2019 Privacy Impact Assessment

ACTIVE Net

Seattle Parks and Recreation

Seattle
Information Technology

Contents

Privacy Impact Assessment overview

What is a Privacy Impact Assessment?

A Privacy Impact Assessment ("PIA") is a method for collecting and documenting detailed information collected in order to conduct an in-depth privacy review of a program or project. It asks questions about the collection, use, sharing, security and access controls for data that is gathered using a technology or program. It also requests information about policies, training and documentation that govern use of the technology. The PIA responses are used to determine privacy risks associated with a project and mitigations that may reduce some or all of those risks. In the interests of transparency about data collection and management, the City of Seattle has committed to publishing all PIAs on an outward facing website for public access.

When is a PIA required?

A PIA may be required in two circumstances.

- The first is when a project, technology, or other review has been flagged as having a high privacy risk.
- The second is when a technology is required to complete the Surveillance Impact Report process. This is one deliverable that comprises the report.

How to complete this document?

As department staff complete the document, they should keep the following in mind.

- Responses to questions should be in the text or check boxes only, all other information (questions, descriptions, etc.) should **NOT** be edited by the department staff completing this document.
- All content in this report will be available externally to the public. With this in mind, avoid using acronyms, slang, or other terms which may not be well-known to external audiences. Additionally, responses should be written using principally non-technical language to ensure they are accessible to audiences unfamiliar with the topic.

1.0 Abstract

1.1 Please provide a brief description (one paragraph) of the purpose and proposed use of the project/technology.

ACTIVE.Net is a Software as a Service ("SaaS") application to replace Class, Seattle Parks and Recreation's tool to manage recreation daily operational transactions (registrations, rentals, admissions, etc.) and customer accounts. It was implemented as part of the Next Generation Class Upgrade project. The project is an upgrade to the existing in-place application, including updated business practices/processes, feature enhancements, support and training, and ensuring that the City will remain PCI compliant. This tool represents a high privacy risk because of the amount of client account data collected, including, but not limited to: Name, birth date, address, phone, email, family members, account activity, accounting transactions and demographic information.

1.2 Explain the reason the project/technology is being created or updated and why the PIA is required.

This PIA has been created because of the sensitivity of information collected and managed in ACTIVE Net. Seattle Parks and Recreation previously used Class software to register clients, manage rental information, and process Point of Sale transactions (admissions/merchandise sales). Because the Active Network has informed us of their decision to sunset support of CLASS, Seattle Parks & Recreation (SPR) has decided to upgrade our system to the Active Network's SaaS product, ACTIVE Net – we have titled the project the Next Generation Class Upgrade Project.

With ACTIVE Net, customers who opt-in to receive unsolicited communication, may receive email campaigns from our program providers/instructors/staff, and the Active Network.

Information about personal schedules are never disposed of but may be archived for system efficiency.

Unless directed by public disclosure regulations/requests, SPR does not and will not share programmatic or personal information specific to our customers with anyone other than to staff, instructors/program providers, and others that need the information in order for us to conduct business, unless required in accordance with the Washington State Public Records Act RCW 42.56. Children's enrollment information is exempted by RCW 42.56.230(2) from disclosure. For more information on this please visit Seattle.gov/privacy or https://apps.leg.wa.gov/RCWdefault.aspx?cite=42.56.

2.0 Project / Technology Overview

Provide an overview of the project or technology. The overview gives the context and background necessary to understand the purpose, mission and justification for the project / technology proposed.

2.1 Describe the benefits of the project/technology.

ACTIVE Net provides a modernized alternative to SPR's CLASS system. Customers will realize an improved online interface through which they can register and pay for activities. SPR staff will be able to enter their recreation programs directly in the application as opposed to using the side system currently in use. In addition, it dramatically reduces the payment card industry (PCI) compliance footprint for hardware hardening.

2.2 Provide any data or research demonstrating anticipated benefits.

SPR has no formal research but expects an increase in online registrations due to the improved customer interface. This should reduce efforts for recreation center staff to focus on other tasks/issues.

2.3 Describe the technology involved.

ACTIVE Net is a SaaS offering. This places the functionality and data in a cloud environment for access by users. A mobile application is also available to SPR customers.

