



# Data Security and Privacy Training

## Laws and Regulations

### Family Educational Rights and Privacy Act - FERPA

Federal Law Enacted in 1974 to protect personally identifiable information (PII) from students' education records from unauthorized disclosure. Parents have rights to review records, request amendment and consent to disclosure. They also have the right to file a complaint with the U.S. Department of Education. When a student turns 18 years old, or enters a postsecondary institution at any age, FERPA rights transfer from the parents to the student (they become an eligible student).

#### Personally Identifiable Information (PII)

Per FERPA, PII includes but is not limited to student's name; name of the student's parent or other family members; address of the student or student's family; and/or a personal identifier such as the student's social security number, student number, or biometric record. Indirect identifiers can also be PII, such as date of birth, place of birth, and mother's maiden name.

Definitions vary among laws, but In general PII is information such as a student's name or identification number that can be **harmful** or **embarrassing** to an individual if disclosed alone or in combination with certain other information.

#### Key FERPA Exceptions

**Directory Information** is PII that is typically **not** considered harmful or an invasion of privacy if disclosed on its own, such as name and address. Schools can disclose this information to third parties without consent with proper public notice.

**School Official Exception:** Schools may also disclose PII without consent under the School Official Exception. School Officials include administrators, instructors and school board members. If the disclosure is to a contractor or other third party provider performing services for the district, certain conditions must be met.

#### Notifications

Schools must annually notify parents of students and eligible students of their rights under FERPA.



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## Children's Online Privacy Protection Act - COPPA

COPPA has been enforced by the Federal Trade Commission since 2000 to give parents control over information collected from young children online. It assures that children under 13 years of age do not share personal information on the Internet without the express approval of their parents.

## Protection of Pupil Rights Amendment - PPRA

PPRA was Enacted in 1978 to protect the rights of students and parents of students in programs funded by the US Department of Education. Under PPRA, Schools and contractors must obtain written parental consent before minor students are required to participate in any ED-funded survey, analysis, or evaluation that reveals certain kinds of personal information.

## Health Insurance Portability and Accountability Act - HIPAA

Federal law enacted in 1996; the Privacy Law of HIPAA adopted in 2003 regulates the use and disclosure of Protected Health Information (PHI). It mandates administrative, technical, and physical safeguards to ensure that individual health information remains private and secure. Application to K-12 schools is limited as most student records, including health records, are education records covered by FERPA.

## NYS Education Law 2-d

NYSED Law 2-d was created in 2014 to address the unauthorized release of personally identifiable information from student, teacher and principal records. It applies to Educational agencies (Districts, BOCES, NYSED) and third party contractors. Provisions include appointment of a Chief Privacy Officer (CPO), a Parents Bill of Rights for Data Privacy and Security, data collection transparency restrictions, data security and privacy standards, and breach notification procedures. Regulations will be developed after the CPO appointment.

## Student Privacy Pledge

The Student Privacy Pledge is not a law but is a set of commitments to safeguard student privacy introduced in 2014 by the Future of Privacy Forum (FPF) and The Software & Information Industry Association (SIIA). The terms of the pledge and a list of its signatories can be found at [www.studentprivacypledge.org](http://www.studentprivacypledge.org).