

## Privacy Notice Purpose

Your personal information is important to you and also important to NOCTI/Nocti Business Solutions (NBS). NOCTI/NBS is committed to protect all “Personal Information.” Personal Information relates to any information that can be used to 1. Identify you (e.g., name, user name, identification number) or 2. Contact you (e.g., email address). Other types of information that are considered Personal Information include test scores and/or demographic responses when that information is associated with your Personal Information.

For the purposes of this privacy notice, “products and services” refers to NOCTI/NBS services. The terms “we,” “us,” “NOCTI/NBS,” and “our” refer to NOCTI and Nocti Business Solutions. The term “website” includes all NOCTI/NBS websites, platforms, systems, and applications that are used to collect personal information from you. Please read this privacy notice to understand how and why we use your personal information.

## Who We Collect Personal Information From

NOCTI/NBS collects information from a variety of users including:

- Secondary and Post-Secondary Students (Our services are not intended for children 13 years or younger and it is not our policy to intentionally collect or maintain information about anyone under the age of 13.)
- Teachers
- School Administrators
- Test Administrators
- Subject Matter Experts
- Human Resource Professionals
- Individuals seeking employment or promotion

The types of Personal Information collected will vary based on the user.

## What Personal Information We Collect

In general, you are using NOCTI/NBS services for delivery and scoring of assessments, credentials, and certifications which are meant to provide an independent record of achievement that validates an individual’s competence in a specific subject area.

We may collect the following categories of information:

- **Contact Information:** This information allows us to communicate with you and may include first name, last name, user name, and email address.
- **Assessment-Related Information:** This may include your identification number, test title, test date, test item responses, demographic responses (optional) and your associated school or business. In some cases, additional information may be required to provide accommodations for assessment administration.
- **Transactional Information:** This may include a record of your NOCTI/NBS-related online activities, order history, support requests, and payment-related information.
- **Website Interaction Information:** When you visit the NOCTI/NBS websites, we may collect information that tracks your IP address and utilizes cookies. Please review our [Cookie Policy](#) to learn more.

## Why We Collect and Utilize Your Personal Information

In order to provide you with access to NOCTI/NBS products and services, we must collect information.

For the information you give to us, we will use the information in the following ways:

- To carry out our obligations to deliver the products and services you have ordered including providing customer support for those products and services; and
- To provide information that you may have requested from us.

For the information we collect from you, we will use the information in the following ways:

- To administer our products and services and for internal operations including account set-up and management, troubleshooting, data analysis, testing, research, and survey purposes;
- To ensure internal recordkeeping is accurate;
- To link test results to a specific test taker;
- To associate digital badges to a specific test taker;
- To link certifications to a specific test taker;
- To link demographic responses, if provided, to a test taker;
- To deliver company-specific and system-specific updates; and
- To conduct internal research and development processes.

## Who We Will Share Your Personal Information With

Safeguarding the confidentiality of individual personal information is the responsibility of all organizations and individuals who collect, maintain, access, transfer, or use education or training records. Under the Family Educational Rights and Privacy Act (FERPA), 34 CFR § 99.31(a)(1)(i), NOCTI is provided access to students' Personal Information to deliver agreed-upon assessment services to its student testing customers. NOCTI/NBS does not sell Personal Information.

- **Sharing with Certifying Organizations or Agencies:** NOCTI/NBS may share your information with selected third parties including any certifying organization or agency for which the individual has successfully earned a certification but only to the extent to which the test taker has a relationship with the partner and/or authorization is in place to share Personal Information. The certifying organization or agency will receive a limited amount of Personal Information and only the information needed for the sole purpose of administering testing and certification services and generating score reports.
- **Sharing in Business Transactions:** NOCTI/NBS may disclose Personal Information in accordance with applicable law should a situation arise where the sale or transfer of NOCTI/NBS occurs.
- **Sharing in Test Violations:** NOCTI/NBS may share Personal Information with third parties during investigations of test violations which may include security breaches, suspicious test scores, or other test administration anomalies.
- **Sharing in Legal Matters:** NOCTI/NBS may share Personal Information when presented with a legal obligation through judicial order or legal subpoena. This information will be provided to protect the rights, property, and/or safety of NOCTI/NBS, its systems, and customers.

Finally, it is important to note that NOCTI/NBS may use and share information about you that is not personally identifiable. This information may be shared with researchers to conduct statistical studies

and analyses related to NOCTI/NBS products and services to help address critical educational issues as a way to contribute information that may lead to a viable solution.

## How Long We Keep Your Personal Information

NOCTI/NBS attempts to hold your Personal Information for only as long as necessary to fulfill the purposes of our services. In the case of certification, individual test taker results are kept indefinitely as the results may need to be accessed to confirm competency. The process of linking data (e.g., pre-test and post-test scores) is another reason for keeping Personal Information for periods longer than may be considered normal in the industry.

## How We Ensure Security of Your Personal Information

NOCTI/NBS is committed to ensuring protection of your personal information. We follow generally-accepted security industry best practices and standards to protect the personal information submitted to us both during transmission, and once it is received. NOCTI/NBS employs a variety of security technologies and procedures to help protect Personal Information from unauthorized access and use. NOCTI/NBS security measures are in place to:

- Protect Personal Information against accidental loss;
- Prevent unauthorized access, use, destruction, or disclosure of Personal Information;
- Ensure business continuity and disaster recovery;
- Restrict access to personal information; and
- Train staff on Personal Information security.