2.3 Describe how the project or use of technology relates to the department's mission.

ACTIVE Net, collects personal customer contact information such as name, address, phone numbers, email addresses, gender, and birthdates. In addition to this identifying information, ACTIVE Net also collects schedules of customers based on the programs and services that they have purchased from SPR. With the implementation of ACTIVE Net, SPR began to collect other demographic information (ethnicity/race and language spoken at home) to help us better plan programmatic offerings for the public, and better support our values of access, opportunity, sustainability, and responsiveness. SPR's three aspirational customer facing outcomes are: Healthy People, Healthy Environment, and Strong Communities.

2.6 Who will be involved with the deployment and use of the project / technology?

SPR has a project team who will work with the vendor to implement the system. The Parks Business Service Center is responsible for the administration of the system post implementation, and support of the application. SPR staff and customers will use the application. Other City departments (ARTS, Light, SPU, etc.) have also expressed a desire to use ACTIVE Net as their enterprise business solution for reservations, sales, and registrations.

3.0 Project

Provide an outline of any rules that will govern the use of the project / technology. Please note: non-City entities are bound by restrictions specified in the Surveillance Ordinance and Privacy Principles and must provide written procedures for how the entity will comply with any restrictions identified.

3.1 Describe the processes that are required prior to each use, or access to/ of the project / technology, such as a notification, or check-in, check-out of equipment.

Customers: All users must have user accounts and secure passwords.

Staff: SPR has granted staff different levels of access depending on their role. The access is as follows:

SPR – Admin Finance

This permission level is supplemental to the SPR – Reports (Read-Only) permission profile. It gives the user the ability to view GL accounts and update financial exports as part of the systems integration with financial software. Staff who typically have this access level are those who need access to the Financial export to migrate date to Peoplesoft 9.2.

SPR – ARC Field Staff

This permission gives limited access to FlexReg to sign in and sign out childcare participants for ARC staff that need additional permissions above the SPR Reports (Read-Only) permission. Staff who have this access level are ARC childcare staff who need this access to meet State licensing requirements.

SPR – Athletics & Event Scheduling

This permission gives standard permissions for creating and editing customer/organization accounts and permits in the Facility Reservation Module. In addition they have the ability to perform standard refunds and create payment plans for customers in compliance with their groups payment schedule. Staff who have this access level are those who process facility reservations.

SPR – Athletics & Event Scheduling (Elevated)

In addition to the permissions of SPR – Athletics Event Scheduling, this permission level also has the ability to change fees for permits in facility reservations. Staff who have this access level are those who process facility reservations AND need to amend fees.

SPR – Athletics & Event Scheduling (Elev-Waiver)

As part of the fee waiver process this permission level has the ability to change GLs for fees and perform customer account balance changes. Staff who have this access level are those who process facility reservations, amend fees, and apply fee waivers.

SPR – BSC

This permission has all of the same permissions has SPR – Front Desk, SPR – Front Desk (Elevated), and SPR – Programmer, but also includes additional administrative permissions for editing activities and FlexReg Programs once they are open to registration and viewable to the public. They can also provide approved system overrides, including withdraw fees and deposits, for activity and FlexReg registration and withdraw/refunds. This permission can also unlock system user account accounts and create system user accounts. Staff who have this access level are those who support all ACTIVE Net users and the system.

SPR – BSC (Elevated)

In addition to SPR – BSC permissions, the permission is also able to perform customer account adjustments and provide a higher-level ability of modifying fees to reconcile scholarships and state entity subsidized registrations, correcting membership scans, and refunding POS transactions. This permission also includes a higher level of system administration setup for more controlled setup of areas like Activity Categories, site Holidays, setting up Instructors, performing. Staff who have this access level are Tier 2 staff who support all ACTIVE Net users and the system.

SPR – Front Desk

This permission provides basic permissions to create a customer/organization account, register into activities/FlexReg programs, use a POS system, sell a membership, create a permit, and take payment. This permission does not have any abilities to perform refunds or transfers for customers. Staff who have this access level are those who typically work as Recreation attendants, cashiers, and rec leaders at the front desk processing registrations, reservations, memberships and sales.

