Data Privacy: An Introduction to NYS 2-d Education Law

Protecting you, protecting the district, and protecting students.

Dr. Jeff Cimmerer
CIO & DPO

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Education Law Section 2-d and Part 121 Regulations

New York State Education Law 2-d went into effect in April 2014. The law centers on the privacy and security of personally identifiable information (PII) of students, classroom teachers, and administrators. Under Section 2-d of the New York State Education Law, educational agencies must:

1. Prohibit the selling or disclosing of PII for marketing or commercial purposes,
2. Designate a data protection officer,
3. Publish a parent's bill of rights for data privacy on their website,
4. Adopt and publish a data privacy policy that complies with regulations and aligns with NIST Cybersecurity Framework,
5. Ensure all contracts with third-parties that receive PII comply with Section 2-d and have provisions in place to safeguard data,
6. Report any breach or unauthorized release of PII in the most expedient way possible,
7. Provide annual security awareness training for employees.

http://www.nysed.gov/data-privacy-security
http://www.nysed.gov/common/nysed/files/programs/data-privacy-security/part-121.pdf

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PII and Education Records

The National Institute of Standards and Technology (NIST) defines PII as "any information about an individual maintained by an agency, including any information that can be used to distinguish or trace an individual's identity, such as name, social security number, date and place of birth, mother's maiden name, or biometric records; and any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information."

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PII and Education Records

Personally identifiable information (PII) can be classed into two different categories:

Protected Data Elements

- Protected data elements are PII items that need to stay secure and confidential, e.g., social security numbers, student ID number, biometric records
- These items cannot be shared publically and need to stay confidential

Public Data Elements

- Public domain "directory data" elements are PII items that can be shared, e.g., name, address, email account
- These items may be share publicly when appropriate
- Public domain elements may not be linked with protected data elements and then shared publically

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Additional Examples of Protected Data Elements

1. Academic transcripts
2. APPR scores
3. Credit card numbers
4. Custody agreements
5. Letters sent home (i.e. discipline & referrals)
6. Report cards
7. RTI info or SPED accommodations (SPED records)
8. Screening profiles
9. Social Security numbers
10. Teacher conference forms
11. Test scores linked to a name
12. All other items found in a cumulative education file folder

Additional Examples of Directory Data Elements

1. Date and place of birth
2. Dates of attendance
3. Degrees, honors, and awards received
4. Email address
5. Grade level
6. Name of student's parent/guardian or other family members
7. Official sex and gender linked to a name
8. Participation in officially recognized activities and sports
9. Photograph or digital image*
10. Student ID when not linked to a name
11. Student or staff member address*
12. Student or staff member names*
13. Telephone listing
14. Weight and height of athletic team members

*unless an opt-out is in place

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How is 2-d law different from FERPA?

The Family Educational Rights and Privacy Act (FERPA) defines the rights of students and parents regarding the privacy of education records.

FERPA grants students the right to privacy, the right to inspect their own records, the right to correct inaccuracies in their records, the right to a hearing, and the right to voice and file complaints with the Department of Education for violations.

For more information visit:
https://www2.ed.gov/policy/gen/guid/fpco/ferpa/students.html

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How is 2-d law different from FERPA?

FERPA applies to all schools that receive funds under an applicable program of the U.S. Department of Education. The new SED regulation simply enhances the existing FERPA laws by defining more effective data security processes and procedures.

2-d law applies to all schools in the state of New York, as well as any third-party contractors that may handle personally identifiable information (PII) from those schools.

For more information visit:
https://www2.ed.gov/policy/gen/guid/fpco/ferpa/students.html

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Designate a Data Protection Officer

Every school district must assign a data protection officer, whose primary responsibility is to implement security and privacy policies to protect PII. The officer will serve as the primary contact for data security and privacy on behalf of the District.

Jeff Cimmerer
Chief Information Officer

In Pittsford, Jeff Cimmerer (CIO) has been assigned this role by the Board of Education.

