



PRIVACY POLICY

Overview

Protecting your privacy is of utmost importance to us. Here is a summary of our privacy principles:

We will never sell your data.

We will never sell personal data that we collect about you or your students. We only collect and use personal information that you provide or authorize us to use.

We are committed to securing your data.

We have put in place physical, electronic, and administrative procedures to safeguard and secure your data. Our data transfers are encrypted to protect the confidentiality and privacy of your information.

We do not advertise on our websites.

Our goal is to provide you and your students with the best possible experience free of advertising and unwanted distractions.

We are COPPA, FERPA, and GDPR compliant.

We are compliant with US, Canadian and European Economic Area privacy laws.

If you have any questions about our Privacy Policy or [Terms of Use](#), please email us at info@pinkcatstudio.com.

Privacy Policy

Effective Date: July 1, 2020 (See our previous version [here](#).)

This Privacy Policy applies to Pink Cat Studio Inc. (“**Pink Cat**”, “**we**” or “**our**”) services, including but not limited to the Pink Cat websites at www.pinkcatstudio.com and www.pinkcatgames.com (each, the “**Website**”), Pink Cat applications and Pink Cat products (collectively, the “**Service**”), and details how we collect, use, and disclose data, including personal data, about you (“**you**” or “**your**”) and all of our users (“**Users**” and each, a “**User**”).

BY CLICKING “I AGREE” OR SIMILAR CONFIRMATION OR BY USING THE SERVICE YOU ARE AGREEING TO THE TERMS OF THIS PRIVACY POLICY.

1. Description of the Service

Pink Cat is an educational platform that assists teachers (each, a “**Teacher**”) and their students (each, a “**Student**”) in achieving their educational goals with educational games and tools to help manage classroom activities. In order to provide the Service, we may collect certain important information. As the information we collect may include sensitive data, including personal data about each Student, we aim to be transparent and clear about how we collect, use and share data.

2. How we Obtain Personal Data

The Service collects and processes personal data, which is information about you or that identifies you. Subject to legal, contractual and technical requirements, you may choose not to provide Pink Cat with certain data or request the deletion of certain data, which may impact the Service features available to you or essential operation of the Service.

3. Personal Data we Collect

We collect certain personal and anonymous data when you use the Service including when you initially sign up on the Website and during your continued use of the Service. The following is a description of the personal data that we may collect, use and process in connection with the Service:

- your contact information you provide to us including your full name, school name, email address, phone number, username, password and default language (“**Contact Info**”);
- payment details (which is directly collected by a third-party payment provider such as Stripe or PayPal);
- if you are a Teacher, information about your use of the Service, which may include a list of linked information about your Students such as their Contact Info and details about their use of the Service as well (“**Use Information**”); and
- if you are a Student and verifiable consent has been obtained, any information you provide to us while you use the Service may also be collected in a similar manner as described above, including the tracking of your use of the Service and collection of your Contact Info if you provided this information to us (“**Student Details**”).

If you are a Teacher, by agreeing to the terms of this Privacy Policy, Pink Cat’s terms of use (“**TOU**”) and using the Service, you confirm you are in full compliance with privacy laws, including the Family Educational Rights and Privacy Act - FERPA, as applicable, and all requirements to obtain the verifiable consent of each Student’s parent or guardian as required by the applicable laws in your jurisdiction prior to providing any personal data regarding such Students to Pink Cat. Please contact your local school board or the administration at your school prior to use in order to find out your own local jurisdictions’ privacy law requirements if you are thinking of using the Service for your classroom.

