

# DATA SECURITY AND PRIVACY POLICY

Part 121 of the Commissioner’s Regulations requires agencies to adopt a policy on data security and privacy by October 1, 2020.<sup>1</sup> Additionally, the law requires agencies to publish the policy on the district’s website. To learn more about this requirement, review Part 121.5 of the Regulations.

## REQUIREMENTS FOR NYS EDUCATIONAL AGENCIES



### COMPLIANCE CHECKS

Policy:

- ✓ Includes All Required Elements
- ✓ Is Adopted by October 1, 2020
- ✓ Is Posted on the Agency’s Website
- ✓ Notice is Provided to All Officers and Employees
- ✓ Third-Party Contracts Require Practices Consistent with the Policy

### REQUIRED ELEMENTS



#### **NIST CYBERSECURITY FRAMEWORK ALIGNMENT**

Policy must align with the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity Version 1.1 (NIST Cybersecurity Framework or NIST CSF)



#### **DATA GOVERNANCE**

Every use and disclosure of PII by the educational agency must benefit students and the agency



#### **DISCLOSURE AVOIDANCE**

Personally identifiable information will not be included in public reports or other documents



#### **PROTECTIONS AFFORDED TO PARENTS**

Include all the protections afforded to parents or eligible students, where applicable, under FERPA and IDEA, and the federal regulations implementing such statutes



#### **CONSISTENT WITH STATE AND FEDERAL LAWS**

Consistent with applicable state and federal laws



***POLICIES ARE AVAILABLE THROUGH DISTRICTS’ POLICY SERVICES. NYSSBA, ERIE 1 BOCES, AND MADISON-ONEIDA BOCES OFFER POLICY SERVICES TO NEW YORK STATE DISTRICTS.***

<sup>1</sup> The Board of Regents adopted emergency regulations on June 8, 2020. The regulations extended the date required for the adoption and publishing of data security and privacy policies from July 1, 2020 until October 1, 2020.