

Data Incident Reporting Form

Educational Agencies Report Data Incidents Pursuant to Education Law 2-d

* Required

Reporting Individual/Entity Information

1. List the name of reporting individual. *

2. Is the reporting individual employed by the educational agency? *

If you are a lawyer, advocate or other non-employee representing the educational agency and are filing on behalf of the educational agency, please answer no.

☐ Yes

☐ No

3. If the reporting individual is not an educational agency employee, list the name of the reporting individual's employer.

List the name of the entity that has been engaged by the educational agency.

4. Reporting individual's title. *

5. Reporting individual's office phone number. *

6. Reporting individual's email address. *

7. Name of the impacted educational agency. *

For school districts, do not list the individual school's name; list the district's name. **Additionally**, please include the correct suffix. For example: UFSD, CSD, or City SD.

8. Impacted educational agency county *

- ☐ Albany County
- ☐ Allegany County
- ☐ Bronx County
- ☐ Broome County
- ☐ Cattaraugus County
- ☐ Cayuga County
- ☐ Chautauqua County
- ☐ Chemung County
- ☐ Chenango County
- ☐ Clinton County
- ☐ Columbia County
- ☐ Cortland County
- ☐ Delaware County
- ☐ Dutchess County
- ☐ Erie County
- ☐ Essex County
- ☐ Franklin County
- ☐ Fulton County
- ☐ Genesee County
- ☐ Greene County
- ☐ Hamilton County
- ☐ Herkimer County
- ☐ Jefferson County
- ☐ Kings County
- ☐ Lewis County
- ☐ Livingston County
- ☐ Madison County
- ☐ Monroe County

- ☐ Montgomery County
- ☐ Nassau County
- ☐ New York City
- ☐ New York County
- ☐ Niagara County
- ☐ Oneida County
- ☐ Onondaga County
- ☐ Ontario County
- ☐ Orange County
- ☐ Orleans County
- ☐ Oswego County
- ☐ Otsego County
- ☐ Putnam County
- ☐ Queens County
- ☐ Rensselaer County
- ☐ Richmond County
- ☐ Rockland County
- ☐ Saratoga County
- ☐ Schenectady County
- ☐ Schoharie County
- ☐ Schuyler County
- ☐ Seneca County
- ☐ St. Lawrence County
- ☐ Steuben County
- ☐ Suffolk County
- ☐ Sullivan County
- ☐ Tioga County
- ☐ Tompkins County
- ☐ Ulster County

- ☐ Warren County
- ☐ Washington County
- ☐ Wayne County
- ☐ Westchester County
- ☐ Wyoming County
- ☐ Yates County

9. Are you the educational agency's Data Protection Officer (DPO)? *

- ☐ Yes
- ☐ No

10. List the DPO's name *

11. List the DPO's email *

12. Select the type of educational agency that is impacted. *

- ☐ 853 School
- ☐ BOCES
- ☐ Charter School
- ☐ NYSED
- ☐ School District
- ☐ Other

13. Provide the date that the unauthorized accessibility, access, and/or disclosure occurred. *

If the accessibility, access, or disclosure occurred over several days, select the earliest date. If you are unsure of the exact date, provide your best estimate.



14. Provide the Discovery Date. *



15. How was the incident detected? *

16. How many student records were accessible, accessed, and/or disclosed without authorization? *

Please enter a whole number

17. Check each type of student data that was accessible, accessed, and/or disclosed. *

- ☐ Student name
- ☐ Student 504 Plan
- ☐ Student birthplace
- ☐ Student birth date
- ☐ Student disability information (other than IEP information)
- ☐ Student discipline records
- ☐ Student email address
- ☐ Student gender identification
- ☐ Student grades
- ☐ Student health information
- ☐ Student home address
- ☐ Student IEP information
- ☐ Student Local School ID
- ☐ Student participation in the National School Lunch Program (including reduced/free lunch status)
- ☐ Student NYSS ID
- ☐ Student phone number
- ☐ Student photo
- ☐ Student special education information not listed above
- ☐ Student SSN
- ☐ Student transcript
- ☐ Parent name(s)
- ☐ Parent email address(es)
- ☐ Parent phone number(s)
- ☐ Other

18. Was any teacher/principal APPR data accessible, accessed, and/or disclosed without authorization? *

☐ Yes

☐ No

19. How many teacher and/or principal APPR data records were accessible, accessed, and/or disclosed without authorization? *

Please enter a whole number

20. Comments for previous question

21. Was the incident caused by the accidental or erroneous actions of an employee? *

An erroneous or accidental disclosure of student data and/or teacher and principal APPR data is a human mistake. Examples of these types of disclosures include a person who erroneously or accidentally attaches a document containing student data to an email that was sent to people without a legitimate educational need to know and emails containing student data that were sent to unintended recipients who do not have a legitimate educational need to know the student data contained in the email. Erroneous or accidental accessibility may also occur when files or folders permissions are improperly configured by a school employee. These permissions grant individuals the ability to access to files and folders containing student data for which they did not have a legitimate educational need to know.

☐ Yes

☐ No

Report of Erroneous or Accidental Accessibility or Disclosure

22. How was the erroneous or accidental accessibility, access, and/or disclosure detected? *

Be specific. For example, the sender discovered after the email was sent or a person reported the issue.

23. Describe what happened. *

Be specific. For example, Teacher A sent an email that included 5th grade Student A's grades to all of the parents in the 5th grade class.

...

