PARENTS' BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY

Pursuant to New York State Education Law §2-d, parents (including legal guardians or persons in parental relationships) and eligible students (students 18 years of age and older) are entitled to certain rights. This document contains a plain-English summary of such rights.

1. A student's personally identifiable information cannot be sold or released for any commercial purposes. PII, as defined by Education Law § 2-d and the Family Educational Rights and Privacy Act ("FERPA"), includes direct identifiers such as a student's name or identification number, parent's name, or address; and indirect identifiers such as a student's date of birth, which when linked to or combined with other information can be used to distinguish or trace a student's identity. Please see FERPA's regulations at 34 CFR § 99.3 for a more complete definition.

2. Parents and/or eligible students have the right to inspect and review the complete contents of their child's educational records maintained by the Comsewogue School District. This right may not apply to parents of an eligible student.

3. State and Federal Laws such as New York Education Law § 2-d, the Commissioner of Education's Regulations at 8 NYCRR Part 121, FERPA, the Children's Online Privacy Protection Act, the Protection of Pupil Rights Amendment, and the Individuals with Disabilities Education Act protect the confidentiality of a student's PII.

4. Safeguards associated with industry standards and best practices, including, but not limited to, encryption, firewalls, and password protection must be in place when data is stored or transferred.

5. A complete list of all student data elements collected by New York State is available for review at the following website: http://www.p12.nysed.gov/irs/sirs/documentation/NYSEDstudentData.xlsx

   The list may also be made available by writing to:
   Chief Privacy Officer
   New York State Education

Department
89 Washington Avenue
Albany, NY 12234

6. Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed to:

Data Protection Officer
Comsewogue School District
290 Norwood Ave
Port Jefferson Station, NY 11776
Phone: 631-474-8100
jpolychronakos@comsewogue.k12.ny.us

Complaints may also be submitted to the New York State Education Department at:

www.nysed.gov/data-privacy-security/report-improper-disclosure
or by contacting the State's Chief Privacy Officer at:

New York State Education Department
89 Washington Avenue
Albany, NY 12234
518-474-0937
privacy@nysed.gov.

7. Each contract with a third-party contractor which will receive student data, or teacher or principal data will include information addressing the following:
   A. The exclusive purposes for which the student data or teacher or principal data will be used.
   B. How the third-party contractor will ensure that the subcontractors, persons or entities that the third-party contractor will share the student data or teacher or principal data with, if any, will abide by data protection and security requirements.
   C. When the agreement expires and what happens to the student data or teacher and principal data upon expiration of the agreement.
   D. If and how a parent, student, eligible student, teacher or principal may challenge the accuracy of the student data or teacher or principal data that is collected; and
   E. Where the student data or teacher or principal data will be stored, and the security protections taken to ensure such data will be protected, including how such data will be encrypted.

8. Third-party contractors are also required to:

   A. Provide training on federal and state law governing confidentiality to any officers,

employees, or assignees who have access to student data or teacher or principal data;

B. Limit internal access to education records to those individuals who have a legitimate educational interest in such records.

C. Not use educational records for any other purpose than those explicitly authorized in the contract;

D. Not disclose PII to any other party (i) without the prior written consent of the parent or eligible student; or (ii) unless required by statute or court order and the third-party contractor provides a notice of the disclosure to the District's board of education no later than the time the information is disclosed, unless providing notice of the disclosure is expressly prohibited by the statute or court order;

E. Maintain reasonable administrative, technical and physical safeguards to protect the security, confidentiality and integrity of PII in its custody;

F. Use encryption technology to protect data while in motion or in its custody from unauthorized disclosure as specified in Education Law §2-d;

G. Notify Comsewogue School District of any breach of security resulting in an unauthorized release of student data or teacher or principal data, in the most expedient way possible and without unreasonable delay;

H. Provide a data security and privacy plan outlining how all state, federal and local data security and privacy contract requirements will be implemented over the life of the contract;

I. Provide a signed copy of this Bill of Rights to the Comsewogue School District thereby acknowledging that they are aware of and agree to abide by this Bill of Rights.

9. Parents and/or eligible have the right to be notified in accordance with applicable laws and regulations if a breach or unauthorized release of PII occurs.

10. District workers who handle PII will receive annual training on applicable federal and State laws, regulations, policies and safeguards which will be in alignment with industry standards and best practices to protect PII.

11. This Bill of Rights is subject to change based on regulations of the Commissioner of Education and the New York State Education Department's Chief Privacy Officer, as well as emerging guidance documents.