

Data Privacy and Security Quick Reference For Superintendents

Laws you must know:

- 🔒 Family Educational Rights and Privacy Act (FERPA)
- 🔒 Individuals with Disabilities Education Act (IDEA)
- 🔒 New York Education Law § 2-d and Part 121 of the regulations of the Commissioner of Education

What's required under Education Law § 2-d and Part 121?

- 🔒 Districts must enter into a data protection agreement (DPA) when sharing student data with third party contractors (includes studies, research, and audits (but not OSC audits))
- 🔒 Districts must post supplemental information for such contracts on their website
 - A4L (Access 4 Learning Community) SDPC Resource Registry
- 🔒 Districts must designate a Data Protection Officer (DPO)
- 🔒 Districts must adopt a Parents Bill of Rights and it must be on their website
- 🔒 Districts must annually train officers and employees in data privacy and security awareness
- 🔒 Districts must [report](#) data breaches and unauthorized disclosures and releases to the NYSED Privacy Office
- 🔒 Parents and/or eligible students must be notified when their PII is subject to an unauthorized disclosure
- 🔒 Student data cannot be sold or used for commercial or marketing purposes

Policies your district cannot live without:

- 🔒 FERPA Annual Notification to Parents
- 🔒 Incident response plan
- 🔒 Parents Bill of Rights
- 🔒 Data security and privacy policy
 - 🔒 Adopts NIST CSF

Filing a data incident report for unauthorized disclosures and breaches:

- 🔒 [Erroneous or accidental disclosures](#)
- 🔒 [Other disclosures](#) – hacking, malicious attacks, vendor problems

What to do when a parent files a privacy complaint:

- 🔒 Assist either the New York State Education Department's Privacy Office or the U.S.D.O.E.'s Privacy Technical Assistance Center (PTAC) with their investigation.
 - 🔒 <https://www.nysed.gov/data-privacy-security/determinations-chief-privacy-officer>

Who to call when you have a cyber incident:

NYS Homeland Security and Emergency Services Cyber Incident Response Team (DHSES CIRT) 1 (844) 628-2478 (**CIRT**).

Who to call when you have data privacy and security questions:

- 🔒 [Your Regional Information Center](#)
- 🔒 New York State Education Department's [Privacy Office](#) (Education Law § 2-d) privacy@nysed.gov
- 🔒 U.S.D.O.E.'s [Privacy Technical Assistance Center](#) (FERPA)