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# DPO NEWSLETTER

## NYSED Data Privacy and Security Updates

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### Time for News Year's Resolutions

*From the desk of Louise DeCandia*

*Ugh!* Does anyone really make New Year's resolutions anymore? You make them, you break them ... twelve months go by and repeat. Don't worry – this year I will be making one for you! A resolution for all DPOs in 2023: **Create a better, more accessible web page dedicated to data privacy for parents and eligible students.**

Why? Because as I often say during conferences, sometimes the State Comptroller sets priorities for us. And although I had monitoring on my list of things the NYSED Privacy Office would like to undertake soon, as a result of an audit, it has become a priority. Additionally, the U.S.D.O.E.'s Privacy Technical Assistance Center (PTAC) has just completed a four-year review of local education agency websites all over the country. The result was that for the schools who had their FERPA annual notification, directory information, and their protection of pupil rights amendment (PPRA) policies on their website, fewer than twenty percent had this information listed as primary website content. In other words, this information is too hard to find for parents and eligible students. The Privacy Office can attest to this PTAC finding first-hand. When we investigate complaints, we often seek an LEA's privacy policies on its website. More often than not – *if* the Privacy Office finds them – it required a rather diligent, time-consuming search. So for 2023 why not make a tech resolution of reviewing your web page for compliance with Part 121 and easy access to all necessary privacy information for parents and eligible students. The findings of the PTAC Student Privacy Transparency Reviews can be found here: <https://tinyurl.com/4aau9kek>.

### Need a FERPA review?

No problem! The USDOE's Student Privacy Policy Office (SPPO) will be hosting a National Winter



Webinar series.

Go to <https://studentprivacy.ed.gov/> to sign up for classes on *FERPA 101: Transparency and Best Practices* on January 11, 2023; *FERPA 201: Vetting Education Technology* on January 18, 2023 and *Data Security and Data Breach Response* on January 25, 2023.



## A YEAR IN REVIEW

The latest updates to get you through the day

It's been a year. I have been in my position just about a year by the time this Newsletter goes out. I love working in this exciting, ever-changing field and appreciate the opportunity to work directly with LEAs, BOCES and RICs, a chance I rarely had when working with the Office of Counsel. I have learned a lot this past year, and my learning continues with a list of articles, papers, and studies to read and review always by my side.

Then there are the conferences! So many conferences to attend and, whether I'm speaking or listening, it is always good to have an opportunity to meet my colleagues in the field.

Let's not forget the data incidents or full-blown state-wide data breach by a third-party vendor. There have been Freedom of Information Law requests and biometric identifying technology surveys and a public hearing. The resurrection of the Data Privacy Advisory Committee (DPAC) and the initiation of this quarterly newsletter. During 2022 the Privacy Office was able to catch up on parent privacy complaints and get them posted on our web page.

Guidance was issued on the applicability of Education Law Section 2-d to pre-service teachers and other providers placed in schools as part of their educational preparation program and schools were reminded that they are required to provide information to military recruiters unless parents or eligible students have opted out. Soon,

the Privacy Office will issue the 2022 annual report. This year we have nearly double the amount of data incidents that were reported in 2021. This is in part due to the Illuminate Education breach.

However, I'd like to think that it is also due to my getting the word out that reporting data breaches gives much-needed insight to SED and all LEAs as to what is occurring in the field. We can and should learn from each other's incidents, whether they involve ransomware or not. For instance, there are enough car break-ins leading to stolen laptops and student data that we should be informing our teachers not to leave the laptops in the car. We should also be reminding staff often to double-check that email attachments are reaching the correct recipients.

After such a busy year you may be wondering what's on tap for next year. Continued outreach of course, as well as monitoring for Part 121 compliance, and web accessibility of privacy policies to parents, a new annual report, a biometrics report and continued research on a contract consortium – to name a few projects in the hopper.

We all know that educating our youth takes a very large village. We need that same village to keep their data safe. I appreciate all of your efforts and wish you a wonderful, incident-free 2023.



