

# DATA PROTECTION OFFICER DECISION-MAKING

The chart below outlines steps districts may take related to the appointment of a Data Protection Officer. The shaded steps may or may not be relevant based on decisions made earlier in the process. Check off the tasks as you move through the process with the district leadership team.

CATEGORIES	TASK	COMPLETE
<b>REVIEW FIELD GUIDANCE DOCUMENTATION</b>	<p>Review the NYSED CPO’s “Possible Profile of a Part 121 Data Protection Officer” and the RIC One “Data Protection Officer Potential Responsibilities, Qualifications, and Considerations” resources and decide:</p> <ul style="list-style-type: none"> <li>• which of these duties will be assigned to the District’s Data Protection Officer, and</li> <li>• any additional responsibilities that will be assigned to the District’s Data Protection Officer.</li> </ul>	<input type="checkbox"/>
<b>ANALYZE STAFFING</b>	<p>Review job description or scope of work for District personnel currently performing technology and student information management duties (e.g., tech coordinator, FERPA student records manager), and</p> <ul style="list-style-type: none"> <li>• identify which duties are already assigned to existing personnel, and</li> <li>• identify which duties are not currently being performed.</li> </ul>	<input type="checkbox"/>
<b>REVIEW RIC SERVICES</b>	<p>Identify whether unassigned duties can be provided by your RIC and review related base and/or optional offerings.</p>	<input type="checkbox"/>
<b>DETERMINE POSITION TYPE</b>	<p>Evaluate whether the District wants a Data Protection Officer with a background as a licensed professional educator (Education Law position), or a non-instructional background (Civil Service Law position).</p>	<input type="checkbox"/>
<b>DETERMINE STAFFING APPROACH</b>	<p>Determine whether the Data Protection Officer responsibilities will be assigned to an existing position or a newly-created position (Education Law or Civil Service Law).</p>	<input type="checkbox"/>
<b>SEEK CIVIL SERVICE SUPPORT, IF NECESSARY</b>	<p>If the District wishes to create a full-time Civil Service Law position, it may be necessary to apply to have your local Civil Service jurisdiction create a Job Specification for the position.</p>	<input type="checkbox"/>
<b>BOARD ACTION, IF EXISTING POSITION</b>	<p>If a title and duties are being assigned to an existing position, the Board of Education should take action to designate the DPO.</p>	<input type="checkbox"/>
<b>BOARD ACTION, IF NEW POSITION</b>	<p>If a new position is being created, Board action should be taken to create the position and then to fill it, after any necessary posting and advertising.</p>	<input type="checkbox"/>



**This resource is relevant to the DATA PROTECTION OFFICER Part 121 of the Commissioner’s Regulations Requirements.**