**DATA SECURITY AND PRIVACY POLICY**

Prime Time for Kids and The Arc Rockland are committed to maintaining the privacy and security of student data and teacher and principal data and will follow all applicable laws and regulations for the handling and storage of this data in the Agency and when disclosing or releasing it to others including, but not limited to, third-party contractors.

The Agency adopts this policy to implement the requirements of Education Law Section 2-d and its implementing regulations, as well as to align the Agency's data privacy and security practices with the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1).

**Definition**

“Protected Data” means personally identifiable data of students from student education records as defined by the Family Educational Rights and Privacy Act (FERPA), as well as teacher and Principal data regarding annual professional performance reviews made confidential under New York Education Law §3012-c and §3012-d.

**Requirements**

1. Publication: This policy shall be published on the Prime Time for Kids website and notice of the policy provided to all officers and employees of the Agency.
2. The Agency shall provide the data protection, as well as the protection of parent and eligible student's rights to challenge the accuracy of such data required by FERPA (20 USC §1232g), IDEA (20 USC §1400 et. Seq.) and any implementing regulations.
3. The Agency hereby adopts the National Institute for Standards and Technology (NIST) Cybersecurity Framework (CSF) in accordance with the Commissioner's Regulations.
4. Every contract or other written agreement with a third-party contractor under which the third-party contractor will receive protected student data or teacher or principal data shall include a data security and privacy plan that outlines how all state, federal, and local data security and privacy contract requirements will be implemented over the life of the contract, consistent with this policy.
5. Nothing contained in this policy or the Agency's Data Security and Privacy Plan shall be construed as creating a private right of action against the Agency.
6. Every use and disclosure of personally identifiable information, as defined by FERPA, shall be for the benefit of students and the educational agency.
7. The Agency shall not sell or disclose for marketing or commercial purposes any Protected Data or facilitate its use or disclosure by any other party for any marketing or commercial purpose, or permit another party to do so.
8. The Agency shall take steps to minimize its collection, process, and transmission of Protected Data.
9. Except as required by law, or in the case of enrollment data, the Agency shall not report to NYSED medical health records, or student biometric information.
10. All contracts with vendors that have access to Protected Data shall comply with NIST Cybersecurity Framework.

Education Law 2-d | 8 NYCRR Part 121 |

**PRIME TIME FOR KIDS**

**PARENTS’ BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY**

The Agency, in compliance with Education Law 2-d, provides the following:

1. A student’s personally identifiable information will not be sold or released for any commercial purpose.

2. Parents have the right to inspect and review the complete contents of their child’s education record. Procedures for reviewing student records can be found in the FERPA policy.

3. Security protocols regarding confidentiality of personally identifiable information are currently in place and the safeguards necessary to protect these practices. The safeguards include but are not limited to encryption, firewalls, and password protection.

4. New York State maintains a complete list of all student data collected by the State and the data is available for public review at: http://www.p12.nysed.gov/irs/sirs/documentation/NYSEDstudentData.xlsx, or by writing to:

Office of Information & Reporting Services

New York State Education Department

Room 863 EBA

89 Washington Avenue

Albany, NY 12234.

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

HIPAA Privacy Officer

The Arc Rockland

\_210 Route 303

Valley Cottage, NY 10989\_\_\_\_

or to NYSED in writing to:

The Chief Privacy Officer

New York State Education Department

89 Washington Avenue

Albany, NY 12234

and email to: privacy@nysed.gov

Supplemental Information Regarding Third-Party Contractors

In the course of complying with its obligations under the law and providing educational services, the Agency has entered into agreements with certain third-party contractors. Pursuant to such agreements, third party contractors may have access to “student data” and/or “teacher or principal data” as those terms are defined by law.

Each contract Prime Time for Kids enters into with a third-party contractor where the third-party contractor receives student data or teacher or principal data, will include the following information:

• The exclusive purposes for which the student data or teacher or principal data will be used

• 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

• When the agreement expires and what happens to the student data or teacher or principal data upon expiration of the agreement

• 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

• Where the student, teacher or principal data will be stored (described in such a manner as to protect data security), and the security protections taken to ensure such data will be protected, including whether such data will be encrypted