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Promote a Parent's Bill of Rights

2-d law requires that a bill of rights must be established and publically shared stating:

1. A student's PII cannot be sold or released for any commercial purposes.
2. Parents have the right to inspect and review the complete contents of their child's education record.
3. Safeguards associated with industry standards and best practices such as password protection, firewall equipment, and encryption, must be in place when data is stored or transferred.
4. A complete list of all student data elements collected by the state is available for public review.
5. Parents have the right to issue complaints about possible breaches of student data.
6. The bill of rights must also include supplemental information for each contract an education agency enters into with a third-party entity. This information should include how and why the data is being used, where the data is being stored, how the data is being protected, when the agreement with the contractor expires, and how a parent, student, or principal may challenge the accuracy of the collected data.

https://www.pittsfordschools.org/Page/24884
PCSD NYS 2-d Law Compliance Page containing Parent Bill of Rights

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Foster Data Security and Privacy Protections

PCSD has established a BOE approved Data Privacy and Security policy: https://www.pittsfordschools.org//cms/lib/NY02205365/Centricity/Domain/82/Policy%205676.pdf

PCSD has a software application approval process and utilizes BOCES along with our school attorneys to secure contracts with vendors that ensure compliance with NYS 2-d and PCSD BOE Policy:

https://www.pittsfordschools.org/cms/lib/NY02205365/Centricity/Domain/82/Software%20PII%202d%20Flow%20Chart%20Pittsford.pdf

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Your Role in Protecting PII

When you're granted access to sensitive data, you become responsible for ensuring the security of that sensitive data.

Cyber criminals are very savvy and are very skillful.

It's your responsibility to be aware and identify potential attacks. The following slides will review common social engineering techniques and will explain how you can prevent them from maliciously compromising student or staff data.

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Social Engineering Risks - Impersonation

1. Trust but verify those who are attempting your access your computer or data assets.

2. You should never share your password with anyone including our technical staff; they have the access they need already.

3. Lock your classroom or office door when not at your workstation, and close your classroom or office windows before you go home (think about an individual slipping past the main desk processing procedures).

4. Prevent unauthorized persons from having access to PII. This includes co-workers.

5. Keep PII locked in a desk drawer, file cabinet or office if you are away from your desk, and check your desk area at the end of the day to make sure there is no PII in plain sight.

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Physical Security: Risks

1. Remember to physically lock up your computer device when not used.

2. Screen lock your computer when not present at your workstation.

3. Use a passcode and biometrics when available to secure personal electronic devices.

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Physical Security: Risks

4. Avoid using thumb drives when storing PII

5. Please use your school sponsored Office 365 storage, not Google Drive or Dropbox, to gain our support and mitigate security risks.

6. Do not post PII to shared work sites/folders unless access controls are applied.

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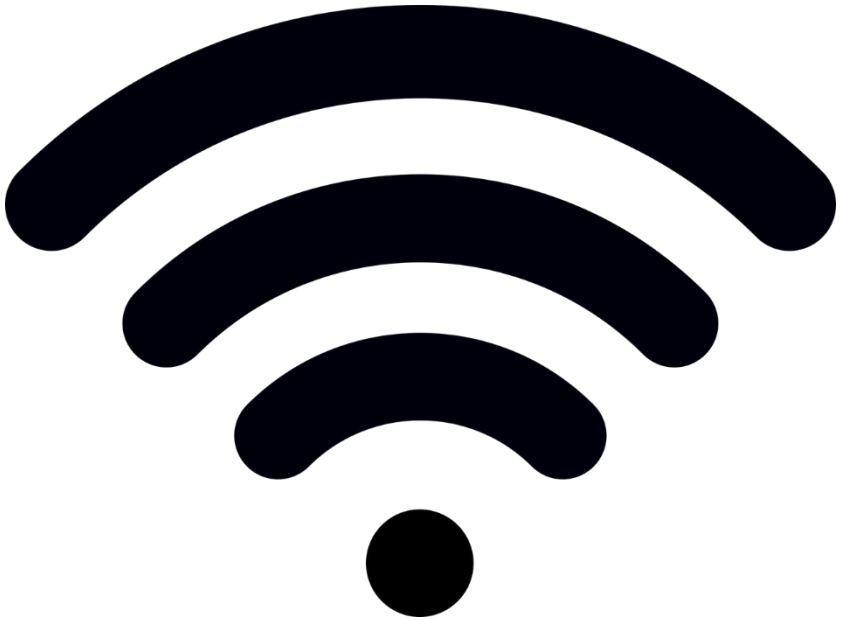
Security Risks: WiFi



1. Access PII through approved Pittsford CSD equipment.
2. Access PII only secure networks (not public, unsecured or guest networks).
3. Prevent family and friends from having access to your work laptop or mobile device where PII is accessible.

