

-----X

In the Matter of a Privacy Complaint
Filed Against

Review and Determination of the
Chief Privacy Officer

Elmira City School District

-----X

On January 9, 2024, a complaint was filed with the New York State Education Department's ("NYSED") Privacy Office asserting that on two occasions Elmira City School District (the "District"), improperly disclosed students' Personally Identifiable Information ("PII"). Regarding the first incident, complainant states that in November 2022 she

possession of additional information, myffo cannot determine that the February 17th email was a violation of FERPA and Education Law § 121.4.

Nonetheless, the District is reminded that FERPA requires student PII be shared as minimally as possible, and only to school officials who have a legitimate educational interest in the student's education record [34 CFR § 99.31]. As an alternative, in this instance it is recommended that the District consider sending an email to necessary staff that a parent requested certain information and such information was provided, rather than copying numerous staff email containing the student PII.

Finally, I remind the District that Education Law § 121.4 and § 121.4(b) of the Regulations of the Commissioner of Education require educational agencies, which include the District, to promptly acknowledge receipt of privacy complaints, commence an investigation and take