

Privacy Policy

HeckPal (“HeckPal”, “we”, “us”, and “our”) is committed to protecting your privacy. This Privacy Policy describes our collection and use of personal information collected from visitors to our application (our “Services”). “You” or “your” means a visitor or a user (whether logged in or not) of our Service.

This Privacy Policy is incorporated into and is subject to our Terms of Service, which governs your use of the Services.

1. Student Data

Our HeckPal Tool may be used by schools, school districts, school systems, teachers or other instructors (collectively referred to as “Schools”).

When HeckPal contracts with a School to provide Services including HeckPal Tool to students of the School (“Students”), we may have access to Student Data (defined below). We consider Student Data to be highly confidential and our processing of Student Data is governed by our Terms of Service and/or our written agreements with the applicable School.

2. Information Collected

a. Personal Data You Disclose to Us. You can use many of our Services without registering for an account with HeckPal. If you choose to create an account on the Service, or communicate with HeckPal, you may provide to HeckPal certain information by which someone could personally identify you, such as your name, email or unique username (“Personally Identifiable Information”), passwords and similar information used for authentication and account access (“Security Information”), as well as information about yourself such as your employment or level of schooling by which someone could not personally identify you (“Demographic Information”). When we link Security Information or Demographic Information to your Personally Identifiable Information, we treat all of it as Personally Identifiable Information. We also collect information (i) when you save or post content to the Service, (ii) if you expressly authorize us to access your device camera and photo roll to upload pictures to the Service, and (iii) and if you communicate with us via email or otherwise.

We refer to all of this data collectively as “Personal Data”. We may also collect limited Personal Data about you from a third party Internet site or service. For example, if you login to your HeckPal account through Google or another authentication tool, or if you interact with HeckPal

on social media, we may collect the Personal Data you authorize that third party service to share with us, such as email address or name.

We do not knowingly collect: (i) exact geolocation data, (ii) behavioral data for advertising purposes, (iii) biometric / health data, or (iv) sensitive data, as defined under the General Data Protection Regulation (GDPR) (including, racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade-union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation).

b. Usage Data. We automatically collect certain technical usage information when you use our Service ("Usage Data"). Usage Data includes the information that your web browser automatically sends to our servers whenever you visit. The Usage Data collected in our logs may include information such as your web request, Internet Protocol address, operating system, browser type, browser language, referring / exit pages and URLs, platform type, click history, domain names, landing pages, pages viewed and the order of those pages, the amount of time spent on particular pages, the date and time of your request, and whether you opened an email. Typically, this information is collected through log files, web beacons, browser cookies, or other device identifiers that may uniquely identify your browser or device. You may be able to set your web browser to refuse all cookies, and your mobile device to not provide your mobile device identifier. You may not be able to delete or disable cookies on certain mobile devices and/or certain browsers. For more information on cookies, please review the HeckPal Cookie Policy. Remember, some features of our Service may not function properly if cookies or mobile device identifiers are not enabled. In addition, our Service may use third party analytics and bug tracking software (including, without limitation, Google Analytics and Bugsnag) to collect further Usage Data regarding the online usage patterns of our users and bugs in our Services. We may combine Usage Data with Personal Data in a manner that enables us to trace Usage Data to an individual user. If we do so, we will treat such combined data as Personal Data.

We do not authorize third party advertising networks or other third parties to collect information about your browsing behavior from our website for advertising purposes.

Specifically, for usage data sending to OpenAI service, as is stated in their privacy policy:

"We don't use content from our business offerings such as ChatGPT Team, ChatGPT Enterprise, and our API Platform to train our models.

Within your organization, only end users can view their conversations. Workspace admins have control over workspaces and access. Authorized OpenAI employees will only ever access your

conversations for the purposes of resolving incidents, recovering end user conversations with your explicit permission, or where required by applicable law.”

Inside the HeckPal team, usage data information has limited exposure as users’ input to AI is restricted to words and teachers can review, edit, and delete students’ inputs.