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The Most Common Cyberattack: Phishing Risks

Phishing email messages often urge you to click on a link or download an attachment which could result in malware infections designed to compromise data.

Phishing is an attack led by scammers who try to acquire sensitive personal information such as usernames, passwords, social security numbers, or credit card details from you.

Unfortunately, unwanted mail of this nature slips through our filters and may leave you with an important decision- to act on the request, or to report and then simply discard the suspicious email message that seeks to solicit sensitive information.

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Why Phishing Messages Through Email?

1. Sending an email requires minimal effort
2. It's an inexpensive attack for the criminal
3. Potential big reward… credentials and possibly cash

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Unauthorized Access: How They Get In

When a hacker has your credentials, it becomes much easier to steal additional data or assets.

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Phishing Messages: Review Red Flags

Exercise caution if you are:

Asked to click a link

Asked to download a file

Asked to complete a form with PII

Asked to review an attachment

Asked to share login information

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Phishing Messages: What to Look For

Outrageousness, e.g., look how I lost 60 lbs. in 30 days!

Common shipping or sales exchange (especially if this is not linked to your school email account, e.g., FedEx or UPS)

Looks like it's from a friend or inside the organization, but you were not expecting the message (never release sensitive information unless you can 100% verify the recipient is trustworthy), e.g., The email appears to be from a PCSD employee but the email address received from is not a PCSD address and/or the signature line does not look typical.

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Phishing Messages: URLs

Examine what you see in plain text or via an image versus a roll-over that shows the actual address

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Phishing Messages: URLs

Examine host names.
Avoid links whose hostnames are filled with numbers.

https://16.32.134.217
http://FE80::0202:B3FF:FE:FE1E:8329

Look carefully for variations on 'common' website addresses.

http://www.yahoo23.com **vs.** http://www.yahoo.com
http://whitehouse.com **vs.** http://whitehouse.gov

Avoid numbers and letters mixed and obvious spelling errors.

https://www.m1cro5oft.com
http://www.goog1e.com

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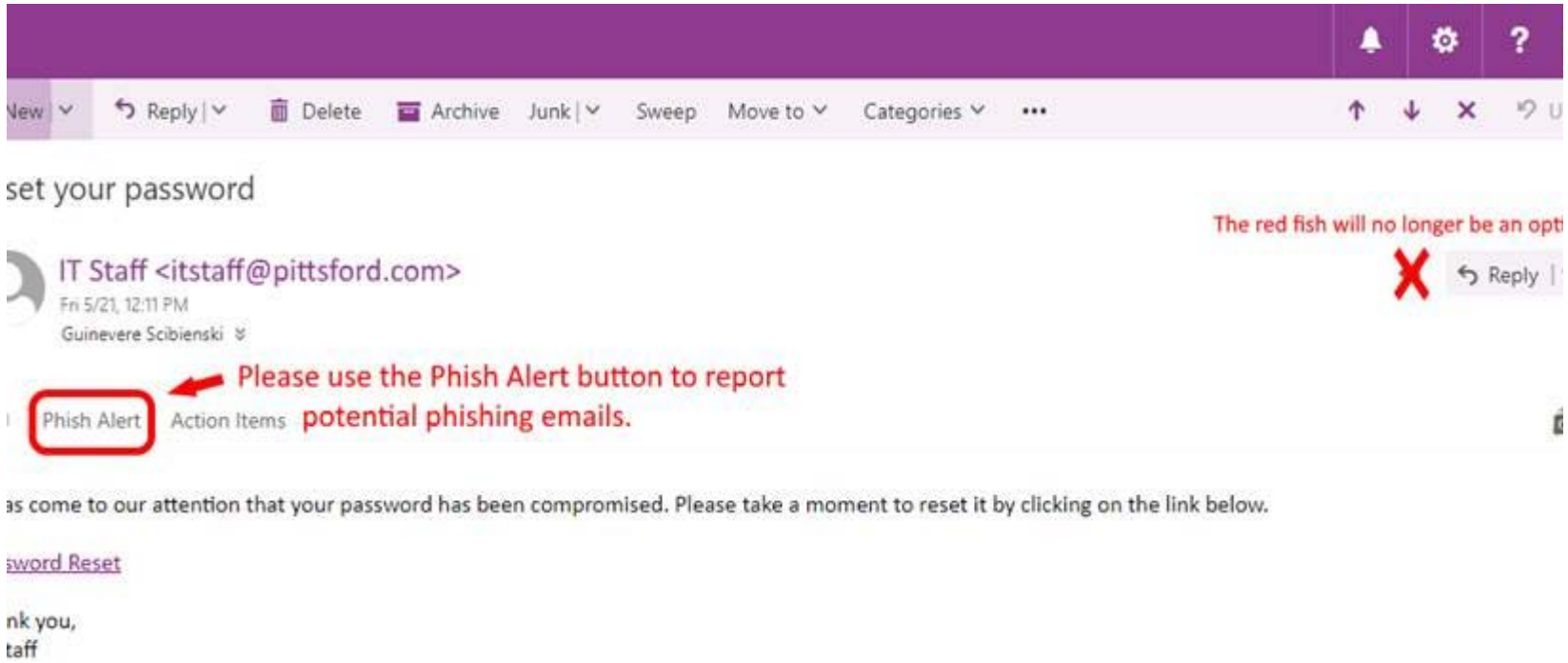
Reporting Incidents

