

Strengthening Student Data Privacy

Here's what parents need to know.

Education Law 2-D Regulations (Part 121)

Protecting Personally Identifiable Information in New York's Educational Agencies*

On January 28, 2020, Part 121 of the Commissioner of Education's regulations became effective. These regulations require educational agencies to be diligent when protecting student **Personally Identifiable Information (PII)**** and teacher and principal APPR data by employing industry best practices that align with the NIST Cybersecurity Framework v1.1.



Data Collection Transparency and Restrictions

Educational agencies must minimize the disclosure of PII for any purpose by managing contractual relationships to ensure compliance with Part 121.



Data Protection Officer

Educational agencies must appoint a Data Protection Officer with appropriate knowledge, training, and experience to oversee data security and privacy.



Parent's Bill of Rights for Data Privacy and Security

Each educational agency must publish a parent's bill of rights on its website and include it in every contract with a third-party contractor that receives PII.



Data Security and Privacy Policy

Educational agencies must adopt a Data Security and Privacy Policy by October 1, 2020 and publish it on their website.



Data Privacy and Security Standards

NYSED adopted the NIST Cybersecurity Framework as the standard for data privacy and security. All educational agencies must meet this national standard to ensure they are adequately protecting student data.



Training for Educational Agency Employees

Employees of educational agencies that handle PII must complete annual training on the laws and requirements necessary to protect PII.



Complaints of Breach /Unauthorized Release of PII

Parents and eligible students have a right to file complaints about possible breaches or unauthorized releases of student data. Educational agencies must establish procedures to address these complaints.



Third Party Contractors

Third party contractors must submit a Data Security and Privacy Plan for each contract to demonstrate how they will protect PII. NYSED's Chief Privacy Officer may impose penalties on contractors for breaches.



Reports and Notifications of Breach and Unauthorized Release

Educational agencies must report breaches to NYSED's Chief Privacy Officer, and notify affected parents and/or eligible students.



Access to Records

Parents and eligible students have a right to inspect and review student education records.

Questions?

Contact NYSED's Chief Privacy Officer at Privacy@NYSED.gov
www.nysed.gov/data-privacy-security



* **Educational agencies** include public schools (including charter schools), school districts, and BOCES.

** **Personally Identifiable Information (PII)** is information that can be used to identify an individual whether directly (e.g. student's name; names of parents or family members; address of the student or student's family; personal identifiers like social security numbers) or indirectly when linked with other information (e.g., date of birth and mother's maiden name).

Visit www.nysed.gov/data-privacy-security for more information.