

BIRCH FAMILY SERVICES

EDUCATION LAW §2-D BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY

Parents (includes legal guardians or persons in parental relationships) and Eligible Students (student 18 years and older) can expect the following:

- 1.** A student's personally identifiable information (PII) cannot be sold or released for any commercial purpose. PII, as defined by Education Law § 2-d and FERPA, includes direct identifiers such as a student's name or identification number, parent's name, or address; and indirect identifiers such as a student's date of birth, which when linked to or combined with other information can be used to distinguish or trace a student's identity. Please see FERPA's regulations at 34 CFR 99.3 for a more complete definition.
- 2.** The right to inspect and review the complete contents of the student's education record stored or maintained by an educational agency. This right may not apply to parents of an Eligible Student.
- 3.** State and federal laws such as Education Law § 2-d; the Commissioner of Education's Regulations at 8 NYCRR Part 121, the Family Educational Rights and Privacy Act ("FERPA") at 12 U.S.C. 1232g (34 CFR Part 99); Children's Online Privacy Protection Act ("COPPA") at 15 U.S.C. 6501-6502 (16 CFR Part 312); Protection of Pupil Rights Amendment ("PPRA") at 20 U.S.C. 1232h (34 CFR Part 98); the Individuals with Disabilities Education Act ("IDEA") at 20 U.S.C. 1400 et seq. (34 CFR Part 300); protect the confidentiality of a student's identifiable information.
- 4.** Safeguards associated with industry standards and best practices including but not limited to encryption, firewalls and password protection must be in place when student PII is stored or transferred.
- 5.** Student Records are maintained at the educational site attended by an eligible student or at the offsite storage site. Records containing student data elements can be requested by an eligible requestor as per FERPA and other regulations cited above. Written requests are submitted to the Birch Privacy Officer at 104 West 29th Street, Third Floor, New York, NY 10001.
- 6.** The right to have complaints about possible breaches and unauthorized disclosures of PII addressed. Complaints may be submitted to by mail to the Birch Privacy Officer, at 104 West 29th Street, Third Floor, New York, NY, 10001 or by telephone at 212-616-1802.
- 7.** To be notified in accordance with applicable laws and regulations if a breach or unauthorized release of PII occurs.
- 8.** All education staff including those who handle PII receive training on applicable state and federal laws, policies, and safeguards associated with industry standards and best practices that protect PII, during orientation and annually thereafter
- 9.** Birch Family Services contracts with vendors that receive PII will address statutory and regulatory data privacy and security requirements.