

# UNAUTHORIZED DISCLOSURE COMPLAINT

Educational agencies must establish and communicate to parents, eligible students, principals, teachers, and other staff of an educational agency procedures to file complaints about breaches or unauthorized releases of student data and/or protected teacher or principal data. To learn more about this requirement, agencies can review Part 121.4 of the Regulations.

## REQUIREMENTS FOR NYS EDUCATIONAL AGENCIES



### COMPLIANCE CHECKS

#### Complaint Procedures:

- ✓ Contain Required Elements
- ✓ Are Communicated to Parents and Staff

### REQUIRED ELEMENTS



#### ACKNOWLEDGE, INVESTIGATE, AND CONTAIN

The agency must promptly acknowledge receipt, commence an investigation, and take the necessary precautions to protect PII.



#### PROVIDE FINDINGS

No more than 60 calendar days from the receipt of the complaint, the agency must provide the findings to the individual who filed a complaint.



#### MAINTAIN RECORDS

The agency must maintain a record of all complaints and their disposition in accordance with applicable data retention policies, including ED-1.

### RELATED INFORMATION



#### PRIVACY COMPLAINTS CAN BE MADE TO NYSED

A complaint may be submitted to the Chief Privacy Officer using an online form at: <http://www.nysed.gov/data-privacy-security/report-improper-disclosure>



#### ED-1 (RECORDS RETENTION AND DESTRUCTION)

Information about ED-1 is available at: [http://www.archives.nysed.gov/common/archives/files/mr\\_pub\\_ed1.pdf](http://www.archives.nysed.gov/common/archives/files/mr_pub_ed1.pdf)



**EDUCATIONAL AGENCIES MAY REQUIRE COMPLAINTS TO BE SUBMITTED IN WRITING.**