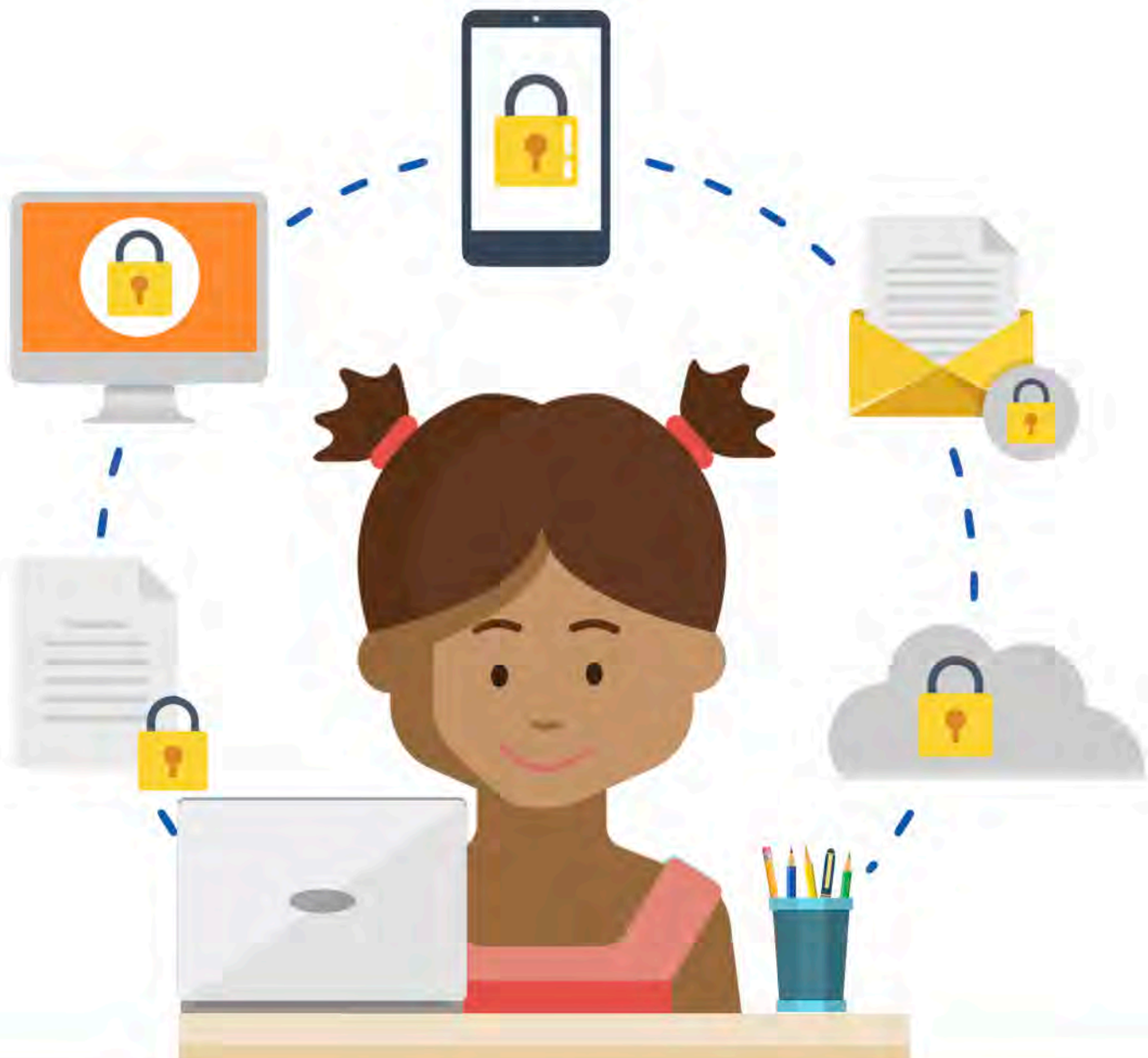
PROPOSED PART 121
OF THE COMMISSIONER'S REGULATIONS

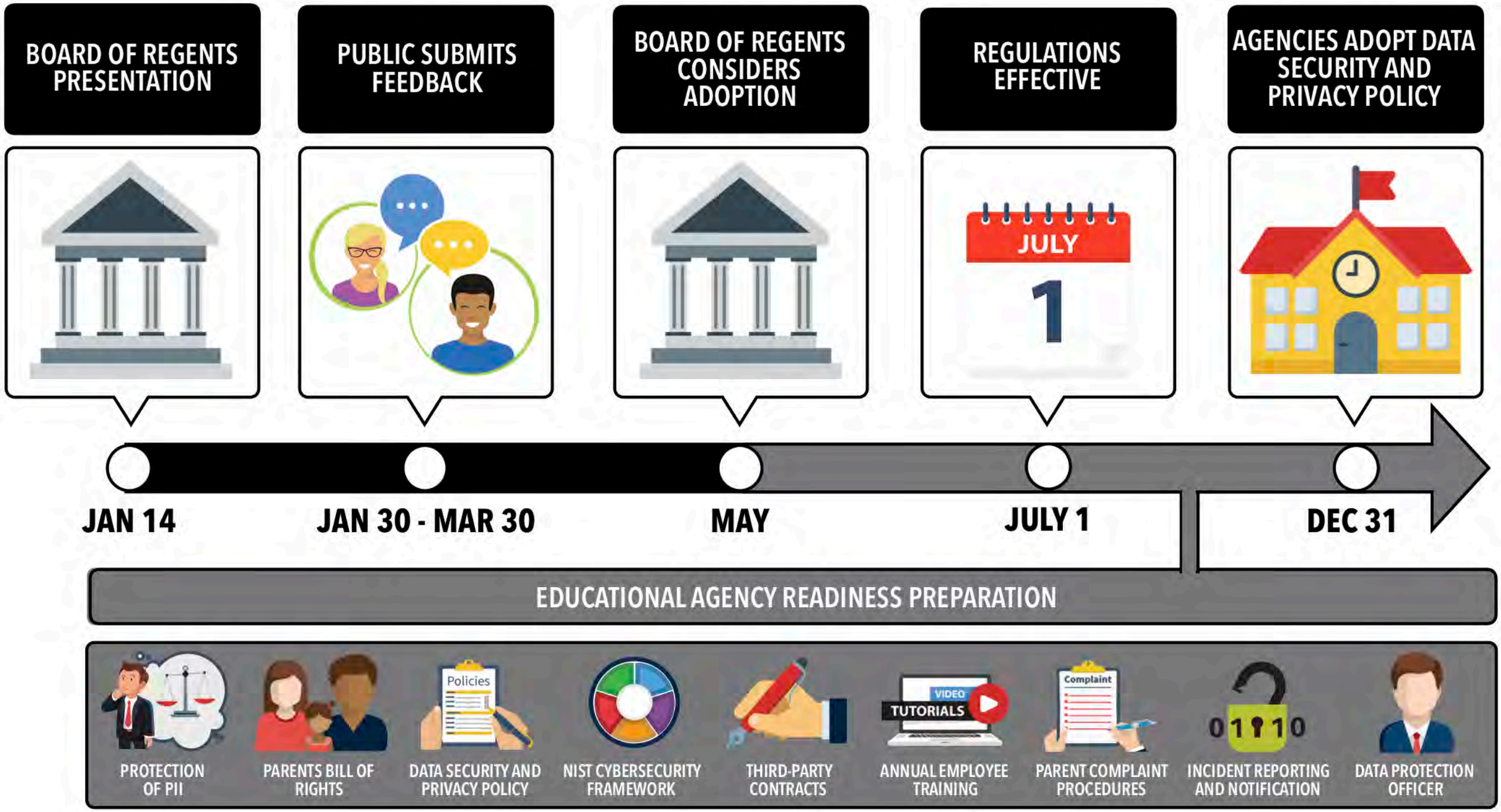


IMPLEMENTING EDUCATION LAW 2-D

FEBRUARY 2019

TENTATIVE TIMELINE

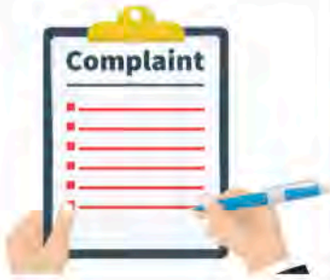
ADOPTION OF REGULATIONS AND COMPLIANCE ROADMAP



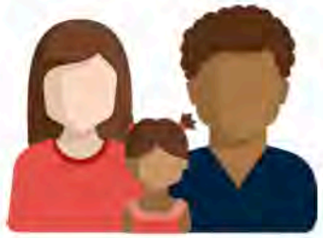
REQUIREMENTS
FOR EDUCATIONAL AGENCIES

PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION (PII)

