

# IKON INSIGHTS

TECHNOLOGY NEWS FOR K-12 SCHOOLS

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## DATA PRIVACY & COMPLIANCE ISSUE



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### ON-DEMAND WEBINAR

## NYSED INFORMATION SECURITY OFFICE DATA SECURITY REVIEW

Did you know that on January 16, 2024 NYSED announced it will be conducting comprehensive reviews to assess what data security controls schools have in place to protect the Personally Identifiable Information (PII) of students, faculty, and staff?

As part of our ongoing commitment to data security in education, IKON Edutech Group invites you to join us for an informative webinar led by Laura Pollak, Supervisor of the Nassau BOCES Data Privacy & Security Service. Laura will provide valuable insights into what needs to be protected and how schools can prioritize and prepare for the upcoming review.

Don't miss out on this opportunity to equip yourself with the knowledge and tools needed to ensure compliance with these crucial privacy laws.



# DPSS PRIVACY PAGE RUBRIC FOR NY STATE

**How to use this rubric:** Go to your website and look for the following data privacy elements that NYSED Privacy Office will be looking for in their district website audits.

CATEGORY	1	2	3	4
<b>Parent's Bill of Rights</b>	Posted on District's Data Privacy Page & is easy to find; info is up to date	Posted on website and can be easily found by searching; info is up to date	Is not easy to find and/or the info is not up to date	Cannot find on website
<b>Supplemental Information</b>	Posted on District's Data Privacy Page & is easy to find; Attachments are included	Posted on website and can be easily found by searching; Attachments are included	Is not easy to find and/or missing attachments	Cannot find on website
<b>District's Data Privacy Policy</b>	Posted on District's Data Privacy Page & is easy to find	Posted on website under Board Policies and/or can be easily found by searching	Is not easy to find or is the wrong policy	Cannot find on website
<b>District's DPO Contact Information</b>	Posted on District's Data Privacy Page & is easy to find	Posted on website and can be easily found by searching	Is not easy to find or is buried in the PBOR	Cannot find on website
<b>Instructions on How to Report an Unauthorized Disclosure</b>	Posted on District's Data Privacy Page and is easy for parents to find	Posted on website and can be easily found by searching	Is not easy to find and took time.	Cannot find on website
<b>FERPA Policy, Annual Notification; Directory Information Policy &amp; Optout</b>	Posted on District's Data Privacy Page and is easy for parents to find	Posted on website and can be easily found by searching	Is not easy to find and/or is buried in the district calendar, etc.	Cannot find on website
EXTRA CREDIT				
<b>Secure District &amp; NYSED Submission Forms for Parent Complaints of Unauthorized Disclosure</b>	Forms posted on District's Data Privacy Page and easy for parents to find	Forms posted on website and can be easily found by searching	Hard to find and only district form is included	Not on website
<b>Opt-out Form for Directory Information</b>	Form posted on District's Data Privacy page and easy for parents to find	Form posted on website and can be easily found by searching	Instructions posted for the opt-out	Not on website

# NYSED WEBSITE PRIVACY MONITORING: 10 EASY PITFALLS TO AVOID

In 2023, NYSED's Office of Data Privacy & Security monitored the websites of 115 school districts and 5 charter schools, finding that most of these organizations were eager to comply with privacy requirements and provide the necessary information to parents and eligible students.

However, in their enthusiasm, some schools and districts overloaded their websites with excess information by including links to NYSED, the US Department of Education, and others. Best practice is to share the information required by federal and State law with parents and not much else.

Below is a summary of the 10 most common pitfalls uncovered during NYSED's Website Privacy Monitoring:

- 1. Make sure that your website is both mobile browser and computer browser friendly.** For example, try to have .pdf files open in a new browser window instead of being a download. It is more difficult to handle downloads on a mobile device.
- 2. Test your website to make sure that a parent can find your privacy and data security information** with little or no difficulty. Ask a neighboring district to look for the privacy information on your website. Remember, we're not playing Where's Waldo.
- 3. In the Parents Bill of Rights (PBOR) link to NYSED's Privacy Website for the Data Elements.** Do not link to a file, the elements could change or the file could be deleted from the server.
- 4. List your DPO's name and contact information** on your website.
- 5. List a local contact for parent complaints.** Parents are free to send NYSED a complaint and we will investigate. Best practice, however, is to have the local EA work with the parent directly. Keep in mind that complaint decisions are published on the NYSED Data Privacy and Security website and reported in the Annual report.
- 6. At a minimum, post a list of the 2-D contracts that you have with language that additional information is available by contacting a specific person.**



Then, be prepared to provide the information without requiring the parent or eligible student to FOIL the supplemental information.