4. Processing of your Personal Data and Anonymous Data

We process your personal data for our legitimate business purposes. These uses include but are not limited to:

- providing the Service to you, including providing detailed lists and classroom organization while interacting with the games and tools on the Service;
- processing your payments for use of the Service;
- understanding your needs and improving the quality of the Service, including providing support and feedback to both Teachers and Students, analyzing functionality and

technical issues, tracking use of the Service and generating internal reports and data models that we use to improve the service;

- supporting the security and integrity of the Service, including verifying your identity, controlling access to the Service and protecting Pink Cat and third parties against privacy breaches, errors, fraud, theft, suspicious activity, violations of the TOU and other illegal activity;
- contacting you, if you are a Teacher, for various reasons including feedback requests or marketing purposes, if you previously consented to such contact; and
- for contractual, legal, regulatory or audit obligations, including responding to requests from law enforcement or a government agency asserting lawful authority to obtain the data or where Pink Cat has reasonable grounds to believe the data could be useful in the investigation of unlawful activity, complying with a subpoena or warrant or an order made by a court, person or body with jurisdiction to compel the production of data, complying with court rules regarding the production of records and data, defending Pink Cat in a legal, regulatory or administrative proceeding or in a contractual dispute or providing information to our legal counsel.

We may disclose your personal data to our parent companies, affiliates, subsidiaries, employees and contractors for the same purposes described above as permitted by applicable law. In order to provide the Service to you, we may also disclose your personal data to third parties, who may be located in a foreign jurisdiction and subject to foreign laws.

5. Third-Party Services

This Privacy Policy only applies to personal data that Pink Cat collects, processes and discloses and does not apply to the collection, processing and disclosure of data by third parties through third-party services, which may be broader than set forth in this Privacy Policy, and that may be embedded into the Service. In many cases, third-parties may collect personal data about your online activities over time and across different websites and services. We strongly recommend that you read each third-party privacy policy carefully before using the Service. A full list of third-parties that we share your personal data with can be found at <https://www.pinkcatgames.com/cookie-policy>. Please contact us directly using the information found below if you would like to learn more about third-party data practices.

6. Cookies and Tracking Technologies

The Service uses tracking technologies, such as cookies, web beacons, JavaScript tags and clear GIFs to collect data about you, such as your IP address and device information. Based on this data, third-parties may be able to resolve your identity across multiple devices. We do not track Student behaviour using third-party tracking technologies for marketing purposes and in cases where all user behaviour is tracked necessarily for security of the Service and/or if such user provides valid verifiable consent to track this behaviour. This data is collected, used and disclosed in accordance with the terms of this Privacy Policy and the applicable third-party privacy policies. Certain Service features may rely on tracking technologies and by declining to accept cookies, disabling JavaScript or by changing certain settings on your device, you may not have access to these features. Further details regarding the Service's use of cookies can be found at <https://www.pinkcatgames.com/cookie-policy>.

7. Obtaining, Rectifying and Controlling Your Personal Data

You may contact Pink Cat to obtain a copy of any personal data we collect about you, the production of which may be subject to a fee as permitted by applicable law. In addition, you may contact Pink Cat to correct inaccurate personal data or to complete incomplete personal data.

You may be able to opt-out of some or all of the ways in which your personal data is processed, or request the deletion of certain personal data, except where the personal data is necessary or vital for:

- the performance of contractual obligations, such as the TOU or certain legal obligations;
- protecting your interests or those of another person; and
- our legitimate interests or the legitimate interests of a third-party,

and may do so by requesting deletion by contacting us using the contact information found below. Please note that the Service makes use of Student Details in many ways that make it easier for Teachers to use the Service by keeping information about their Students easily accessible and while you never need to provide any Student Details and Student Details may

be deleted or removed at any time, removing such data may significantly impact the usefulness of the Service.

8. Data Storage and Retention

While Pink Cat is a Canadian company, the data you provide through the Service may be stored and processed by third parties in countries around the world. You authorize Pink Cat and third parties acting on our behalf to process your data in any country of their choosing, which may cause your data, including personal and anonymous data, to be subject to privacy protections and legal rights that may not be equivalent to those in your country.

