

## GRAPHITE SQUAD PRIVACY POLICY

LZM Studio, LLC dba Graphite Squad (collectively, “**Graphite Squad**”) operates the <https://graphitesquad.com/> website (the “**Site**”) and the drawing curriculum services offered through our platform (together with the Site, the “**Services**”).

Graphite Squad respects and protects the privacy of the users that use our Services. We maintain strict policies to ensure the privacy of those who use our Services, including school administrators, educators, or students (“**End Users**”) or those who may just be visiting our Site (“**Visitors**”). This policy (“**Privacy Policy**”) describes the types of information we may collect from you and our practices for how we collect, use, maintain, protect, and disclose such information when you visit or log into the Site. This Privacy Policy applies to information we collect on this Site or through the Services and in email, text, or other electronic messages between you and this Site or through the use of our Services. This policy also includes a description of certain rights that you may have over information that we may collect from you.

This Privacy Policy **does not** apply to information collected by: (a) us offline or through any other means, including on any other website operated by any third party, or (b) any third party (including school districts and individual campuses), including through any application or content that may link to or be accessible from the Site or through the use of our Services.

By using the Services, you agree to this Privacy Policy. If you do not agree with our policies and practices, your choice is to not use our Services.

Children Under Age 13 and Student Education Records	
Our Site and Services are intended for use by educators, students, and parents or guardians of students. This section explains our information collection and parental consent practices with respect to information provided by children under the age of 13 (“ <b>child</b> ” or “ <b>children</b> ”) or education records for students.	
<b>Teacher Consent in Lieu of a Parent</b>	With regard to school-based activities, the Children’s Online Privacy Protection Act (“ <b>COPPA</b> ”) allows educators and school administrators to act in the stead of parents to provide consent for the collection of personal information from children specifically for the educational context and when used solely for the benefit of students and the school system. Schools should always notify parents about these activities. By your school or district signing up for our Services, such educator has consented to our activities to personal information from students for the use and benefit of the school (but for no other commercial purpose).
<b>E d u c a t i o n Records</b>	<p>With regard to students of schools that receive funding under any program administered by the U.S. Department of Education, the Family Educational Rights and Privacy Act (“<b>FERPA</b>”) regulates records that are (1) directly related to a student; and (2) maintained by an educational agency or institution or by a party acting for the agency or institution (“<b>Education Records</b>” as defined under FERPA). Schools subject to FERPA are generally required to obtain signed and dated prior written consent from a parent (or a student who has reached 18 years of age) before disclosing any Education Records to a third party.</p> <p>For educators or administrative End Users using the Platform on behalf of a school for which FERPA applies: Before entering, uploading, or accessing any information or Education Record concerning a student user, you must confirm that your school has obtained appropriate consent from such student’s parent or guardian (or from a student who has reached 18 years of age).</p>

<b>Parent or Guardian Choices and Controls</b>	<p>We will not require a child to disclose more information than is reasonably necessary to participate in an activity through or use the Site or the Services.</p> <p>At any time, you may review or change your child's personal information, refuse to permit our collection of personal information from your child in connection with our Site or Services and you may delete, or request that we delete from our records, the personal information we have collected in connection with your child's use of our Site or the Services by contacting us at: <a href="mailto:info@graphitesquad.com">info@graphitesquad.com</a>.</p> <p>You may agree to our collection and use of your child's information, but not agree to allow disclosure to third parties. Graphite Squad is intended for use in an educational setting and if required by your school to integrate with your school's learning management system (LMS) service provider, we may be unable to provide the Services to you without your consent to such disclosure.</p> <p>We cannot delete your child's personal information except by also deleting your child's user account. We may not accommodate a request to change information if we believe the change would violate any law or legal requirement or cause the information to be incorrect.</p> <p>Even if we delete your child's personal information from the Site, copies of any artwork or drawings created within your child's course and uploaded to the Site forum may remain viewable in and cached in archived pages, or might have been copied or stored by other Site users. Proper access and use of information provided on the Site, including user-generated content, is governed by our terms of service: <a href="http://www.graphitesquad.com">www.graphitesquad.com</a></p>
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Data Collection Summary			
This chart is a summary of data we do collect and have collected over the past 12 months. The rest of this Privacy Policy provides additional information on our privacy practices.			
Categories of Personal Information	Do we Collect?	Do we disclose for a business purpose?	Do we sell?
Identifiers: (Contact details, such as real name, alias, address, telephone number, unique personal identifiers, online identifiers, IP address, email address, and account name)	YES	YES	NO
Categories of Information described in the California Customer Records statute: (including name, email, phone number, mailing address)	YES	YES	NO
Geolocation Data: (device location)	YES	YES	NO
Commercial Information: (Transaction information, purchase history, financial details, and payment information)	YES	YES	NO
Characteristics of Protected Classifications under California or Federal Law (gender and date of birth)	NO	NO	NO

