
student's privacy rights under FERPA. Complete student records are maintained by schools and school districts and not at NYSED, which is the secondary repository of data, and NYSED make amendments to school or school district records. Schools and school districts are in the best position to make corrections to students' education records.

1. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent (including but not limited to disclosure under specified conditions to: (i) school officials in the school or school district with legitimate educational interests; (ii) officials of another school for purposes of enrollment or transfer; (iii) third party contractor providing services to, or performing functions for an educational agency; (iv) authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as NYSED; (v) organizations conducting studies or on behalf of educational agencies) and of FERPA (t)-2

A more detailed description of the PPPL is available from the Committee on Open Government of the New York Department of State. Guidance on what you should know about PPPL can be accessed at <http://www.dos.ny.gov/coog/shldno1.htm>. The Committee on Open Government's address is Committee on Open Government, Department of State, One Commerce Plaza, 99 Washington Ave, New York, NY 10037-1502. (W)4 (a)4 (s)- Ave cs o(er)-1 tu(9)-imon (en)TJ650,sc[wC.(()-3581 ()-23

(a) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or

(b) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

1. What kind of student data is not subject to the confidentiality and security requirements of Edu8 (s)1 (t)-10 (it)-10]TJ -0.004 Tc 0.004 Tw [y b10 (de)Ti1 Tc 0.0-780 (7.3 0

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o When appointed, the Chief Privacy Officer of NYSED will also provide a procedure within NYSED whereby parents, students, teachers, superintendents, school board members, principals, and other persons or entities may request information pertaining to student data or teacher or principal APPR data in a timely and efficient manner.

1. Must additional elements be included in the Parents' Bill of Rights.?

Yes. For purposes of further ensuring confidentiality and security of student data, as an appendix to the Parents Bill of Rights each contract an educational agency enters into with a third party contractor shall include the following supplemental information:

(A) the exclusive purposes for which the student data, 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 with the third party contractor expires and what happens to the student data or teacher or 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 (described in such a manner as to protect data security), and the security protection taken to ensure such data will be protected, including whether such data will be encrypted.

a. In addition, the Chief Privacy Officer, with input from parents and other education and expert stakeholders, is required to develop additional elements of the Parents' Bill of Rights to be prescribed in Regulations of the Commissioner.

2. What protections are required to be in place if an educational agency contracts with a third party contractor to provide services, and the contract requires the disclosure of PII to the third party contractor?

Education Law §2-d provides very specific protections for contracts with "third party contractors", defined as any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to such educational

ATTACHMENT

Model Notification of Rights under FERPA for

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interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

[Optional] Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment transfer. [NOTE: FERPA requires a school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request.]

1. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of Education 400 Maryland Avenue,
SW Washington, DC 20202

[NOTE: In addition, a school may want to include its directory information public notice, as required

such as the State educational agency, the parent or eligible student's State (SEA) Disclosures
under