3. Use of Your Information

We use Personal Data and Usage Data (together, “User Information”) for a variety of business purposes described below. We process your Personal Data for these purposes in reliance on our legitimate business interests (“Business Purposes”), in order to enter into or perform a contract with you (“Contractual”), with your consent (“Consent”), and/or for compliance with our legal obligations (“Legal Reasons”). We indicate the specific processing grounds we rely on next to each purpose listed below.

To facilitate account creation and logon process with your Consent. If you choose to link your account with us to a third party account (such as your Google account), we use the information you allowed us to collect from those third parties to facilitate the account creation and logon process. Where you choose to do this, we will receive certain profile information about you from your social media provider. The profile information we receive may vary depending on the social media provider concerned, but will often include your name and e-mail address.

To enforce our terms, conditions and policies for Business Purposes and Legal Reasons.

To respond to legal requests and prevent harm for Legal Reasons. If we receive a subpoena or other legal request, we may need to inspect the User Information we hold to determine how to respond.

For other Business Purposes. We may use your User Information for other Business Purposes, such as (a) improving the quality and design of the Services and to create new features and services by storing, tracking, and analyzing user preferences; (b) remembering information so that you will not have to re-enter it during your visit or the next time you use our Service; (c) providing custom, personalized content and information; (d) monitoring aggregate metrics such as total number of visitors, pages viewed, etc.; (e) diagnosing and fixing technology problems and otherwise planning for and enhancing our Service and (f) for providing you with customer support. HeckPal may provide personalized content and information to our users, including Students, teachers, school administration officials, and other users associated with Schools. However, HeckPal shall never use Student Data to engage in targeted advertising, nor shall HeckPal ever use any third-party advertising network on any HeckPal Service.

For Marketing Messages, with your consent. We will not use your email address or other Personal Data to send you marketing messages unless you provide your consent, or as part of a specific program or feature for which you will have the ability to opt-out. You can always opt-out of receiving promotional email from us by clicking on the “unsubscribe” feature at the bottom of each email. We may, however, use your email address without further consent for non-marketing or administrative purposes, such as notifying you of important Service changes or for customer service purposes.

4. Disclosure of Your Information

a. Your Publication. You may, by using applicable sections of our Services (including sections which enable you to create graphs, perform lessons, provide comments, upload video and pictures), share your User Information, including Personally Identifiable Information and other content that you create or post to others accessing the Services. Please see the Student Data Privacy Statement to learn how Student Data may be shared.

b. Service Providers. We share the information we collect, including Personal Data, with our third-party sub-processors in order to provide our Services. We enter into contracts with all third-party entities or agents that participate in an onward transfer of Personal Data. The contracts specify that such Personal Data may only be processed for limited and specified purposes consistent with the consent provided by the individual, applicable laws, and that the recipient will provide the same level of protection as stated in this Privacy Policy. These sub-processors are used to perform services on our behalf, for example, providing customer service support, hosting services, analytics, bug detection and other services we utilize to help us provide our Services or conduct our business.

Our list of sub-processors can be found [here](#).

c. Partners. At your direction, our partners (“Partners”) that are integrated with the HeckPal Services may gain access to certain of your User Information. For example, we may share certain User Information (e.g., your email address username) when you login to the HeckPal Services using Google login and similar authentication tools. We are not responsible for the content or privacy and security practices and policies of such Partners. We encourage you to learn about our Partners' privacy and security policies before providing them with your User Information or directing us to provide them with your User Information.

d. Other Required Sharing. We may share User Information: (i) if required to do so by law, or in the good-faith belief that such action is in compliance with state and federal laws (including, without limitation, copyright laws) or in response to a court order, subpoena, legal process or search warrant, or (ii) if we believe, in good faith, such action is appropriate or necessary to

enforce our Terms of Service, to exercise our legal rights, to take precautions against liability, to investigate and defend ourselves against any claims or allegations, to assist government enforcement agencies, to protect the security or integrity of our Services, and to protect the rights, property, or personal safety of HeckPal, Schools, our users or third parties.

