

# **POLICY**

## **FRANKLIN TOWNSHIP BOARD OF EDUCATION**

**File Code: 5125.1**

### STUDENT DATA PRIVACY

#### I. Identifying Data:

##### A. Philosophy

In order to safeguard student privacy, the District complies with the Family Educational Rights and Privacy Act (FERPA) of 1974, the Protection of Pupil Rights Amendment (PRPA) of 1974, the Health Insurance Portability and Accountability Act (HIPAA) of 1996, the Children's Internet Protection Act (CIPA), the Privacy Act of 1974 and the Elementary and Secondary Educational Act of 1965 as amended by the No Child Left Behind Act of 2001.

##### B. Policy Statement

The policy of the Board of Education is that the District protects confidential student information and will not improperly collect, use or disclose student information in violation of any applicable law or regulation governing student privacy. All vendors, contractors and/or service providers with access to personally identifiable information (PII) are expected to adhere to of District policies and procedures including acknowledgement of their responsibilities related to student data and PII.

##### C. Exceptions to the Policy

- i. Pupil Records, Board Policy #5125, outlines the District's use, protection, and dissemination of information contained in a student's educational records.
- ii. Student Health Records, Board Policy #5141.3, governs the District's administration of physical examinations or screenings to students.

##### D. Amplifying Instructions and Guidelines

- i. For the purposes of this regulations the term "parent" means parent or legal guardian or other person standing in loco parentis to a student.
- ii. The District's Students Records Officer is the Vice Principal.
- iii. The District's Student Data Privacy Officer is the Computer Technician.

## II. Student Data Privacy and Security

The efficient collection, analysis, and storage of student information is essential to improve the education of our students. As the use of student data has increased and technology has advanced, the need to exercise care in the handling of confidential student information has intensified. The privacy of students and the use of confidential student information is protected by federal and state laws, including the Family Educational Rights and Privacy Act (FERPA).

Student information is compiled and used to evaluate and improve New Jersey's and this District's educational system and improve transitions from high school to postsecondary education or the workforce.

In order to ensure the proper protection of confidential student information, the District shall adopt, implement and electronically post this Policy to its' website. It is intended to provide guidance regarding the collection, access, security, and use of education data to protect student privacy.

The School Business Administrator or designee shall have in place Administrative Security, Physical Security, and Logical Security controls to protect from a Data Breach or Unauthorized Data Disclosure. The District shall immediately notify the County Executive Superintendent in case of a breach or suspected breach of student data. The District shall also notify in a timely manner affected individuals, students, and families if there is a confirmed Data Breach or confirmed Unauthorized Data Disclosure. Notification will also be given to any applicable law enforcement agency.

## III. Student Data

- A. "Personally identifiable information" includes, with respect to a student:
- the student's first and last name;
  - the first and last name of the student's parent or guardian or another family member;
  - the home or physical address of the student or student's family;
  - online contact information for the student; a personal identifier, such as the student's social security number, student number, or biometric record; - a persistent identifier that can be used to recognize a user over time and across different Internet Web sites, online services, online applications, or mobile applications, including a customer number held in a cookie, an Internet Protocol address, a processor or device serial number, or another unique identifier;
  - a photograph, video, or audio recording that contains the student's image or voice;
  - geolocation information sufficient to identify a street name and the name of a city or town;
  - other indirect identifiers, such as the student's date of birth, place of birth, or mother's maiden name; other

information that, alone or in combination, would allow an District or a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify a specific student with reasonable certainty; and information requested by a person who the public or nonpublic school reasonably believes knows the identity of the student to whom the information relates.

B. Instructional Materials

The Board of Education shall provide resource materials per Board Policy #6160/6160R, to implement District and school educational goals and objectives as student needs dictate and District resources permit. Such materials include reference books, other supplementary titles, maps, library print and non-print materials, and other sources of information for use by pupils that are not designated as textbooks.

C. Third Party Survey

The term "third party" means any survey created by a third party and administered or distributed by the District.

The District will notify parent(s)/guardian(s) of its intent to administer or distribute a third party survey before it is administered or distributed to students. A parent/guardian who submits a timely request will be granted a reasonable opportunity to inspect the third party survey before the District administers it or distributes it to students. All surveys will be conducted as per Board Policy #6162.5/6162.5R.

D. Targeted Advertising

"Targeted advertising" means presenting advertisements to a student or the student's parent or guardian, where the advertisements are selected based on information obtained or inferred from the student's online behavior or use of online applications or mobile applications or from covered information about the student maintained by the District of a school service. "Targeted advertising" shall not include presenting advertisements to a student or the student's parent or guardian at an online location or through an online application or mobile application, if: the advertisements are contextually relevant; the advertisements are selected based on a single visit or session of use during which the advertisements are presented; and information about the student's online behavior or use of online applications or mobile applications is not collected or retained over time.

The term "targeted advertising" does not include any instrument used to disclose or collect such information for the exclusive purposes of developing, evaluating, or providing educational products or services for, or to students or institutions such as:

- Colleges, or other postsecondary educational recruiters or military recruiters;

- Book clubs, magazines or programs providing access to low-cost literary products;
- Curriculum and instructional materials used by elementary and secondary schools;
- Tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, adaptive or achievement information about students (or to generate other useful statistical data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- The sale by students of products or services to raise funds for school-related or education-related activities;
- Student recognition programs.

The District will notify parent(s)/guardian(s) of its intent to distribute a targeted advertising before it is administered or distributed to students. A parent/guardian who submits a timely request will be granted a reasonable opportunity to inspect the targeted advertising before the District administers it or distributes it to students.

- E. The provisions of this Policy shall continue to apply, after a student is no longer enrolled in the District, to covered information relating to the student that was collected or generated while the student was enrolled per Board Policy # 5125.
- F. Nothing in this Policy shall be construed to: limit the authority of a law enforcement agency to obtain content or information from an District as authorized by law or pursuant to an order of a court of competent jurisdiction; limit the ability of an District to use information, including covered information, for adaptive or personalized student learning purposes; limit a public or nonpublic school from providing Internet access service for its own use, to other public or nonpublic schools, or to students and their families; prohibit an District's use of covered information for maintaining, developing, supporting, improving, or diagnosing the District's school service; prohibit an District of a school service from marketing educational products directly to parents or guardians, provided that the marketing does not result from the use of covered information; impose a duty upon a provider of an electronic store, gateway, marketplace, or other means of purchasing or downloading software or applications to review or enforce compliance with this act by professional service providers of school services; impede the ability of a student or the student's parent or guardian to download, export, create, or otherwise save or maintain data or documents created by or about the student or noncommercial applications created by the student, except to the extent that this activity would result in disclosures prohibited by this act of covered information of other students or users of a school service.
- G. Any provision of this Policy that refers to the consent of the student's parent or guardian shall in the case of

covered information about a student who is 18 years or older, be considered to refer to the consent or right of the student and not the student's parent or guardian.

H. Parental Notification

The District will notify the parent(s)/guardian(s) of the adoption or continued use of this Policy at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this Policy.

N.J.S.A. 18A:18A-1 et seq.; 18A:18A-4; 18A:18A-4.1;  
18A:18A-4.2; 18A:18A-4.3; 18A:18A-4.4

N.J.A.C. 6A:27-10; 6A:27-11; 6A:27-12

Date Adopted: 5/22/17