Inferences Drawn from other Personal Information to Create a Profile About a Consumer: (Inferences drawn from any of the collected personal information listed above to create a profile or summary about, for example, an individual's preferences and characteristics)	NO	NO	NO
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Internet or other Electronic Network Activity Information: (Browsing history, search history, online behavior, interest data, and interactions with our and other websites, applications, systems, and advertisements)	NO	NO	NO
Biometric Information: (Fingerprints and voiceprints)	NO	NO	NO
Audio, Visual, or Similar Information: (Images and audio, video, or call recordings created in connection with our business activities). Users grant Graphite Squad a perpetual, worldwide license to use their drawings for marketing and publicity purposes. Age/grade of the student, but not their name or location may be associated with a drawing used in marketing. Personally identifying information is deidentified and anonymized in association with student drawings & no identifying information will be used. We do not retain photos/videos/audio of students, parents, teachers, school administrators. Should you wish to not have your drawings used in our marketing materials please indicate this in your upload of the drawing to our (Learning Management System) LMS or contact us at <a href="mailto:contact@graphitesquad.com">contact@graphitesquad.com</a> .	YES	YES	NO
Professional or Employment Related Information: (Business contact details in order to provide you our services at a business level, job title as well as work history and professional qualifications)	NO	NO	NO
Non-Public Education Information (per the Family Educational Rights and Privacy Act) (Student records and directory information)	YES	YES	NO

Information that Graphite Squad Collects		
<b>Types of Information Collected</b>	Personal Data	<p>"Personal Data" is information by which you may be personally identified for the sole purpose of enrolling you in our courses. Graphite Squad may collect the following Personal Data from you:</p> <ul style="list-style-type: none"> <li>• Name;</li> <li>• Email;</li> <li>• Phone number (not typical of students, primarily administration &amp; teachers);</li> <li>• Age and/or Grade Level;</li> </ul>

		<ul style="list-style-type: none"> <li>• School Affiliation.</li> </ul>
	Non-Personal Data	<p>Non-personal data includes any data that cannot be used on its own to identify, trace, or identify a person. We may collect your IP Address, device information, location information, photographs of drawings completed in the course.</p> <p>When non-Personal Data you give to us is combined with Personal Data we collect about you, it will be treated as Personal Data and we will only use it in accordance with this Privacy Policy.</p>
<b>How we collect information.</b>	<p>We collect information about you in four ways:</p> <p>(1) when you provide it to us directly through an interaction with us, for example:</p> <ul style="list-style-type: none"> <li>• When you register for the Service,</li> <li>• When you participate in chats, bulletin boards or other forums, and</li> <li>• When you contact us for service requests.</li> </ul> <p>(2) through automated collection methods like cookies or log files; and</p> <p>(3) when we obtain the information through a third party, for example:</p> <ul style="list-style-type: none"> <li>• When provided to us by school districts or individual campuses</li> <li>• When authenticating your identity with third-party service providers (learning management system (LMS) platforms used by your school)</li> </ul> <p>(4) when you upload a photograph of a drawing to our Learning Management System.</p>	