NIST CYBERSECURITY FRAMEWORK



PARENT COMPLAINT PROCEDURES



PARENTS BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY

THIRD-PARTY CONTRACTS

INCIDENT REPORTING AND NOTIFICATION

DATA SECURITY AND PRIVACY POLICY

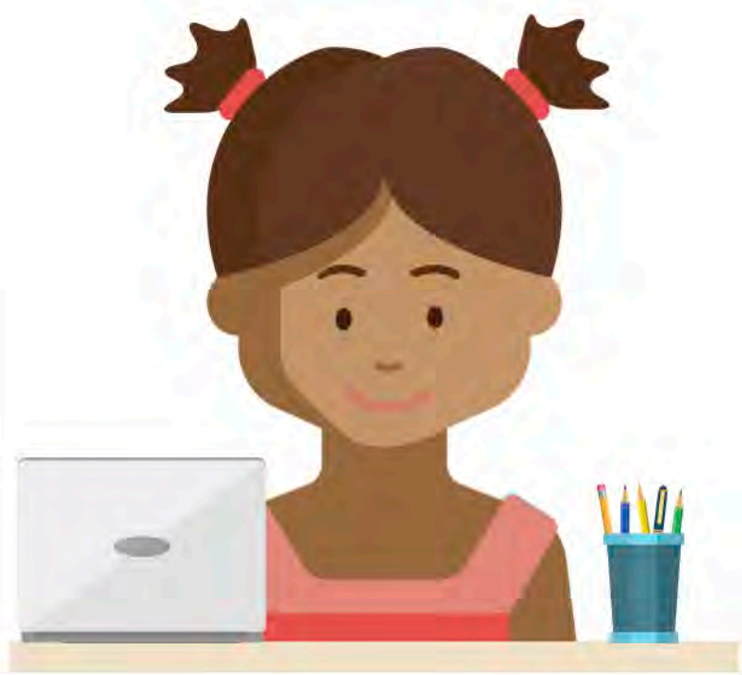
ANNUAL EMPLOYEE TRAINING

DATA PROTECTION OFFICER

PROTECTION OF PII

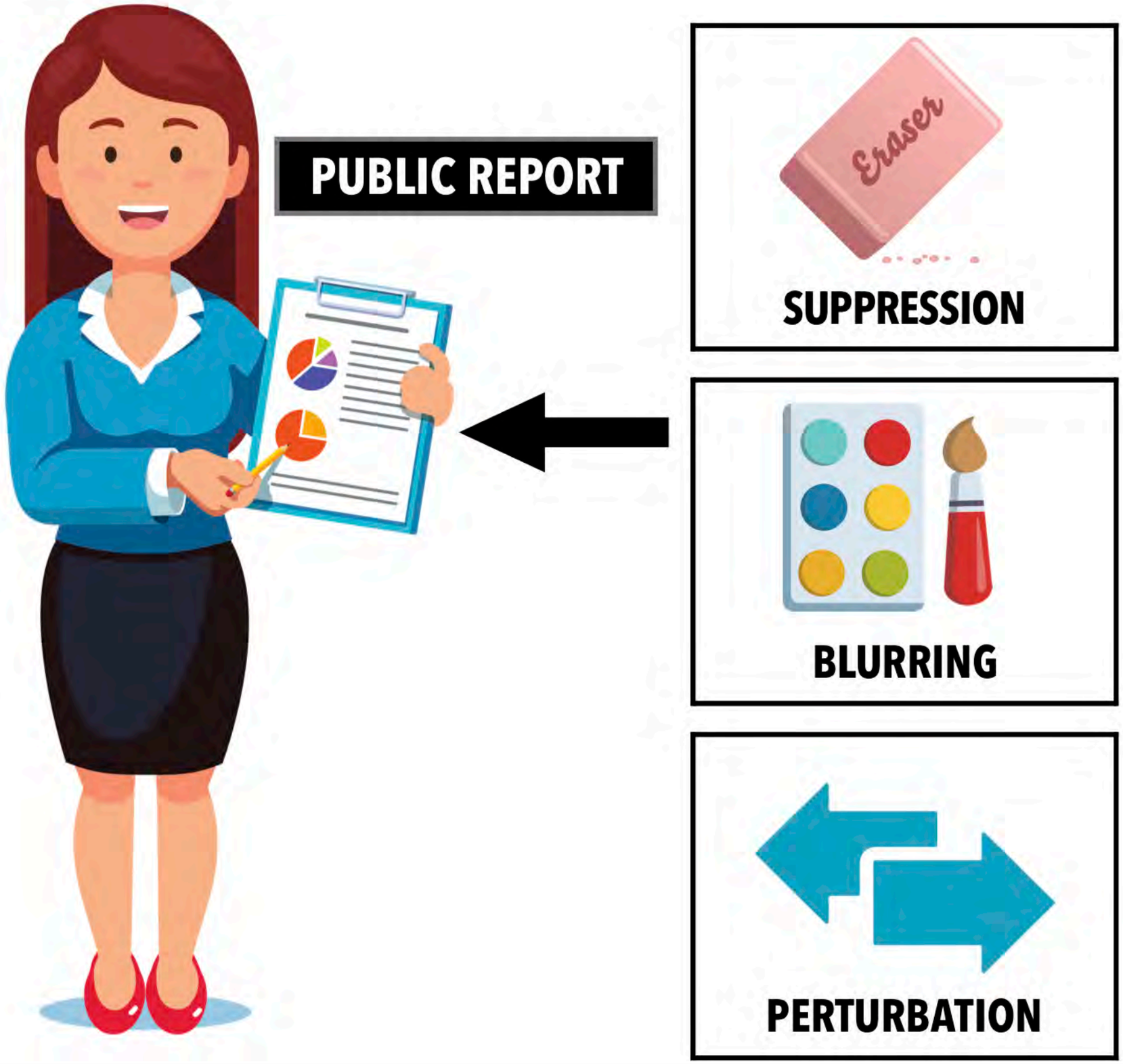
BENEFIT ANALYSIS

STUDENT



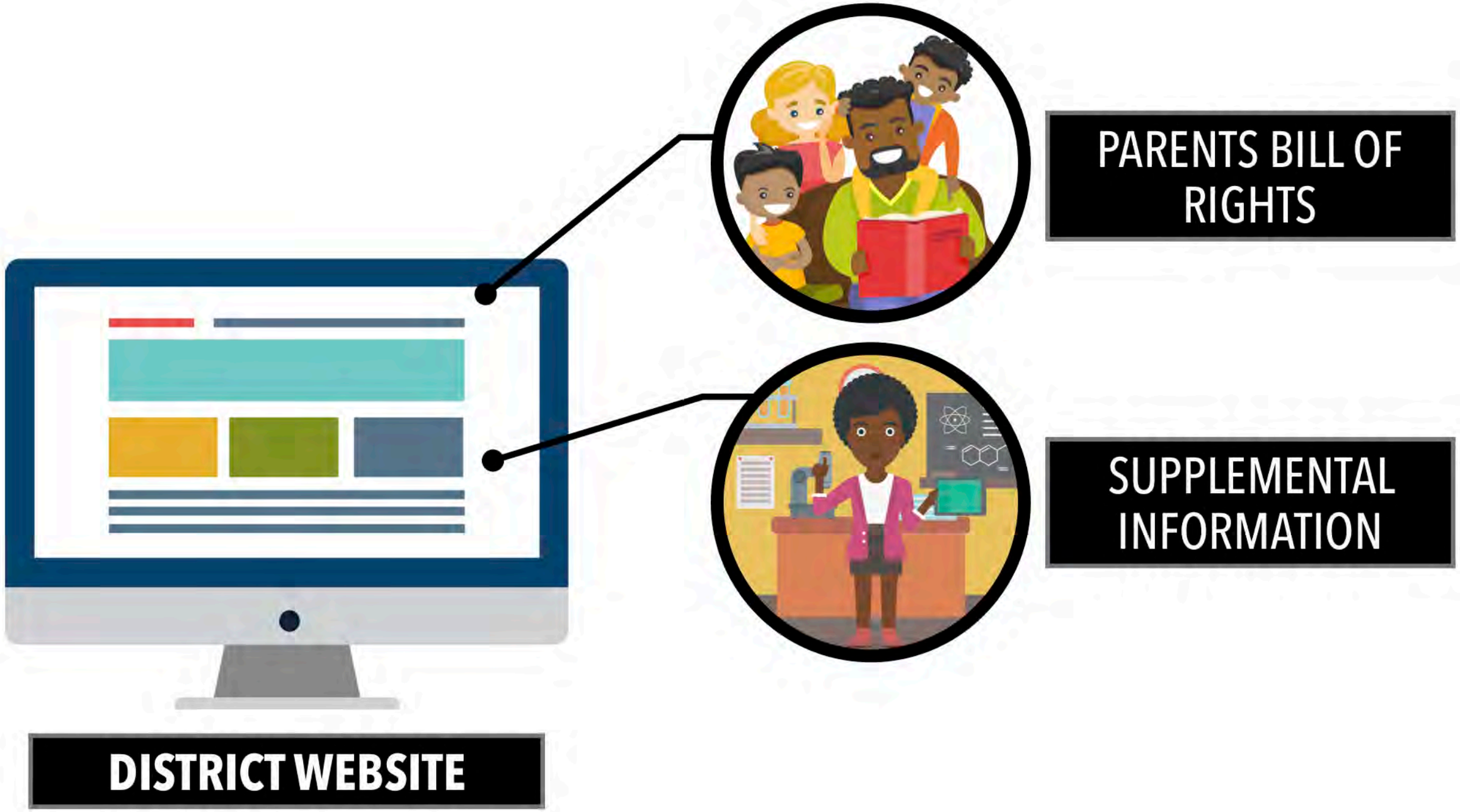
EDUCATIONAL AGENCY

PROTECTION OF PII



PARENTS BILL OF RIGHTS

COMPONENTS



PARENTS BILL OF RIGHTS

REQUIRED ELEMENTS

STUDENT PII WILL **NOT** BE **SOLD** OR USED FOR COMMERCIAL PURPOSES

PARENTS HAVE THE RIGHT TO **REVIEW** THEIR **CHILD'S** EDUCATION **RECORD**

