of your Google account [here](#); and update or revoke your Google Permissions [here](#).
- Google Analytics & Tag Manager – an analytics service used to help analyze your use of our Website and allow us to improve our Service and provide you information on the Service. Our agreement with Google complies with the terms of this policy.
- Stripe – when you upgrade your account online using a credit card, your payment is securely processed using Stripe’s e-payments service. Our contractual agreement with Stripe complies with the terms of this policy.

We will only contract with future service providers that are consistent with this policy or allow users a choice to send information to the future provider.

For more information on any of these third parties please contact us at:  
[contact@zorbiapp.com](mailto:contact@zorbiapp.com)

## European Union – GDPR Data Protection

If you are using Zorbi in the European Union, The EU General Data Protection Regulation (GDPR) applies to you and our storage and processing of your data.

### Legal grounds, Rights of data subjects, Deletion

We process your data only on legal grounds, meaning when we have your explicit consent; when we need this in order to execute our contractual obligations towards you; when we are obliged to do so under a legal act of any kind; or in order to protect our legitimate interest.

As a data subject you have rights to:

## **Access**

You may request access to your personal data to receive information, for example, about the categories of personal data that Zorbi is currently processing.

## **Rectify**

You may ask Zorbi to correct personal data that is inaccurate or incomplete.

## **Erase**

You may ask Zorbi to erase personal data where one of the following grounds applies:

- Where the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- You withdraw consent on which the processing is based and where there is no other legal ground for the processing;
- You object to automated decision-making and there are no overriding legitimate grounds for the processing, or you object to the processing for direct marketing;
- The personal data have been unlawfully processed;
- The personal data have to be erased for compliance with legal obligation in Union or Member State law to which Zorbi is subject;
- The personal data have been collected in relation to the offer of information society services.

## **Restrict**

You may ask Zorbi to restrict how it processes your personal data, requesting only their storage, where one of the following grounds applies:

- You contest the accuracy of your personal data, for a period enabling Zorbi to verify the accuracy of your personal data;
- The processing is unlawful and you oppose the erasure of the personal data and request the restriction of their use instead;
- Zorbi no longer needs the personal data for the purposes of the processing, but they are required by you for the establishment, exercise or defense of legal claims;
- You have objected to processing pursuant to the right to object and automated decision-making, pending the verification whether the legitimate grounds for Zorbi override those of you.

## **Portability**

You may ask Zorbi to transfer the personal data you have provided us to another organization and/or ask to receive your personal data in a structured, commonly used and machine readable format.

In case you provided your consent to the processing of personal data, you may withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal.

If your personal data are transferred outside the European Economic Area, you have the right to obtain copy of such data as well as indication of the Country/Countries where the personal data have been made available.

### **Your right to object to the processing of your personal data**

You have the right to object to the processing of your personal data and request the stop of the processing operations when they are based on the legitimate interest.

### **Your right to lodge a complaint to the Supervisory Authority**

The criterion for the duration of the retention of personal data is the respective legal retention period. Once this period expires, the data in question will be routinely erased, provided it is no longer required for the fulfilment or initiation of the contract.

When we process your data we apply high-standard technical and organizational measures in order to provide maximum security as described above.

For further information you can contact [contact@zorbiapp.com](mailto:contact@zorbiapp.com).

### **Transfer**

The GDPR requires that when any EU user's personal data is hosted or processed outside of the European Economic Area, it must remain protected to an adequate standard in line with EU law. There are a few ways that Zorbi achieves this:

First, some of our EU customers' data is processed in New Zealand (where our Headquarters are located). New Zealand is recognized by the EU as a territory that ensures an adequate level of data protection decided by 2013/65/EU: Commission Implementing Decision of 19 December 2012 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data by New Zealand (notified under document C(2012) 9557) Text with EEA relevance.