<b>Why we collect and how we use your information. (Legal Basis)</b>	<p>We collect and use your Personal Data when we have a legitimate purpose to do so, including the following reasons:</p> <ul style="list-style-type: none"> <li>• to verify your eligibility to use the Services;</li> <li>• to confirm identity to use the Services;</li> <li>• to authenticate your identity with third-party service providers;</li> <li>• when it is necessary for the general functioning of the Services, including to contact you (or to facilitate payments for administrative End Users);</li> <li>• when it is necessary in connection with any contract you have entered into with us (including our Terms of Service or when you make a purchase through the site) or to take steps prior to entering into a contract with us;</li> <li>• when we have obtained your prior consent to the use, including to communicate with you about our features (this legal basis is only used in relation to uses that are entirely voluntary – it is not used for information processing that is necessary or obligatory in any way);</li> <li>• when we have a legitimate interest in processing your information for the purpose of providing or improving our Services;</li> <li>• when we have a legitimate interest in using the information for the purpose of contacting you, subject to compliance with applicable law; or</li> <li>• when we have a legitimate interest in using the information for the purpose of</li> </ul>
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	<p>detecting, and protecting against, breaches of our policies and applicable laws. We may use aggregated (anonymized) information about our End Users, and information that does not identify any individual, without restriction.</p>
<p><b>Information Collected from Third Parties</b></p>	<p><i>Information from our service providers:</i> We may receive information about you from third party service providers that we engage.</p> <p><i>Information from social media sites and other publicly available sources:</i> When you interact or engage with us on social media sites through posts, comments, questions and other interactions, we may collect such publicly accessible information, including profile information, to allow us to connect with you, improve our products, or better understand user reactions and issues. We must tell you that once collected, this information may remain with us even if you delete it from the social media sites.</p>
<p><b>Accessing and Controlling Your Information</b></p>	<p>If you would like to prevent us from collecting your information completely, you should cease use of our Services. You can also control certain data via these other methods:</p> <p>Opt out of non-essential electronic communications: You may opt out of receiving newsletters and other non-essential messages by using the 'unsubscribe' function included in all such messages. However, you will continue to receive notices and essential transactional emails.</p> <p>Amend information: You may amend certain information within your account.</p> <p>Optional information: You can always choose not to fill in non-mandatory fields when you submit any form linked to our services.</p> <p>If you are a California resident, you also have the rights disclosed below.</p>

<p><b>Your Rights to Your Data</b></p>	<p>You have the following rights with respect to information that we hold about you. We attempt to provide you the same rights no matter where you choose to live.</p> <ul style="list-style-type: none"> <li>• <i>Right to access:</i> You have the right to access (and obtain a copy of, if required) the categories of personal information that we hold about you, including the information's source, purpose and period of processing, and the persons to whom the information is shared.</li> <li>• <i>Right to rectification:</i> You have the right to update the information we hold about you or to rectify any inaccuracies. We may not accommodate a request to change information if we believe the change would violate any law or legal requirement or cause the information to be incorrect.</li> <li>• <i>Right to erasure:</i> You have the right to request that we delete your personal information in certain circumstances, such as when it is no longer necessary for the purpose for which it was originally collected.</li> <li>• <i>Right to restriction of processing:</i> You may also have the right to request to restrict the use of your information in certain circumstances, such as when you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.</li> <li>• <i>Right to data portability:</i> You have the right to transfer your information to a third party in a structured, commonly used and machine-readable format, in circumstances where the information is processed with your consent or by automated means.</li> <li>• <i>Right to object:</i> You have the right to object to the use of your information in certain circumstances, such as the use of your personal information for direct marketing.</li> </ul>
<p><b>Exercise Your Data Rights</b></p>	<p>We acknowledge your right to request access, amendment, or deletion of your data. We also recognize that you have the right to prohibit sale of your data, but we do not sell data.</p> <p>You can exercise the rights described above, by sending an email or mail to the addresses listed in the Contact section below. Only you, or an agent authorized to make a request on your behalf, may make a request related to your personal information.</p> <p>We cannot respond to your request if, (i) we cannot verify your identity; or (ii) your request lacks sufficient details to help us handle the request. We will make our best efforts to respond to your request within 45 days of its receipt. If we cannot respond in 45 days, we will inform you, in writing, the reason for the delay and will respond to your request within 90 days. Any information we provide will only cover the 12-month period preceding the request's receipt.</p> <p>We do not charge a fee to process or respond to your request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request. We are not obligated to provide responses to your data requests more than twice in a 12-month period.</p>