DATA IS **PROTECTED** BY LAW AND SAFEGUARDS MUST BE IN PLACE

ACCESS TO A LISTING OF **NYSED COLLECTED DATA ELEMENTS**

PARENTS HAVE THE RIGHT TO HAVE **BREACH COMPLAINTS ADDRESSED**

THIRD PARTY CONTRACTS INFORMATION

PARENTS BILL OF RIGHTS

SUPPLEMENTAL INFORMATION ABOUT THIRD PARTY CONTRACTORS

EXCLUSIVE **PURPOSES** FOR DATA USE

OVERSIGHT OF **SUBCONTRACTORS**

CONTRACT DURATION AND **DATA DISPOSAL**

DATA ACCURACY / CORRECTION PRACTICES

SECURITY PROTECTIONS AND DATA LOCATION

ENCRYPTION PRACTICES

DATA SECURITY AND PRIVACY POLICY

NIST CSF ALIGNED PRACTICES

DATA GOVERNANCE

DISCLOSURE AVOIDANCE

STATE AND FEDERAL LAWS

DATA PROTECTION OFFICER

ANNUAL EMPLOYEE TRAINING

PARENT COMPLAINT PROCEDURES

INCIDENT REPORTING AND NOTIFICATION

DATA SECURITY AND PRIVACY POLICY

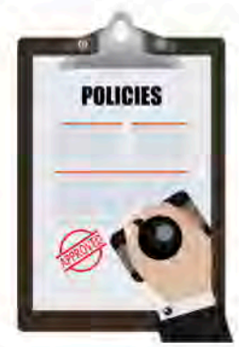
NYSED MODEL POLICY AVAILABLE

MAY 2019

LOCAL MODEL POLICIES AVAILABLE

MAY 2019

EDUCATIONAL AGENCY ADOPTS DATA SECURITY AND PRIVACY POLICY



BY DEC 31, 2019

POLICY IS POSTED ON WEBSITE AND NOTICE PROVIDED TO OFFICERS AND EMPLOYEES

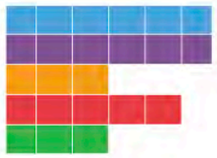
BY DEC 31, 2019

DATA PROTECTION OFFICER MONITORS COMPLIANCE

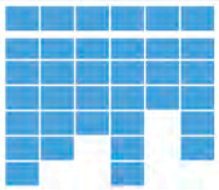
ONGOING

NIST CYBERSECURITY FRAMEWORK

5 FUNCTIONS



~20 CATEGORIES



~100 SUBCATEGORIES

NIST CYBERSECURITY FRAMEWORK

TARGET **PROFILE**

