District Office
21 Page Avenue
Cohoes, NY 12047

518.237.0100 x 2350
Fax: 518.233.1878

COHOES
CITY SCHOOL DISTRICT

Data Sharing & Confidentiality Agreement
Including Parents' Bill of Rights for Data Privacy & Security
&
Third Party Contractor Supplement

PARENTS' BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY Code 8635-E

The Cohoes City School District, 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. The Cohoes City School District 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 the district or any third party contractor. The district will not sell student personally identifiable information and will not release it for marketing or commercial purposes, other than directory information released by the district in accordance with district policy.
- Parents have the right to inspect and review the complete contents of their child's education record.
- 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://www.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 Mr. Daniel Martinelli, Assistant Superintendent and Data Privacy Officer, dmartine@cohoes.org, 518-237-0100. Complaints can also be directed to the New York State Education Department online at http://www.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 or by telephone at 518-474-0937.
- Parents have the right to be notified in accordance with 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 the District 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 view information about third party contractors by visiting the district website. Questions on its contents can be directed to 518-237-0100.

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THIRD PARTY CONTRACTOR SUPPLEMENT

NOTE: The district will prepare a supplement for each third party contractor that receives student PII.

The *(insert name of contractor)* has been engaged by the Cohoes City School District to provide services. In this capacity, the company may collect, process, manage, store or analyze student or staff personally identifiable information (PII), that is protected by section 2-d of New York State Education Law.

Name of product or service: Secure Internet Fax

The contractor's agreement with the district begins on *(insert date)* and ends on *(insert date)*. Once the contractor has completed its service to the district, records containing student or staff PII will be *select one: destroyed (within 72hrs or returned* by *(insert date)* via the following *(insert method if destroyed or format if returned)*.

Challenging Accuracy of Protected Data:

Parents may challenge the accuracy of PII held by *(insert name of contractor)* by contacting Ms. Peggy O'Shea, Assistant Superintendent & Data Privacy Officer at 518-237-0100 x2350. Correspondence can be set to Cohoes City School District, 21 Page Avenue, Cohoes, NY 12047 or poshea@cohoes.org.

Exclusive Purpose for which Protected Data will be Used:

To be completed by Scott Kennedy:
The exclusive purpose for which SRFax is being provided access to Protected Data is to provide Cohoes City School District with the functionality of the product(s) listed above. SRFax agrees that it will not use the Protected Data for any other purposes not explicitly authorized in the AGREEMENT. Protected Data received by SRFax, or any of SRFax's subcontractors, assignees, or other authorized agents, will not be sold, or released or used for any commercial or marketing purposes.

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Oversight of Subcontractors:

In the event that SRFax engages subcontractors, assignees, or other authorized agents to perform one or more of its obligations under the AGREEMENT (including any hosting service provider), it will require those to whom it discloses Protected Data to execute legally binding agreements acknowledging the obligation under Section 2-d of the New York State Education Law to comply with the same data security and privacy standards required of SRFax under the AGREEMENT and applicable state and federal law. SRFax will ensure that such subcontractors, assignees, or other authorized agents will abide by the provisions of these agreements and will not further disclose any Protected Data without the prior written consent of the parent, eligible student or the Cohoes City School District by: *(Describe steps the* SRFax *will take)*

The contracted vendor, SRFax, will take reasonable measures to ensure the confidentiality of PII by implementing, but not limited to, the following (*describe the following; attach additional pages as needed*):

- Password protections
- Administrative procedures
- Encryption while PII is in motion and at rest
- Firewalls

Data Storage and Security Protections:

Any protected data SRFax receives will be stored on systems maintained by SRFax, or by a subcontractor under the direct control of SRFax, in a secure data center facility located within the United States. The measures that SRFax will take to protect Protected Data include adoption of technologies, safeguards and practices that align with the NIST Cybersecurity Framework and industry best practices including, but not necessarily limited to, disk encryption, file encryption, firewalls, and password protection.

Encryption of Protected Data:

SRFax *(or, if applicable, its subcontractors)* will protect Protected Data in its custody from unauthorized disclosure while in motion or at rest, using a technology or methodology specified by the secretary of the U.S. Department of HHS in guidance issued under Section 13402(H)(2) of P.L. 111-5.

Scott Kennedy
Name

Signature

Security Officer
Title

11/9/2021
Date