

XAP Online Application System Privacy Notice

Effective: November 30, 2020

PLEASE READ THIS POLICY CAREFULLY. IT IS YOUR CHOICE WHETHER OR NOT TO PROVIDE PERSONAL INFORMATION TO US. IF YOU CHOOSE TO DO SO, YOU ARE GIVING YOUR EXPRESS CONSENT TO USE, PROCESS, TRANSFER AND DISCLOSE YOUR PERSONAL INFORMATION, WITHIN THE UNITED STATES, AS SET FORTH IN THIS POLICY. IF YOU CHOOSE NOT TO PROVIDE YOUR PERSONAL INFORMATION TO US, YOU WILL NOT BE ABLE TO USE THE APPLICATION SYSTEM.

When you use GAfutures located at www.gafutures.org, you have the option of applying to one or more schools using the online application system made available through the site (hereafter, the “Application System”). If you choose to use the Application System, you will be automatically directed to a website located at www.gafutures.xap.com, which is owned and operated by XAP Corporation (“XAP”). XAP is a contractor of Georgia Higher Education Assistance Corporation, and XAP owns and operates the Application System.

1. Your Agreement to this Privacy Notice: When you use the Application System, you signify and affirm that you have read, understand, and agree to the terms of this Notice; that you are competent and capable of understanding, agreeing to, and complying with this Notice; and that this Notice forms a legally-binding agreement between you and XAP. If you do not agree with the provisions of this Notice, you may not use the Application System.

2. Parties with Access to Your Information: When you use the Application System, you provide information you enter into the Application System to XAP. Such information will also be provided to and accessible by Georgia Higher Education Assistance Corporation, Georgia Student Finance Commission, and Georgia Student Finance Authority (collectively, “GSFC”). When your information is shared with or accessed by GHEAC, your information then becomes subject to GSFC’s Privacy Notice, available [here](#). When your information is in XAP’s possession, your information is subject to this XAP Privacy Notice. Your information will also be shared with educational institutions. **IMPORTANT NOTICE:** Please see further information in the Section entitled “With Whom Your Information May be Shared” for an understanding regarding other parties who may access your information.

3. Personally-Identifying Information Collected: To use the Application System, we will require you to provide us with information that personally identifies you (“Personally Identifying Information” or “PII”). Further, information you provide as part of your account portfolio on GAfutures may be used in the Application System and stored in XAP’s servers and databases. The categories of PII that we may collect include your name, date of birth, address, email address, phone number, grade level, parent’s or guardian’s contact information, Social Security number, account username, demographic data (such as your gender, ethnicity, and zip code), parent’s or guardian’s name, parent’s or guardian’s address and phone number and other contact information, financial information (such as credit card information), user preferences, and such additional information as you choose to actively enter into the Application System and include in your account portfolio or are required to provide by the college admission applications that you

choose to complete or other actions you choose to take through the Application System. We will store your PII on our servers and databases located in the United States.

For some college admission applications you submit through the Application System, you may be required to or have the opportunity to provide financial information (such as credit card information) to pay the application processing fee to the applicable institution through the Application System. If you do provide your financial information, we provide data encryption during the payment process. We only use and retain your financial information to complete payments you initiate. We do not retain your financial information after the transaction is complete. We use third-party intermediary, TouchNet, to manage payment processing. TouchNet follows Payment Card Industry (“PCI”) standards and is PCI-Compliant. TouchNet is not authorized to use your financial information in any way other than to process payments you initiate and is required to keep the information confidential. We only share your financial information with TouchNet, your credit card provider, and financial institutions to process payments. Note that some admission applications do not accept payment through the Application System, and for those applications, you may be paying through the educational institution’s website, and you should review their privacy notice prior to submitting payment.

4. Automatically-Collected Information: When you use the Application System, we automatically track, collect, and store the following types of information (referred to as “Automatically-Collected Information”): 1) Access date and time; 2) features used and the order of use; 3) type of computer or other operating device, type of browser, and type of operating system you use; 4) Other similar information about the interaction between your browser and the Application System. Unless otherwise stated in this Notice, Automatically-Collected Information may be combined with your PII.

We collect your Internet Protocol (“IP”) address to track and aggregate Automatically-Collected Information. We also collect your IP addresses when you use the Application System so we can confirm your identity.