SPR – Front Desk (Elevated)

In addition to the SPR – Front Desk permissions, this permission profile is able to transfer customers and provide refunds but are not able to override refund charges or deposits. This permission profile can also undo membership scans. Staff who have this access level are like Front Desk but can also process refunds. They typically work as Coordinators and Assistant Coordinators.

SPR – Programmer

This profile supplements other profiles, but provides the ability to create/edit/copy activities and FlexReg programs in the system prior to be open to the public for registration or viewable online. Staff who have this access level are those who typically work as programmer/Assistant Coordinators.

SPR – Reports (Read-Only)

This permission level is the most basic permission level that only provides the ability to run and schedule reports with no ability create/edit customer accounts, or perform any type of registration, POS sales, or permit creation. This permission can be supplemental other profile to provide viewability of all reports. Staff who have this access level are those who do not need access to perform transactions, but need information from the system.

SPR – Scholarship Office

This permission level has the ability to create/edit customer accounts and assign/allocate scholarships to customer accounts. It has no ability to perform any type of registration, POS sales, or permit creation. Staff who have this access level are those who issue scholarships within ACTIVE Net. They all work in the scholarship office.

SPR – Scholarship Office (Elevated)

In addition to the permissions of SPR – Scholarship Office, this permission has the ability to run specific financial exports for managing scholarship funds. Staff who have this access level is the Scholarship manager.

SPR – Seattle IT

This permission profile has basic System Administration access to setup and configure workstations, and basic ability to test functionality of membership scanning and POS setup. They have no ability to create/edit customer accounts, or perform any type of registration, or permit creation. Staff who have this access level are those who only support hardware.

SPR – System Administrator

This permission level is full access to the ACTIVE Net system. Only the top 2-3 staff within the BSC have access at this level.

3.2 List the legal standards or conditions, if any, that must be met before the project / technology is used.

The ACTIVE Net system must comply with the Payment Card Industry Data Security Standard (PCI Compliance).

To access the ACTIVE Net system, any employee who has access to confidential identity information, or those who handle excessive amounts of cash are required to have a criminal background check at time of hire of promotion into an applicable position. This process is managed by HRU.

3.3 Describe the policies and training required of all personnel operating the project / technology, and who has access to ensure compliance with use and management policies.

SPR incorporates privacy and security trainings in their application user trainings, during regular quarterly staff meetings, and monthly pay day meetings. The Parks Business Service Center also conducts regular (monthly/quarterly/annual depending on the area of interest) checks to ensure information is accurate, and that users have completed training.   Users who can process transactions are also required to take annual Citywide PCI training, and Citywide Privacy and Security trainings.

4.0 Data Collection and Use

Provide information about the policies and practices around the collection and use of the data collected.

4.1 Provide details about what information is being collected from sources other than an individual, including other IT systems, systems of record, commercial data aggregators, publicly available data and/or other city departments.

Customer Name, Address, Phone Numbers, email address, birthdate, gender, payment history, course schedules, and transaction history are collected for most clients. This personal information is used to complete a sales transaction for the recreation service purchased and follow up if necessary. Additional personal information or survey responses MAY be collected if the customer wishes to participate in specially identified programs or wishes to apply for a scholarship. Optional demographic information (race/ethnicity and language spoken at home) asked at the time of account creation, is also collected and used to help staff better plan programmatic offerings for the public, and better support our values of access, opportunity, sustainability, and responsiveness.

Customers provide their own identifying contact information (name, address, phone number, email addresses, gender, birthdate, ethnicity/race, language spoken at home), when registering for a program, renting a facility, or purchasing a membership card. Because they provide the identifying information directly to staff or to the system online (SPARC) using self-service options, we assume they understand that this information has been collected by our system. Notification that the information provided in the system is subject to the Public Records Act, is provided at multiple times and locations throughout the registration process. At this time, the Active Network does not collect information about customer purchasing habits.