STATEWIDE PROFILE

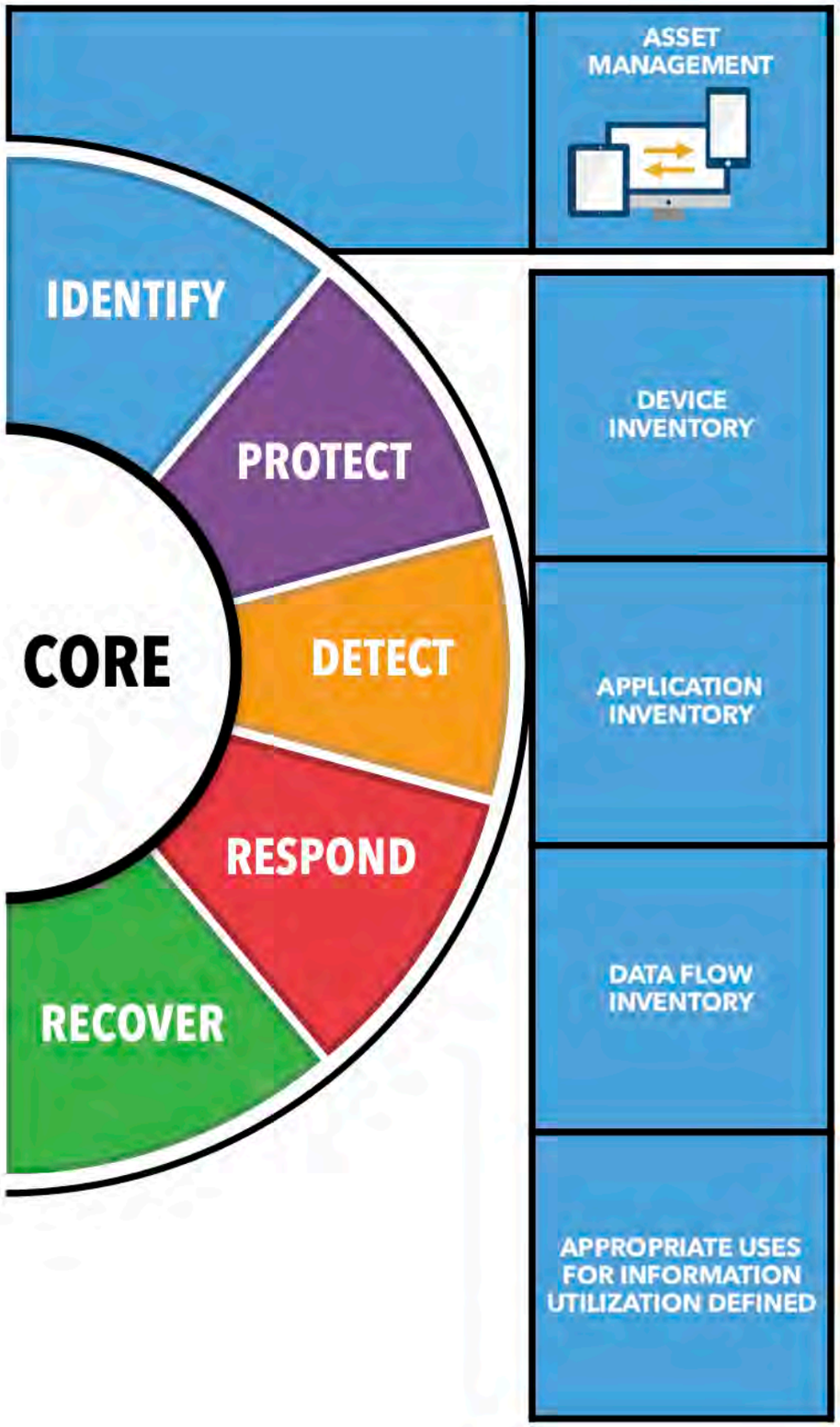
CURRENT **PROFILE**

DISTRICT CURRENT PROFILE

ACTION **PLAN**

DISTRICT IMPROVEMENT PLAN

NIST CYBERSECURITY FRAMEWORK

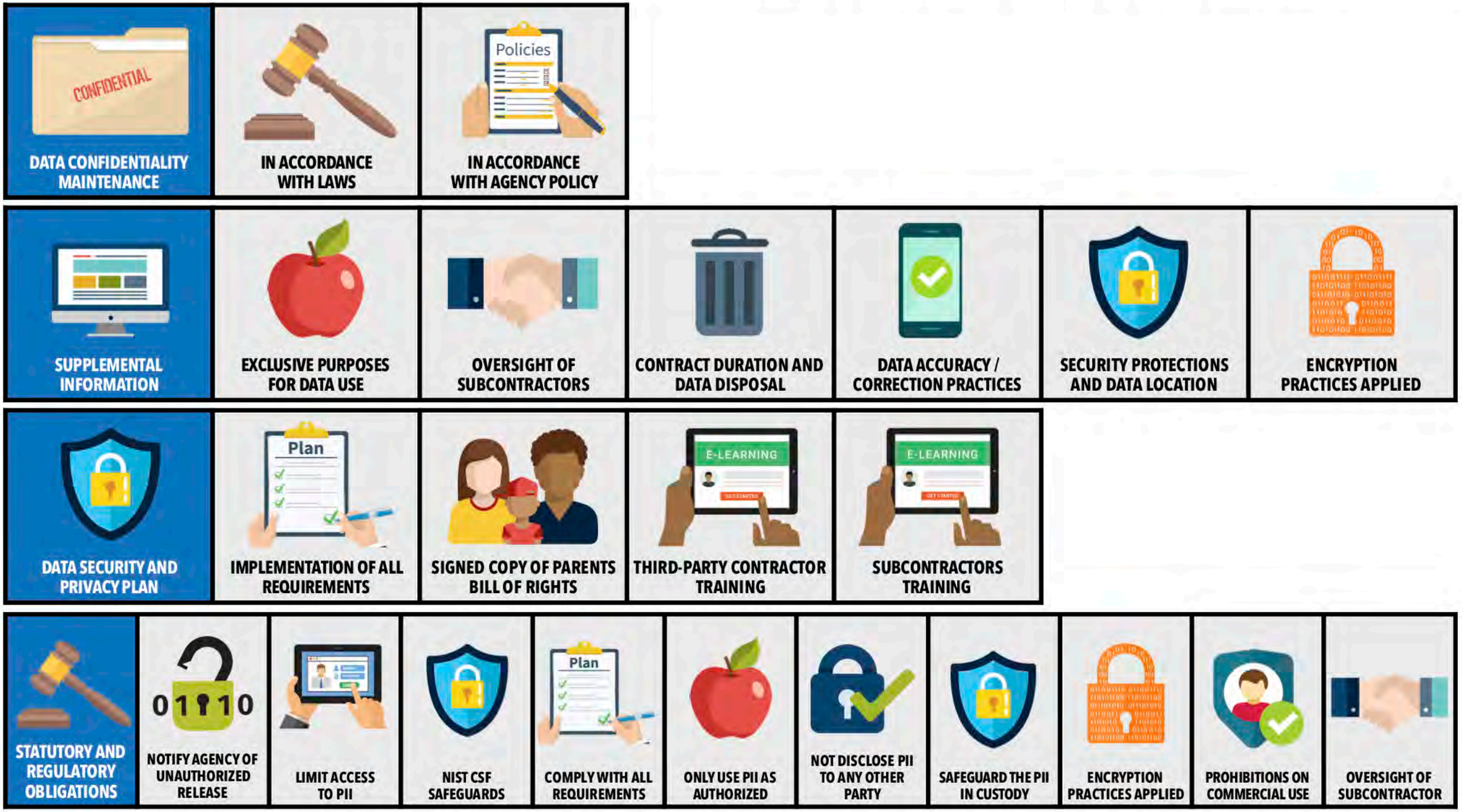


LEVEL	LEVEL DESCRIPTION	TARGET	CURRENT	GAP	ACTION PLANS
1	No Inventory			1	The Technology Coordinator will input all devices into Q Ware.
2	Partial Inventory		X		
3	Complete Inventory	X			
4	Automated Inventory				

The Current Profile / Action Plan diagram above illustrates the process at a high level. State and district tools and plans will include additional information and formatting will vary as this diagram hybrids different tools into one view.