<b>How Long do we Store Personal Data?</b>	We will only retain your Personal Data for as long as is necessary to fulfill the purposes for which it is collected or until you withdraw your consent. This length of time may vary according to the nature of your relationship with us. Personal Data will be purged after 90 days of nonuse of an account.
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<b>Automated Data Collection Methods</b>	<b>Cookies</b>	A cookie is a small file placed on the hard drive of your computer. Cookies are used to help us manage and report on your interaction with the Site. Through cookies, we are able to collect information that we use to improve the Services, keep count of return visits to our website, authenticate your login credentials, manage multiple instances of the Site in a single browser, and tailor your experience on the Services. Cookies may also collect other data such as the date and time you visited the Site, and your current IP address. If you turn off cookies, your experience on the Site or with our Services may be impaired.
	<b>Log Files</b>	We use means through the Services to collect IP addresses, browser types, access times, and physical location. We use this information to ensure compliance with various state laws. Occasionally, we use the information to improve our Services.
<b>Do Not Track Settings</b>	We do not track our Users over time and across third party websites to provide targeted advertising and do not specifically respond to Do Not Track ("DNT") signals.	

<b>Who We Share Data With</b>	
<p>We may use aggregated (anonymized) information about our End Users and Visitors, and information that does not identify any individual, without restriction.</p> <p>We do not sell or otherwise disclose Personal Data specific personal or transactional information to anyone except as described below:</p>	
Affiliates.	We may, for our legitimate interests, share your information with entities under common ownership or control with us who will process your information in a manner consistent with this Privacy Policy and subject to appropriate safeguards.
Successors in Interest.	We may, for our legitimate interests, share your information with a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, in which Personal Data about our End Users is among the assets transferred. You will be notified of any such change by a prominent notice displayed on our Services or by e-mail. Any successor in interest to this Privacy Policy will be bound to the Privacy Policy at the time of transfer.
Law enforcement and other governmental agencies.	We may share your information when we believe in good faith that such sharing is reasonably necessary to investigate, prevent, or take action regarding possible illegal activities or to comply with legal process, or for regulatory compliance or responding to public agency requests. This may involve the sharing of your information with law enforcement, government agencies, courts, and/or other organizations.