- Name: To identify the client who wishes to utilize the P&R services provided. Instructors may need to know these names to call on the participant during the class and to take attendance.
- Address: To be able to contact the customer in case follow up contact is necessary (for collection of payment, refunds, etc.)
- Phone Number(s): To be able to contact the customer in case service updates need to be relayed, follow up contact is necessary.
- Email Address: To be able to contact the customer in case service updates need to be relayed, follow up contact is necessary.
- Gender: As a parameter to permit customer participation in a specific program.
- Birthdate: Age is a parameter used to permit customer participation in, or to set course fees for a specific program.
- Ethnicity/Race: To help staff better determine who we are serving and to better plan programmatic offerings to better support our values of access, opportunity, sustainability, and responsiveness. (OPTIONAL)
- Language Spoken at Home: To help staff better determine who we are serving and to better plan programmatic offerings to better support our values of access, opportunity, sustainability, and responsiveness. (OPTIONAL)
- Payment and Transaction history: Helps explain customer activity and reasons for outstanding balance notices. Also, data is used to help make programmatic decisions about offerings, etc.

- Course Schedules: System has a feature that will notify the customer if they try to register for conflicting programs.

SPR is also implementing a new HIPAA compliant, online form collection process/system, ePact, on February 4, 2019 that reduces significantly the need for customers to turn in, and for staff to manage, paper forms with personal information on it – Information required for certified childcare programs will be collected first using ePact, and over time, additional programs will be added. If a customer opts not to use ePact, or the program they want to participate in is not yet using ePact, staff are instructed to secure paper forms at all times, and/or shred them when no longer needed.

4.2 What measures are in place to minimize inadvertent or improper collection of data?

Staff are trained never to disclose information to those that should not have it. This is also covered in existing contract language with the Active Network. The specific language of the ARC MOA can be found in the appendix of this document.

4.3 How and when will the project / technology be deployed or used? By whom? Who will determine when the project / technology is deployed and used?

Deployment will occur on 11/27/2018 for the public to use for registrations beginning on 12/4/2018. Certain back office functions (e.g., Events Scheduling and Recreation Programmers) will begin using the system earlier to ensure smooth cutover from existing application. The project's Executive Sponsors and the SPR Superintendent will sign off on go-live.

4.4 How often will the technology be in operation?

Application is available seven days a week, 24 hours per day. SPR's Business Service Center (BSC) will be available to support customers M-F from 8:30 to 6 PM Pacific Time, and staff users during office hours AND after-hours support 24/7.

4.5 What is the permanence of the installation? Is it installed permanently or temporarily?

ACTIVE Net will be SPR's recreation business system for the foreseeable future. Contract with ACTIVE is signed through 2021.

4.6 Is a physical object collecting data or images, visible to the public? What are the markings to indicate that it is in use? What signage is used to determine department ownership and contact information?

A web camera is used only to capture the customer's image upon the purchase of their first membership pass. No markings are provided to indicate this is in use. Rather recreation staff inform customer that their picture is being taken for pass identification.

4.7 How will data that is collected be accessed and by whom?

Staff are granted appropriate security level access to ACTIVE Net by our Business Service Center (BSC) after verification has been received that the employee needs access to the system and has satisfied all PCI and City security requirements.

Supervisors request access to the system via an internal work flow. The BSC validates that the staff have taken all trainings required and their work start date. Staff who gain access to the system must attend employee trainings which include orientation, workplace expectations, Payment Card Industry trainings, and system use trainings. Repeatedly during staff meetings, and messages from management, staff are reminded to take extreme care of customer data.

When staff employment status changes, their access to ACTIVE Net is reevaluated and modified or deleted as needed.

4.8 If operated or used by another entity on behalf of the City, provide details about access, and applicable protocols. Please link memorandums of agreement, contracts, etc. that are applicable.

The only other entity that has access to ACTIVE Net on behalf of the City is our partner agency, ARC (Associated Recreation Council) and their program providers. Those staff members follow the same rigor to be granted access as in 4.7. The ARC MOA can be found in the appendix of this document.

4.9 What are acceptable reasons for access to the equipment and/or data collected?

Staff access ACTIVE Net to be able to process transactions, plan programmatic offerings and maintenance efforts in/at facilities, set up system back end, extract, evaluate, and report historical data, respond to customer requests/inquiries, contact customers regarding their transactions and to send information.

4.10 What safeguards are in place, for protecting data from unauthorized access (encryption, access control mechanisms, etc.) and to provide an audit trail (viewer logging, modification logging, etc.)?