5. Reasons We Collect Information and Ways in Which Information May be Used: We collect and use your PII to perform a task that you request, such as completing college admission applications. **Note: If you begin an application for admission to an educational institution, your name and other PII entered on that application may be provided to the admissions office of that institution, even though you have not yet submitted a completed application to that institution. The institution may then contact you regarding your potential attendance.**

We may also use your PII to respond to your questions or contact you when necessary in connection with the functioning of the Application System or to provide required notices.

We may also use your PII to help diagnose problems with the Application System and to administer the Application System.

Summary data consisting of a compilation of de-identified and aggregate data representing Application System users may be collected and provided to various entities including colleges and other educational institutions. NO PII IS MADE AVAILABLE AS PART OF THESE

SUMMARY REPORTS. Some examples of summary data are the number of admission applications submitted and the Application System functions used by students in specified age or grade ranges.

6. With Whom Your Information May be Shared: Except as set forth below, PII you enter on the Application System is not made available or distributed to third parties, except with your express consent or at your express direction.

We may share your PII as follows:

a. **GSFC Privacy Notice.** The PII and other information you input into the Application System may be shared in accordance with any parties described or listed in the GSFC Privacy Notice pertaining to GAfutures. The PII and other information you input into the Application System will become part of your account on GAfutures, and GSFC will have access to such PII and other information. All such PII and information will be used in accordance with the GSFC Privacy Notice when in GSFC's possession. Again, when in our possession, such PII and other information will be subject to this XAP Privacy Notice.

b. **Parents and Guardians.** If you are under age 18 and your parent or legal guardian requests permission to view your account (including all PII and other information that you add to the Application System), your school or GSFC may grant them access. Further, even if you are over 18, you may request that your parent or legal guardian be given permission to view your PII and other information you have added to the Application System.

c. **As Directed by You.** Any time you request that we perform a task that involves a transfer of PII (such as submission of a college admission application), the PII related to the performance of that task will be made available to a recipient you designate or to a service provider assisting us in completing that task.

Note: If you begin an application for admission to an educational institution, your name and other PII entered on that application may be provided to the admissions office of that institution, even though you have not yet submitted a completed application to that institution. The institution may then contact you regarding your potential attendance.

d. **Bridges Transitions Inc.** XAP and Bridges Transitions Inc. (a wholly-owned subsidiary of XAP) reserve the right to share PII with one another in connection with the maintenance and operation of Application System and for use in accordance with this Notice.

e. **Replacement Vendor.** In the event that GSFC decides to internally operate or hires a new party (other than XAP) to operate a system similar to the Application System or that otherwise replaces the Application System, you acknowledge and agree that GSFC will have access to and may obtain a copy of all PII contained in XAP's databases, and you acknowledge and agree that this includes PII that you provided from the date you first entered information into the Application System. All such PII will be used by GSFC in connection with such replacement system and may be given to a new third-party hired by GSFC to operate such replacement system. Unless you expressly consent otherwise, all such PII will continue to be treated in accordance with the terms of this Notice.

f. **Required by Law.** When required by law to comply with any valid legal process such as a statute, regulation, search warrant, subpoena, or court order, XAP may supply your PII as XAP reasonably determines, based on the advice of counsel, it is legally required to supply. XAP may also disclose PII in emergency situations, to protect your safety or the safety of others, to defend against legal claims, to enforce XAP's contractual or other rights, or to take actions regarding illegal activities or suspected fraud.

g. **Merger or Sale of XAP.** XAP may transfer your PII and Automatically-Collected Information to another entity if XAP is involved in a merger, acquisition, reorganization, restructuring, or other sale or transfer of all or any portion of its assets or business. In this event, we will, if allowed, use reasonable efforts to notify you when your information is transferred to a third party (this notification may be made via email to you or by posting a prominent notice on the Application System). Unless you consent otherwise, XAP will contractually require any successor to treat your PII in accordance with the promises made in this Notice, even after the transfer. But any information you provide after the transfer will likely be subject to a new privacy notice, and you should review that notice.

h. **Third-Party Payment Processor.** We use a third-party intermediary, TouchNet, to manage payment processing when you submit payment to apply to some educational institutions through the Application System. This intermediary is not permitted to use your financial information or other PII, except for the sole purpose of processing payments you initiate. For more information regarding TouchNet, see <http://www.touchnet.com/prod/bill+payment.html>. For more information regarding third parties who will have access to your financial information, see the section above entitled "Personally-Identifying Information Collected."

