

**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).

<b>Name of Contractor</b>	MKSA LLC
<b>PII Declaration</b>	<p><b>Does your organization/software collect student personally identifiable information (PII) or staff PII?</b></p> <p>Examples of student PII:</p> <ul style="list-style-type: none"> <li>a. The student’s name;</li> <li>b. The name of the student’s parent or other family members;</li> <li>c. The address of the student or student’s family;</li> <li>d. A personal identifier, such as the student’s social security number, student number, or biometric record;</li> <li>e. Other indirect identifiers, such as the student’s date of birth, place of birth, and Mother’s Maiden Name;</li> </ul> <p>Examples of staff APPR PII:</p> <ul style="list-style-type: none"> <li>a. Teacher ID</li> <li>b. Name</li> <li>c. Birthdate</li> <li>d. Gender</li> <li>e. Race</li> <li>f. Salary</li> </ul> <p><input type="checkbox"/> <b>IF YOUR ORGANIZATION/SOFTWARE DOES NOT COLLECT PII, CHECK THIS BOX AND SKIP TO THE BOTTOM, SIGN AND SUBMIT.</b></p> <p>If you collect the PII information above, please complete the remainder of this form.</p>
<b>Description of the purpose(s) for which Contractor will receive/access PII</b>	Collection of Student PII is used for conducting evaluations for the purpose of assisting in the determination of services by the CSE. These include consents and Rxs to meet Medicaid requirements. IEPs and any data necessary for the delivery of services.
<b>Type of PII that Contractor will receive/access</b>	<p>Check all that apply:</p> <p><input checked="" type="checkbox"/> Student PII</p> <p><input type="checkbox"/> APPR PII</p>

<b>Contract Term</b>	Contract Start Date <u>07/01/2022</u> Contract End Date <u>06/30/2023</u>
<b>Subcontractor Written Agreement Requirement</b>	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 type="checkbox"/> Contractor will not utilize subcontractors. <input checked="" type="checkbox"/> Contractor will utilize subcontractors.
<b>Data Transition and Secure Destruction</b>	Upon expiration or termination of the Contract, Contractor shall:  • 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.
<b>Challenges to Data Accuracy</b>	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.
<b>Secure Storage and Data Security</b>	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 checked="" type="checkbox"/> Using Contractor owned and hosted solution <input checked="" type="checkbox"/> Other: Hard copies of student's records are kept on site in a locked file room for 2 years after services by MKSA have ended. At which time records are transported by courier to a securestorage facility.  Please describe how data security and privacy risks will be mitigated in a manner that does not compromise the security of the data:  electronic data is stored on a company server, backed up daily to the cloud. An outside IT firm has been brought in to move all staff from remote access to company laptops with more security and protection. MKSA electronics will get monitored regularly for additional security protection.
<b>Encryption</b>	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.	Upon termination of this agreement, all the data received by this service provider will be destroyed by shredding at the conclusion of the student turning 21 years of age.
2	Specify the administrative, operational and technical safeguards and practices that you have in place to protect PII.	Locked file room on premis for hard copy files of the students. Daily back up, storage on the cloud and a managed cloud based service.
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.	Both employees and contracted staff are given regular trainings on confidentiality policies and procedures that align with HIPPA and FERPA.
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.	All admin staff are trained on cnfidentiality policies/procedures. Service providers undergo regular training as well as sign a contract with the agency outlining their rolesand responsibilities as it relates to subcontracting with MKSA
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.	All electronic information is protected by antivirus and firewalls. A third party IT firm monitors all activity and alerts individuals of any potential breach or unauthorized activity. If student information should be at risk, the district will be notified immediately with the details.
6	Describe how data will be transitioned to the EA when no longer needed by you to meet your contractual obligations, if applicable.	No data other than student demographics is kept electronically at this time. All IEP updates are done on the district's database and all written reports are either mailed or uploaded
7	Describe your secure destruction practices and how certification will be provided to the EA.	A hired document shredding company comes to our site and shreds any records we have deemed permanently closed. A certificate of destructin is provided for those records.
8	Outline how your data security and privacy program/practices align with the EA's applicable policies.	Our data security and privacy program/practices have met the requirements under both HIPPA and FERPA and reviewed during DOH and SED audits
9	Outline how your data security and privacy program/practices materially align with the NIST CSF v1.1	MKSA has recently hired an outside IT company (Think Tech) to help align our practices with the CSF as we expand our scope of services and locations

## 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](http://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](mailto:dpo@wsboces.org). (ii) Complaints may also be submitted to the NYS Education Department at [www.nysed.gov/data-privacy-security/report-improper-disclosure](http://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](mailto: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]	AnnMarie Vigliotti
[Title]	Executive Director
Date:	03/31/2022

January 13, 2022



PDFfiller Document ID: 4669-39DB-4042-0004