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In the Matter of  
A Privacy Complaint  
Filed Against

Review and Determination by  
New York State Education Dept.  
Chief Privacy Officer

Jericho Union Free School District  
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On March 12, 2022, a complaint

District Response

with my office. I remind the District that it is obligated, in accordance with § 121.4 of the regulations of the Commissioner of Education, to establish and communicate to parents, eligible students, teachers, principals and other staff its procedures to file complaints about breaches or unauthorized releases of student data and/or teacher or principal data.

Additionally, the District's investigation was inadequate under the circumstances. When the District learned that a link with student information was inadvertently sent to 45 students in June 2020, it should have, at minimum, determined whether the link was accessible to the 45 students; whether these students opened the link; and whether—and, if so, when and how—these students deleted the email containing the link. Merely requesting that students “disregard” the email was insufficient.

Moreover, the District failed to file a data incident report when this breach first occurred in 2020. Even if the District did not become aware of the breach until February 13, 2022, as it alleges, it was required to report the data breach to my office no later than ten calendar days thereafter (§ 121.10 [d]). No such report appears among the Privacy Office's data incident report filings for 2022. Therefore, the District is required to file a data incident report within five days of this determination.

The District's response further states that “it was decided that the counselors would contact each affected family by (a) 1 (ndi)-8s (e)] (e)-ete ingcdindieom9 (s)8.9 ( )]T12.4J0 Tw

The District notified complainant by telephone, as permitted by § 121.10 (h). However, this did not absolve it from the responsibility to convey each category of information required by § 121.10 (g). Relatedly, educational agencies providing notice by telephone must make a representative available to answer additional questions, another requirement contained in §121.10 (g). The District does not dispute that it did not provide additional information in response to Complainant’s request thereto.

The instant complaint demonstrates the necessity of the requirements contained in § 121.10 (g). Complainant states that they “do not know how the information was used and who it was used on.”

All responses to this determination are to be sent to [privacy@nysed.gov](mailto:privacy@nysed.gov).

April 29, 2022

Louise DeCandia  
Chief Privacy Officer  
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