

~ Racker ~
Preschool and Early Childhood Services
Data Security and Privacy and Parents' Bill of Rights Plan

Intent: To have available for parents a listing of Parents' Rights with regards to data security and privacy as it relate to their children's school records. Further, Racker will ensure third party contractors agree to comply with the requirements of the Parents' Bill of Rights, including supplemental information.

DEFINITIONS:

- "FERPA" means the Family Educational Rights and Privacy Act and its implementing regulations
- "Parent" is a parent, legal guardian, or person in parental relation to a student
- "PII" is personally identifiable or identifying information
- "Student" is any person attending or seeking to enroll in Racker's Preschool and Early Childhood programs, including School-Age programs.
- "Teacher or director data" refers to any PII from the records of Racker relating to the professional performance reviews of Racker's Preschool and Early Childhood Services staff.
- "Third party contractor" is any person or entity, *other than an educational agency*, that receives student PII or teacher or director data.

DATA SECURITY AND PRIVACY PLAN:

- Racker is committed to the privacy of the people we support and complies with all federal and state laws and regulations, including FERPA
- Racker has this plan on its website and provides notice to all of its officers and employees
- Racker provides data protection and follows the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity Version 1.1 (NIST CSF)
- Racker will not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so
- Every use and disclosure of personally identifiable information by Racker shall benefit students and Racker. Further, Racker will take steps to minimize its collection, process and transmission of PII and any protected data.
- PII will not be included in public reports or other documents. Except as required by law or in the case of educational enrollment data, Racker will not report to NYSED the following student data elements: juvenile delinquency records; criminal records; medical and health records; and student biometric information.
- Racker will ensure that all contracts and agreements with third party contractors and separate data sharing and confidentiality agreements have stipulations that the confidentiality of shared student data or teacher or director data will be maintained in accordance with federal and state law, including FERPA
- Parents have the right to inspect and review the complete contents of their child's education records, except any psychotherapy notes or information compiled for use in court or administration proceedings. Records regarding incident reports and investigations may be made available depending on the applicable laws governing required disclosure. Requests should be made in writing. Racker will respond within 30 days or as required by law, whichever is sooner.
 - Upon approval of the request, a copy of the records will be shared. Racker cannot be held responsible for disclosures of PII emanating from the copy provided.

- Parents have the right to ask Racker to change or amend their child’s education record. This may be denied in some cases if Racker did not create the record or if after reviewing the request, Racker believes the record is accurate and complete.
- Racker has the following process in place for complaints of breaches:
 - Racker will list the contact information for Racker’s Privacy Officer in their Parents’ Bill of Rights, in addition to the contact information for NYSED
 - When a complaint is received, the Privacy Officer will promptly acknowledge the complaint, commence an investigation, and take any precautions necessary to protect PII
 - Racker will provide the parent or eligible student, teacher, director, or other education staff of Racker who filed the complaint with its findings within 60 days from the receipt of the complaint
- Racker provides annual training to its employees on data security and privacy awareness

PARENTS’ BILL OF RIGHTS FOR DATA SECURITY AND PRIVACY:

- Racker has posted to their website a Parents’ Bill of Rights for Data Security and Privacy, pursuant to NYS Education Law Section 2-d and the regulations of the Commissioner of Education. The Parents’ Bill of Rights includes contact information for Racker’s Privacy Officer in cases where complaints need to be made to Racker about possible breaches of confidentiality.
- Racker includes its Parents’ Bill of Rights in contracts or written agreements with third party contractors, as defined above. Any required supplemental information described in the Parents’ Bill of Rights will also be included and promptly added to Racker’s website.
 - The Parents’ Bill of Rights and supplemental information may be redacted to the extent necessary to protect the privacy and security of Racker’s data and technology infrastructure.
- The Bill of Rights may also be provided in other languages, upon request.

This information is based on:
Racker Best Practices
NYS Education Law, Section 2-d
[Part 121 of the regulations of the Commissioner of Education, in effect as of 1.29.2020](#)

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