

## SUPPLEMENTAL INFORMATION

ABOUT THE DATA PRIVACY AGREEMENT BETWEEN  
ALBANY-SCHOARIE-SCHENECTADY-SARATOGA BOCES and  
("Contractor")

**Product/Service:**

1. **THE EXCLUSIVE PURPOSE FOR WHICH THE PII WILL BE USED:** The exclusive purpose for which the Contractor is accessing and/or receiving PII is to provide Educational Agency with the functionality of the Product(s) or Service(s) listed above.
  
2. **USE OF SUBCONTRACTORS:** Contractor will not utilize subcontractors without a written contract that requires the subcontractors to adhere to, at a minimum, materially similar data protection obligations imposed on the contractor by state and federal laws and regulations, and the Contract. (check applicable option)
  - Contractor will not utilize subcontractors.
  - Contractor will utilize subcontractors.
  
3. **CONTRACT DURATION:** The Service Agreement commences on \_\_\_\_\_ and expires on \_\_\_\_\_. Upon expiration without renewal or termination of the Service Agreement, Contractor shall transfer PII agreed to by the Parties to the EA. Contractor shall ensure that PII is securely deleted and/or destroyed in a manner that does not allow it to be retrieved or retrievable, read or reconstructed. Contractor shall provide Capital Region BOCES or other Participating District with a written certification of the secure deletion and/or destruction of PII held by the Contractor or Subcontractors.
  
4. **CHALLENGES TO DATA ACCURACY:** Parents or eligible students can inspect Student Data held by the Contractor by contacting the student's district of residence regarding procedures for requesting amendment of education records under the Family Educational Rights and Privacy Act (FERPA). Teachers or principals may be able to challenge the accuracy of APPR data provided to Vendor by following the appeal process in their employing school district's applicable APPR Plan.
  
5. **DATA STORAGE AND SECURITY:** PII is stored in a secure data center within the United States or Canada, using: (check all that apply)
  - a cloud infrastructure owned and hosted by a third party
  - Contractor owned and hosted solution
  - Other:

Contractor utilizes administrative, physical, and technical safeguards designed to protect PII from unauthorized access, disclosure, acquisition, destruction, use, or modification in alignment with the NIST Cybersecurity Framework and industry best practices.

- 6. **ENCRYPTION OF PII:** Contractor or if applicable its subcontractors must encrypt PII at rest and in transit as specified in Section 13402(H)(2) of P.L. 111-5 and in accordance with applicable New York laws and regulations.

**CONTRACTOR:**



---

Signature

---

Printed Name

---

Title

---

Date



## Parents Bill Of Rights for Vendors Working With Capital Region BOCES

Albany-Schoharie-Schenectady-Saratoga BOCES (Capital Region BOCES), in recognition of the risk of identity theft and unwarranted invasion of privacy, affirms its commitment to safeguarding student personally identifiable information (PII) in educational records from unauthorized access or disclosure in accordance with State and Federal law. BOCES establishes the following parental bill of rights:

- Student PII will be collected and disclosed only as necessary to achieve educational purposes in accordance with State and Federal Law.
- A student's personally identifiable information cannot be sold or released for any marketing or commercial purposes by BOCES or any a third party contractor. BOCES will not sell student personally identifiable information and will not release it for marketing or commercial purposes, other than directory information released by BOCES in accordance with BOCES policy;
- Parents have the right to inspect and review the complete contents of their child's education record (for more information about how to exercise this right, see 5500-R);
- State and federal laws, such as NYS Education Law §2-d and the Family Educational Rights and Privacy Act, protect the confidentiality of students' personally identifiable information. Safeguards associated with industry standards and best practices, including but not limited to, encryption, firewalls, and password protection, must be in place when data is stored or transferred;
- A complete list of all student data elements collected by the State Education Department is available for public review at <http://nysed.gov/data-privacy-security> or by writing to: Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234.
- Parents have the right to have complaints about possible breaches and unauthorized disclosures of student data addressed. Complaints should be directed to the Data Protection Officer, 518-862-5239, [DPO@neric.org](mailto:DPO@neric.org), Capital Region BOCES, 900 Watervliet-Shaker Rd., Albany NY 12205. Complaints can also be directed to the New York State Education Department online at <http://nysed.gov/data-privacy-security> by mail to the Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234 or by email to [privacy@mail.nysed.gov](mailto:privacy@mail.nysed.gov) or by telephone at 518-474-0937.
- Parents have the right to be notified in accordance to applicable laws and regulations if a breach or unauthorized release of their student's PII occurs.
- Parents can expect that educational agency workers who handle PII will receive annual training on applicable federal and state laws, regulations, educational agency's policies and safeguards which will be in alignment with industry standards and best practices to protect PII.

In the event that BOCES engages a third party provider to deliver student educational services, the contractor or subcontractors will be obligated to adhere to State and Federal Laws to safeguard student PII. Parents can request information about third party contractors by contacting the Data Protection Officer, 518-464-5139, [DPO@neric.org](mailto:DPO@neric.org), 900 Watervliet-Shaker Rd., Albany NY 12205, or can access the information on the Capital Region BOCES website [www.capitalregionboces.org](http://www.capitalregionboces.org).

Vendor/Company Name: CodeHS  
Signature: *Morgan DeWitt*  
Title: Director of Operations  
Date: 6/10/2024