## Lessons learned from the MOVEit Breaches

Within a short period of time, customers of the file transfer application MOVEit faced three distinct zero day vulnerability attacks. Each of these attacks exploited an unknown vulnerability in the MOVEit application and with each attack, the threat actors exfiltrated significant amounts of data. Government agencies, Fortune 500 companies and school districts across the world fell prey to the MOVEit attacks.

What could the users have done to avoid or mitigate the potential damage from an attack?

1. Keep on top of application patching. As soon as a security patch is released, test it and move it into production as soon as possible. If you do not patch regularly, you are not being diligent about your cybersecurity obligations and you are a target for threat actors.

2. When using file transfer applications such as MOVEit, Go Anywhere, or Dropbox, make sure that the files are being encrypted by the sender before they are sent. Even though file transfer products provide encryption in transmission and encryption at rest, a second layer of encryption is a best practice.
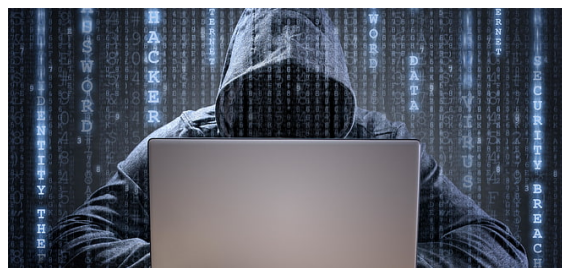
3. Do not use a file transfer application as a file storage application, even if the application can be used as a file storage application. Check the file transfers frequently and when files are available move them from the application as soon as possible. If there are no files stored in the application, there is no data to obtain.

From the Desk of
Louise DeCandia

We're half-way there!

We are indeed at the half-way point of 2023. Here's what I see when I look back at the first six months of 2023.

1) A dramatic increase in parent privacy complaints made to the State Education Department. Last year we had four for the entire year. So far this year the parent privacy complaints have more than doubled that amount. This serves as a reminder that schools must remember the role parents play when they consider sharing student data.

2) An increase in data incident reports. To date we have had approximately 65 data incident reports. While this does not equal the amount submitted at last year's half-way point, you may recall that 38 data incident reports of last year's 141 were attributed to the Illuminate Education breach. Great work DPOs on reporting your data incidents!

3) An increased concern by our cybersecurity colleagues about attacks. You may feel as I do, that the emails from MS-ISAC, Homeland Security, NYSIC-Cyber Analysis Unit, FBI and for some of us, RIC-One and K12 Six are flooding our mailbox, making it hard to prioritize concerns. However, these emails serve an important purpose - to make us aware of the most current cyber threat. That is one reason why NYSED's CISO and I issued guidance about remaining vigilant and best practices to reduce your school district's risk of a cyberattack.

4) AI – AI- AI! What a whirlwind it has been since Chat GPT went public! Many of us are still contemplating exactly what role, if any, AI should have in education. The USDOE's Office of Education Technology has provided insights and recommendations in a report issued May 2023 entitled Artificial Intelligence and the Future of Teaching and Learning. This is a good place to start with understanding the issues and concerns about AI in the classroom.

Of course, there are more than four observations to be made, but these are some of the more significant that I think should be shared. Before we know it, I will be sharing years-end observations, but let's enjoy the summer of 2023 before jumping ahead to January 2024!

Update on New York's Student Data Privacy Consortium (SDPC) Membership

As many of you know, New York is moving toward SDPC/A4I membership and working with The Educational Cooperative (TEC) Student Data Privacy Alliance to serve as our gatekeeper to that service. Currently the focus is on finalizing New York's Exhibit G to the National Data Privacy Agreement (NDPA). Exhibit G will address New York's specific laws and needs, in addition to the NDPA. As you can imagine, given the complexities of Education Law Section 2-d, this is an undertaking. You will be kept apprised as we move forward with this exciting initiative.

Recent Guidance
CPO Commercial and Marketing Guidance
CPO Directory Information Guidance

FERPA Training

NYSED's Privacy Office has requested the U.S.D.O.E.'s Parent Technical Assistance Center (PTAC) to provide basic FERPA training to New York's educational agencies in early **October**. We have asked that this training emphasize Directory Information, due to our recently issued guidance. As soon as a date is confirmed we will let you know.

In the interim, in August, PTAC will be hosting a webinar series about FERPA, Data Security, Breaches, and Vetting Vendors. You can register using the following links.

Day 1: FERPA 101 and FERPA 201, August 16, 2023, 2-4pm ET covers the basics of FERPA, including scenarios faced by schools and districts.

Day 2: Data Security and Data Breach Incident Response, August 23, 2023, 2-4pm ET provides training on current data security best practices for education data systems and leads participants through a simulated data breach.

Day 3: Vetting Educational Technology and Transparency, August 30, 2023, 2-4pm ET explores the importance of and the means by which online educational technology can be assessed for privacy protections and general FERPA compliance, followed by highlights from PTAC's research on study on transparency.