

**NEW YORK STATE
EDUCATION DEPARTMENT**

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**DATA PRIVACY AND
SECURITY POLICY**

v. 1.0 (Rev. 10/1/20)

I. Purpose

This policy addresses NYS Education Department's (the Department or SED) responsibility to adopt appropriate administrative, technical and physical safeguards and controls

IV. Scope

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determine whether a proposed use of personally identifiable information would benefit students and educational agencies, and to ensure that personally identifiable information is not included in public reports or other public documents, or otherwise publicly disclosed;

- (4) No student data shall be shared with third parties without a written agreement that complies with state and federal laws and regulations. No student data will be provided to third parties unless it is permitted by state and federal laws and regulations. Third-party contracts must include provisions required by state and federal laws and regulation.
- (5) The identity of all individuals requesting personally identifiable information, even where they claim to be a parent or eligible student or the data subject, must be authenticated in accordance with SED procedures.
- (6) It is SED's policy to provide all protections afforded to parents and persons in parental relationships, or students where applicable, required under the Family Educational Rights and Privacy Act, the Individuals with Disabilities Education Act, and the federal regulations implementing such statutes. Therefore, SED shall ensure that its contracts require that the confidentiality of student data or teacher or principal APPR data be maintained in accordance with federal and state law and this policy.
- (7) Contracts with third parties that will receive or have access to personally identifiable information must include a Data Privacy and Security Plan that outlines how the contractor will ensure the confidentiality of data is maintained in accordance with state and federal laws and regulations and this policy.

VIII. Incident Response and Notification

The Department will respond to data privacy and security incidents in accordance with its [Incident Response Policy](#). The incident response process will determine if there is a breach. All breaches must be reported to the Chief Privacy Officer. For purposes of this policy, a breach means the unauthorized acquisition, access, use, or disclosure of student, teacher or principal PII as defined by Education law §2-d, or any SED sensitive or confidential data or a data system that stores that data, by or to a person not authorized to acquire, access, use, or receive the data.

SED will comply with legal requirements that pertain to the notification of individuals affected by a breach or unauthorized disclosure of personally identifiable information.

