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On October 4, 2023, a complaint was filed with the New York State Education Department's ("NYSED") Privacy Office. The Complainant, whose child attends Brighton Central School District (the "District"), asserts that the District improperly disclosed the Personally Identifiable Information ("PII"), including health information for a student who is not Complainant's child, when it accidentally mailed to Complainant the other student's education record, specifically their Section 504 individualized education plan. Complainant is not the legal parent/guardian for the student whose PII was accidentally disclosed and is not authorized to receive such information. Complainant asserts that they contacted the District to advise school administration of this improper disclosure but did not get any response. Complainant then filed a

Officer to address parent complaints about possible breaches³, and/or unauthorized disclosures or release⁴.

In the District's response, it states that upon receipt of notice from my Office, it immediately investigated and addressed the accidental unauthorized disclosure. In its investigation, the District confirmed that a copy of a student's 504 education plan was accidentally mailed to the address for a different student. The District states that the unauthorized disclosure was limited to one student's PII, that it contacted the affected parties of the breach with a detailed explanation and mitigated any further unauthorized disclosure by ensuring the return of the copy accidentally sent to the incorrect household. Additionally, the District provided examples that show it has undertaken internal administrative procedures, including training, to reduce the risk of any future unauthorized disclosure of a student's PII, and attached supporting exhibits to that effect. The District did not address their failure to respond to the parent's initial complaint to their child's school.

The Regulations of the Commissioner of Education, including NYSED's Bill of Rights (s)-11i, l 3 >