Note that some admission applications do not accept payment through the Application System, and for those applications, you may be paying through the educational institution's website, and you should review their privacy notice prior to submitting payment.

i. **Third-Party Service Providers.** We share PII and Automatically-Collected Information with our third-party service providers who assist us by performing services related to our operation of the Application System (such as hosting, data storage, and security). These third-party service providers are not authorized to use your information in any way other than as described here and are required to keep the information confidential.

j. **Third-Party Analytics Services.** We may use third-party analytics services to assist us in better understanding Application System users. For example, we use these services to track and analyze certain Automatically-Collected Information, such as feature usage. We only ever provide these service providers with (or allow these service providers to collect on our behalf) Automatically-Collected Information. We use the information collected from these service providers to make the Application System better and easier to use. The information we receive from these third parties may be re-associated with your PII after we receive it back from these third parties. These third parties are not authorized to use the information in any other way and are required to keep the information confidential.

7. Security Measures to Protect Your Information; Disclaimer: XAP uses industry standard physical, electronic, and procedural security measures to protect against the loss, misuse, and unauthorized access, disclosure, alteration, and destruction of PII and Automatically-Collected Information we collect and store. For example, we cause the PII you input to be encrypted when in route between your browser and the Application System server using TLS 1.2. This practice helps prevent unauthorized third parties from intercepting and gaining access to your PII during transmission over the Internet. The Application System is WC3 compliant and performs properly on all major operating system platforms as well as all major modern internet browsers specifically including, but not limited to, Windows, Macintosh, Linux, iOS, Chrome, Safari, Firefox, Edge, Internet Explorer, and the built-in Internet browsers for iOS and Android.

PII residing on the Application System server is password protected (through your account on GAfutures), and access is provided only to the account holder who created the password, anyone to whom that account holder entrusted the password, designated school administrators and staff, and those employees of XAP and GSFC who require such access to administer and maintain the Application System or to provide requested customer support to users of the Application System. Each XAP employee who has access to the PII residing on the Application System server has agreed in writing to respect the privacy of all such PII. XAP trains employees to protect customer information and only authorize access for employees who XAP believes have a business need for that information. XAP holds employees accountable to a Code of Conduct and Ethics to protect user information. The safety and security of your PII also depends on you. You should not send us sensitive PII via email, as this is not secure. You are also responsible for keeping your account username and password confidential. Please notify XAP and GSFC if you become aware that your PII is lost, stolen, or used without your permission; GSFC may disable access to your account in order to prevent an unauthorized third party from accessing your account.

While we take industry-standard security measures to protect the privacy of your PII, we cannot guarantee that your PII will never be compromised. No Internet or wireless network transmission is ever 100% secure, and no security system can prevent all security breaches. We do not and cannot guarantee that there will be no unintended disclosures of your PII or that unauthorized third parties will not defeat our security measures or use nonpublic information for improper purposes.

8. Cookies: We collect and store Automatically-Collected Information through a standard feature found in browser software called a “cookie.” A cookie is a small file that a website transfers to a user’s computer or other operating device, which may then be stored on the computer’s or operating device’s hard drive. The Application System uses cookies to provide an enhanced user experience by keeping track of your session when using the Application System. Cookies enable you to maintain continuity as you move from page to page on Application System and to avoid the nuisance of being asked to provide the same information repeatedly. Cookies also provide us Automatically-Collected Information about Application System features used and activities conducted while using Application System. We may use cookies to aggregate data about user traffic on and user interaction with Application System so we can offer better experiences and tools in the future. The cookies we use are called session cookies, meaning they are set when you use the Application System and are erased when you log off GAfutures or completely close your

browser. The XAP cookies we use do not remain on your hard drive after you end your session on or completely close your browser.

Third-Party Cookies

We use third-party services provided by Google Analytics to track and analyze your activity on the Application System. In order to gather this Automatically-Collected Information, there is a Google Analytics cookie on the Application System. If you don't want your Automatically-Collected Information used by Google Analytics, Google recommends installing the Google Analytics Opt-out Browser Ad-on, located here: <https://tools.google.com/dlpage/gaoptout/>

Don't want cookies?

Most browsers are initially set to accept cookies. If you don't want cookies, you can set your browser to disable or refuse cookies or to alert you when cookies are being used. Please refer to your browser for information on how to disable and control cookies. You should note, however, that the Application System may not function properly when cookies are not utilized.

