INFORMATION SECURITY BREACH AND NOTIFICATION

Parents' Bill of Rights Regarding Data Privacy and Security

The Brentwood Union Free School District is committed to protecting the privacy and security of each and every student's data. Parents should be aware of the following rights they have concerning their child's data:

1. A student's personally identifiable information 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. The confidentiality of a student's personally identifiable information is protected by existing state and federal laws, and safeguards such as encryption, firewalls, and password protection, must be in place when data is stored or transferred. Third party contractors are required to employ technology, safeguards and practices that align with the National Institute of Standards and Technology Cybersecurity Framework.
4. A complete list of all student data elements collected by the State Education Department is available for public review at NYSED Student Data Inventory or by writing to the Office of Information & Reporting Services, New York State Education Department, Room 863 EBA, 89 Washington Avenue, Albany, NY 12234.
5. Parents have the right to file complaints about possible breaches of student data. Parents may submit a complaint regarding a potential breach by the District to Candice Cheng, Data Protection Officer, 52 3rd Ave, Brentwood, NY 11717. The School District shall promptly acknowledge any complaints received and commence an investigation into the complaint, while taking the necessary precautions to protect personally identifiable information. The School District shall provide a response detailing its findings from the investigation no more than sixty (60) days after receipt of the complaint.
6. Parents may access the State Education Department's Parents' Bill of Rights. Parents have the right to file a complaint with the State Education Department's Chief Privacy officer by writing to Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234. Complaints may also be submitted using the form available at the following website: NYS Education Department.

Supplemental Information Regarding Third-Party Contractors:

In the course of complying with its obligations under the law and providing educational services, Brentwood Union Free School District has entered into agreements with certain third-party contractors. Pursuant to such agreements, third-party contractors may have access to "student data" and/or "teacher or principal data." Each contract the Agency enters into with a third party contractor where the third party contractor receives student data or teacher or principal data will include information addressing the following:

1. The exclusive purposes for which the student data or teacher or principal data will be used;
2. How the third-party contractor will ensure that the subcontractors, or other authorized persons or entities to whom the third-party contractor will disclose the student data or teacher or principal data, if any, will abide by all applicable data protection and security requirements, including but

not limited to those outlined in applicable state and federal laws and regulations (e.g., FERPA; Education Law §2-d);

3. The duration of the contract, including the contract's expiration date and a description of what will happen to the student data or teacher or principal data upon expiration of the contract or other written agreement (e.g., whether, when and in what format it will be returned to the educational agency, and/or whether, when and how the data will be destroyed).
4. 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;
5. Where the student data or teacher or principal data will be stored, described in such a manner as to protect data security, and the security protections taken to ensure such data will be protected and data security and privacy risks mitigated; and
6. Address how the data will be protected using encryption while in motion and at rest.

Third-Party Contractors are required to:

1. Adopt technologies, safeguards and practices that align with the NIST Cybersecurity Framework;
2. Comply with the data security and privacy policy of the educational agency with whom it contracts; Education Law § 2-d; and this Part;
3. Limit internal access to personally identifiable information to only those employees or sub-contractors that need access to provide the contracted services;
4. Not use the personally identifiable information for any purpose not explicitly authorized in its contract;
5. Not disclose personally identifiable information to any other party without the prior written consent of the parent or eligible student; or
    i. except for authorized representatives of the third-party contractor such as a subcontractor or assignee to the extent they are carrying out the contract and in compliance with state and federal law, regulations and its contract with the educational agency; or
    ii. unless required by statute or court order and the third-party contractor provides a notice of disclosure to the department, district board of education, or institution that provided the information no later than the time the information is disclosed, unless providing notice of disclosure is expressly prohibited by the statute or court order.
6. Maintain reasonable administrative, technical and physical safeguards to protect the security, confidentiality and integrity of personally identifiable student information in its custody;
7. Use encryption technology to protect data while in motion or in its custody from unauthorized disclosure as specified in Education Law § 2-d;
8. Not sell personally identifiable information nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.
9. Notify Brentwood Union Free 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;
10. Ensure that all data protection obligations imposed by state and federal law and contract shall apply to any subcontractors engaged to perform its contractual obligations;
11. Provide a data security and privacy plan outlining
    a. how all state, federal and local data security and privacy contract requirements will be implemented over the life of the contract;

b. specify the administrative, operational and technical safeguards and practices it has in place to protect personally identifiable information that it will receive under the contract;
c. demonstrate that it complies with the requirements of Section 121.3(c) of 8 CRR-NY Part 121.
d. specify how officers or employees of the third-party contractor and its assignees who have access to student data, or teacher or principal data receive or will receive training on the federal and state laws governing confidentiality of such data prior to receiving access;
e. specify if the third-party contractor will utilize sub-contractors and how it will manage those relationships and contracts to ensure personally identifiable information is protected;
f. specify how the third-party contractor will manage data security and privacy incidents that implicate personally identifiable information including specifying any plans to identify breaches and unauthorized disclosures, and to promptly notify the educational agency;
g. describe whether, how and when data will be returned to the educational agency, transitioned to a successor contractor, at the educational agency's option and direction, deleted or destroyed by the third-party contractor when the contract is terminated or expires.

12. Provide a signed copy of this Bill of Rights to Brentwood Union Free School District thereby acknowledging that they are aware of and agree to abide by this Bill of Rights.

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.

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