**Strengthening Student Data Privacy**

*Here’s what parents need to know.*

**Education Law 2-D Regulations (Part 121)**

Protecting Personally Identifiable Information in New York’s Educational Agencies*

On January 28, 2020, Part 121 of the Commissioner of Education's regulations became effective. These regulations require educational agencies to be diligent when protecting student **Personally Identifiable Information (PII)**** and teacher and principal APPR data by employing industry best practices that align with the NIST Cybersecurity Framework v1.1.

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**Data Collection Transparency and Restrictions**

Educational agencies must minimize the disclosure of PII for any purpose by managing contractual relationships to ensure compliance with Part 121.

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**Parent’s Bill of Rights for Data Privacy and Security**

Each educational agency must publish a parent’s bill of rights on its website and include it in every contract with a third-party contractor that receives PII.

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**Data Privacy and Security Standards**

NYSED adopted the NIST Cybersecurity Framework as the standard for data privacy and security. All educational agencies must meet this national standard to ensure they are adequately protecting student data.

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**Complaints of Breach/Unauthorized Release of PII**

Parents and eligible students have a right to file complaints about possible breaches or unauthorized releases of student data. Educational agencies must establish procedures to address these complaints.

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**Reports and Notifications of Breach and Unauthorized Release**

Educational agencies must report breaches to NYSED’s Chief Privacy Officer, and notify affected parents and/or eligible students.

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**Data Protection Officer**

Educational agencies must appoint a Data Protection Officer with appropriate knowledge, training, and experience to oversee data security and privacy.

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**Data Security and Privacy Policy**

Educational agencies must adopt a Data Security and Privacy Policy by October 1, 2020 and publish it on their website.

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**Training for Educational Agency Employees**

Employees of educational agencies that handle PII must complete annual training on the laws and requirements necessary to protect PII.

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**Third Party Contractors**

Third party contractors must submit a Data Security and Privacy Plan for each contract to demonstrate how they will protect PII. NYSED’s Chief Privacy Officer may impose penalties on contractors for breaches.

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**Access to Records**

Parents and eligible students have a right to inspect and review student education records.

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**Questions?**

Contact NYSED’s Chief Privacy Officer at Privacy@NYSED.gov

www.nysed.gov/data-privacy-security

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* Educational agencies include public schools (including charter schools), school districts, and BOCES.

** Personally Identifiable Information (PII) is information that can be used to identify an individual whether directly (e.g. student's name; names of parents or family members; address of the student or student's family; personal identifiers like social security numbers) or indirectly when linked with other information (e.g., date of birth and mother’s maiden name). Visit www.nysed.gov/data-privacy-security for more information.*