THIRD-PARTY CONTRACTS

OVERVIEW OF REQUIREMENTS RELATED TO THIRD-PARTY CONTRACTORS



THIRD-PARTY CONTRACTS

RIC (BOCES) **SERVICES**

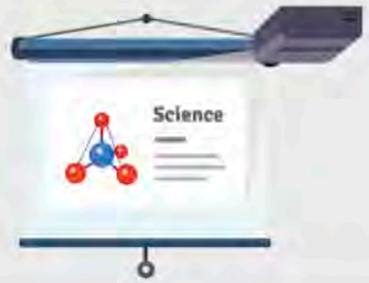
DIRECT RELATIONSHIPS WITH SOFTWARE VENDORS

CLICKWRAP AGREEMENTS

OTHER CONTRACTORS WITH PII ACCESS

DISTRICTWIDE USE

CLASSROOM USE



ANNUAL EMPLOYEE TRAINING

TECHNICAL

TECHNICAL FOCUS

PROCEDURAL

PEOPLE FOCUS

ANNUAL TRAINING

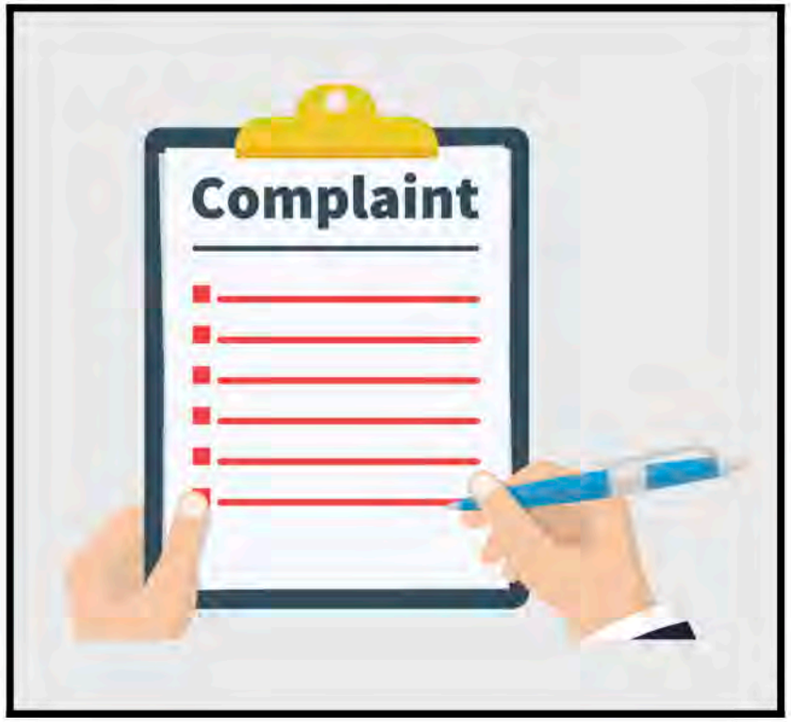
STATE AND FEDERAL LAWS

DISTRICT PROCEDURES

SECURITY AWARENESS

PARENT COMPLAINT PROCEDURES

PARENT COMPLAINTS SUBMISSION PROCEDURE



PROCEDURES TO SUPPORT PARENTS SUBMISSION OF COMPLAINTS OF BREACH AND UNAUTHORIZED RELEASE OF PII

