

May 27, 2025

Cc: Katie Jedrlinic, DOE Senior Executive Director for Policy and Advocacy
Dennis Doyle, DOE Chief Privacy Officer
Greg Faulkner, Chair, Panel for Educational Policy

Dear Chancellor Aviles-Ramos:

Thank you for appointing a Data Privacy Working Group with the goal of ensuring that the revisions to Chancellor's regulation A-820 adequately protect NYC students' privacy and safety. While this Working Group has made some progress in strengthening this proposed regulation, the amendments posted for a May 28 vote by the Panel for Educational Policy remain too risky and need further strengthening, particularly as they relate to the broad category of sensitive student data designated as Directory Information that could be widely disclosed without parental consent.

That category is not mentioned in existing Chancellor's Regulations, nor in the state student privacy law, and we believe that allowing the sharing of such a potentially broad range of sensitive personal student information with only an unreliable parent opt-out method would seriously jeopardize student safety and privacy.

According to the proposed regulations, NYC Public School officials, as well as individual schools, could share a wide range of sensitive student information with any company, individual or organization they believe would benefit the Department of Education or individual students.

Within the school community, schools could disclose the names, telephone numbers, emails, and addresses of both students and parents, as well as student photographs, grade levels, enrollment status, schools attended, dates of enrollment, and information about their honors, degrees, awards, participation in sports and activities and the weight and height of team members with anyone they please, as long as they deem it beneficial.

Outside the school community, DOE could share any of the personal information listed above and more, with no limits specified of the range of data that could be disclosed. The only information specifically prohibited from disclosure according to this proposal would be student OSIS and Social Security numbers, grades, test scores, daily attendance, race or ethnicity, special education or multilingual status and disciplinary history – categories barred from designation as Directory Information under FERPA.

Moreover, the proposal to allow such a broad range of student data to be characterized as directory information and shared more widely contradicts DOE's own [statement on its website](#) that ***"home addresses, telephone numbers" are "sensitive in nature" and that "As such, schools are strongly encouraged not to designate this information as directory information."***

The [NY Department of State](#) also warns against such disclosures, as identity theft of minors can occur with only a few items of personal data, such as a child's name and birthdate alone. Identity theft, they add, can damage children's prospects for years, and go undetected until adulthood:

“Child identity theft occurs when someone uses a minor’s personal information, such as name and birth date.... The damage caused by child identity theft can vary from a single fraudulent bill in collections to a foreclosed mortgage.”

Moreover, given the increased threat of deportation under President Trump, providing students’ photos, names, addresses and contact information to third parties is unacceptably risky, as this information could easily fall into the hands of ICE. It could also be used for sexual predation, “deep fake” porn harassment, or kidnapping scams.¹

In addition, we are concerned that if these regulations are adopted, detailed student information could be accessed by charter schools, who could use it to aggressively recruit students directly by phone or by email, as well as selectively target those who are academically high achieving, accomplished in the arts or in competitive athletics. As it is, New York City is the only school district in the nation that, to our knowledge, voluntarily makes any student information available to charter schools for recruitment purposes.

Though Directory Information is mentioned in the federal law FERPA, it is important to note that FERPA was passed in the 1970’s more than fifty years ago, when most student information was stored in file cabinets, and long before a vast amount of electronic data was collected, transmitted, redisclosed, hacked, and breached online. FERPA was also written decades before identity theft became widespread, and before it was relatively easy to put together individual bits of personal information, including biometric data, to identify, track, and harm students.

The one significant concession made so far by the DOE is that these disclosures would require a written agreement that would theoretically bar its further redisclosure, use for marketing or sale, with security protections required by the state student privacy law. Yet too often we have seen how even after written contracts are signed with established vendors, personal student data has been breached and/or misused for illegal purposes, with inadequate oversight and enforcement by the city or state.

While the DOE is theoretically offering parents the opportunity to opt out of these disclosures, it is likely that many will never become aware of their right to do so. We have heard from many parents, including members of the Working Group, that they were unaware of these rights in the few instances that DOE already discloses this information to outside organizations. The lack of adequate notification about their right to opt out and their ability to do so would likely be especially true of our most vulnerable immigrant families.² Even those parents who have opted out of charter

¹ See <https://www.aap.org/en/patient-care/media-and-children/center-of-excellence-on-social-media-and-youth-mental-health/qa-portal/qa-portal-library/qa-portal-library-questions/the-impact-of-deepfakes-synthetic-pornography--virtual-child-sexual-abuse-material>; <https://www.thorn.org/blog/deepfake-nudes-are-a-harmful-reality-for-youth-new-research-from-thorn/>

² While there are links to various opt out forms at the [bottom of a very long, detailed](#) DOE webpage with a variety of privacy information, the text on that page and on the various pages it links to with more specific information about how to opt out is only in English.

school mailings have reported that they are still barraged by these mailings and increasingly, phone calls as well.

We urge you to undo this radical weakening of Chancellor's regulation A-820 and to ensure that its privacy provisions are significantly strengthened before any vote of the PEP occurs, to ensure the safety, privacy and well-being of nearly one-million NYC public school children. At the very least, parental consent should be required before sharing such sensitive information with individuals, companies, or organizations that are not performing specific services for schools.

Yours sincerely,

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