To use this system, a staff user is granted access with security levels typically associated with their role in the organization (ex. Front counter staff, Site Supervisors, Reports Only – typically management or ARC staff, System Administration – lower level set up, and System Administrator.

Once a staff person leaves or is terminated, their supervisor and the HRIS system notifies the BSC to disable their account immediately. ACTIVE Net has user logging in place that tracks actions of each user.

5.0 Data Storage, Retention and Deletion

5.1 How will data be securely stored?

ACTIVENet is Payment Application Data Security Standard (PA-DSS) compliant.

Data is stored by the Active Network who represents and warrants that its collection, access, use, storage, disposal and disclosure of Data and Personal Information does and will comply with all applicable federal, state, and local privacy and data protection laws, as well as any other applicable regulations and directives.

The vendor also maintains PCI DSS certification as a Level 1 Service Provider, acknowledges that they are responsible safeguarding data and personal information, implements administrative, physical, and technical safeguards to protect Data that are no less rigorous than accepted industry practices, including the International Organization for Standardization's standards: ISO/IEC 27001:2005 - Information Security Management Systems - Requirements and ISO-IEC 27002:2005 - Code of Practice for International Security Management, the Information Technology Library (ITIL) standards, the Control Objectives for Information and related Technology (COBIT) standards, and/or other applicable industry standards for information security.

Cash Handling retention periods are put in place by business decision within SPR, and by those directed by FAS.

5.2 How will the owner allow for departmental and other entities, to audit for compliance with legal deletion requirements?

The City Record's Management Program has worked with the project team and the vendor to ensure compliance with City data retention requirements. The City Auditor may audit for compliance at any time.

5.3 What measures will be used to destroy improperly collected data?

The Parks Business Service Center will create and maintain a schedule to conduct archival of records within the system.

5.4 Which specific departmental unit or individual is responsible for ensuring compliance with data retention requirements?

Seattle Parks & Recreation's Business Service Center Supervisor.

6.0 Data Sharing and Accuracy

6.1 Which entity or entities inside and external to the City will be data sharing partners?

Seattle Parks & Recreation has a non-profit partner, the Associated Recreation Council (ARC), who delivers programs at all community centers, small craft centers, environmental learning centers, and for some programs at some pools, and at the Amy Yee Tennis Center. Though SPR staff are responsible for registration functions and collection of fees on behalf of ARC, the ARC staff do need access to participant information, and their financials. This has been an ongoing relationship for over 40 years, and is described in the Memorandum of Agreement between the two agencies. SPR owns all data. Applicable portions of the MOA between the two agencies can be found in the appendix of this document.

Information about personal schedules are never disposed of but may be archived for system efficiency. Unless directed by public disclosure regulations/requests, SPR does not and will not share programmatic or personal information specific to our customers with anyone other than to staff, instructors/program providers, and others that need the information in order for us to conduct business.

6.2 Why is data sharing necessary?

ARC staff need access to participant information as they are the main contact with program participants and need access to validate and estimate their portion of the financials.

SPR collects ARC fees on their behalf within the ACTIVE Net system which is distributed semi-weekly.

6.3 Are there any restrictions on non-City data use?

Yes ⊠ No ☐

6.3.1 If you answered Yes, provide a copy of the department's procedures and policies for ensuring compliance with these restrictions.

SPR has for the past 13 years restricted the use of all customer contact data in the Class system. Because the ACTIVE Net system allows the customer to grant permission to contact them for non-programmatic related reasons, SPR is exploring a change to this policy for customers who opts in to receive unsolicited information. Until that happens, however, SPR only permits it's staff and partners to contact customers in circumstances related directly to their registration/program/service to be provided (i.e. pool contamination causes cancellation of lesson today, staff and partners are allowed to contact the customer. Staff want to advertise upcoming registration start date to all customers – this is not allowed.)

The Vendor may only use the City Data and Personal Information: (i) to communicate with End Users who have initiated a request for information from Vendor as part of their use of the Services; (ii) in non-personal, aggregated form for internal and external evaluation purposes (e.g., for the analysis of its products and services); (iii) distribute the information for use by Vendor's contracted third parties and vendors that provide additional products and services that are required to be delivered under this Contract or as are requested by City or its

customers; (iv) to use, display, distribute or transmit any particular information where the individual has consented to such use; and (iv) as otherwise permitted by applicable law.