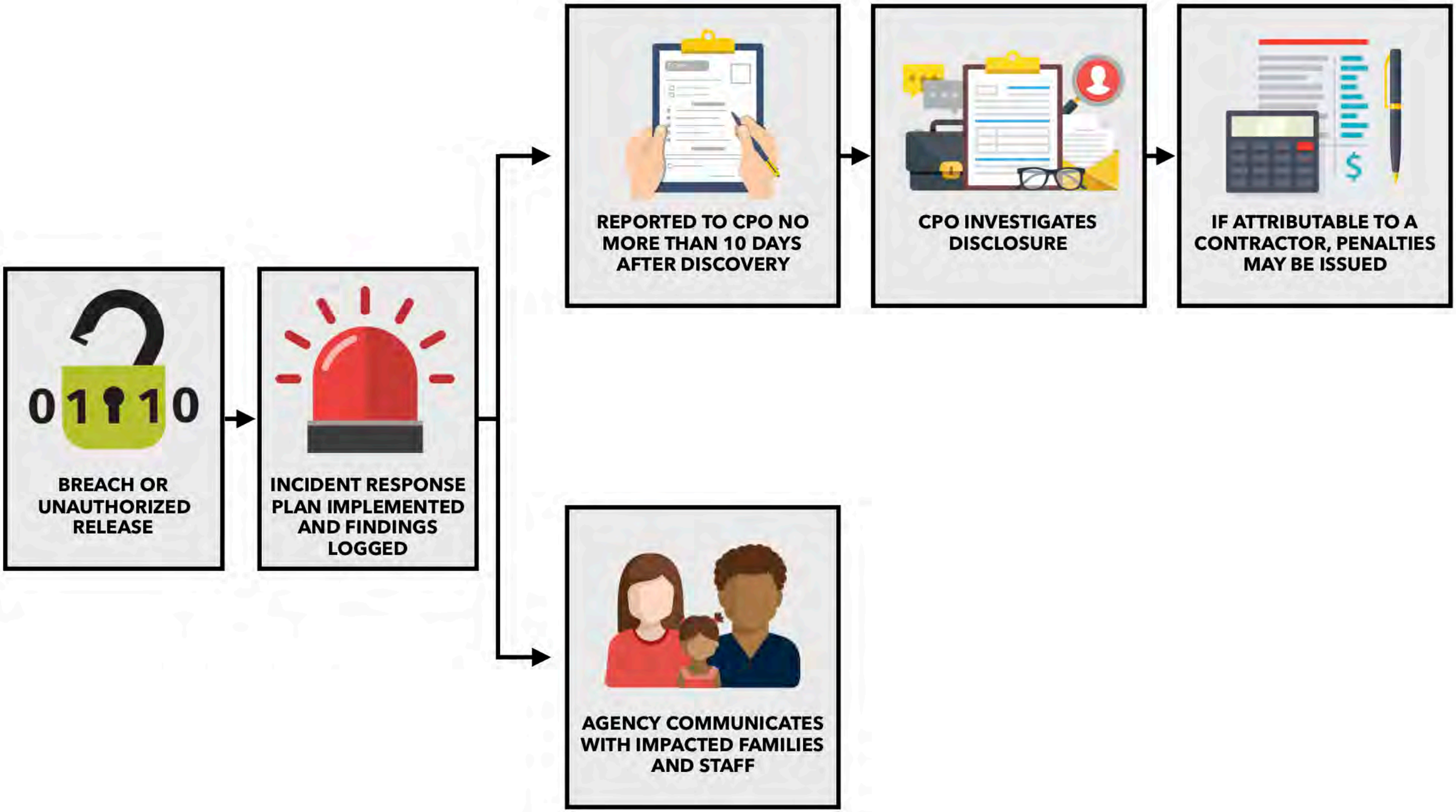
DISTRICT INVESTIGATION AND NOTIFICATION PROCEDURE

PROCEDURES TO SUPPORT THE INVESTIGATION OF COMPLAINTS AND THE COMMUNICATION OF FINDINGS WITHIN 30 CALENDAR DAYS

DISTRICT MAINTENANCE OF RELATED RECORDS

PROCEDURES TO SUPPORT RECORD RETENTION OF ALL COMPLAINTS AND THEIR DISPOSITION

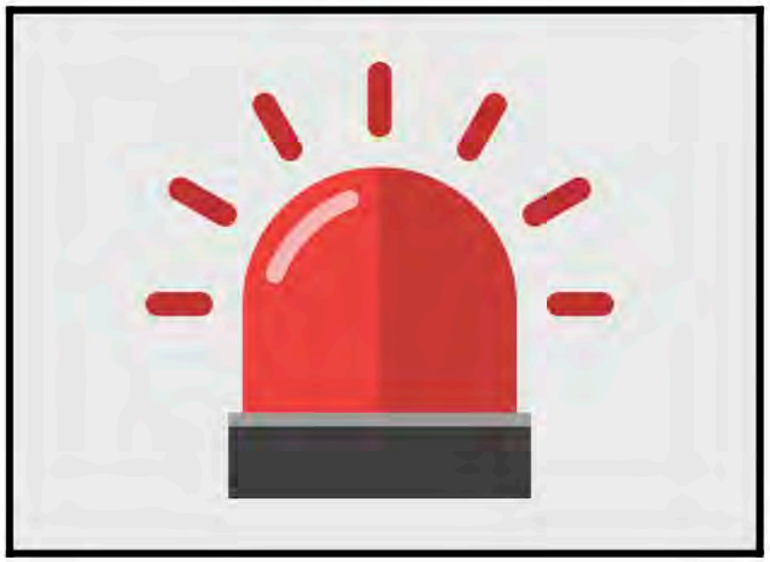
INCIDENT REPORTING AND NOTIFICATION



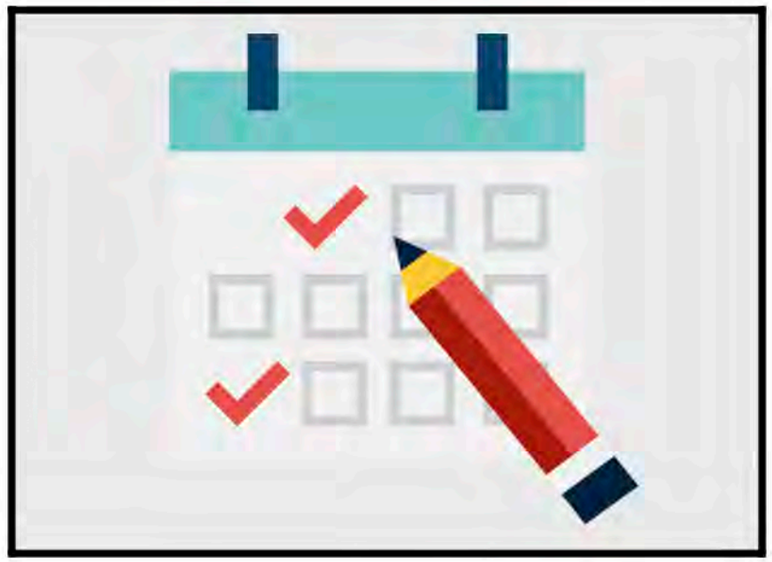
INCIDENT REPORTING AND NOTIFICATION

NOTIFY IMPACTED FAMILIES NO MORE THAN 14 DAYS AFTER DISCOVERY

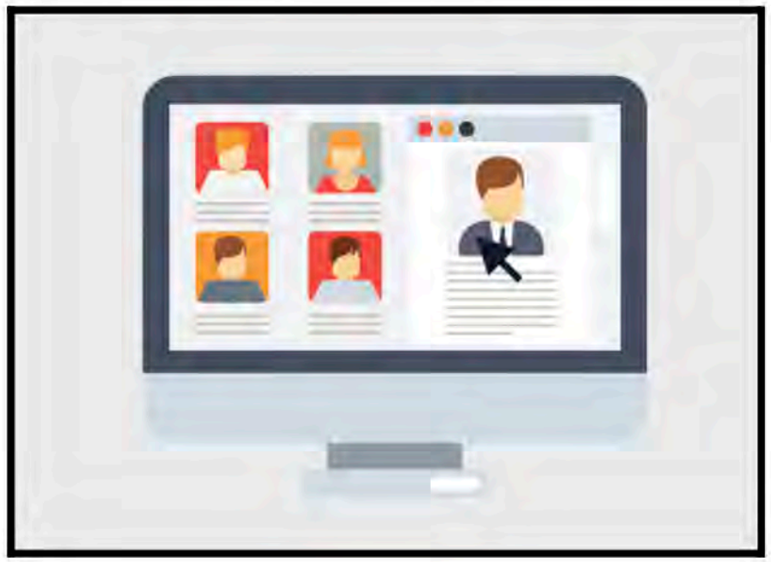
DESCRIPTION OF INCIDENT



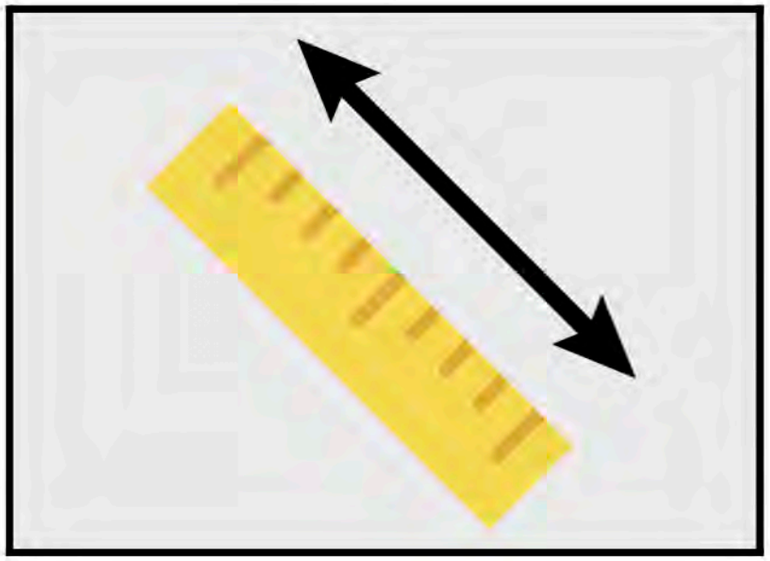
