

CHESTER UNION FREE SCHOOL DISTRICT

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Parent's Bill of Rights for Data Privacy and Security

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Pursuant to an amendment to the Education Law, section 2-c and 2-d, school districts are now required to publish, on their websites, a parents bill of rights for data privacy and security and to include such information with every contract a school district enters into with a third party contractor where the third party contractor receives student data or teacher or principal data.

The parent's bill of rights for data privacy and security shall state in clear and plain English terms that:

- (1) A student's personally identifiable information cannot be sold or released for any commercial purposes;
- (2) Parents have the right to inspect and review the complete contents of their child's education record;
- (3) State and federal laws protect the confidentiality of personally identifiable information, and safeguards associated with industry standards and best practices, including but not limited to, encryption, firewalls, and password protection, must be in place when data is stored or transferred;
- (4) A complete list of all student data elements collected by the State is available at <http://www.p12.nysed.gov/irs/sirs/documentation/NYSEDstudentData.xlsx>, or may obtain a copy of this list by writing to the Office of Information & Reporting Services, New York State Education Department, Room 863 EBA, 89 Washington Avenue, Albany, NY 12234; and
- (5) Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed to:

Complaints to NYSED should be directed in writing to the Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany NY 12234, email to CPO@mail.nysed.gov. The complaint process is under development and will be established through regulations to be

proposed by NYSED's Chief Privacy Officer, who has not yet been appointed.

Specifically, the Commissioner of Education, after consultation with the Chief Privacy Officer, will promulgate regulations establishing procedures for the submission of complaints from parents, classroom teachers or building principals, or other staff of an educational agency, making allegations of improper disclosure of student data and/or teacher or principal APPR data by a third party contractor or its officers, employees or assignees.

- (6) Each third party contractor that enters into a contract or other written agreement with an educational agency under which the third party contractor will receive student data or teacher or principal data shall:
- limit internal access to education records to those individuals that are determined to have legitimate educational interests
 - not use the education records for any other purposes than those explicitly authorized in its contract;
 - except for authorized representatives of the third party contractor to the extent they are carrying out the contract, not disclose any PII to any other party (i) without the prior written consent of the parent or eligible student; or (ii) unless required by statute or court order and the party provides a notice of the disclosure to NYSED, district board of education, or institution that provided the information no later than the time the information is disclosed, unless providing notice of the disclosure is expressly prohibited by the statute or court order;
 - maintain reasonable administrative, technical and physical safeguards to protect the security, confidentiality and integrity of PII in its custody; and
 - use encryption technology to protect data while in motion or in its custody from unauthorized disclosure.
- (7) A parent, student, eligible student, teacher or principal may challenge the accuracy of the student data or teacher or principal data that is collected by filing a written request with the Superintendent of Schools and/or Building Principal.

The chief privacy officer, to be appointed by the Commissioner, with input from parents and other education and expert stakeholders, may develop additional elements of the parents' bill of rights for data privacy and security. In addition, the Commissioner is required to promulgate regulations for a comment period whereby parents and other members of the public may submit comments and suggestions to the chief privacy officer to be considered for inclusion. We will keep you updated should changes occur.

These requirements are effective July 31, 2014.