When we hold EU customer data in other territories, like the US, we take other 'Appropriate Safeguards' that are prescribed by the GDPR. Specifically, we either transfer your data to countries which are providing adequate protection according to EU or we enter into Data Processing Agreements with Customers in which we rely on EU Standard Contractual Clauses (also called Model Clauses) published by the European Commission to protect EU data. These are standard form data export agreements that have been approved by the European Commission as a lawful basis for transferring personal data to non-EEA countries like the USA.



Secondly, When we hold EU customer data in other territories, like the USA, we take other 'Appropriate Safeguards' that are prescribed by the GDPR. Specifically, we enter into Data Processing Agreements with Customers in which we rely on EU Standard Contractual Clauses (also called the SCCs or the EU Model Clauses) published by the European Commission to enforce the protection of EU users' data. These are standard form data export agreements that have been approved by the European Commission as a lawful basis for transferring personal data to non-EEA countries like the USA.

(Zorbi wants to notify you that since July 16, 2020 according to a decision of the Court of Justice of the European Union, the PrivacyShield agreement governing the transfer of EU citizens' data to the United States is no longer applicable. As a result of that the EU-U.S. PrivacyShield Framework is no longer a valid mechanism to comply with EU data protection requirements when transferring personal data from the European Union to the United States. However as the regulatory and legislative landscape evolves, we will always work to ensure that our customers and partners can continue to enjoy the benefits of our services and maximum protections everywhere they operate. This is the reason why we still continue to comply with the EU-U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union to the United States.)

Thirdly, we have verified that our US-based cloud hosting providers are working with us according to agreements which include SCC (EU Model clauses) as explained above. Specifically,

- Amazon Web Services – our agreement with AWS incorporates the EU SCCs for GDPR-compliant protection of EU users' data as confirmed [here](#).
- Google Cloud Platform – our agreement with GCP incorporates the EU SCCs for GDPR-compliant protection of EU users' data as confirmed [here](#).
- Stripe – our agreement with Stripe incorporates the EU SCCs for GDPR-compliant protection of EU users' data [here](#)

Zorbi may not rely on a breach by a sub-processor of its obligations in order to avoid its own liabilities.

## **GDPR Rights of Arbitration**

In case of a dispute or non-resolution related to privacy issues, European users may invoke binding arbitration via your EU data protection authority (DPAs).

## **United Kingdom Privacy Rights**

We comply with the data privacy requirements under the UK legislation. There are interim provisions which allow the continued use of EU Standard Contractual Clauses (SCCs) for restricted transfers.

## California Privacy Rights

In addition to the rights as explained in this Policy, California residents who provide Personal Information (as defined in the statute) to obtain educational services are entitled to request and obtain from us, once a calendar year, information about the Personal Information we shared, if any, with others third parties. If applicable, this information would include the categories of Personal Information and the names and addresses of those third parties with which we shared such personal information for the immediately prior calendar year (e.g., requests made in the current year will receive information about the prior year). For more information please contact us at: [contact@zorbiapp.com](mailto:contact@zorbiapp.com)

### DO NOT TRACK

Some browsers incorporate a Do Not Track feature that signals to websites you visit that you do not want to have your online activity tracked. Tracking is not the same as using or collecting information in connection with a website. For these purposes, tracking refers to collecting personally identifiable information from consumers who use or visit a website or online service as they move across different websites over time. Our Website does not track its visitors across third party websites. If your browser indicates Do Not Track, our Website will not record your visit.

## Australia privacy rights

If you reside in Australia, you have a legal right under the Privacy Act 1988 (Cth) to request access to your personal data which is held by Zorbi. You also have a right to seek correction (including correction of any errors) of your personal data. If you would like to request access to, or correction of, your personal data, please contact us. If you request access to, or the correction of, your personal data, we will respond to your request within a reasonable period after the request is made. Access to your personal data will be provided in accordance with any applicable laws and is subject to any exemptions which might apply under those laws.