The vendor contract with Seattle Parks and Recreation can be found in the appendix of this document.

6.4 How does the project/technology review and approve information sharing agreements, memorandums of understanding, new uses of the information, new access to the system by organizations within City of Seattle and outside agencies?

Other than the vendor contract, the project has not yet been faced with new proposals to share information, nor is there an expectation to do so in the near future. Though a formal process is not yet in place, the project manager/core team would initially review all proposals for system and business achievability. If a proposal is deemed achievable, it would likely be brought to the executive sponsors for approval.

6.5 Explain how the project/technology checks the accuracy of the information collected. If accuracy is not checked, please explain why.

Staff are trained to verify and recheck information about a customer each time they are in contact with them regarding the customer's account. There are no additional program checks in place to verify the information we maintain.

6.6 Describe any procedures that allow individuals to access their information and correct inaccurate or erroneous information.

Customers may access transaction history and may update some of their information (Street Address, Mailing address, phone number, email address, desire to receive unsolicited email, and gender) online, when logging into their account using a username and PIN. In order for customers to update their other account information, current business process requires them to come into an SPR facility in person with identification, or allows us to contact them at the information already on their customer account.

As a practice, unless mandated by public disclosure requirements, we will not share or utilize a customer's contact information for purposes other than to notify them about the service they have requested (example: course session has been cancelled due to maintenance issue at the facility).

7.0 Legal Obligations, Risks and Compliance

7.1 What specific legal authorities and/or agreements permit and define the collection of information by the project/technology?

Customer Name, Address, Phone Numbers, email address, birthdate, gender is captured and used to complete a sales transaction for the recreation service purchased and follow up if necessary. No

identified legal authority or agreement permits and defines the collection of information other transactional use.

7.2 Describe what privacy training is provided to users either generally or specifically relevant to the project/technology.

SPR incorporates privacy and security training in their application use trainings, annual Payment Card Industry (PCI) online trainings, during regular quarterly staff meetings, and monthly pay day meetings. The Parks Business Service Center and Parks Management also conducts regular (monthly/quarterly/annual depending on the area of interest) checks to ensure information is accurate, and that users have completed training.

7.3 Given the specific data elements collected, describe the privacy risks identified and for each risk, explain how it was mitigated. Specific risks may be inherent in the sources or methods of collection, or the quality or quantity of information included.

Customer personal information is collected using in person contact, on paper forms, and online.

When collected in person, staff use computers with privacy screens to limit who can see data entered or referenced. Staff also are instructed to ask other customers to grant personal space to the customer being served such that information is not publicly being shared.

SPR also implemented a new HIPAA compliant, online form collection process/system, ePact, on July 1, 2019 that reduced the need for most customers to turn in and for staff to manage paper forms with personal information on it – Information required for certified childcare programs will be collected first using ePact, and over time, additional programs will be added. If a customer opts not to use ePact, or the program they want to participate in is not yet using ePact, staff are instructed to secure paper forms at all times, and/or shred them when no longer needed.

Customers are now able to create new accounts online, and update some of their information online, which limits the risk of loss of data.

Though information is still gathered outside of ePact for some programs, SPR is working to transition all programs to this secure system after system stabilization.

7.4 Is there any aspect of the project/technology that might cause concern by giving the appearance to the public of privacy intrusion or misuse of personal information?

If a customer forgot that they opted in to receive unsolicited email, OR if an outside agency/person gained contact information via Public Disclosure process, a customer might believe they are receiving information via privacy intrusion.

8.0 Monitoring and Enforcement

8.1 Describe how the project/technology maintains a record of any disclosures outside of the department.

SPR's public information office maintains a record in accordance with the City's public disclosure policies, which are managed through the City's GovQA application. If a request is received outside of the department, the Parks Business Service Center will notify SPR's public information officer.

8.2 What auditing measures are in place to safeguard the information, and policies that pertain to them, as well as who has access to the audit data? Explain whether the project/technology conducts self-audits, third party audits or reviews.