- 7. Your FERPA Board Policy and Directory Information Board Policy are not the FERPA Annual Notification.** They are policies that require the EA to annually notify parents.
- 8. Post your FERPA Annual Notification on your website each year.** You must provide it to parents annually anyway. The reason FERPA does not require that it be posted on your webpage is probably because FERPA was passed in 1974 (50 years! Happy Birthday FERPA).
- 9. Some quick facts: Education Law 2-D is a law of the State of New York, not the United States.** Nor is it a regulation of the US Department of Education. The first CPO was appointed in 2016 and Part 121 was promulgated in January 2020. If your website or any policy has language that indicates anything different, it needs to be updated.
- 10. When you borrow forms from another District or NYSED, please remember to change their name to your district's name.**

As we conclude our dive into NYSED website privacy pitfalls, remember these insights are not stumbling blocks but stepping stones toward a secure, transparent online space.

**Navigating the requirements can be tricky, but IKON is here to help!**

# UNDERSTANDING THE ROLE AND RESPONSIBILITIES OF A DATA PROTECTION OFFICER

The role of a Data Protection Officer (DPO) is crucial in helping schools stay compliant with New York State Education Law 2-D and ensuring the privacy and security of student data. The DPO serves as the point of contact and expert on data protection matters within the educational institution. Here are some key responsibilities of a DPO in this context:

## 1. UNDERSTANDING AND COMMUNICATING THE LAW

The DPO must have a deep understanding of NYS Education Law 2-D and its requirements. They act as an internal advocate for data privacy, communicating the provisions of the law to school administrators, teachers, staff, and vendors.

## 2. DEVELOPING AND IMPLEMENTING DATA PRIVACY POLICIES

Working with school leadership, the DPO is responsible for creating comprehensive data privacy policies that align with the requirements of NYS Education Law 2-D. These policies should address data collection, storage, use, and sharing practices, as well as data breach response plans.

## 3. STAFF TRAINING AND AWARENESS

The DPO organizes and conducts training sessions for school staff members to educate them about data privacy best practices and their roles in ensuring compliance. This includes training on handling student data, obtaining parental consent, and maintaining confidentiality.

## 4. EVALUATING THIRD-PARTY VENDORS

Educational institutions often work with third-party vendors for various services. The DPO assesses and vets these vendors to ensure their compliance with NYS Education Law 2-D and appropriate data protection measures.

## 5. DATA SECURITY AND INCIDENT RESPONSE

The DPO is responsible for overseeing data security measures to protect student data from unauthorized access or breaches. They develop and implement protocols for responding to data breaches promptly and effectively.

## 6. MAINTAINING RECORDS OF COMPLIANCE

The DPO maintains records of the school's compliance efforts, including policies, training sessions, and any corrective actions taken.

These records may be useful in case of regulatory audits or investigations.

## 7. PROVIDING GUIDANCE AND SUPPORT

The DPO serves as a resource for school administrators, teachers, and staff regarding data privacy matters. They provide guidance on data handling, consent processes, and resolving data privacy-related queries.

## 8. MONITORING AND AUDITING

Regular monitoring and auditing of data practices are essential to ensure ongoing compliance with NYS Education Law 2-D. The DPO conducts periodic assessments to identify potential risks and areas for improvement.

## 9. LIAISING WITH REGULATORY BODIES

In case of any inquiries or investigations related to data privacy, the DPO serves as the point of contact between the school and regulatory authorities. They assist in providing relevant information and cooperating with regulatory inquiries.

The Data Protection Officer plays a critical role in creating a culture of data privacy and ensuring that the educational institution adheres to the provisions of NYS Education Law 2-D, protecting student data and maintaining compliance with the law.

**Is your school's Data Protection Officer (DPO) in need of extra support to ensure compliance with data protection regulations?**

We provide support services to assist your school's DPO while adopting a cost-effective risk management approach. By working with us, you can establish a sustainable, long-term solution to your compliance challenges, allowing you to maintain the highest quality education for your students.

*Learn more about our DPO Support Package*

