

Attachment S
PARENTS' BILL OF RIGHTS
FOR DATA PRIVACY

requires that each educational agency i
Bill of Rights for Data Privacy and Security (Parents' Bill of Rights). The Parents'
rights under the Family Educational Rights and Privacy Act (FERPA)
discussable information in their child's student records?

FERPA are summarized in the Model Notification of Rights prepared by the
Education for use by schools in providing annual notification of rights to parents.
www2.ed.gov/policy/gen/guid/fpco/ferpa/lea-officials.html, and a copy is attached
s. Complete student records are maintained by schools and school districts, and
Education Department (NYSED). Further, NYSED would need to establish and
a parent's identity and right of access to records before processing a request for
school district. ~~Therefore, requests to access student records will be most efficiently~~
school district level.

include:

officials within the school or school district with legitimate educational interests; (ii) officials of another school for purposes of enrollment or transfer; (iii) third party contractors providing services

o PII may be used for purposes of a contract that provides payment to a vendor for providing services to an educational agency as permitted by law.

o However, sale of PII to a third party solely for commercial purposes or receipt of payment by an educational agency, or disclosure of PII that is not related to a ser i.1 (c)16 1(1)-2 (os)- being pr oi educational agency, is strictly prohibited.

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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.
- When appointed, the Chief Privacy Officer of NYSED will also provide a procedure within NYSED whereby parents, students, teachers, superintendents, school board members, principals, and other persons or entities may request information pertaining to student data or teacher or principal APPR data in a timely and efficient manner.

5. Must additional elements be included in the Parents' Bill of Rights.?

Yes. For purposes of further ensuring confidentiality and security of student data, as an appendix to the Parents' Bill of Rights each contract an educational agency enters into with a third party contractor shall include the following supplemental information:

- (A) the exclusive purposes for which the student data, or teacher or principal data, will be used;
- (B) how the third party contractor will ensure that the subcontractors, persons or entities that the third party contractor will share the student data or teacher or principal data with, if any, will abide by data protection and security requirements;
- (C) when the agreement with the third party contractor expires and what happens to the student data or teacher or principal data upon expiration of the agreement;
- (D) if and how a parent, student, eligible student, teacher or principal may challenge the accuracy of the student data or teacher or principal data that is collected; and
- (E) where the student data or teacher or principal data will be stored (described in such a manner as to protect data security), and the security protections taken to ensure such data will be protected, including whether such data will be encrypted.
 - a. In addition, the Chief Privacy Officer, with input from parents and other education and expert stakeholders, is required to develop additional elements of the Parents' Bill of Rights to be prescribed in Regulations of the Commissioner.

6. What protections are required to be in place if an educational agency contracts with a third party contractor to provide services, and the contract contains (c)4 2 (a)4 aha

Services of a third party contractor covered under Education Law §2-d include, but not limited to, data management or storage services, conducting studies for or on behalf of theiTw -3 ()JTJ 0 TMCID3nder(nt)na

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To ensure confidentiality, integrity and availability of all students' data, all devices (laptops, flash drives, servers or electronic storage devices) which store Pre-ETS data will be password protected and behind appropriate firewalls. CDCI will implement reasonable technical and physical security measures to restrict access of data solely to staff who need such access to carry out the responsibilities of this project. Any staff with access to student data will receive appropriate training on the federal and NYS law governing confidentiality of data prior to start to of this project. The Centers server room remains locked, secure location with restricted access which is routinely monitored for security.

All reports will be submitted using an appropriate web-based reporting system ensuring confidentiality of data. Center staff will encrypt files using winzip encryption software which will be password protected.