

# Protection of Student Data

Planning for the implementation of the regulations required under Education Law Section 2-d.



# Background...



- March 2014 New York State Legislature creates a new section of the Education Law to safeguard student data and privacy
- Board of Regents is now preparing to issue regulations that clarify what is expected of school districts
- Regulations are expected to become official when approved by the Board of Regents potentially in May of 2019
- School districts will be expected to adopt their own data security and privacy policy by December of 2019

# More clarity on the proposed regulations...

- District's data and privacy policy must be adopted by December 31, 2019 and must contain components of the National Institute for Standards and Technology Cybersecurity Framework.
- Clarified the timeline for notifications when a data breach occurs. Both third-party contractors as well as the district have notification responsibilities and timelines to adhere to for any breach.
- A Parents' Bill of Rights must be posted on the district's website as well as any "supplementary information" such as third-party contracts where a contractor receives "personally identifiable information(PII)".
- All provisions of Section 2-d apply to any and all "click-through" agreements with either the school district or any staff members or students who download software and establish a contract through a "click-through". This includes any free software applications.

# New District Responsibilities



1. Define and adopt a district data security and privacy policy.
2. Provide annual training on information privacy and security awareness to school board members and employees with access to personally identifiable information.
3. Designate a data protection officer.
4. Establish procedures for addressing parent complaints of breach or unauthorized release of personally identifiable information, and communicate to parents.
5. Ensure, in writing, that all vendors pledge to fully comply with federal and state law as well as the district's data security and privacy policy.

# Questions and challenges ahead...

- Not all vendors may wish to comply with such requirements set forth by Section 2-d
- Appointing and training a Data Protection Officer
- Reviewing all current vendor contracts as well as identifying all applications and software currently being used by students and staff in the district
- Interpreting all the regulations within the Section 2-d law and how they apply to a school setting
- Meeting the aggressive timeline which includes the Board of Regents adopting proposed regulations by May and going into effect on July 1, 2019 with compliance by school districts by December of 2019.