24. Check the type of people who were erroneously or accidentally able to access, accessed, or received disclosure of student data and/or teacher or principal APPR data. Check all that apply. *

- ☐ Parents
- ☐ Teachers and/or staff at the educational agency without an educational need to know
- ☐ Teachers and/or staff at another educational agency without an educational need to know
- ☐ Students
- ☐ General public
- ☐ Contractor
- ☐ Unknown
- ☐ Other

25. Has the person who caused the erroneous or accidental accessibility, access or disclosure received privacy training? *

- ☐ Yes
- ☐ No
- ☐ Uncertain

26. Explain why you are uncertain whether the person who caused the erroneous or accidental accessibility, access or disclosure has received privacy training. *

27. Explain why the person has not received privacy training. *

28. List the date of the person's most recent privacy training. *

29. Describe the steps that the educational agency has taken or plans to take to mitigate the risk of a similar incident occurring in the future. *

30. Did the educational agency request that the recipient(s) destroy the student data and/or teacher or principal APPR data that was erroneously or accidentally sent? *

- ☐ Yes
- ☐ No
- ☐ Uncertain
- ☐ Not applicable because no data was sent.

31. Explain why the educational agency did not ask the recipient(s) to destroy the student data and/or teacher or principal APPR data that was erroneously or accidentally sent. *

32. Explain why you are uncertain whether the recipient(s) were asked to destroy the student data and/or teacher or principal APPR data that was erroneously or accidentally sent. *

33. Did the educational agency receive confirmation that student data and/or the teacher or principal APPR data was destroyed? *

☐ Yes

☐ No

☐ Uncertain

34. Has the educational agency followed up with the recipient(s) regarding the destruction of the information? *

☐ Yes

☐ No

35. Describe educational agency's follow-up activities and the results. *

36. Explain why the educational agency has not followed up. *

37. Explain why you are uncertain whether the educational agency received confirmation that the recipient(s) destroyed the student data and/or teacher or principal APPR data that was erroneously or accidentally sent. *

38. If you have any additional information or comments to provide, please do so here.

Report of Third-Party Contractor / Malicious Entity / Insider Wrongdoing Data Incident

This section of the form should be completed to report data incidents that are not due to the accidental or erroneous actions of an employee of an educational agency (for example, vendor breaches or breaches involving malicious actors).

39. What caused the incident? *

You may select more than one if applicable

- ☐ Insider wrongdoing
- ☐ Third-party contractor
- ☐ Hacking
- ☐ Malware
- ☐ Phishing
- ☐ Ransomware
- ☐ Other - Malicious entity

40. Was the incident caused by a third-party contractor *

- ☐ Yes
- ☐ No

41. Please list the third-party contractor's name *

42. Service(s) provided by the third-party contractor (please check all applicable boxes) *

- ☐ Cloud Services
- ☐ Communications Services (i.e., chat, video conferencing)
- ☐ Software/Applications
- ☐ Storage Services
- ☐ Technology Services
- ☐ Website Hosting Services
- ☐ Other

43. List the MISSION CRITICAL systems impacted (how it was affected and for how long, N/A if None Affected): *

44. List the NON-MISSION CRITICAL systems impacted (how it was affected and for how long, N/A if None Affected): *

45. Do you have back-up systems? *

- ☐ Onsite
- ☐ Offsite
- ☐ Both
- ☐ No

46. If offsite, please list BOCES or vendor name *

47. Was the root cause of the incident identified? *

- ☐ Yes
- ☐ No

48. Please explain what happened. *

49. Did a third-party perform an investigation? *

- ☐ Yes
- ☐ No

50. If yes, by whom: *

51. What steps were taken in response to this incident? *

52. Please describe any additional corrective action taken: *

53. Has the incident been contained? *

☐ Yes

☐ No

54. If no, why not? *

55. Has the incident been resolved? *

☐ Yes

☐ No

56. If no, why not? *

57. Has the root cause been eradicated? *

☐ Yes

☐ No

58. If yes, how? *

59. How will eradication be verified? *

60. Will assurance of the eradication be received in writing by an independent third-party? *

☐ Yes

☐ No

61. Have systems been recovered and restored? *

☐ Yes

☐ No

62. When? *



63. If no, when is recovery and restoration expected? *

64. Additional Information

Notification

65. Is Education Law § 2-d notification to parents of affected students, affected eligible students, and/or affected teachers and principals required? *

Is your educational agency required to provide notification to parents of affected students, affected eligible students and affected teachers and principals?

- ☐ Parents of affected students and affected eligible students are required to be notified.
- ☐ Teachers and principals are required to be notified.
- ☐ Parents of affected students, affected eligible students, teachers and principals are required to be notified.
- ☐ No Education Law § 2-d notification is required.

66. Explain why Education Law § 2-d notification is not required. *

67. Has the Education Law § 2-d notification to parents of affected students, affected eligible students, and/or affected teachers and principals been completed or is scheduled to be completed? *

- ☐ Yes
- ☐ No

68. Explain why the Education Law § 2-d notification has not been completed or scheduled to be completed. *

69. Provide the date that the required Education Law § 2-d notification to parents of affected students, affected eligible students, and/or affected teachers and principals was or will be performed. *

If notification was or will be performed over a period of days, please select the first date.



70. Method by which notice was provided (please check all that apply): *

- ☐ Email
- ☐ Telephone (Including Robocalls)
- ☐ Text
- ☐ First Class Mail
- ☐ Other

71. If you have any additional information or comments to provide, please do so here

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