



Legislation Text

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Int. No. 285

By Council Members Barron, Palma, Maisel, Rosenthal, Cabrera, Chin, Koo, Lancman, Levine, Rose, Gentile and Eugene

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to require parental consent prior to releasing personally identifiable student data.

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new title 21-A to read as follows:

Title 21-A Education.

Chapter 1 Department of Education.

Chapter 2 Release of Personally Identifiable Student Data.

Chapter 1 Department of Education.

§21-950 Definitions. Whenever used in this title, the following terms shall have the following meanings:

- a. “Chancellor” shall mean the chancellor of the New York city department of education.
- b. “Department” shall mean the New York city department of education.
- c. “Parent” shall mean a parent of a student and includes a natural parent, a guardian and an individual acting as a parent in the absence of a parent or guardian.
- d. “Student” shall mean any pupil under the age of twenty-one under the jurisdiction of the New York city department of education.

Chapter 2 Release of Personally Identifiable Student Data.

§21-951 Release of Personally Identifiable Student Data. a. For the purposes of this section the following terms shall have the following meanings:

1. “Eligible Student” shall mean any student enrolled in a school under the jurisdiction of the department who is 18 years of age or older.

2. “General Permission” shall mean granting the department the perpetual right to release personally identifiable student data for any purpose deemed by the department to be necessary and appropriate.

3. “Personally Identifiable Student Data” shall mean specific information regarding a student maintained by the department or any public or private agency or institution acting on behalf of the department or in accordance with the department, including but not limited to, information pertaining to race, gender, economic status, immigration status and disciplinary infractions.

b. The department shall require and obtain the written consent of a parent or in the case of an eligible student, the consent of such eligible student shall be required, prior to releasing personally identifiable student data of any respective student for any purpose, to any individual or entity including, but not limited to, any such individual or entity authorized under federal law to collect such information.

c. The department shall provide all parents and eligible students with the following information: the nature and purpose of releasing the personally identifiable student data, the individual or entity that will receive and use the data, the length of time for which the data will be used, information regarding how the data will be stored, information regarding how the data will be kept secure, and any known consequences that may result from supplying the data. The department shall also notify parents and eligible students in a clear and conspicuous manner that any such parent or eligible student has the legal right to refuse to sign any such release granting the department or any individual or entity the right to release or access any such personally identifiable student data.

d. For any parent or eligible student who grants permission to the department to release

personally identifiable student data, such permission shall be construed as permission granted only for the specific use requested. For the purposes of this section, the department shall not construe such permission as general permission.

e. Any information required by this section shall be construed in accordance with any applicable provision of federal, state or local law relating to the privacy of student information and shall not interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.

§2. Effect of invalidity; severability. If any section, subdivision, paragraph, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§3. This local law shall take effect immediately after its enactment into law.

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