## Where Your Personal Information is Stored

All Personal Information is stored in an electronic format on systems maintained by NOCTI/NBS in a secure data center facility located within the United States of America.

## Changes to This Notice

NOCTI/NBS reserves the right to change this Privacy Notice at any time. Changes will be made to respond to new laws and regulations, to address changes in technology, or for any other business reason that NOCTI/NBS deems necessary. If changes are made, the changes will be effective when the Privacy Notice is published to the website. The last revision date can be found on the bottom of this Notice.

## Contact Us

Questions, comments, requests, and complaints regarding this Notice and the personal information we store are welcomed. We will attempt to respond to all requests promptly and efficiently.

- Email: [nocti@nocti.org](mailto:nocti@nocti.org)
- Mail: NOCTI/NBS, 500 North Bronson Avenue, Big Rapids, MI 49307
- Phone: 1-800-334-6283

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## Special Notice to European Union Citizens and Residents

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This supplemental section of the NOCTI/NBS privacy notice relates to citizens and residents of the European Union (EU) and addresses the additional information required by the EU General Data Protection Regulation (GDPR). This supplemental information and the information provided on the preceding pages explain the procedures related to Personal Information for EU citizens and residents.

### Who Controls Your Personal Information

To adhere to GDPR requirements and other applicable data protection laws, NOCTI/NBS serves as a data processor. Contact information for our organization is listed in the Contact Us section below.

### Lawful Basis for Processing Your Personal Information

NOCTI/NBS must have a lawful basis for processing Personal Information. In most circumstances, you are not required by law to provide any Personal Information to NOCTI/NBS. We do require certain components of Personal Information in order to utilize NOCTI/NBS products and services. If this information is not provided, we are unable to provide the products and services requested.

NOCTI/NBS will process your Personal Information when we have a legal basis for the processing, such as:

- **Needed for Your Purchase:** Personal Information about you is used to assign a user code and password to access the online testing system, the SkillBadge Locker, and the Client Services Center as well as to provide customer support, as needed. This information may also be used for activities related to payment processing and financial management.
- **Required by Law:** Your Personal Information is used to comply with any laws and regulations where we are required to do so.
- **Our Legitimate Interest:** NOCTI/NBS uses your Personal Information for our legitimate interests as identified below. We have reviewed all privacy risks and ensure that your Personal Information protection rights are not affected.
  - *Reporting:* We report scores to students and their schools, districts, and states to help measure educational progress and provide certification as appropriate. Scores are reported to test administrators and/or employers in the case of business/industry testing.
  - *Training:* We use your Personal Information to train our employees on system functionality and compliance requirements. Your Personal Information may also be used to improve our business processes, improve the integrity of our tests, and for research purposes.
  - *Statistical Analysis:* We use your Personal Information to support research related to the testing industry.
- **With Your Consent:** In certain instances, we will rely on your consent to collect and use your Personal Information. Users will be provided with the choice to provide consent. When we collect your consent, NOCTI/NBS identifies why it is needed and how you can change your mind about the consent given in the future. NOCTI/NBS may provide marketing communications.

### Automated Decision Making and Profiling

NOCTI/NBS may use automation as part of its processes related to ordering, fulfilling, administering, and scoring tests. This automation may be associated with other services needed to fulfill your requests.

NOCTI/NBS will not automate any decisions that will significantly affect you unless it is part of a contract, we have your consent, or we are legally required to do so.

On occasion, NOCTI/NBS uses components of your Personal Information for its research activities. The results of our research do not contain any identifiable Personal Information and the results are not used to target or profile any individuals.

## Your Rights

NOCTI/NBS sends marketing communications to its users. You have the right to opt-out of any of our email communications by clicking the “unsubscribe” option at the bottom of any email we send to you. In adhering to the GDPR requirements, if you are a citizen or resident of the EU, you have certain rights to access, correct, and request the removal or restriction of Personal Information as required by law as described below:

- **Access Right:** Provide you with information as to how we process your Personal Information to include details relating to our processing. You also have the right to request a copy of your Personal Information.
- **Right to Rectification:** Promptly correct/update any inaccurate Personal Information we may have about you.
- **Right to Object:** Right to object to processing of any Personal Information related to you.
- **Right to Restriction:** Under certain conditions, be restricted from processing your Personal Information.
- **Right to Erasure:** Under certain circumstances, erase your Personal Information without delay.
- **Right to Data Portability:** Under certain circumstances, provide you with the Personal Information which you provided to us, in a commonly-used format.

In situations where your Personal Information is processed solely on the basis of your consent, you are entitled to withdraw your consent at any time. The exercise of your rights may be limited to certain conditions and require further information from you in order to accurately respond to your request. Our ability to delete Personal Information will be limited in certain cases where NOCTI/NBS is required to retain records such as score reports. To exercise your rights, please refer to the Contact Us section below.

## How Long We Keep Your Personal Information

NOCTI/NBS will retain your Personal Information for a period of time that meets the purposes set forth above and/or for any additional period of time that may be required or permitted by law. To request that NOCTI/NBS delete your Personal Information, you must contact us via the information in the Contact Us section below. Unless we are required by law or have a valid interest in retaining your information, it will be deleted within 30 days of your request.

## Changes to This Notice

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