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

CONFIDENTIALITY MAINTAINED
- IN ACCORDANCE WITH LAWS
- IN ACCORDANCE WITH AGENCY POLICY

Contractual Obligations
Additional Statutory and Regulatory Obligations