For residents in the European Economic Area (the “**EEA**”), Pink Cat complies with Articles 44-49 of the European Union’s General Data Protection Regulation (the “**GDPR**”). Currently, all transfers of personal data to Canada from residents of the EEA are covered by an adequacy decision as described in Article 45 of the GDPR.

Your personal data is retained until you request its deletion or until Pink Cat no longer requires such data for the purpose for which it was collected or until deletion is required by law, whichever is earlier in time.

9. Children

Pink Cat complies with the United States Children’s Online Privacy Protection Act (“**COPPA**”) and all other applicable laws and regulations concerning children and the Internet including those applicable in the EEA. The Service is directed to children under the age of 13 for some features of the Service and we do not knowingly collect personal information from children under the age of 13 unless such information is provided to us in accordance with COPPA. If we learn that we inadvertently collected personal information from a child under the age of 13 outside what is permitted by applicable law in your jurisdiction, which includes COPPA if you are located in the United States, we will delete that information as quickly as possible. If you are a parent or guardian of a child who you believe provided Pink Cat with personal information without valid verifiable consent, please contact us at info@pinkcatstudio.com.

If you are a resident of the EEA below the age of consent in your country, Pink Cat shall comply with applicable consent gathering standards required by law in your jurisdiction.

10. Do Not Track Disclosure

Do Not Track (“**DNT**”) is a web or device setting that allows you to request that receivers of personal data stop their tracking activities. When you choose to turn on the DNT setting in your browser or device or use alternative consumer choice mechanisms, your browser or device sends a special signal to websites, analytics companies, advertising networks, plug-in providers and other web services you encounter to stop tracking your activity. Currently, there are no DNT technology standards and, as a result, we do not respond to DNT requests.

11. California “Shine the Light” Right

If you are a California resident, California Civil Code 1798.83 grants you the right to request disclosure of the categories of personal information we provided to third parties, and the names and addresses of these third parties, for direct marketing purposes during the preceding calendar year. If you are a California resident and would like to make this request, please contact us using the contact information set forth below.

Please note that you may only make this request once per year.

12. Your California Privacy Rights

If you are a California resident, California Civil Code Section 1798.120 permits you to opt-out of the sale of your personal information to third parties. Currently, Pink Cat does not sell your personal information to third parties and as such no opt-out of the sale of such personal information is necessary. Although Pink Cat does not sell your personal information to third parties, Pink Cat does provide a general opt-out right to all of our users as described in our Privacy Policy. Furthermore, as Pink Cat already complies with other US, Canadian and EEA privacy laws, the rights provided by law to Californian residents are already provided for in our Privacy Policy. If you have any other questions about our privacy practices, please email us at info@pinkcatstudio.com.

13. European Users and Rights of European Economic Area Residents

The processing of your Contact Info and Use Information (except in cases when consent is required by law) is necessary for our provision of the Services to you, as described in Article 6(1)(b) of the GDPR. In other cases, such as when you provide consent to contact you using additional Contact Info that you provide to us or when we collect Student Details (as permitted by applicable law), Pink Cat may collect such personal data pursuant to Article 6(1)(a) of the GDPR.

If you are a resident of the EEA, you have certain rights to your personal data. These rights include:

- **A Right of Access.** You have the right to access your personal data that we hold about you free of charge in most circumstances.
- **A Right to Rectification.** If your personal data is inaccurate or incomplete, you can change the information you provided by contacting Pink Cat using the e-mail listed below.
- **A Right to Erasure.** You have the right to obtain deletion of your personal data under most circumstances. In most cases, you may simply request the deletion by using the contact information found below. Please be careful as deletion of data in this manner is permanent and the data cannot be recovered.
- **A Right to Object.** If the processing of your personal data is based on legitimate interests according to Article 6(1)(f) of the GDPR or if your personal data was collected based on your consent according to Article 6(1)(a) of the GDPR, you have the right to object to this processing. If you object, we will no longer process your personal data unless there are compelling and prevailing legitimate grounds for the processing as described in Article 21 of the GDPR; in particular, if the personal data is necessary for the establishment, exercise or defense of legal claims or if personal data is required for the provision of the Service and you still wish to use the Service.
- **A Right to file a Complaint.** You have the right to file a complaint with the appropriate supervisory authority in your jurisdiction.
- **A Right to Restriction of Processing of your Personal Data.** You have the right to obtain restrictions on the processing of your personal data as described in Article 18 of the GDPR.

