

## **Oneida-Herkimer-Madison BOCES**

### **EDUCATION LAW 2-D AND PART 121 THIRD-PARTY CONTRACTOR INFORMATION**

**CONTRACTOR:** ListenWise

**PRODUCT(S):** ListenWise

**LEAD CONTRACT ORGANIZATION:** OHM BOCES

**SERVICE PROVIDER:** OHM BOCES

### **SUPPLEMENTAL INFORMATION**

#### **PURPOSE DETAILS**

The exclusive purpose for which Vendor is being provided access to Protected Information is to provide the product or services that are the subject of this Contract to OHM BOCES and Participating School Districts.

The product or services are used for the intended purpose to provide access to reading and audio content and assessment platform.

#### **SUBCONTRACTOR DETAILS**

Vendor represents that it will only share Protected Information with subcontractors if those subcontractors are contractually bound to observe the same obligations to maintain the privacy and security of Protected Information as are required of Vendor under this Contract and all applicable New York State and federal laws.

#### **CONTRACT DURATION AND DATA RETENTION INFORMATION**

The agreement expires *06/30/2021* with an automatic renewal, unless either party gives notice to terminate.

Upon expiration of this Contract without a successor agreement in place, Vendor shall assist OHM BOCES in returning all Protected Information previously received from, or then owned by, OHM BOCES or a Participating School District. Vendor shall ensure that no copy, summary or extract of the Protected

Information or any related work papers are retained on any storage medium whatsoever by Vendor, its subcontractors or assignees, or the aforementioned secure data center facilities.

#### **DATA ACCURACY INFORMATION**

In the event that a parent, student, or eligible student wishes to challenge the accuracy of Protected Information that qualifies as student data for purposes of Education Law Section 2-d, that challenge shall be processed through the procedures provided by the student's district of enrollment for amendment of education records under the Family Educational Rights and Privacy Act (FERPA).

In the event that a teacher or principal wishes to challenge the accuracy of Protected Information that qualifies as teacher or principal Protected Information for purposes of Education Law Section 2-d, that challenge shall be processed through the appeal process, if any, in the APPR Plan of the employing educational agency.

#### **SECURITY PRACTICES INFORMATION (EX. ENCRYPTION)**

Vendor will maintain administrative, technical, and physical safeguards that equal industry best practices including, but not necessarily limited to, disk encryption, file encryption, firewalls, and password protection and that align with the NIST Cybersecurity Framework 1.0. Vendor will use encryption technology to protect data while in motion or in its custody from unauthorized disclosure using a technology or methodology specified by the secretary of the U.S. Department of HHS in guidance issued under P.L. 111-5, Section 13402(H)(2).