When you encounter a security incident report it immediately. Reporting incidents helps all of us remedy the situation in a timely manner and mitigate potential damage.

Phishing email can be reported through KnowBe4:



Database or software application breach inquires can be reported using the link below or by contacting the Pittsford Technology Help Desk:

https://forms.office.com/Pages/ResponsePage.aspx?id=FavmrYQ8YES4y3A_6inbnKzooza3eOVOqTAmG1nI4ShUODk5WVFKUUNISjhXNjBDTDlDUjk2TUFJNi4u

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Combating Criminals: Email Solutions

Use different work and personal email accounts. Please do not email PII outside of Pittsford CSD unless it is shared securely through Office 365.

Work Email	Personal Email	Junk Email
Communicate with colleagues regarding school related information	Conducting job searches	Store solicitation
Communicate with parents and guardians	Communicate with family and friends	Giveaways
Professional updates from State or Federal agencies or educational group lists and forums	Bank, Insurance, Investments, Utilities, Credit Cards and Travel Documents	Jokes
Professional publications	Tied to Amazon, eBay, anything for personal gain, etc.	Tied to Amazon, eBay, anything for personal gain or non-school related, etc.

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Combating Criminals: File Storage

Keep sensitive data off of the network that is not work related or no longer required.

We use Varonis, a bot that systematically goes through our network and reports keywords, phrases, or patterns in data focusing on PII, e.g., social security numbers.

This helps us improve data security by finding files that are no longer necessary or should be stored more securely.

You should do this manually as well.

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Combating Criminals: Use Strong Passwords

8+ characters

UPPERCASE, lowercase

Numeric character 123456789

Special character !@#$%^&*(<

Change at least once a year - no reuse

Lock-out after failed attempts

Do not share your passwords

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In Summary…

Only use pre-approved software applications that are under contract and adhere to the requirements of NYS 2-d data privacy law;

Delete, or investigate, email messages that solicit personal information especially from email accounts outside of our "pittsford.monroe.edu" domain;

Discard unwanted or unexpected email;

Keep personal and professional business on separate email accounts;

Limit membership while using school email to group lists or forums;

Avoid launching unwanted suspicious attachments and links;

Do not solely rely on software to remedy this world-wide issue; and

Use strong passwords.

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In Summary…

Cyber security is our shared responsibility.

If we all remain attentive and vigilant we can successfully protect ourselves, the District, and our students.

If you have any further questions, please follow up with our Chief Information Officer and District Privacy Officer, Dr. Jeff Cimmerer.

Jeff_Cimmerer@pittsford.monroe.edu
585-267-1084

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