

# Orchard Park Central School District

2240 Southwestern Blvd. West Seneca, NY 14224



*Matthew McGarrity*  
Superintendent

*www.opschools.org*  
*(716) 209-6200*

To Whom It May Concern:

As the Data Protection Officer for Orchard Park Central School District, I am writing to notify you of changes in our requirements to work with your company effective July 1, 2020. Our Board of Education recently adopted a new policy requiring Orchard Park Central School District to establish a contract with any vendor or company who collects student data. This is in response to recent changes in New York State Education Law.

Chapter 56 of the Laws of 2014 added Section 2-d to the Education Law effective April 2014. The focus of the law is the privacy and security of personally identifiable information (PII) of students. The law outlines certain requirements for districts and their third-party contractors to ensure the privacy and security of certain protected information. After years of work, regulations to implement Education Law 2-d were proposed at the January 2019 Board of Regents meeting. The proposed regulations were subsequently revised in July and October 2019 following public comment. In January 2020, the Board of Regents adopted new Part 121 to the Commissioner's regulations with an effective date of January 29, 2020.

The regulations now require all New York State schools to establish requirements for contracts and other written agreements where PII will be provided to a third-party contractor and also attempt to clarify obligations where click-through agreements for software applications are utilized.

Our teachers and students value your product and have come to rely on your product and we wish to continue doing business with you. Please review the attached contract (Exhibit A) which outlines all requirements for any vendor collecting information about our students. Please also review the attached form (Exhibit B) which requires all vendors to list user data collected. **We are required to have all documents signed and returned prior to issuing a purchase order for your product or service.**

We look forward to continuing our relationship with your company and ensuring the privacy and safety of our students.

Sincerely,

A handwritten signature in black ink, reading "Sarah Hornung".

Sarah Hornung  
Director of Technology and Chief Information Officer  
Data Protection Officer  
[shornung@opschools.org](mailto:shornung@opschools.org)  
716-209-6330

[Exhibit B]

Does your product or service utilize a **clickwrap** or **clickthrough** agreement?

Yes

No

Are there any advertisements on your product?

Yes

No

What user data is collected by your product, service or company?

Required information for a Socrative account:

Teachers:

- First name

- Last name

- Email address

- Country

- School name (can select "School not listed")

- School type (primary, secondary, post-secondary)

Students – Free: need parental consent to use Socrative if they are under 13

- Registration not required. Students access teacher activities using a SOC code

Students – Pro: need parental consent to use Socrative if they are under 13

- Can access teacher activities using a SOC code (the same as the free version), or:

- Unique student ID as part of a roster uploaded by the teacher. Rosters commonly include first name and last name for reporting purposes.

Note that we collect IP addresses of users and activity within the app.

Please identify how data **at rest** is protected by your product, service or company?

All files are encrypted at rest. We use Amazon's Server Side Encryption to manage the encryption of our files.

All databases are encrypted at rest. We use Amazon's KMS to manage the encryption of our database.

Our encryption uses 256 bit keys on a symmetric algorithm AES.

Please identify how data **in transit** is protected by your product, service or company?

Data transmissions are encrypted using TLSv1.X protocols. We implement SSL certificates with RSA algorithm and key sizes of 256 bit.