

BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY -

SUPPLEMENTAL INFORMATION FOR CONTRACTS THAT UTILIZE PERSONALLY IDENTIFIABLE INFORMATION

Pursuant to Education Law § 2-d and Section 121.3 of the Commissioner’s Regulations, the educational Agency (EA) is required to post information to its website about its contracts with third-party contractors that will receive Personally Identifiable Information (PII).

<p>Name of Contractor</p>	<p>Fitzgerald McKinnon Scrambling 2 Perform, Inc.</p>
<p>PII Declaration</p>	<p>Does your organization/software collect student personally identifiable information (PII) or staff PII?</p> <p>Examples of student PII:</p> <ul style="list-style-type: none"> a. The student’s name; b. The name of the student’s parent or other family members; c. The address of the student or student’s family; d. A personal identifier, such as the student’s social security number, student number, or biometric record; e. Other indirect identifiers, such as the student’s date of birth, place of birth, and Mother’s Maiden Name; <p>Examples of staff APPR PII:</p> <ul style="list-style-type: none"> a. Teacher ID b. Name c. Birthdate d. Gender e. Race f. Salary <p><input type="checkbox"/> IF YOUR ORGANIZATION/SOFTWARE DOES NOT COLLECT PII, CHECK THIS BOX AND SKIP TO THE BOTTOM, SIGN AND SUBMIT.</p> <p>If you collect the PII information above, please complete the remainder of this form.</p>
<p>Description of the purpose(s) for which Contractor will receive/access PII</p>	<p>The data will be used to provide educational services to any student in the DISTRICT. Students’ academic and behavioral performance will be measured to develop curriculums that will help them produce better educational outcomes. Data will also be used to empower parents and students with information and to offer Professional Development Training to the DISTRICT’s employees. All data will be used in compliance with New York State Education Department’s Education Law §2-d, FERPA, the DISTRICT’s Policies and Procedures and all applicable provisions of Safe Schools Against Voilence in Education (SAVE) Act and technologies.</p>
<p>Type of PII that Contractor will receive/access</p>	<p>Check all that apply:</p> <p><input checked="" type="checkbox"/> Student PII</p> <p><input type="checkbox"/> APPR PII</p>

Contract Term	Contract Start Date <u>09/01/2022</u> Contract End Date <u>08/31/2023</u>
Subcontractor Written Agreement Requirement	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) <input checked="" type="checkbox"/> Contractor will not utilize subcontractors. <input type="checkbox"/> Contractor will utilize subcontractors.
Data Transition and Secure Destruction	Upon expiration or termination of the Contract, Contractor shall: <ul style="list-style-type: none"> • Securely transfer data to EA, or a successor contractor at the EA's option and written discretion, in a format agreed to by the parties. • Securely delete and destroy data.
Challenges to Data Accuracy	Parents, teachers or principals who seek to challenge the accuracy of PII will do so by contacting the EA. If a correction to data is deemed necessary, the EA will notify Contractor. Contractor agrees to facilitate such corrections within 21 days of receiving the EA's written request.
Secure Storage and Data Security	Please describe where PII will be stored and the protections taken to ensure PII will be protected: (check all that apply) <input checked="" type="checkbox"/> Using a cloud or infrastructure owned and hosted by a third party. <input type="checkbox"/> Using Contractor owned and hosted solution <input checked="" type="checkbox"/> Other: Hard copies will be locked in a file cabinet located in home office. Please describe how data security and privacy risks will be mitigated in a manner that does not compromise the security of the data: S2P has adopted technologies, safeguards and practices that align with the NIST Cybersecurity Framework to protect data while in motion or in its custody from unauthorized disclosure. S2P utilizes industry standards and best practices, including, but not limited to: encryption, firewalls, and password protection that must be in place when data is stored or transferred to prevent unauthorized breaches.
Encryption	Data will be encrypted while in motion and at rest.

CONTRACTOR'S DATA PRIVACY AND SECURITY PLAN

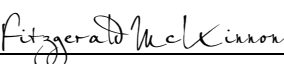
The Educational Agency (EA) is required to ensure that all contracts with a third-party contractor include a Data Security and Privacy Plan, pursuant to Education Law § 2-d and Section 121.6 of the Commissioner's Regulations. For every contract, the Contractor must complete the following or provide a plan that materially addresses its requirements, including alignment with the NIST Cybersecurity Framework, which is the standard for educational agency data privacy and security policies in New York state. **While this plan is not required to be posted to the EA's website, contractors should nevertheless ensure that they do not include information that could compromise the security of their data and data systems.**

