



**Adults and Children with Learning
and Developmental Disabilities, Inc.**

ACLD Children's Services will use the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1) as the standard for its data privacy and security program. The Framework is a risk-based approach to managing cybersecurity risk and is composed of three parts: the Framework Core, the Framework Implementation Tiers, and the Framework Profiles. The Framework provides a common taxonomy and mechanism for organizations to:

- a. Describe their current cybersecurity posture
- b. Describe their target state for cybersecurity
- c. Identify and prioritize opportunities for improvement within the context of a continuous and repeatable process
- d. Assess progress toward the target state; and
- e. Communicate among internal and external stakeholders about cybersecurity risk

ACLD Children's Services will protect the privacy of Personally Identifiable Information (PII) by:

- a. Ensuring that every use and disclosure of PII by ACLD Children's services benefits students and ACLD Children's Services by considering, among other criteria, whether the use and/or disclosure will:
 1. Improve academic achievement
 2. Empower parents and students with information
 3. Advance efficient and effective school operations
- b. Not including PII in public reports or other public documents. ACLD Children's Services affords all protections under FERPA and the Individuals with Disabilities Education Act and their implementing regulations to parents or eligible students, where applicable.

Data Protection Officer

The ACLD organization has a designated Data Protection Officer. The Data Protection Officer is responsible for the implementation and oversight of this policy and any related procedures including those required by Education Law Section 2-d and its implementing regulations, as well as serving as the main point of contact for data privacy and security of ACLD Children's Services.

ACLD will provide training to the Data Protection Officer to administer these functions. The Data Protection Officer may perform these functions in addition to other job responsibilities.

Privacy and Security of Student Data

1. A student's personally identifiable information cannot be sold or released for any commercial purposes.
2. Parents/guardians have the right to inspect and review the complete contents of their child's education record.
3. The confidentiality of a student's personally identifiable information is protected by existing state and federal laws, and safeguards such as encryption, firewalls, and password protection, must be in place when data is stored or transferred. Third party contractors are required to employ technology,

safeguards and practices that align with the National Institute of Standards and Technology Cybersecurity Framework.

4. A complete list of all student data elements collected by the State Education Department is available for public review at:

http://www.nysed.gov/common/nysed/files/programs/data-privacy-security/inventory-of-dataelements-collected-by-nysed_0.pdf

or by writing to the Office of Information & Reporting Services, New York State Education Department, Room 863 EBA, 89 Washington Avenue, Albany, NY 12234.

5. Parents/guardians have the right to file complaints about possible breaches of student data. Parents/guardians may submit a complaint regarding a potential breach to Dr. Jon Feingold, Executive Director. Complaints pertaining to the State Education Department or one of its third-party vendors should be directed in writing to the Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany NY 12234 or via email to privacy@nysed.gov.

6. In the event of a data breach or unauthorized disclosure of students' personally identifiable information, third party contractors are required by law to notify ACLD CHILDREN'S SERVICES within seven (7) days of discovery of the breach or unauthorized disclosure.

7. Parents may access the State Education Department's Parents' Bill of Rights at: <http://www.nysed.gov/common/nysed/files/programs/student-data-privacy/parents-billof-rights.pdf>

8. ACLD CHILDREN'S SERVICES will post a Parents' Bill of Rights in accordance with the requirements of Education Law

9. ACLD CHILDREN'S SERVICES will designate a Data Protection Officer on an annual basis who shall be responsible for the implementation of policies and procedures required by law and to serve as the point of contact for data security and privacy for the Programs.

10. ACLD CHILDREN'S SERVICES will maintain a record of all complaints of breaches or unauthorized releases of student data and their disposition in accordance with applicable data retention policies, including the Records Retention and Disposition Schedule ED-1.

CONFIDENTIALITY POLICY

All information contained in student's records, including information contained in an automated data bank shall be considered confidential. The record is the property of ACLD CHILDREN'S SERVICES, whose responsibility it is to secure the information against loss, defacement, tampering, or use by unauthorized persons. The limitations on accessibility, duplication and dissemination of information in the student's record are clearly delineated.

It is very important for parents to know that ACLD CHILDREN'S SERVICES is aware and respectful of your need for privacy and confidentiality. Confidentiality ensures privacy and protection against disclosure of personal information. Respect for confidentiality is of utmost importance at ACLD CHILDREN'S SERVICES and is required by FERPA, the Federal Family Education Rights and Privacy Act.

Parents are informed annually of their rights to access and confidentiality of student records. Both parents shall have full rights to access to the records unless there is evidence that a court order, state statute or other legally binding document specifically revoked these rights.

As a Parent, you have the right to full access to your child's records, which includes:

- Ask who has access to your child's record and who has seen or has copies of the record.
- Review your child's record at any time (in person or through a representative).
- Request in writing, copies of any material in your child's record. You may be charged a small fee for copying.
- Request that changes be made to your child's record. If you feel that any information in your child's record is incorrect, misleading, or violates your child's and family's privacy or rights, you may ask ACLD Children's Services to amend inaccurate or misleading information. Once you ask for an amendment, you will receive a response within 10 days whether:
 - ❖ The change has been made as you requested
 - ❖ Your child's record has not been changed, as after careful review of the information, ACLD Children's services staff and administration deems the information accurate. A copy of your request will become part of your child's permanent record.
 - ❖ Written consent from the parent and/or legal guardian shall be required for the release of information to persons not authorized to receive it.

Student Records

- Copies of reports and evaluations generated by ACLD CHILDREN'S SERVICES will be provided to and shared with parents.
- ACLD Children's Services must have written permission from the parent to release any information from a student's education record to anyone other than authorized individuals. However, FERPA allows ACLD Children's Services to discuss educational records without consent to:
 - ❖ School officials with legitimate educational interest
 - ❖ Specified officials for audit or evaluation purposes
 - ❖ Comply with a judicial order or lawfully issued subpoenas
 - ❖ Appropriate officials in cases of health and safety emergencies
 - ❖ State and local authorities, within a juvenile justice system, pursuant to specific State law

ACLD Children's Services is regulated by the New York State Department of Health and New York State Education Department and has contracts/agreements with Nassau and Suffolk County and your child's school district. Therefore, as stated above, your child's county and/or school district has access to his/her IEP, educational records and all reports generated by ACLD CHILDREN'S SERVICES.

School District and County Notifications: As required by the above authorities, ACLD CHILDREN'S SERVICES administration is required to notify your school district and/or your county when:

- A student's residency changes
- Required prescriptions for OT and PT services are not received
- A student is absent for more than 5 days
- A student misses more than five (5) related services (Speech, OT, PT, psychological counseling).

Staff Responsibilities Concerning Confidentiality

ACLD CHILDREN'S SERVICES has a strict confidentiality policy regarding its students, which is discussed annually at Staff Orientation. Staff will only discuss your child with you and will not share information about other children. Staff are not permitted to discuss your child in hallways or public areas. ACLD CHILDREN'S SERVICES staff will never discuss information about your child in the outside community.

Student records which are kept in file cabinets in the main office, are stored in locked file cabinets. Anytime a student's file is removed from the main office for the purpose of reviewing a child's program, the date and the staff member's name is recorded in a log book. When information is released from the file, it is documented by letter or notation in the child's administrative file.

Teacher/Therapists' notes and documentation on individual children on their caseloads are kept in locked file cabinets in their offices/classrooms.

Tracking Devices

To maintain the confidentiality of all of our children, no recording of video or audio are permitted in the school. If a tracking device has one of these features, it must be disabled (turned off) during school hours.