

Policy

STUDENTS

6001

PARENTS' BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY

Pursuant to New York State Education Law §2-d, parents, legal guardians and persons in parental relation to a student are entitled to certain rights with regard to their child's personally identifiable information (PII), as defined by Education Law §2-d. This document contains a plain-English summary of such rights.

1. A student's PII 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 educational records maintained by the Jefferson Lewis BOCES. This right of inspection is consistent with the requirements of the Family Educational Rights and Privacy Act (FERPA) and policy. In addition to the right of inspection of the student's educational record, Education Law §2-d provides a specific right for parents to inspect or receive copies of any data in the student's educational record. The rights of parents and students under FERPA can be accessed at <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html?src=rn>. In addition to review, these rights include how to challenge the accuracy of the content of a student's educational record.
3. State and Federal Laws protect the confidentiality of PII, 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 review at the following website:

http://www.nysed.gov/common/nysed/files/programs/data-privacy-security/inventory-of-data-elements-collected-by-nysed_0.pdf.

The list may also be made available by writing to:

Office of Information & Reporting Services
New York State Education Department Room 863 EBA
89 Washington Avenue
Albany, New York 12234

5. Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed to:

Data Protection Officer
20104 State Route 3
Watertown, New York 13601
(315) 779-7000

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OR

Chief Privacy Officer
New York State Education Department 89 Washington Avenue
Albany, New York 12234
Email: Privacy@NYSED.gov

6. Supplemental information will be maintained by BOCES for each contract the BOCES enters into with a third-party contractor where the third-party contractor receives student data or teacher or principal data. Those contracts with a third-party a will include information addressing the following:
 - 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, including but not limited to those outlined in applicable state and federal laws and regulations.
 - c. The duration of the contract, including the contract's expiration date and description of what happens to the student data or teacher and principal data upon expiration of the agreement.
 - d. If and how a parent, student, a student over eighteen years of age, 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, and the security protections taken to ensure such data will be protected, including whether such data will be encrypted.
7. Third-party contractors are also required to:
 - a. Provide training on federal and state law governing confidentiality to any officers, employees, or assignees who have access to student data or teacher or principal data;
 - b. Limit internal access to education records to those individuals who have a legitimate educational interest in such records.
 - c. Not use educational records for any other purpose than those explicitly authorized in the contract;
 - d. Not disclose 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 third-party contractor provides a notice of the disclosure to the New York State Education Department, board of education, or institution that provided the information no later

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- than the time the information is disclosed, unless providing notice of the disclosure is expressly prohibited by the statute or court order;
- e. Maintain reasonable administrative, technical and physical safeguards to protect the security, confidentiality and integrity of PII in its custody;
 - f. Use encryption technology to protect data while in motion or in its custody from unauthorized disclosure as specified in Education Law §2-d;
 - g. Notify the Jefferson-Lewis BOCES of any breach of security resulting in an unauthorized release of student data or teacher or principal data, in the most expedient way possible and without unreasonable delay;
 - h. Provide a data security and privacy plan outlining how all state, federal and local data security and privacy contract requirements will be implemented over the life of the contract;
 - i. Provide a signed copy of this Bill of Rights to the Jefferson-Lewis BOCES thereby acknowledging that they are aware of and agree to abide by this Bill of Rights.
8. This Bill of Rights is subject to change based on regulations of the Commissioner of Education and the New York State Education Department's Chief Privacy Officer, as well as emerging guidance documents.
 9. BOCES shall publish on its website the Parents Bill of Rights for Data Privacy and Security and any Supplement to the Bill of Rights for any contract or other written agreement with a third-party contractor that will receive PII.

Jefferson-Lewis-Hamilton-Herkimer-Oneida Board of Cooperative Educational Services
Legal Ref: Education Law §2-d; 8 NYCRR Part 121; Children's Internet Protect Act (CIPA).

Adopted: September 17, 2014; Modified: May 13, 2020; Modified: October 20, 2021