

<p>POLICY MANUAL</p> 	<p><b>Page 1 of 15</b></p>	<p><b>Policy #: _____</b></p>
	<p><b>DEPARTMENT:</b> <u>Hawthorne Country Day School</u></p>	
	<p>Subject: Part 121 Parents Privacy Rights / FERPA</p>	
<p><b>Approved By: Board of Directors</b></p>		<p><b>Date: 6/17/2020</b></p>
<p><b>Reviewed/Revised By:</b></p>		<p><b>Date:</b></p>

### **Data Security and Privacy Policy**

The following policies are adopted by Hawthorne Foundation Inc., doing business as Hawthorne Country Day School (“HCDS”) in compliance with Education Law Section 2-d and Part 121 of Subchapter E of Title 8 of the New York Code of Rules and Regulations (“NYCRR”). These policies will be published on HCDS’s website.

1. Pursuant to 8 NYCRR 121.3:

A. HCDS has adopted the Parents Bill of Rights for Student Data Privacy and Security (the “Bill of Rights”) as set forth in Attachment A and the *School Notification of Rights under FERPA for Elementary and Secondary Schools* (the “FERPA Rights Notice”) as set forth in Attachment B. The Bill of Rights and FERPA Rights Notice will be published on HCDS’s website.

B. The Bill of Rights shall be included with all contracts HCDS enters into with a third-party contractor that receives students’ personally identifiable information (“PII”).

D. The Bill of Rights, as posted on HCDS’s website, will have links to supplemental information for each third-party contract as required by 8 NYCRR 121.3 (c), as same may be amended from time to time.

E. HCDS has adopted as the supplement to the bill of rights the contract addendum set forth in Attachment C to this Policy. The addendum, or any alternative addendum covering the same matters which may be approved by the Board in connection with the approval of any particular third-party agreement, will be included in any third-party agreement entered into by HCDS with a vendor that will have access to will receive student data or teacher or principal data. HCDS will publish this supplement on its website, together with any alternative addendum that may be approved by the Board in connection with the approval of any particular third-party agreement. HCDS will provide access on its website to a list of its third-party contractors (“Vendors”) who have access to student data or teacher or principal data.

2. Pursuant to 8 NYCRR 121.4, HCDS has adopted the Complaint Procedure for Breach or Unauthorized Release of Data set forth in Attachment D to this Policy. HCDS will communicate this procedure by publishing it on its website, and will provide copies to parents, eligible students, teachers, principals or other staff on request.

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3. As required by 8 NYCRR 121.5:

A. HCDS will adhere to the data security and privacy standard set forth in 8 NYCRR 121.5.

(i) Information on the standard adopted under 121.5 (a) can be found at:

<https://www.nist.gov/cyberframework>

(ii) It is HCDS’s policy to keep all paper records in the classrooms and offices in locked file cabinets when not in use. Digital records are stored on secure servers.

(iii) Access to all PII is restricted to staff who have a valid need for this information for educational, statistical or billing purposes.

B. HCDS has adopted this Data Security and Privacy Policy and will:

(i) publish this policy on its website, and

(ii) provide notice of this policy to all its officers and employees.

C. It is HCDS’s policy that:

(i) every use and disclosure of PII by HCDS shall benefit students and HCDS (*e.g.*, improve academic achievement, empower parents and students with information, and/or advance efficient and effective school operations).

(ii) PII shall not be included in public reports or other documents.

(iii) all the protections afforded to parents or eligible students, where applicable, under FERPA and the Individuals with Disabilities Education Act (20 U.S.C. 1400 *et seq.*), and the Federal regulations implementing such statutes are included in this policy. HCDS will notify parents and eligible students annually of their rights under FERPA.

4. HCDS has created the position of Data Protection Officer to fulfill the responsibilities set forth in 8 NYCRR 121.8. The Data Protection Officer shall be an employee of HCDS and may perform this function in addition to other job responsibilities. The person to fill the position of Data Protection Officer shall be appointed and may be removed by the Executive Director. Contact information for the Data Protection Officer will be posted on HCDS’s website.

5. Procedural Safeguards.

A. HCDS has provided a link on its website to the most current version of Part B of the New York State Education Department Procedural Safeguards Notice (the “SED Safeguards Notice”): <http://www.p12.nysed.gov/specialed/formsnotices/psgn/psgn713.htm>

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B. The SED Safeguards Notice is incorporated by reference into this policy. HCDS will provide a copy of the SED Safeguards Notice to each parent as provided in the SED Safeguards Notice.

6. Regulations. A link to the New York State Education Department website page where you may obtain a copy of Part 121 of the Regulations of the Commissioner of Education is provided here:

<http://www.nysed.gov/data-privacy-security/regulations-strengthen-data-privacy-and-security>

#### Complaint Procedure for Breach or Unauthorized Release of Data

HCDS requires any complaint concerning a data breach or unauthorized release of data to be submitted in writing to the attention of the HCDS Data Privacy Officer. The complaint may be made by any (i) parent, (ii) eligible student, (iii) teacher, principal or other staff member of HCDS (the “Informant”).

HCDS will promptly acknowledge receipt of the complaint, commence an investigation, and take the necessary precautions to protect personally identifiable information.

Following its investigation of a submitted complaint, HCDS shall provide the Informant with its findings within a reasonable period but no more than 60 calendar days from the receipt of the complaint by HCDS. Where HCDS requires additional time, or where the response may compromise security or impede a law enforcement investigation, HCDS shall provide the Informant with a written explanation that includes the approximate date when the HCDS anticipates that it will respond to the complaint.

The HCDS Data Privacy Officer may be contacted by mail at: Data Privacy Officer, Hawthorne Foundation Inc., 5 Bradhurst Avenue, Hawthorne, NY 10532 or by email at:

[privacy@hawthornecountrydayschool.org](mailto:privacy@hawthornecountrydayschool.org).