Service Providers.	We may, for our legitimate interests, share your information with contractors, service providers, third party authenticators, and other third parties we use to support our business and who are bound by contractual obligations to keep Personal Data confidential and use it only for the purposes for which we disclose it to them. A list of our service providers is provided below.	
Schools or Educators.	We may share your information with your school administrators or educators in order to provide the Services.	
<b>Service Provider</b>	<b>Why we Share</b>	<b>Privacy Practices</b>
Mailgun	We use Mailgun to send email registrations to students, teachers, staff, and parents.	<a href="https://www.mailgun.com/legal/privacy-policy/">https://www.mailgun.com/legal/privacy-policy/</a>
Mail Chimp	We use Mail Chimp if you sign up for our newsletter from our Wordpress site. This is an opt-in only newsletter & you can opt out again at any time.	<a href="https://www.intuit.com/privacy/statement/">https://www.intuit.com/privacy/statement/</a>
Google Workspace	We use Google Sheets to upload users to Courses. We retain these records for internal use or school use only. We use Google Drive to store anonymized/deidentified student drawing images for marketing	<a href="https://policies.google.com/privacy?hl=en-US">https://policies.google.com/privacy?hl=en-US</a>
DigitalOcean	We use DigitalOcean as our cloud hosting platform to deploy and operate the LMS..	<a href="https://www.digitalocean.com/legal/privacy-policy">https://www.digitalocean.com/legal/privacy-policy</a>
Hostinger	We use Hostinger, for WordPress, to host the website. This is not connected to the Moodle courses hosted on our servers on Digital Ocean.	<a href="https://www.hostinger.com/legal/privacy-policy">https://www.hostinger.com/legal/privacy-policy</a>
Cloudflare	We use Cloudflare to increase security.	<a href="https://www.cloudflare.com/privacypolicy/">https://www.cloudflare.com/privacypolicy/</a>
Moodle	We may link or integrate certain user information and content with Moodle if your school uses Moodle as its learning management system (LMS) platform.	<a href="https://moodle.com/privacy-notice/">https://moodle.com/privacy-notice/</a>
Vimeo	We use Vimeo to host and deliver video content on the Site.	<a href="https://vimeo.com/privacy">https://vimeo.com/privacy</a>
Brevo	From 9/6/2022 to 4/4/25 we used Brevo (formerly Send In Blue) if you contacted us through our website contact forms. Use of this service has been discontinued but record of emails sent during that time is still recorded in our Brevo account.	<a href="https://www.brevo.com/legal/privacypolicy/">https://www.brevo.com/legal/privacypolicy/</a>

### Third-Party Services and Websites



Graphite Squad is not responsible for the privacy policies or other practices employed by websites linked to, or from, our Site nor the information or content contained therein, and we encourage you to read the privacy statements of any linked third party. This includes sharing information via social media websites.

#### **Data Storage and How Graphite Squad Protects Your Information**

Graphite Squad stores End User data on our servers including name, email, phone number, mailing address, and student age or student grade level. Payment information is processed and stored by our service providers. Personal Data about End Users and Visitors is stored within the United States. The Services are only intended to be used inside the United States. If you are using the Services from the EEA or other regions with laws governing data collection and use, please note that you are agreeing to the transfer of your Personal Data to the United States. The United States may have laws which are different, and potentially not as protective, as the laws of your own country. By providing your Personal Data, you consent to any transfer and processing in accordance with this Privacy Policy.

Graphite Squad employs physical, electronic, and managerial control procedures to safeguard and help prevent unauthorized access to your information. We choose these safeguards based on the sensitivity of the information that we collect, process and store and the current state of technology. Our outsourced service providers who support our operations are also vetted to ensure that they too have the appropriate organizational and technical measures in place to protect your information

Unfortunately, the transmission of information via the internet is not completely secure. Although we do our best to protect your Personal Data, we cannot guarantee the security of your information transmitted to the Services. Any transmission of information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on the Site or in the Services. In the event that there is breach in the information that we hold, we shall notify of such breach via email or via notice on the Services.

#### **Changes to the Privacy Policy**

It is our policy to post any changes we make to our Privacy Policy on this page. If we make material changes to how we treat our End Users' or Visitors' Personal Data, we will notify you through a prominent notice on the Site or App or by email to the primary email address specified in your account. Such changes will be effective when posted. The date the Privacy Policy was last revised is identified at the top of the page. Your continued use of our Services following the posting of any modification to this Privacy Policy shall constitute your acceptance of the amendments to this Privacy Policy. You can choose to discontinue use of the Service if you do not accept any modified version of this Privacy Policy.

#### **Questions and Comments**

If you have any questions or comments about this Privacy Policy, or if you would like to file a request about the data we hold or file a deletion request, please contact us at [contact@graphitesquad.com](mailto:contact@graphitesquad.com) or by phone at 210-764-9227 or by mail at:

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