**EUGENIO MARIA DE HOSTOS CHARTER SCHOOL**

**COMPLAINT PROCEDURES**

**UNAUTHORIZED DISCLOSURE OF STUDENT’S PERSONALLY IDENTIFIABLE INFORMATION**

1. **INTRODUCTION**

Pursuant to Part 121.4 of the Regulations of the Commissioner of Education of New York State, Eugenio Maria de Hostos Charter School has established these procedures for parents, eligible students, teachers, principals or other staff of the school to file complaints about breaches or unauthorized releases of protected student data.

1. **LODGING A COMPLAINT**

A person who believes that the protected data (“PII”) of a student has been subject to an authorized disclosure or breach may lodge a complaint with the school. Such complaints should be directed to John Harris, the Data Protection Officer, at Eugenio Maria De Hostos Charter School, 27 Zimbrich Street, Rochester, NY 14621, or emailed to jharris@emhcharter.org. Complaints may also be submitted via the school’s website at https://www.emhcharter.org [if applicable]. The school requires that such complaints be made in writing and the school has a complaint form that should be used.

The complaint should include:

1. Reporter’s Name
2. Reporter’s Email Address
3. Reporter’s Phone Number
4. Reporter’s Role/Relationship to Student
5. Building Affiliation
6. Description of the Events
7. Description of the Possible Disclosed Data
8. Description of How the Reporter Learned of the Possible Disclosure
9. List of Any Persons Involved in the Possible Disclosure
10. List of Any Persons who may have Knowledge of the Possible Disclosure

While completing the complaint form, please do not include any personally identifiable information about the student. Instead, please use generic terms, such as “student’s birth date” or “student’s social security number” instead of the actual data.

Complaints may also be made to the New York State Department of Education, by writing to the Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234, or emailed to CPO@mail.nysed.gov.

1. **ACKNOWLEDGING THE COMPLAINT**

Upon receipt of a complaint, the Data Protection Officer, or a staff member designated by the Data Protection Officer, shall provide prompt acknowledgement of the complaint to the reporter. This written acknowledgement shall be sent promptly via email or first-class mail following receipt of the complaint.

1. **INVESTIGATING THE COMPLAINT**

The school shall immediately commence an investigation of the complaint to determine whether there was an unauthorized disclosure of protected data. While conducting such investigation, the school must take any necessary precautions to protect any personally identifiable information. The investigator will likely reach out to the reporter to gain more details about the alleged breach.

1. **REPORTING THE FINDINGS**

Following the completion of the investigation, the school must provide the person who initiated the complaint with its findings within a reasonable period but no more than 60 calendar days from the receipt of the complaint.  If the school requires additional time to investigate the complaint beyond the 60 day window, or reporting the findings would compromise security or impede a law enforcement investigation, the school shall provide the person who filed a complaint with a written explanation that includes the approximate date when the school anticipates that it will respond to the complaint.

1. **MAINTAINING RECORDS**

The school must maintain a record of all complaints of student PII breaches and unauthorized disclosures and the disposition of the same, with retention of the records as required by the New York State Records Retention and Disposition Schedule ED-1.