Many reports in ACTIVE Net have been locked down such that most staff are unable to run many reports without security access. Therefore, most request for information from ACTIVE Net, comes through the Parks Business Service Center. The BSC limits and updates policies and system permissions to access system data.

ACTIVE Net does, however, log all system overrides (with permission), related to who changes customer account information, staff log ins, and all transactions.

Appendix A: Memorandum of Agreement with ARC

The following is an excerpt from the Memorandum of Agreement between ARC and Seattle Parks and Recreation.

SECTION X: ACCESS, OWNERSHIP & USE OF DATA

- DPR will provide and maintain read-only access to ACTIVE Net for authorized ARC employees. Authorized ARC employees may receive or have access to Data and Personal Information of customers in Active Net. ARC shall comply with the terms and conditions set forth in this agreement in its collection, receipt, transmission, storage, disposal, use and disclosure of such Data and Personal Information and be responsible for the unauthorized collection, receipt, transmission, access, storage, disposal, use and disclosure of Personal Information under its control or in its possession by all authorized ARC employees. ARC shall be responsible for, and remain liable to, City for the actions and omissions of all Authorized Persons, employees, Subcontractors, and any other parties under ARC's control or direction concerning the safeguarding and treatment of Personal Information. ARC may use the Data strictly as necessary to carry out its obligations under this agreement, and for no other purpose. City Data and Personal Information is deemed to be Confidential Information of the City. In the event of a conflict or inconsistency between this Section and any other section or exhibit related to confidentiality and compliance with laws, the terms and conditions set forth in this Section shall govern and control. For the avoidance of doubt, all City Data and Personal Information collected by ARC as a result of this Contract is owned by the City.
- ARC agrees that it shall: (i) keep and maintain all Data and Personal Information in strict confidence, using such degree of care as is appropriate to avoid unauthorized access, use or disclosure; (ii) use and disclose Data solely and exclusively for the purposes for which the Data, or access to it, is provided pursuant to the terms and conditions of this Contract, and not use, sell, rent, transfer, distribute, or otherwise disclose or make available Data or Personal Information for Vendor's own purposes or for the benefit of anyone other than the City, in each case, without the City's prior written consent; and (iii) not, directly or indirectly, disclose Data or Personal Information to any person other than Authorized Persons, including any, subcontractors, agents, service providers, or consultants (an "Unauthorized Third Party") without express written consent from the City, unless and to the extent required by government authorities, to the extent expressly required, by applicable law. In which case, ARC shall (i) notify the City before such disclosure or as soon thereafter as reasonably possible; (ii) be responsible for and remain liable to City for the actions and omissions of such Unauthorized Third Party concerning the treatment of such Personal Information as if they were Vendor's own actions and omissions; and (iii) require the Unauthorized Third Party that has access to Personal Information to execute a written agreement agreeing to comply with the terms and conditions of this Contract relating to the treatment of City's Data and Personal Information.
- ARC may only use the City Data and Personal Information to communicate with End Users who have initiated a request for information from ARC as part of their use of the Services; in response to or to receive information regarding an ARC transaction; and as otherwise permitted by applicable law. For the avoidance of doubt, the provisions of this

agreement do not apply to data obtained by ARC separate and apart from this agreement (e.g., where an individual has contacted unrelated to the Services).

- DPR will make its best effort to provide ARC with reporting capabilities to conduct its business including but not limited to the following:
  - o Report by both site and ARC account number (income category) so that ARC can distribute revenue to advisory councils.
  - o Activity registrant lists and/or sign-in sheets
  - o Enrollment figures by activity and activity type based on categories used by both organizations that are coded in the system.
  - o Detailed and summarized financial reports.
  - o Facility Utilization Reports.
- ARC shall not use ACTIVE Net Data to engage or enable another party to engage in marketing or targeted advertising without permission from DPR.
- The City is not obligated to provide any information to ARC that is not reasonably accessible to DPR.

Appendix B: Contract between Seattle Parks and Recreation and ACTIVE Net

Please double click the image below to open the .pdf contract.

DocuSign Envelope ID: E7D96302-BE05-42CE-BE7B-39FC34D59B9B

City of Seattle Contract #3678

With

Active Network, LLC

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