Review and Determination dfile Chief Privacy Office

On January 9, 2024, a complaint was filed with the New York State Education Department's ("NYSED") Privacy Officesserting that on two occasions Ethenira City School District (the "District"), improperly disclosed tudents' Personally Identifiable Information ("PII"). Regarding the first incident, Opplainant states that in November 2022 she

parent complaints about possible breaches of PII, and/or unauthorized disclosures or release. Protected student data is defined in the Commissionergulations as "personally identifiable information from the student records of an ediocratic agency." Section 121.1(a) of the Commissioner's Regulations defines a breach as the "unauthorized acquisition, access, use, or disclosure of student data and/or teacher or principal data by or to a person not authorized to acquire, access, use, exceive the student data and/or teacher or principal data." Section 121.1(t) defines an unauthorized disclosure or release as "any disclosure or release not permitted by federal or State statute or regulation, any lawful contract or written agreement, or [a disclosure] that does not respond to a lawful order of a court or tribunal or other lawful order."

<u>District Response</u>

After its investigation the District determined that witas responsible the unauthorized disclosure of students educational records complainant when provided her with a copy of the test scores and reports of students, other than her childovæmber 4, 2022. The District states that it has contacted the affected peants for the students hose information was ccidentally disclosed to complainant The District also asserts at it has addressed with staff the November 4th unauthorized disclosure of education and has undertaken review of internal administrative procedures reduce the risk of any future unauthorized disclosure of stude that

Regarding the second incident that occurred on February 17, 2023, the District stated that "Given what she complainant] provided, all the individuals work/worked with the students. As service providers, and primary providers of instruction, all are aware of and have access to the same data that she is cusing us of sharing." Thut District contends that no breach or unauthorized release occurred because the educational record plainant's children are shared only with appropriate school officials who possess a legitimate educational interest in the students' records accordance with ERPA \$ 99.31(a)(1)(i)(A.

<u>Analysis</u>

The District concedes that an unauthorized disclosure of student/wasIImadeon Notwernlands-4, 2022. This action violates FERPA and EducaD 1 0 1to Tf off uat Tc k Tw 4.nc25 0 Td [(v

possession of additional information, myff@e cannot determine that the February 1th7 email was a violation of FERPA and Education Law-§l.

Nonetheless the District is reminded that FERPA requires studen PII be shared as minimally as possible and only to school officials who have a legitimate education terest in the student's education recoefd CFR §9.31]. As an alternative, ni this instance till recommended that the District consider sending an email to necessary staff that a parent requested certain information and such information was provided, rather than copying numerous that email containing the studest PII.

Finally, I remind the District that Education Law §d2and § 121.4(b) of the Regulations of the Commissioner of Education require educational agencies, which include thet, Diest promptly acknowledge receipt of privacy complaints, commence an investigation take