

Data Privacy and Security Quick Reference For Superintendents¹

Laws you must know:

- 🔒 Family Educational Rights 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 Ed 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 and research and audits (not OSC audits)).
- 🔒 Districts *must* share supplemental information about their data sharing (contracts) and it *must* be on their website.
- 🔒 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 their staff in data privacy and awareness.
- 🔒 Districts *must* report data breaches and unauthorized disclosures and releases to the NYSED Privacy Office.
- 🔒 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 – ideally Version 2

Filing a data incident report:

- 🔒 [Erroneous or accidental accessibility or disclosure report form](#)
- 🔒 [Data Incident Reporting form for unauthorized accessibility or disclosure of protected data \(A/K/A the "Breach Form"\)](#)
- 🔒 [Instructions](#) for completing the Erroneous or accidental accessibility disclosure report form

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](#) (Ed Law 2-d)
- 🔒 [U.S.D.O.E.'s Privacy Technical Assistance Center](#) (FERPA)

¹ Find this [quick reference](#) with links on the NYSED Privacy Office website in the Educational Agencies category.