For more information please contact us at: [contact@zorbiapp.com](mailto:contact@zorbiapp.com)

## Canada privacy rights

If you reside in Canada, you have a right to request access to your personal data which is held by Zorbi and the right to request its modification (including the correction of any errors). If you would like to request access to, or correction of, your

personal data, please contact us. We will respond to your request within a reasonable period after the request is made. To protect against fraudulent requests for access to your personal data, we may ask you for additional information to confirm that the person making the request is you or is authorized to access your personal data. For example, we may require you to verify your identity before you access your personal data. Access to your personal data will be provided in accordance with applicable laws and is subject to any exemptions which might apply under those laws.

For more information please contact us at: [contact@zorbiapp.com](mailto:contact@zorbiapp.com)

## Disclosure and Permissions

We do not disclose personal information collected from users to third parties other than to persons who provide support for the operations of the service and who do not use the information for any other purpose, as detailed above.

We do not disclose personal information collected from Children to third parties other than to persons who provide support for the operations of the service and who do not use the information for any other purpose, except as follows:

- Parents
- Teachers & school administrators

We may disclose your personally identifiable information in connection with business transfers and purchases: As we continue to develop our business we may buy or sell business divisions or companies, we may merge or combine with another company, or our company itself and/or all or a significant part of its assets may be acquired by another company. We may provide any information we have to a potential counter-party in any such potential transaction. If such a transaction is completed, your personally identifiable information may be one of the transferred and shared business assets. In the event that information is shared in this manner, notice will be posted on our Site. In this event this privacy policy will continue to apply unless we contact you and ask you to opt in to any changes before they are implemented.

We reserve the right to disclose your personally identifiable information as required by law and when we believe that disclosure is necessary to protect our rights and/or to comply with a judicial proceeding, court order, or legal process served on our Website.

## Cookies and similar technologies used

Technologies such as cookies, beacons, tags and scripts are used by Zorbi. These technologies are used to make it easier for you to navigate our site, to store your

passwords so you don't have to enter it more than once, analyzing trends, administering the site, tracking users' movements throughout the site and to gather usage information about our user base as a whole. We may receive reports based on the use of these technologies by these companies on an individual as well as aggregated basis.

As true of most Web Sites, we gather certain information automatically and store it in log files. This information may include internet protocol (IP) addresses, browser type, internet service provider (ISP), referring/exit pages, operating system, date/time stamp, and/or clickstream data. We do not link this automatically-collected data to other information we collect about you.

Zorbi collects and analyzes data on how the service is used in the aggregate for the purpose of improving and enhancing its service. Zorbi does not analyze information on how particular individuals use the service as part of general reporting procedures or in the usual course of business. However, information on individual usage of the system, including but not limited to individual IP addresses, may be analyzed on a case-specific basis to resolve a technical difficulty or to assist in resolving or investigating any misuse of the service.

## **Changes to this Policy**

We reserve the right to amend this Privacy Policy at any time. Please check this page periodically for changes. If we intend to make a material change in the collection, use, or disclosure practices with respect to a Child's previously-collected personal information to which a school or district has previously consented, we will contact by email to obtain the consent of the school, district, teacher or parent who registered for the service in connection with the child to such changes.

We also reserve the right to amend the EU Model Contract Clauses in case when the European Commission adopts new ones.

## **Links to Other Sites**

If you click on a link to a third-party site, you will leave the zorbiapp.com Website and be redirected to the site you selected. Because we cannot control the activities of third parties, we cannot accept responsibility for any use of your personally identifiable information by such third parties, and we cannot guarantee that they will adhere to the same privacy practices as Zorbi. We encourage you to review the privacy statements of any other service provider from whom you request services. If you visit a third-party website that is linked to the Zorbi Website, you should read that site's privacy statement before providing any personally identifiable information with them.

# Contact

Have questions or concerns about Zorbi, our Services and privacy? Contact us at [contact@zorbiapp.com](mailto:contact@zorbiapp.com)

Zorbi Limited [New Zealand]

20 Symonds Street, Auckland, New Zealand