

ATTACHMENT A

Parents' Bill of Rights for Data Privacy and Security

In accordance with New York State Education Law Section 2-d, the Southern Westchester Board of Cooperative Educational Services ("Southern Westchester BOCES") hereby sets forth the following Parents' Bill of Rights for Data Privacy and Security, which is applicable to all students and their parents and legal guardians.

- (1) New York State Education law Section 2-d (Section 2-d") and the Family Educational Rights and Privacy Act ("FERPA") protect the confidentiality of personally identifiable information. Section 2-d and FERPA assure the confidentiality of records with respect to "third parties," and provides parents with the right to consent to disclosures of personally identifiable information contained in their child's education records. Exceptions to this include school employees, officials and certain State and Federal officials who have a legitimate educational need to access such records. In additions, the Southern Westchester BOCES will, upon request of parents, legal guardians or eligible students, or if otherwise required by law, disclose student records to officials of another school district in which a student seeks to enroll. An eligible student is a student who has reached 18 years of age or attends a postsecondary institution.

- (2) A student's personally identifiable information cannot be sold or released for any commercial purposes;

- (3) Personally, identifiable information includes, but is not limited to:
 - i. The student's name;
 - ii. The name of the student's parent or other family members;
 - iii. The address of the student or student's family;
 - iv. A personal identifier, such as the student's social security number, student number, or biometric record;
 - v. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
 - vi. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
 - vii. Information requested by a person who the Southern Westchester BOCES reasonably believes knows the identity of the student to whom the education record relates.



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- (4) In accordance with FERPA, Section 2-d and Southern Westchester BOCES Policy No. 7240, Student Records: Access and Challenge, parents and legal guardians have the right to inspect and review the complete contents of their child's education record.
- (5) Southern Westchester BOCES has the following safeguards in place: Encryption, firewalls and password protection, which must be in place when data is stored or transferred.
- (6) New York State, through the New York State Education Department, collects a number of student data elements for authorized uses. A complete list of all student data elements collected by the State is available for public review at the following links or can be obtained by writing to the Office of Information and Reporting Services, New York State Education Department, Room 865 EBA, 89 Washington Avenue, Albany, NY 12234:

http://www.p12.nysed.gov/irs/data_reporting.html

<http://data.nysed.gov/>

<http://www.p12.nysed.gov/irs/sirs/documentation/nyssisguide.pdf>

- (7) Eligible students, parents and legal guardians have the right to have complaints about possible breaches of student data addressed. Any such complaint should be submitted, in writing, to the Data Protection Officer of Southern Westchester BOCES at dpo@swboces.org or at 450 Mamaroneck Avenue, Harrison, New York 10528. Parents can direct any complaints regarding possible breaches via the electronic form on the Southern Westchester BOCES home page, under Resources, and Student Privacy. The complaint form can also be found by going to <https://bit.ly/swbdatabreach>. Alternatively, a written complaint may also be submitted to the Chief Privacy Officer of the New York State Education Department using the form available at <http://www.nysed.gov/student-data-privacy/form/report-improper-disclosure> or writing to Privacy Complaint, Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, New York 12234.

BY THE VENDOR:

Marc Firo

Signature

President

Title

7/15/2024

Date

ATTACHMENT B

Supplemental Information About the Agreement Between [CUSTOMER] and Mindex Technologies, Inc.

1. **Exclusive Purpose.** Vendor will use the Personally Identifiable Information to which it is provided access for the exclusive purpose of providing Vendor's services as more fully described in the Agreement. Vendor agrees that it will not use the Personally Identifiable Information for any other purposes not explicitly authorized in the Agreement.
2. **Subcontractors.** In the event that Vendor engages subcontractors, assignees, or other authorized agents to perform one or more of its obligations under the Agreement, Vendor will obligate its subcontractors, assignees, or other authorized persons or entities to whom it discloses Personally Identifiable Information, to abide by all applicable data protection and security requirements, including but not limited to those outlined in applicable state and federal laws and regulations, by requiring its subcontractors to agree in their contracts with Vendor to such data protection obligations imposed on Vendor by state and federal laws and regulations (e.g., FERPA; Education Law §2-d) and this Agreement.
3. **Agreement Term & Termination.**
 - a. The Agreement commences on the Effective Date of the Agreement and expires on the earlier of (i) Vendor no longer providing services to Customer and (ii) termination of the Agreement in accordance with its terms.
 - b. Vendor will implement procedures for the return, deletion, and/or destruction of Personally Identifiable Information at such time that the Agreement is terminated or expires.
4. **Challenging Accuracy of Personally Identifiable Information.** Parents or eligible students can challenge the accuracy of any Personally Identifiable Information provided by a Customer to Vendor by [SWBOCES Data Protection Officer, Victor Pineiro at vpineiro@swboces.org].
5. **Data Storage and Security Protections.**
 - a. **General.** Any Personally Identifiable Information Vendor receives will be stored on systems maintained by Vendor, or by a subcontractor under the direct control of Vendor, in a secure data center facility. Vendor will maintain reasonable administrative, technical and physical safeguards in accordance with 2-d to protect the security, confidentiality, and integrity of Personally Identifiable Information in Vendor's custody.
 - b. **Encryption.** Vendor will encrypt data in motion and at rest using methodology in accordance with 2-d.