1	Outline how you will implement applicable data security and privacy contract requirements over the life of the Contract.	Contractor will implement state and federal data security and privacy contract requirements for the duration of its contract by staying consistent with NIST Cybersecurity Framework standards.
2	Specify the administrative, operational and technical safeguards and practices that you have in place to protect PII.	Contractor will store educational data on secure equipment that is compliant with Encryption technology and compliant with password policies.
3	Address the training received by your employees and any subcontractors engaged in the provision of services under the Contract on the federal and state laws that govern the confidentiality of PII.	All Contractor personnel, volunteers, interns, and contractors with access to the BOCES information systems and/or information must complete data privacy and security awareness training on an annual basis.
4	Outline contracting processes that ensure that your employees and any subcontractors are bound by written agreement to the requirements of the Contract, at a minimum.	Employees are required to receive training on relevant confidentiality laws, and complete BOCES data privacy and security awareness training before accessing PII.
5	Specify how you will manage any data security and privacy incidents that implicate PII and describe any specific plans you have in place to identify breaches and/or unauthorized disclosures, and to meet your obligations to report incidents to the EA.	The Contractor will notify BOCES in the most expedient way possible and without unreasonable delay but no more than 7 calendar days after the discovery of such breach. Also, cooperate with BOCES and law enforcement to protect the integrity of investigations into the breach or unauthorized release of PII.
6	Describe how data will be transitioned to the EA when no longer needed by you to meet your contractual obligations, if applicable.	Contractor will transition data by secure transmission to BOCES when the contract ends or is terminated.
7	Describe your secure destruction practices and how certification will be provided to the EA.	Contractor will provide BOCES with its Data Privacy and Security Plan and also sign BOCES Security Policies for Contractors.
8	Outline how your data security and privacy program/practices align with the EA's applicable policies.	Contractor has adopted technologies, safeguards and practices that align with the NIST Cybersecurity Framework to protect data while in motion or from unauthorized breaches.
9	Outline how your data security and privacy program/practices materially align with the NIST CSF v1.1	The Family Educational Rights and Privacy Act ("FERPA"), the Health Insurance Portability and Accountability Act of 1996 and Part 121 of the Regulations of the Commissioner of Education

Western Suffolk BOCES Education Law §2-d Bill of Rights for Data Privacy and Security

Parents (including legal guardians or persons in parental relationships) and Eligible Students (students 18 years and older) can expect the following:

1. A student's personally identifiable information (PII) cannot be sold or released for any Commercial or Marketing purpose. PII, as defined by Education Law § 2-d and the Family Educational Rights and Privacy Act ("FERPA"), includes direct identifiers such as a student's name or identification number, parent's name, or address; and indirect identifiers such as a student's date of birth, which when linked to or combined with other information can be used to distinguish or trace a student's identity. Please see FERPA's regulations at 34 CFR 99.3 for a more complete definition.
2. The right to inspect and review the complete contents of the student's education record stored or maintained by an educational agency. This right may not apply to Parents of an Eligible Student.
3. State and federal laws such as Education Law § 2-d; the Commissioner of Education's Regulations at 8 NYCRR Part 121, FERPA at 12 U.S.C. 1232g (34 CFR Part 99); Children's Online Privacy Protection Act ("COPPA") at 15 U.S.C. 6501-6502 (16 CFR Part 312); Protection of Pupil Rights Amendment ("PPRA") at 20 U.S.C. 1232h (34 CFR Part 98); and the Individuals with Disabilities Education Act ("IDEA") at 20 U.S.C. 1400 et seq. (34 CFR Part 300); protect the confidentiality of a student's identifiable information.
4. Safeguards associated with industry standards and best practices including, but not limited to, encryption, firewalls and password protection must be in place when student PII is stored or transferred.
5. A complete list of all student data elements collected by NYSED is available at www.nysed.gov/data-privacy-security/student-data-inventory and by writing to: Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234.
6. The right to have complaints about possible breaches and unauthorized disclosures of PII addressed. (i) Complaints should be submitted to: dpo@wsboces.org. (ii) Complaints may also be submitted to the NYS Education Department at www.nysed.gov/data-privacy-security/report-improper-disclosure, by mail to: Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234; by email to privacy@nysed.gov; or by telephone at 518-474-0937.
7. To be notified in accordance with applicable laws and regulations if a breach or unauthorized release of PII occurs.
8. Educational agency workers that handle PII will receive training on applicable state and federal laws, policies, and safeguards associated with industry standards and best practices that protect PII.
9. Educational agency contracts with vendors that receive PII will address statutory and regulatory data privacy and security requirements.

CONTRACTOR	
[Signature]	
[Printed Name]	Fitzgerald McKinnon
[Title]	Founder, CEO
Date:	06/12/2022

January 13, 2022



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