- **A Right to Personal Data Portability.** You have the right to receive your personal data in a structured, commonly used and machine-readable format and have the right to transmit such data to another controller under the conditions described in Article 20 of the GDPR.
- **A Right to Post-Mortem Control of Your Personal Data.** Certain jurisdictions grant post-mortem controls of your personal data and if such rights are applicable in your jurisdiction, you may have the right to establish guidelines for the preservation, the deletion and the transmission of your personal data after your death through a will or through your estate.
- **A Right to Opt-out of Marketing Communications.** You have the right to opt-out of marketing communications we send you at any time. If you receive any marketing e-mails from us, you can exercise your right to stop such communications by clicking on the “unsubscribe” or “opt-out” link on any marketing e-mails Pink Cat sends you. To opt-out of other forms of marketing, please contact us using the contact details provided below.

14. Change Of Ownership or Business Transition

In the event of, or in preparation for, a change of ownership or control of Pink Cat or a business transition such as the sale of some or all Pink Cat’s assets, we may disclose and/or transfer your personal and anonymous data to third-parties who will have the right to continue to collect and use such data in the manner set forth in this Privacy Policy.

15. Security

We are committed to ensuring that your data is secure. To prevent unauthorized access, disclosure, or breach, we have put in place suitable physical, electronic, and administrative procedures to safeguard and secure the data we collect and process, including appropriate protections for any sensitive personal data we collect such as for Student Details.

In the event of a data security breach that contains personal information, we will notify affected account holders using the information if required by applicable law and within the timeframe required by law.

16. Contact Preferences

We communicate with you primarily through the Service itself, but we may sometimes collect your email address, phone number or other Contact Info in order to respond to support requests or comments. If you have provided us with your email address and would like to change the email preferences we associate with you (for example, unsubscribing from receiving certain types of email) you may do so by clicking a link within certain types of emails that we send to you or, if no link is available, by replying with “unsubscribe” in the email title or body. On rare occasions, some types of email are necessary for the Service and cannot be unsubscribed from if you continue to use the Service.

17. Updates

Pink Cat reserves the right, in its sole discretion, to modify this Privacy Policy at any time (each an “**Update**”) and shall make each Update available on the Website. You are deemed to accept an Update by continuing to use the Service. Unless Pink Cat states otherwise, an Update is automatically effective 30 days after posting on the Website, except in such case where an Update is immaterial to any of your legal rights or legal obligations of Pink Cat and such Update is made only to correct a typographical, formatting or grammar inaccuracy, and in such case, an Update is effective immediately after posting on the Website.

18. Contact Us

If you have requests, questions or comments about the Privacy Policy or our data collection in general, please contact our Data Protection Officer and Privacy Team at info@pinkcatstudio.com.

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COOKIE POLICY

COOKIE POLICY AND LIST OF THIRD-PARTY SERVICES

Last updated: June 12, 2020

Pink Cat Studio Inc. ("**Pink Cat**", "**us**", "**we**" or "**our**") uses cookies and other tracking technologies at www.pinkcatstudio.com and www.pinkcatgames.com (each, the "Website"). By using the Website, you consent to the use of essential tracking technologies. Any capitalized terms not defined in this cookie policy have the meaning ascribed to them in the Pink Cat Privacy Policy.

Cookies are small pieces of text files stored in your web browser and allows the Website or a third-party to recognize you and make your next visit easier and the Website more useful to you. Cookies can be "persistent" or "session" cookies. Persistent cookies remain on your personal computer or mobile device when you go offline, while session cookies are deleted as soon as you close your web browser. Tracking technologies operate similarly.

