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In the Matter of  
A Privacy Complaint  
Filed Against

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

North Shore Schools  
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On March 23, 2021 a complaint was filed by Jerry Romano (complainant), a resident of the North Shore Central School District (District) with the New York State Education Department's (NYSED's) Chief Privacy Officer. Complainant alleges that the District disclosed student and family personally identifiable information (PII)—specifically, names, addresses, and phone numbers—without consent, to the president of the teacher's union to advocate for the budget. Seven additional residents requested that NYSED's Chief Privacy Officer investigate this matter.

As a second violation, complainant alleges that the District, in response to a Freedom of Information Law (FOIL) request, released PII pertaining to a specific student.

In response to the complaints, on May 7, 2021, NYSED's Chief Privacy Officer requested the school investigate and provide a written response, including a summary of its investigation and addressing the specific allegations raised by complainant; whether the school addressed the complaint previously, and whether an unauthorized disclosure occurred, including the legal and factual basis for the school's conclusion. The school submitted its response to the Chief Privacy Office

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Chief Privacy Officer to address complaints about possible breaches and unauthorized disclosure of student PII.

Arguments

Complainant contends that:

- (1) The District improperly provided the president of the teacher's union with PII, specifically, the name, address, phone number and schools attended for all families enrolled in the District; and
- (2) In response to a FOIL request, the District provided PII regarding a specific student.

Complainant further contends that he became aware of the alleged "privacy violation" when his F(CI (s )13 (F(CI (s )13 (F(CI ( (g)-4 (um)-2 (e39w[(a)-5 (nd )(o)-1 es)3 (t)u-0.001

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With regard to the second allegation, the District admits that it made a redaction error but states that the error involved one single page in a 29,000 page FOIL response. Once made aware of the disclosure, the District contacted the family and requested that the individual who received the FOIL disclosure immediately destroy the document.

Determination

Neither § 121.4 of the regulations of the Commissioner of Education or NYSED's [§ 2-d Bill of Rights for Data Privacy and Security](#), allow individuals other than parents, eligible students, teachers, principals or other staff of an educational agency to file

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Consequently, I do not believe that a list of parents of students could be disclosed without consent given by parents identified in the list.<sup>7</sup>

Therefore, the information released to the president of the teacher's union did not qualify as directory information in accordance with the District's directory information policy. Although the FOIL request from the union should have been denied

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December 1, 2021  
NYSED  
Office of the Chief Privacy Officer