DATE OF INCIDENT AND DISCOVERY



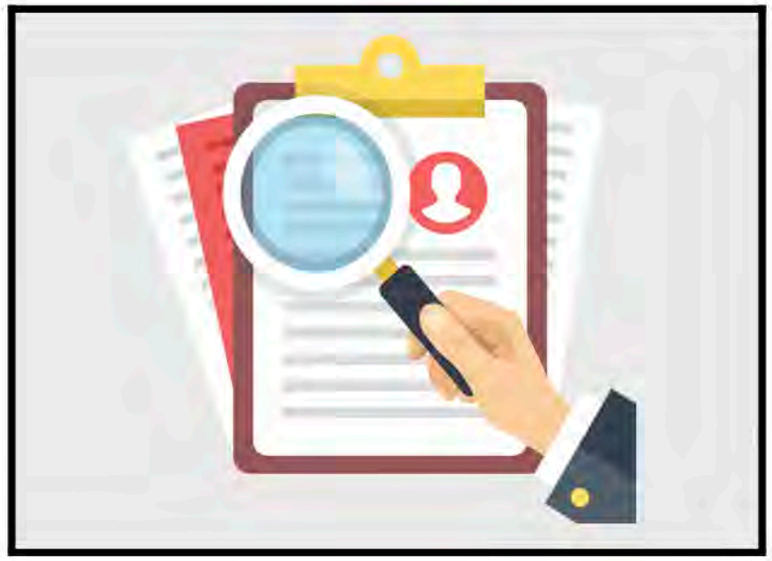
TYPE OF PII AFFECTED



NUMBER OF RECORDS AFFECTED



DESCRIPTION OF INVESTIGATION



CONTACT PERSON

DATA PROTECTION OFFICER

DATA PROTECTION OFFICER

COMPLIANCE MANAGEMENT

- LEADERSHIP SKILLS
- COMMUNICATION SKILLS
- PROJECT MANAGEMENT SKILLS
- MANAGES PRIORITIES JUDICIOUSLY

COMMUNICATION

- ADMINISTRATION
- BOARD OF EDUCATION
- DATA AND IT LEADERS
- PARENTS

STRATEGIC PLANNING

- UNDERSTANDS DISTRICT GOALS
- MANAGES PRIORITIES JUDICIOUSLY
- PROJECT MANAGEMENT SKILLS

PROTECTION OF PII

- EDUCATION EXPERIENCE
- DATA AND IT KNOWLEDGE
- SECURITY KNOWLEDGE
- TEAM-ORIENTED

QUESTIONS