When you use the Website, Pink Cat may place tracking technology files in your web browser. Pink Cat uses essential tracking technologies that are required to authenticate users, operate the Website and prevent fraudulent use of Pink Cat's other services. Essential tracking technologies that Pink Cat uses include:

- **Pink Cat Studio Error Logger** - Collects the IP addresses, Operating System info, browser details and device information used for bug and error tracking.
- **Pink Cat Studio Session ID** - Signals to our Website who has logged in. Without it, users cannot log in or access their account on the Website.
- **Pink Cat Studio Cookie Settings** - Remembers your cookies settings on our Website.
- **Pink Cat Studio Shopping Cart** - Remembers items you added to your shopping cart.

- **Pink Cat Studio Subscription** - Used to display a reminder if your subscription is about to expire.
- **Google Recaptcha** - Used as an additional security measure that is used when logging in or creating an account on Pink Cat. See the [Google Privacy Policy](#).
- **Stripe** - Pink Cat uses Stripe to process payments. See the [Stripe Privacy Policy](#).
- **Google Analytics** - Analytics cookies help us understand how visitors interact with our Services to help us optimize the user experience by checking for anomalies and provide required maintenance. See the [Google Privacy Policy](#).

Pink Cat also uses non-essential cookies and tracking technologies on the Website in order to track student progress in games, improve the user experience and help market our company. While most of this tracking for marketing purposes is done via third parties, sometimes Pink Cat may embed certain features from these third parties into our own Website.

- **Pink Cat Studio Student Data Tracking** - Date and time the student accessed the website. Date and time the game was accessed on the website. Performance on each question in the game. This information helps let teachers track student performance by linking such information to user identifiers. This is a premium feature that must be consented to before turned on. Student Data is not used in any way for marketing or advertising purposes.
- **Google Analytics** - Analytics cookies help us understand how visitors interact with our Services to determine the effectiveness of marketing campaigns. See the [Google Privacy Policy](#).
- **Facebook** - Facebook identifiers are used to help us determine the effectiveness of Facebook marketing campaigns.
- **Google Ads** - Google ad identifiers are used to help us determine the effectiveness of Google marketing campaigns.

[Click here to change your non-essential cookie settings](#). If you would like to delete cookies or tracking technologies entirely or instruct your browser to delete or refuse cookies or tracking technologies, please do so through your browser settings. In some cases, you may lose all access to the Website if you make this request if such technology is essential for the Website

to function. Be aware that if you delete tracking technologies or refuse to accept them, you might not be able to use all of the features of the Website or the Website may not work at all.

Residents of the European Economic Area have certain privacy rights pursuant to the General Data protection Regulation ("GDPR") and Directive 2002/58/EC of the European Parliament ("e-Privacy Directive"). Pink Cat complies with the GDPR and e-Privacy Directive when it comes to cookies and tracking technologies. For more information about the GDPR or the e-Privacy Directive please visit the following links: [GDPR](#) and [e-Privacy Directive](#).

You can learn more about cookies at allaboutcookies.org or networkadvertising.org.

In addition to the above listed tracking technologies, Pink Cat uses the following third-party services:

- **Amazon Web Services** - provides secure cloud services and stores data on our behalf, including all personal data collected by Pink Cat. See the [AWS Privacy Policy](#).
- **MailChimp** - collects personal and business information in order to send out updates, newsletters and email marketing campaigns and may become a part of our user onboarding in the future. See the [MailChimp Privacy Policy](#).
- **Teachers Pay Teachers** - collects contact information and payment data in order to process subscriptions through the Teachers Pay Teachers website. See the [Teachers Pay Teachers Privacy Policy](#).
- **Stripe** - collects personal and financial information as part of the payment process for all users. See the [Stripe Privacy Policy](#).

Pink Cat does not sell any personal information from Teachers or Students to any third-party.