In the Matter of

A Privacy Complaint Filed Against

Review and Determination by New York State Education Dept. Chief Privacy Officer

Jericho Union Free School District

On March 12, 2022, a complaint

## <u>District Response</u>

with my office. I remind the District that it is obligated, in accordance with § 121.4 of the regulations of the Commissioner of Education, to establish and communicate to parents, eligible students, teachers, principals and other staff its procedures to file complaints about breaches or unauthorized releases of student data and/or teacher or principal data.

Additionally, the District's investigation was inadequate under the circumstances. When the District learned that a link with student information was inadvertently sent to 45 students in June 2020, it should have, at minimum, determined whether the link was accessible to the 45 students; whether these students opened the link; and whether—and, if so, when and how—these students deleted the email containing the link. Merely requesting that students "disregard" the email was insufficient.

Moreover, the District failed to

The District notified complainant by telephone, as permitted by  $\S$  121.10 (h). However, this did not absolve it from the responsibility to convey each category of information required by  $\S$  121.10 (g). Relatedly, educational agencies providing notice by telephone must make a representative available to answer additional questions, another requirement contained in  $\S$ 121.10 (g). The District does not dispute that it did not provide additional information in response to Complainant's request thereto.

The instant complaint demonstrates the necessity of the requirements contained in § 121.10 (g). Complainant states that they "do not know how the information was used and who it was is (trail) to directly the directly of the requirements and who it was is (trail) to directly of the requirements and who it was is (trail) to directly of the requirements and the requirements are the requirements and the requirements are the requirements.

All responses to this determination are to be sent to  $\underline{privacy@nysed.gov}$ .

April 29, 2022

Louise DeCandia Chief Privacy Officer N