



**Eugenio María de Hostos Charter School Data Security and Privacy Policy**  
**Adopted: September 29, 2020**

The Board of Trustees is committed to maintaining the privacy and security of student data and will follow all applicable laws and regulations for the handling and storage of this data and when disclosing or releasing Personally Identifiable Information (“PII”) to others. The Board adopts this policy to implement the requirements of Education Law § 2-d and its implementing regulations.

**Parent and Student Rights Under State and Federal Law**

This policy shall include all protections given to parents/persons in parental relationship and students pursuant all State and federal laws that protect student data, including but not limited to Board policies implementing the Family Educational Rights in Privacy Act and the Americans with Disabilities Act.

**Use and Disclosure of Personally Identifiable Data**

As part of its commitment to maintaining the privacy and security of student data, the School will take steps to minimize its collection, processing, and transmission of PII. Every use and disclosure of PII by the School shall be for the purpose of benefiting students and the School (e.g., improve academic achievement, empower parents and students with information, and/or advance efficient and effective school operations), or to comply with State or federal mandates (e.g., reporting requirements). No personally identifiable information may be included in public reports or other documents, unless otherwise authorized by law.

Nothing in Education Law § 2-d or this policy should be construed as limiting the administrative use of student data by a person acting exclusively in the person’s capacity as an employee of the School.

**NYSED Chief Privacy Officer**

The School will comply with its obligation to report breaches or unauthorized releases of student data to the NYSED Chief Privacy Officer in accordance with Education Law §2-d, implementing regulations, and this policy.

**Data Protection Officer**

The School shall designate a Data Protection Officer who shall be an employee of the School and responsible for the implementation of this policy and related procedures including those required by Education Law § 2-d and its implementing regulations. The Data Protection Officer will also serve as the main point of contact for data privacy and security for the School.

The Chief Executive Officer shall ensure that the Data Protection Officer has the appropriate knowledge, training, and experience to administer these functions. The Data Protection Officer may perform these functions in addition to other job responsibilities.

### Reporting a Breach or Unauthorized Release

The School shall develop written procedures for complaints of a breach or unauthorized disclosure to the School in accordance with Education Law 2-d and implementing regulations 8 NYCRR §121.4. The procedures shall be posted on the School's website along with this policy. The Data Protection Officer will report every discovery or report of a breach or unauthorized release of student data to the NYSED Chief Privacy Officer without unreasonable delay, but no more than ten calendar days after the discovery.

### School Data Privacy and Security Standards

The School will use the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1) ("Framework") as the standard for its data privacy and security program.

### Third-Party Contractors

Every contract between the School and a third-party contractor, under which a contractor will receive student PII, shall include provisions requiring that the contractor and any subcontractors maintain the confidentiality of shared student data in accordance with law, regulations, and this policy.

In addition, the School will ensure that these contracts or written agreements include signed copies of the Parents Bill of Rights and the contractor's data privacy and security plan, in compliance with Part 121 of the Commissioner's regulations and that has been accepted by the School.

The School will publish on its website a supplement to the Parents Bill of Rights for each contract or other written agreement it has entered with a third-party contractor that will receive PII from the School. The Bill of Rights and supplemental information may be redacted to the extent necessary to safeguard the privacy and/or security of the School's data and/or technology infrastructure.

Contracts and agreements subject to this policy include any written agreements, agreements created in electronic form and signed with an electronic or digital signature or a click wrap agreement that is used with software licenses, downloaded and/or online applications, and transactions for educational technologies and other technologies in which a user must agree to terms and conditions prior to using the product or service.

### Annual Data Privacy and Security Training

The Chief Executive Officer or designee shall ensure that annual data privacy and security awareness training is provided to the School's officers and staff with access to PII. This training will include, but not be limited to, training on the applicable laws and regulations that protect PII and how staff can comply with these laws and regulations. This training may be delivered using online training tools. Additionally, this training may be included as part of the training that the School already offers to its workforce.

## Exhibit A

### **PARENT'S BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY**

Pursuant to New York State Education Law §2-d, parents, legal guardians and persons in parental relation to a student are entitled to certain rights with regard to their child's personally identifiable information, as defined by Education Law §2-d. This document contains a plain English summary of such rights.

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 educational records maintained by the Eugenio María de Hostos Charter School.
3. State and Federal Laws protect the confidentiality of personally identifiable student information, and safeguards associated with industry standards and best practices, including, but not limited to, encryption, firewalls, and password protection must be in place when data is stored or transferred.
4. A complete list of all student data elements collected by New York State is available for review at the following website:

<http://www.p12.nysed.gov/irs/sirs/documentation/NYSEDstudentData.xlsx>

The list may also be made available by writing to:

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 have complaints about possible breaches of student data addressed. Complaints should be directed to:

Eugenio María de Hostos Charter School  
Attn: John Harris - DPO  
27 Zimbrich St.  
Rochester, NY 14621  
Email: [jharris@emhcharter.net](mailto:jharris@emhcharter.net)  
Phone: 585-622-2074

OR

Chief Privacy Officer  
New York State Education Department  
89 Washington Avenue  
Albany, NY 12234  
Email: [CPO@mail.nysed.gov](mailto:CPO@mail.nysed.gov)

6. Each contract with a third-party contractor which will receive student data, or teacher or principal data will include information addressing the following:
  - a. The exclusive purposes for which the student data or 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 expires and what happens to the student data or teacher and principal data upon expiration of the agreement.
  - d. If and how a parent, student, a student over eighteen years of age, 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, and the security protections taken to ensure such data will be protected, including whether such data will be encrypted.
7. Third-party contractors are also required to:
- a. Provide training on federal and state law governing confidentiality to any officers, employees, or assignees who have access to student data or teacher or principal data;
  - b. Limit internal access to education records to those individuals who have a legitimate educational interest in such records.
  - c. Not use educational records for any other purpose than those explicitly authorized in the contract;
  - d. Not disclose personally identifiable information to any other party (i) without the prior written consent of the parent or eligible student; or (ii) unless required by statute or court order and the third-party contractor provides a notice of the disclosure to the New York State Education Department, board of education, or institution that provided the information no later than the time the information is disclosed, unless providing notice of the disclosure is expressly prohibited by the statute or court order;
  - e. Maintain reasonable administrative, technical and physical safeguards to protect the security, confidentiality and integrity of personally identifiable student information in its custody;
  - f. Use encryption technology to protect data while in motion or in its custody from unauthorized disclosure as specified in Education Law §2-d;
  - g. Notify the Eugenio María de Hostos Charter School 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;
  - h. Provide a data security and privacy plan outlining how all state, federal and local data security and privacy contract requirements will be implemented over the life of the contract;
  - i. Provide a signed copy of this Parent's Bill of Rights to the Eugenio María de Hostos Charter School thereby acknowledging that they are aware of and agree to abide by this Bill of Rights.
8. This Parent's 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.