

PARENTS' BILL OF RIGHTS FOR STUDENT DATA PRIVACY AND SECURITY

The **Plattsburgh City School District** is committed to protecting the privacy and security of student data and teacher and principal data. In accordance with New York Education Law Section 2-d and its implementing regulations, the District informs the school community of the following:

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 New York State is available for public review at the following website <http://www.nysed.gov/student-data-privacy/student-data-inventory> or by writing to the Office of Information and Reporting Services, New York State Education Department, Room 865 EBA, 89 Washington Avenue, Albany, New York 12234.
5. Parents have the right to be notified in accordance to applicable laws and regulations if a breach or unauthorized release of their student's PII occurs.
6. Parents can expect that educational agency workers who handle PII will receive annual training on applicable federal and state laws, regulations, educational agency's policies and safeguards which will be in alignment with industry standards and best practices to protect PII.
7. Parents have the right to have complaints about possible breaches and unauthorized disclosures of student data addressed.
 - Complaints should be directed to: Mr. David J. Baroody, Data Protection Officer. Complaints can also be directed to the New York State Education Department online at <http://nysed.gov.data-privacy-security>, by mail to the Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234 or by email to privacy@mail.nysed.gov or by telephone at 518-474-0937. Complaints may also be submitted using the form available at the following website: <http://www.nysed.gov/student-data-privacy/form/report-improper-disclosure>.
8. In the event that the District engages a third party provider to deliver student educational services, the contractor or subcontractors will be obligated to adhere to State and Federal Laws to safeguard student PII. Parents can request information about third party contractors by contacting: Mr. David J. Baroody, Assistant Superintendent for Business, Plattsburgh City School District, 49 Broad Street, Plattsburgh, NY 12901, by email at dbaroody@plattscsd.org, by phone at: (518) 957-6000, or you can access the information on the District's website at www.plattscsd.org.

APPENDIX A

Supplemental Information Regarding Third-Party Contractors

In the course of complying with its obligations under the law and providing educational services to Plattsburgh City School District residents, the **Plattsburgh City School District** has entered into agreements with certain third-party contractors. Pursuant to these agreements, third-party contractors may have access to "student data" and/or "teacher or principal data," as those terms are defined by law and regulation.

For each contract or other written agreement that the District enters into with a third-party contractor where the third-party contractor receives student data or teacher or principal data from the District, the following supplemental information will be included with this Bill of Rights:

1. The exclusive purposes for which the student data or teacher or principal data will be used by the third-party contractor, as defined in the contract;
2. How the third-party contractor will ensure that the subcontractors, or other authorized persons or entities to whom the third-party contractor will disclose the student data or teacher or principal data, if any, will abide by all applicable data protection and security requirements, including but not limited to those outlined in applicable laws and regulations (e.g., FERPA; Education Law Section 2-d);
3. The duration of the contract, including the contract's expiration date, and a description of what will happen to the student data or teacher or principal data upon expiration of the contract or other written agreement (e.g., whether, when, and in what format it will be returned to the District, and/or whether, when, and how the data will be destroyed);
4. 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;
5. Where the student data or teacher or principal data will be stored, described in a manner as to protect data security, and the security protections taken to ensure the data will be protected and data privacy and security risks mitigated; and
6. Address how the data will be protected using encryption while in motion and at rest.

**PARENTS' BILL OF RIGHTS FOR STUDENT DATA PRIVACY AND SECURITY -
THIRD PARTY CONTRACTOR SUPPLEMENT**

1. This contract or agreement between Plattsburgh City School District ("District") and [THIRD PARTY CONTRACTOR NAME] (hereinafter "Contractor"), for which student data and/or teacher or principal data will be used or accessible by Contractor, shall be for the exclusive purpose(s) of: [INSERT CONTRACT PURPOSE]
2. The Contractor shall ensure that any subcontractors or authorized persons or entities to whom the Contractor will disclose any student data or teacher/principal data, if any, shall abide by all applicable data protection and security requirements, including but not limited to those outlined in applicable state and federal laws and their implementing regulations (e.g., FERPA, Education Law § 2-d).
3. The duration of the contract or written agreement, shall commence on [DATE] and expire on [DATE]. At the expiration of this contract, unless otherwise renewed or extended, Contractor shall either return all student and/or teacher/principal data it possesses to District, and shall destroy any remaining student and/or teacher/principal data in Contractor's possession (including employees, subcontractors, assignees, agents), and shall provide written notice to the District, as agreed upon by the parties. Upon returning or destroying the student and/or teacher/principal data, Contractor shall provide written notice of same to the District.
4. A parent, student, eligible student, teacher or principal may challenge the accuracy of the student or teacher or principal data that is collected by the Contractor by contacting the District's Assistant Superintendent for Business, David J. Baroody, at (518) 957-6000 or dbaroody@plattscsd.org, and for student data by following the procedures under FERPA for a student record amendment, or for teacher/principal data by following applicable provisions of 8 NYCRR Part 30 and District's Annual Professional Performance Review Plan. Contractor shall work with District to correct and amend any such challenges/requests.
5. Contractor shall provide a data security and privacy plan to the Plattsburgh City School District. Such data security and privacy plan shall be approved by the Plattsburgh City School District and attached to the contract or written agreement before such contract or written agreement may commence. Contractor's data security and privacy plan shall:
 - a. Memorialize where the student data or teacher or principal data will be stored, and shall describe it in such a manner as to protect data security, and the security protections taken to ensure such data will be protected and security and privacy risks mitigated.
 - b. Contractor's plan to protect all student and teacher/principal data using encryption while in motion and at rest. Such encryption protection shall be provided through: [IDENTIFY ENCRYPTION PROTECTION SYSTEM/PROCEDURE].
 - c. Outline how the Contractor will implement all state, federal, and local data security and privacy contract requirements over the life of the contract, in concert with the District's data security and privacy policy;
 - d. Specify the administrative, operational and technical safeguards and practices it has in place to protect PII that it will receive under the contract;
 - e. Demonstrate that it complies with the requirements of 8 NYCRR § 121.3(c);
 - f. Specify how officers or employees of Contractor and its assignees who have access to student

data, or teacher or principal data receive or will receive training on the federal state laws governing confidentiality of such data prior to receiving access;

- g. Specify how Contractor will manage data security and privacy incidents that implicate personally identifiable information including specifying any plans to identify breaches and unauthorized disclosures, and to promptly notify the educational agency; and
- h. Describe whether, how and when data will be returned to the District or destroyed by Contractor at the expiration of the contract or written agreement.

Plattsburgh City School District Representative

[Name Contractor] Representative

Date

Date

Adopted: September 24, 2020