

THIRD-PARTY CONTRACTS



A third-party contractor is **any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement** for purposes of providing services to such educational agency, including but not limited to data management, conducting studies, or evaluation of publicly funded programs. To learn more about this requirement, agencies can review Part 121.2, 121.3, 121.6, 121.9, and 121.10 of the Regulations.



Agreements created in electronic form and signed with an electronic or digital signature or **CLICKWRAP AGREEMENTS** used with software licenses, downloaded and/or online applications and transactions for educational technologies and other technologies in which a user must agree to terms and conditions prior to using the product or service **ARE SUBJECT TO EDUCATION LAW 2-D REQUIREMENTS.**

OVERVIEW OF REQUIREMENTS RELATED TO THIRD-PARTY CONTRACTORS

DATA SECURITY AND PRIVACY PLAN

 IMPLEMENTATION OF ALL REQUIREMENTS	 SECURITY PROTECTIONS	 SUPPLEMENTAL INFO COMPLIANCE
 CONTRACTOR TRAINING	 SUBCONTRACTOR TRAINING	 SUBCONTRACTORS MANAGEMENT
 CYBER INCIDENT PLAN	 DATA TRANSFER AND DISPOSAL	 SIGNED COPY OF THE BILL OF RIGHTS

ADDITIONAL STATUTORY AND REGULATORY OBLIGATIONS

 NIST CSF SAFEGUARDS	 COMPLY WITH AGENCY POLICY AND LAW 2-D	 LIMIT ACCESS TO PII
 ONLY USE PII AS AUTHORIZED	 NOT DISCLOSE PII TO ANY OTHER PARTY	 SAFEGUARD THE PII IN CUSTODY
 ENCRYPTION PRACTICES APPLIED	 PROHIBITIONS ON PII COMMERCIAL USE	 OVERSIGHT OF SUBCONTRACTOR

OBLIGATIONS RELATED TO THE SUPPLEMENTAL INFORMATION FOR THE BILL OF RIGHTS

 EXCLUSIVE PURPOSES FOR DATA USE	 OVERSIGHT OF SUBCONTRACTORS	 CONTRACT DURATION AND DATA DISPOSAL	 DATA ACCURACY / CORRECTION PRACTICES	 SECURITY PROTECTIONS AND DATA LOCATION	 ENCRYPTION PRACTICES APPLIED
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CONFIDENTIALITY MAINTAINED

 IN ACCORDANCE WITH LAWS	 IN ACCORDANCE WITH AGENCY POLICY
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Contractual Obligations

Additional Statutory and Regulatory Obligations