9. Links: The Application System hosts links to other sites or resources, and you may link to one of those sites or resources for a variety of purposes, such as visiting an official college website. These sites and resources have privacy notices that may differ from that of the Application System, and for your protection, we recommend that you read and understand the privacy notice at any website prior to providing personal information on that website or otherwise continuing to use that website. XAP is not responsible for the privacy practices or the content of any websites to which the Application System links or for the conduct of persons operating those websites. XAP does not have control over and does not endorse such external sites and resources. XAP shall not be liable for any content, advertising, products, or other materials on or available from such sites or resources. In addition, XAP shall not be responsible or liable, directly or indirectly, for any damage or loss caused or alleged to be caused by or in connection with use of or reliance on any such content, advertising, products, or materials on or available through any such site or resource.

10. Modifying and Deleting Your Information: You may update or delete from the data stored on the Application System any PII you previously provided. To modify PII: (i) Access an application containing the information you want to change, (iii) modify that information using standard word-processing techniques, and (iv) save the change. **Please recognize that if you delete information, it will no longer be available as part of the application from which you deleted it so, for example, if a college to which you previously submitted an application were to attempt to retrieve that application from the Application System after you made the deletion, the deleted information would no longer be accessible. Similarly, when accessed over the Application System, PII that has been updated will appear in its then-current form, rather than in the form in which it may have been submitted at some earlier time.** Please note that after you update or delete any PII, we may retain the earlier-submitted PII, as described in the section below entitled "Retention and Storage."

11. Retention and Storage: We only retain financial information to complete your payment if you apply to an educational institution and pay an application submission fee through the Application System. We retain all other PII and Automatically-Collected Information in our

servers and databases to fulfill the purpose for which the information was collected. The PII you put into the Application System will be retained until you ask us to remove your information. Note that even after you ask that we remove your information from our servers and databases, it may be impossible to remove some information, such as information tracked in our web server log files and information that may reside in backup files. We may also retain Automatically-Collected Information even after you request that we remove your information from our databases, for use in the aggregate and to analyze and improve the Application System. Further, even after you request that we remove your information from our databases, we may retain PII and Automatically-Collected Information to comply with applicable laws, rules, regulations, or guidelines; to prevent fraudulent activity; to protect ourselves against liability; to resolve disputes; and to enforce our contractual or other rights. Notwithstanding the foregoing, XAP will not retain PII for longer than is allowed under applicable law.

12. Your European Union Privacy Rights: If you are citizen of the European Union you have additional privacy rights under the General Data Protection Regulation (GDPR) effective May 25, 2018, including but not limited to:

- The right to know who is collecting and processing your personal data.
- The right to know the purpose and legal justification for the collection and processing of your personal data.
- The right to access, receive or correct your personal data.
- The right to restrict the processing of your data where the data is inaccurate, the processing is unlawful, or your personal data is no longer needed or there are no longer legitimate grounds to process your personal data.
- The right to request that your personal data be deleted (where there are no longer legal or necessary grounds to process or store your personal data).
- The right to withdraw your consent to the collection, handling, storage and/or processing of your personal data and to complain to XAP and/or the appropriate EU data protection authority if you have reason to believe that any of your rights are being violated.
- The right to know that the personal data that was collected, handled, stored and processed was required in order to accomplish the purposes that you have given express consent to.

The lawful collection and processing of your personal data is necessary for XAP to provide the Application System. If you would like to exercise any of the above rights in relation to your use of the Application System or if you have any questions about your rights under the GDPR, please contact us at support@xap.com.

13. Amending this Privacy Notice: We may update this Notice to reflect changes in the manner in which we deal with PII and/or Automatically-Collected Information. The Notice posted here will always be current. We encourage you to review this Notice regularly. If XAP makes substantial changes to this Notice, XAP may also notify you (i) by posting a message on the Application System; and/or (ii) by providing direct notice to you via your contact information or by requiring that you agree to the revised notice the next time you use the Application System.

Once posted, the new privacy notice will apply to all data previously submitted and subsequently submitted to the Application System, unless such use is prohibited by law.

14. Unenforceability: If any part of this Notice is determined to be illegal or unenforceable under applicable law, then the illegal or unenforceable provision will be deemed to be superseded by a legal and enforceable provision that most closely matches the intent of the original provision, and the remainder of this Notice will continue in full force and effect.

15. Questions: If you have any questions about this Notice, you may contact us at support@xap.com or by telephone at 1-800-GO-TO-XAP (1-800-468-6927).