

HEBREW LANGUAGE ACADEMY CHARTER SCHOOL 2

DATA SECURITY AND PRIVACY POLICY

The Board of Trustees (the “Board”) of Hebrew Language Academy Charter School 2 (“HLA 2” or the “School”) adopts this Data Security and Privacy Policy to implement the requirements of New York Education Law Section 2-d and the Part 121 Regulations of the New York State Education Commissioner. This Policy aligns with the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1) (NIST CSF), which the New York State Education Department (NYSED) has adopted as the standard for data security and privacy for educational agencies, such as the School.

HLA 2 is subject to and complies with Federal laws governing student data privacy, including but not limited to the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA), along with their implementing regulations. New York Education Law Section 2-d and the Part 121 Regulations of the Commissioner strengthen these existing protections over student personally identifiable information and safeguard certain personally identifiable information of classroom teachers and principals.

HLA 2 is committed to protecting personally identifiable information from unauthorized use or disclosure, as required by and in compliance with the law.

A. Policy Statement

HLA 2 will not sell personally identifiable information nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.

HLA 2 will take steps to minimize its collection, processing, and transmission of personally identifiable information.

This Data Security and Privacy Policy includes all of the protections afforded to parents/guardians or eligible students, as applicable, under FERPA, IDEA and the Federal regulations implementing those statutes.

B. Data Security and Privacy Standard

HLA 2 will utilize NIST CSF as the standard for data security and privacy at HLA 2.

C. Parents Bill of Rights for Data Privacy and Security

HLA 2 has adopted a Parents Bill of Rights for Data Privacy and Security (Parents Bill of Rights), which can be found here: <https://hla2.org/for-parents/hla2-policies/>.

D. Data Protection Officer

HLA 2 has designated the Director of Operations, IT and Student Information Systems to serve as HLA 2's Data Protection Officer (DPO). The DPO is responsible for the implementation and oversight of this Policy and any related policies and procedures, and will serve as the main point of contact for data security and privacy at HLA 2.

The contact information for the DPO is as follows: Matthew McSorley, Director of IT and Student Information Systems - mmcsorley@hebrewpublic.org.

E. Data Privacy Protections

HLA 2 has established a data governance team, led by the DPO, which will manage the use of HLA 2's data that is protected by law. The DPO and the data governance team will determine whether a proposed use of personally identifiable information would benefit students and HLA 2 – e.g., improve academic achievement, empower parents and students with information, and/or advance efficient and effective school operations – and will ensure that personally identifiable information is not included in public reports or other public documents.

F. Agreements with Third-Party Contractors

HLA 2 will ensure that its written agreements with third-party contractors who will receive student and/or teacher/principal personally identifiable information include provisions that require the confidentiality of personally identifiable information in accordance with Federal and State laws and regulations, and this Policy. Alternatively, HLA 2 will require third-party contractors to sign a separate data sharing and confidentiality agreement containing such provisions.

Additionally, HLA 2 will ensure that its agreements with third-party contractors include:

- HLA 2's Parents Bill of Rights for Data Privacy and Security;
- Supplemental Information to Parents Bill of Rights (this information is available here: <https://hla2.org/for-parents/hla2-policies/>); and
- The third-party contractor's Data Privacy and Security Plan that is accepted by HLA 2 and must outline how the third-party contractor will ensure that the confidentiality of HLA 2's data is maintained in accordance with Federal and State laws and regulations and this Policy.

G. Right of Parents/Guardians and Eligible Students to Inspect and Review Student Education Records or Request Amendments

HLA 2's 2020-2021 annual FERPA Notification of Rights, which sets forth the rights of parents/guardians and eligible students to inspect and review student education records and request amendments, can be found here: <https://hla2.org/for-parents/hla2-policies/>.

All requests to inspect and review education records must be made in writing and addressed to HLA 2, as set forth in the FERPA Notification of Rights, and not to any third party contractor.

HLA 2 shall ensure that only authorized individuals are able to inspect and review student data. To that end, HLA 2 shall take steps to verify the identity of parents/guardians and eligible students who submit requests to inspect and review education records and verify the individual's authority to do so.

If the parent/guardian or eligible student consents, HLA 2 may provide requested records electronically. HLA 2 will transmit the personally identifiable information in a way that complies with Federal and State laws and regulations. HLA 2 will put in place safeguards associated with industry standards and best practices, including but not limited to encryption and password protection, when education records requested by a parent/guardian or eligible student are electronically transmitted.

H. Complaint Procedures

Parents/guardians, eligible students, teachers, principals, or other staff have the right to submit complaints about any breach or unauthorized release of personally identifiable information in accordance with the following procedures:

1. All complaints must be submitted to the DPO in writing, utilizing a complaint form by emailing: issues@hebrewpublic.org.
2. Upon receipt of a complaint, the DPO will promptly acknowledge receipt of the complaint, commence an investigation, and take precautions to protect personally identifiable information.
3. HLA 2 will provide the complainant with its findings within a reasonable time period but no more than sixty (60) calendar days from the receipt of the complaint by HLA 2.
4. If HLA 2 requires additional time, or where the response may compromise security or impede a law enforcement investigation, HLA 2 will provide the complainant with a written explanation that includes the approximate date when HLA 2 anticipates that it will respond to the complaint.

HLA 2 will maintain a record of all complaints of breaches or unauthorized releases of student data and their disposition in accordance with applicable data retention policies.

I. Reports and Notifications of Breach or Unauthorized Release

Report to NYSED's Chief Privacy Officer

The DPO will report every discovery or report of a breach or unauthorized release of personally identifiable information, including the receipt of notification of such breach or unauthorized release from a third-party contractor, to NYSED's Chief Privacy Officer without unreasonable delay but no more than ten (10) calendar days after such discovery, report or notification.

Notification to Affected Person(s) of a Breach or Unauthorized Release

The DPO will notify affected parents/guardians, eligible students, teachers, and/or principals in the most expedient way possible and without unreasonable delay, but no more than sixty (60) calendar days after the discovery or report of a breach or unauthorized release of personally identifiable information, unless that notification would interfere with an ongoing investigation by law enforcement or cause further disclosure of personally identifiable information by disclosing an unfixed security vulnerability. Where notification is delayed under these circumstances, HLA 2 shall notify parents, eligible students, teachers and/or principals within seven (7) calendar days after the security vulnerability has been remedied or the risk of interference with the law enforcement investigation ends.

The notice shall be provided directly to the affected parent, eligible student, teacher or principal by:

- first class mail,
- email, or
- telephone.

The notice shall be clear, concise, use language that is plain and easy to understand, and to the extent available, include:

- a brief description of the breach or unauthorized release,
- the dates of the incident,
- the date of discovery, if known,
- a description of the types of personally identifiable information affected,
- an estimate of the number of records affected,
- a brief description of HLA 2's investigation or plan to investigate, and
- contact information for representatives who can assist parents or eligible students that have additional questions.

The DPO will report annually to the Board of Trustees the number and disposition of reported breaches, if any, and a summary of any complaints submitted pursuant to this Policy.

J. Annual Data Privacy and Security Awareness Training

HLA 2 will annually provide data privacy and security awareness training to its officers and employees with access to personally identifiable information. This training will include, but not be limited to, training on the State and Federal laws that protect personally identifiable information and how employees can comply with these laws and regulations.

Adopted July 20, 2021

K. Distribution of Policy and Notice to Officers and Employees

HLA 2 will publish this Data Security and Privacy Policy on its website and provide notice of the Policy to all of its officers and employees.

adam miller

adam miller (Jul 22, 2021 15:41 EDT)

Adam Miller
Board Chair