EDUCATION LAW 2-D UPDATES
IMPLEMENTATION PLANNING FOR EDUCATIONAL AGENCIES

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November 2019
EDUCATION LAW 2-D
DATA SECURITY AND PRIVACY LAW
EDUCATION LAW 2-D
DATA SECURITY AND PRIVACY LAW

NYSED
DISTRICTS
BOCES
THIRD PARTY CONTRACTORS
**Education Law 2-D Timeline**

**State Education Department Tentative Timeline**

1. **Initial Draft Regulations Presented to Board of Regents**
   - Jan 2019

2. **Public Submits Feedback and Regulations Refined**
   - Jan - Dec 2019

3. **Board of Regents Considers Adoption**
   - Jan 2020

4. **Agencies Adopt Data Security and Privacy Policy**
   - July 1, 2020
EDUCATION LAW 2-D REQUIREMENTS

REQUIREMENTS FOR EDUCATIONAL AGENCIES

- Data Protection
- Protection of PII
- NIST Cybersecurity Framework
- Parent Complaint Procedures
- Transparence
- Parents Bill of Rights
- Third-Party Contracts
- Incident Reporting and Notification
- Data Security and Privacy Policy
- Annual Employee Training
- Data Protection Officer
- Tutorials
PROTECTION OF PII

WHAT DATA IS PROTECTED?

STUDENT NAME

PARENT'S NAME

STUDENT ADDRESS

LINKABLE INFORMATION
PROTECTION OF PII

DATA GOVERNANCE

BENEFIT ANALYSIS

STUDENT

EDUCATIONAL AGENCY
PARENTS BILL OF RIGHTS

CORE COMPONENTS

DISTRICT WEBSITE

PARENTS BILL OF RIGHTS

SUPPLEMENTAL INFORMATION
Parents Bill of Rights

Required Elements

1. Student PII will not be sold or used for commercial purposes.
2. Parents have the right to review their child’s education record.
3. Data is protected by law and safeguards must be in place.
4. Access to a listing of NYSED collected data elements.
5. Parents have the right to have breach complaints addressed.
6. Third party contracts information.
Parents Bill of Rights
Supplemental Information about Third Party Contractors

- Exclusive Purposes for Data Use
- Oversight of Subcontractors
- Contract Duration and Data Disposal
- Data Accuracy / Correction Practices
- Security Protections and Data Location
- Encryption Practices
Data Security and Privacy Policy

Sample Areas of Focus

- NIST CSF Aligned Practices
- Data Governance
- Disclosure Avoidance
- State and Federal Laws
- Data Protection Officer
- Annual Employee Training
- Parent Complaint Procedures
- Incident Reporting and Notification
NIST Cybersecurity Framework

Core Functions, Categories, and Subcategories
NIST CYBERSECURITY FRAMEWORK
FROM TARGET PROFILE TO ACTION PLAN
# Annual Employee Training

**Implementation of Information Privacy and Security Awareness Training**

## Annual Training

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<thead>
<tr>
<th>State and Federal Laws</th>
<th>District Procedures</th>
<th>Security Awareness</th>
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<td><img src="image1.png" alt="Hammer and Gavel" /></td>
<td><img src="image2.png" alt="Policies and Clipboard" /></td>
<td><img src="image3.png" alt="Computer Hacking" /></td>
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- **State and Federal Laws**: Ensures compliance with legal requirements.
- **District Procedures**: Focuses on internal policies and practices.
- **Security Awareness**: Enhances security protocols and best practices.
Unauthorized Disclosure Complaint

Development of Complaint Procedures and Forms

Agency shall provide a report of its findings no more than 60 days from receipt of such complaint.

Complaints Submission Procedure

District Investigation and Notification Procedure

District Maintenance of Related Records in Accordance with ED-1
INCIDENT REPORTING AND NOTIFICATION

DEVELOPMENT OF INCIDENT REPORTING AND NOTIFICATION PROCEDURES AND FORMS

0110
BREACH OR UNAUTHORIZED RELEASE

INCIDENT RESPONSE PLAN IMPLEMENTED AND FINDINGS LOGGED

REPORTED TO CPO NO MORE THAN 10 DAYS AFTER DISCOVERY

CPO INVESTIGATES DISCLOSURE

IF ATTRIBUTABLE TO A CONTRACTOR, PENALTIES MAY BE ISSUED

AGENCY COMMUNICATES WITH IMPACTED FAMILIES AND STAFF
DATA PROTECTION OFFICER

SELECTION OF AN EDUCATIONAL AGENCY DPO

DATA SECURITY AND PRIVACY PROGRAM LEADERSHIP
ACCESS TO LEADERS WITH DECISION MAKING AUTHORITY
PRESENT ANNUALLY TO THE BOARD OF EDUCATION
COLLABORATES WITH STAKEHOLDERS
DATA PROTECTION OFFICER

SELECTION OF AN EDUCATIONAL AGENCY DPO

ABILITY TO GAIN A WORKING KNOWLEDGE OF RELATED LAWS AND CONCEPTS

STRONG INTERPERSONAL SKILLS

STRONG LEADERSHIP AND PROJECT MANAGEMENT SKILLS

HANDLE CONFIDENTIAL INFORMATION WITH DISCRETION