e. School Collaboration. We may share Student Data as directed by a School when we provide Services to such School. This project has also been approved by the local school district superintendent and Lehigh University IRB (2069738-3) as a collaborative research effort.

f. Merger or Sale. If we merge, sell, or otherwise transfer all or a portion of our business, we will not transfer your Personal Information without first giving you the ability to opt-out of the transfer, unless the new owner intends to maintain and provide the applicable Services as a going concern, and provided that the new owner has agreed to data privacy standards no less stringent than our own. We may also transfer Personal Information – under the same conditions – in the course of mergers, acquisitions, bankruptcies, dissolutions, reorganizations, liquidations, similar transactions or proceedings involving all or a portion of our business.

6. Your Choices and Rights

You may decline to submit Personal Data through and to our Service, in which case HeckPal may not be able to provide certain parts of the Service to you. You may update or correct your name, email address, or password at any time by visiting your “Account Settings” link. You may also delete your account altogether there, which will remove all Personal Data we have collected about you. If you have any questions about reviewing, modifying, or deleting your information, or if you want to remove your name or comments from our website or publicly displayed content, you can contact us directly at zip322@lehigh.edu. We may not be able to modify or delete your information in all circumstances.

If we are relying on your consent to process your Personal Data, you have the right to withdraw your consent at any time. Please note however that this will not affect the lawfulness of the processing before its withdrawal.

6. Data Security

We care about the security of your Personal Data and employ physical, administrative, contractual, and technological safeguards designed to preserve the integrity and security of all information collected through our Service. Access to information is limited (through user/password credentials and, in some cases, two factor authentication) to those employees who require it to perform their job functions. We use industry standard SSL (secure socket layer technology) encryption to transfer Personal Data. Other security safeguards include but are not

limited to data encryption, firewalls, physical access controls to buildings and files, and employee training. In addition, we enter into contracts with all third-party entities or agents that participate in an onward transfer of Personal Data, and seek contractual security assurances from such third parties. You can help protect against unauthorized access to your account and Personal Data by selecting and protecting your password appropriately and limiting access to your computer and browser by signing off after you have finished accessing your account.

7. How Long We Keep Your Information

We will only keep your Personal Data for as long as it is necessary for the purposes set out in this Privacy Policy, unless a longer retention period is required or permitted by law (such as tax, accounting or other legal requirements). No purpose in this policy will require us keeping your Personal Data connected to your account for longer than 90 days past the termination of your account.

When we have no ongoing legitimate business need to process your Personal Data, we will either delete or anonymize it, or, if this is not possible (for example, because your Personal Data has been stored in backup archives), then we will securely store your Personal Data and isolate it from any further processing until deletion is possible.

8. Children's Privacy

If you are a parent / guardian and would like to authorize your child under the applicable age of digital consent to use our Services, please contact zip322@lehigh.edu.

If you believe that we have accidentally collected Personal Data from a child under the applicable age of digital consent without either (i) a School's direction to do so or (ii) the consent of a parent / guardian, then please let us know at zip322@lehigh.edu and we will remove that information as soon as possible.

9. Personal Information

Personal Information and Student Data Consents and Authority. If you are a School representative, you represent and warrant that you have provided appropriate disclosures to your School and to parents regarding your sharing such personal information with HeckPal. Both the School and HeckPal hereby agree to uphold their respective obligations under FERPA, the Protection of Pupil Rights Amendment ("PPRA"), COPPA and applicable State laws relating to student data privacy, and if executed by your school and HeckPal, our School Data Processing Addendum. HeckPal relies on each School to obtain and provide appropriate consent and

disclosures, if necessary, for HeckPal to collect any Student Data, including the collection of Student Data directly from Students under the age of 13, or the applicable age of digital majority in the Student's jurisdiction. Each School hereby agrees to comply with these Terms and all laws and regulations governing the protection of personal information, including children's information, and the sharing of student education records.

11. Contact Us

Please feel free to contact us with any questions or comments about this Privacy Policy, your Personal Data, your consent, or your opt-in or opt-out choices as follows: zip322@lehigh.edu