

**MODEL NY STATE PARENTS' BILL OF RIGHTS  
FOR DATA SECURITY AND PRIVACY**

---

New York State's [Education Law Section 2-d](#) and its [regulations](#) provide parents and legal guardians with certain rights with regard to the disclosure of their children's personal data and education records.

New York parents of students in public schools, charter schools, certain Pre-K and non-public schools, [described here](#) have the following rights:

1. Personal data from their children's education records, whether held by the district, school, or a school vendor or other third party, cannot be sold. It cannot be used for any commercial or marketing purpose. This includes its use or disclosure for purposes of receiving payments, whether directly or indirectly; for advertising purposes; or to develop, improve or market products or services to students.
2. The District will limit access to students' personal data to only those vendors and other third parties who need access to it to provide contracted services for the purposes of benefiting students and the school or District, e.g., to improve academic achievement, empower parents and students with information, or advance efficient and effective school operations.
3. Every vendor and other third party provided with access to student personal information by the District or school shall have a contract or other written agreement with the District that contains rigorous and specific privacy and security protections. The District or school shall not allow access to personal student data by any vendor or other third party without such an agreement.
4. These contracts will limit access to the vendors or other third parties only to those specific data elements necessary to conduct the agreed upon services and will include a statement of the exclusive purposes for which the student data will be used. In all other cases, the District shall receive prior written consent from parents or eligible students.
5. Parents have the right to inspect and review the data and other contents of their children's education records whether held by the District, the school or the vendor or other third party, within 45 days upon request, and to challenge its accuracy if necessary. To exercise these rights, they should contact the NYC DOE Privacy Officer at [They have the right to inspect these records within 45 days](#).
6. A student's data must be protected using high standards and best practices. These practices at minimum should comply with NIST Cybersecurity Version 1.1, encryption of data in motion and at rest, firewalls, and password protection, which must be in place before any personal student data is stored or transferred.
7. The District and school shall take steps to minimize the collection, processing, and/or transmission of student personal data to vendors or other third parties and shall state the exclusive purposes for which the data will be used, as defined in the contract or other written agreement.
8. The District and school shall ensure in their contracts and agreements that the student data will be deleted by the vendor or other third party when it is no longer necessary for the contracted purposes, with a specific date provided for when the contract ends, as well as when students graduate or leave the District.

9. The District or school shall notify all affected parents in the most expedient way possible and no more than 60 calendar days after the discovery of a breach or unauthorized exposure of their children's personal data, unless this would interfere with an ongoing investigation by law enforcement or disclose an ongoing security vulnerability. If notification is delayed for these reasons, the District or school shall notify parents, within seven calendar days after the security vulnerability has been addressed or the risk of interference with the law enforcement investigation ends.
10. Parents have the right to file a privacy complaint concerning breaches or other forms or unauthorized disclosures of their children's personal data and have them addressed. They should first attempt to resolve the complaint with their school district, charter school, state approved private school. In NYC, complaints should be directed to [studentprivacy@schools.nyc.gov](mailto:studentprivacy@schools.nyc.gov)
11. Parents have the right to be informed in writing of the outcome of any investigation into their complaints in no more than 30 calendar days, unless the DOE needs more time to complete its investigation or if releasing the findings could compromise security or impede a law enforcement investigation. In this instance, DOE will provide parents with a written explanation that includes the approximate date when they will be provided with these findings.
12. If parents are unable to resolve the complaint at the school or district level, they may file a complaint with the New York State Education Department [online](#), by emailing [Privacy@nysed.gov](mailto:Privacy@nysed.gov) or by writing to: Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, New York 12234. They have the right to be informed of NYSED's findings within 30 calendar days as well, unless there are extenuating circumstances as cited above.
13. All school and District employees and officers with access to student personal information must receive annual training on all applicable federal and state privacy laws, regulations, and District's policies and safeguards in alignment with industry standards and best practices to protect the privacy and security of this information.
14. When the District or school engages a vendor or other third-party with access to student personal information, the vendor and any subcontractors must be obligated in writing to adhere to all State and Federal Laws to safeguard student privacy, and the information as to how this will be done must be incorporated into a supplement to the Parent Bill of Rights for each contract, to be posted on the District website as soon as the contract is finalized.
15. Parents can obtain a list of personal student data elements collected by the State at: <http://www.p12.nysed.gov/irs/sirs/documentation/NYSEDstudentData.xlsx> or by writing to: Office of Information & Reporting Services, New York State Education Department, Room 863 EBA, 89 Washington Avenue, Albany, New York 12234
16. Parents must receive an annual notice of their rights under federal and state law to protect your child's privacy, including any rights to opt out of the disclosure of their children's personal information, to inspect and review their children's data, and to challenge it if inaccurate, whether the data is held by the district or vendors, as well as how that can be accomplished.

17. A Parent Bill of Rights for each contract or written agreement with vendors or other third parties allowed access to personal student data shall include the following information and be posted on the district website:

- a) Which elements of personal student data elements will the contractor have access to, and for what purposes that data will be used;
- b) That the data will not be sold, or used for commercial or marketing purposes, including its use or disclosure in return for payments, whether directly or indirectly; for advertising purposes, or to develop, improve or market products or services to students.
- c) How parents can access their children's data within no more than 45 days, and challenge its accuracy if necessary and how they can accomplish this;
- d) Where the data will be stored and what security measures will be used to protect it, including encryption in motion and at rest;
- e) That any subcontractors or third parties to which the contractor discloses the data will comply with the same privacy and security safeguards;
- f) The plan for notification to parents and remediation if there are unauthorized disclosures or exposures of personal data;
- g) Explain how long the contract will last, with a date specified for its termination, and describe how the data will be returned to the District, transitioned to a successor contractor, and/or destroyed when the contract ends, as well as ensure that the data is destroyed for any student who no longer is being served by the contract, including all those who have graduated from the District or transferred to another district.
- h) Describe whether and how independent security audits and privacy impact assessments will be conducted to ensure that the data will be safeguarded and not exploited or otherwise breached or misused.

Summarized by Leonie Haimson, Co-Chair, Parent Coalition for Student Privacy on 7/30/25

*Questions, comments and/or suggestions for improvement, please email us at*

[info@studentprivacymatters.org](mailto:info@studentprivacymatters.org)

---