

Flip Rider for New York State Education Law Section 2-d

Revision Date: May 2023

If Institution is an educational agency within the meaning of Section 2-d of the New York State Education Law ("Section 2-d"), this Rider for New York State Education Law Section 2-d, together with all attachments hereto (this "Rider") will apply to Flip, Inc.'s ("Flip") provision of the Service to Institution and to Institution's use of the Service to the extent the Service relate to Flip's processing of any student data (as defined below). These terms are in accordance with Flip's Terms of Use located at <https://info.Flip.com/about/trust-and-safety/terms-of-use.html>

As used in this document, the term "student data" means personally identifiable information from student records that Flip receives from Institution.

Education Law Section 2-d (5) (d)

Flip agrees that the confidentiality of student data shall be maintained in accordance with state and federal laws and educational agency's policies on data security and privacy that protect the confidentiality of personally identifiable information, provided such policies are attached to this Rider.

Education Law Section 2-d (5) (e)

Flip agrees that any of its officers or employees, and any officers or employees of any its assignees, who have access to personally identifiable information will receive training on the federal and state law governing confidentiality of such data prior to receiving access to that data.

Education Law Section 2-d (3) (b) (1) and (c)(l)

The exclusive purpose for which Flip is being provided access to personally identifiable information is to enable Institution to make use of the "Service" defined within Flip's Terms of Use. Student data received by Flip, or by any of its assignees, from Institution shall not be sold or used for marketing purposes.

Education Law Section 2-d (3) (c) (2)

Flip shall insure that to the extent that it comes into possession of personally identifiable information, it will only share that personally identifiable information with additional third parties if those third parties are contractually bound to adhere to the data protection and security requirements substantially similar to those set forth in this Rider.

Education Law Section 2-d (3) (c) (3)

At all times, Flip provides tools to Institution to export student data from the Service. Further, Institution may request that Flip securely delete any copy of the data remaining. If data is to be maintained by Flip for federal and/or state reporting, such data shall remain in an encrypted format and stored in a secure facility.

Education Law Section 2-d (3) (c)(4)

Parents have the right to file complaints with Institution about possible privacy breaches of student data by Institution's third party contractors or their employees, officers, or assignees, or with NYSED. More information about where to address those complaints will be provided at a later date. Complaints to NYSED should be directed in writing to the Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany NY 12234, email to CPO@mail.nys.ed.gov. The complaint process is under development and will be established through regulations to be proposed by NYSED's Chief Privacy Officer.

Education Law Section 2-d (3) (c) (5) and (5) (e) and (5) (f) (4) and (5) (f) (5)

Student data transferred to Flip by Institution will be stored in electronic format on systems maintained by Flip in a secure data center facility. The measures that Flip will take to protect the privacy

and security of student data while it is stored in that manner are associated with industry best practices including, but not necessarily limited to disk encryption, file encryption, firewalls, and password protection.

Education Law Section 2-d (5) (f) and (6)

Flip acknowledges that it has the following obligations with respect to any student data received from Institution:

- limit internal access to education records to those individuals that are determined to have legitimate educational reasons within the meaning of Section 2-d and FERPA including technical support;
- not use education records for any purpose other than those disclosed in this Rider or in the Flip Privacy Policy available at <https://info.Flip.com/about/trust-and-safety/privacy-policy.html>.
- not disclose any personally identifiable information to any other party who is not an authorized representative of Flip using the information to carry out Flip's obligations under the Rider, unless (i) that other party has the prior written consent of the parent or eligible student, or (ii) the disclosure is required by statute or court order, and notice of the disclosure is provided to the source of the information no later than the time of disclosure, unless such notice is expressly prohibited by the statute or court order;
- maintain reasonable administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of personally identifiable information in its custody;
- use encryption technology to protect data while in motion or in its custody from unauthorized disclosure using a technology or methodology specified by the secretary of the U S. Department of HHS in guidance issued under P.L. 111-5, Section 13402(H)(2);
- notify the educational agency from which student data is received via the district email address they use at Flip.com of any breach of security resulting in an unauthorized release of student data by Flip or its assignees in violation of state or federal law, the parents bill of rights for student data and security, the data privacy and security policies of the educational agency, and/or of contractual obligations relating to data privacy and security in the most expedient way possible and without unreasonable delay.

FLIP INC.

Signatory: 

Oct 12, 2023

Date:

Institution:

Signatory:

Michael Dodge, Superintendent

Oct 16, 2023

Date:

EXHIBIT A

Flip agrees to incorporate the requirements of New York's Parents' Bill of Rights to the extent any of the provisions apply to Flip's processing of student data and teacher or principal data.

Parents' Bill of Rights for Data Privacy and Security

Institution is committed to protecting the privacy and security of student, teacher, and principal data. In accordance with New York Education Law § 2-d, the Institution wishes to inform the community of the following:

- (1) A student's personally identifiable information cannot be sold or released for any commercial purposes.
- (2) Parents have the right to inspect and review the complete contents of their child's education record.
- (3) State and federal laws protect the confidentiality of personally identifiable information, and safeguards associated with industry standards and best practices, including but not limited to, encryption, firewalls, and password protection, must be in place when data is stored or transferred.
- (4) A complete list of all student data elements collected by the State is available for public review at <http://www.p12.nysed.gov/irs/sirs/documentation/NYSEDstudentData.xlsx> or by writing to the Office of Information & Reporting Services, New York State Education Department, Room 863 EBA, 89 Washington Avenue, Albany, New York 12234.
- (5) Parents have the right to have complaints about possible breaches of student data addressed. Complaints should be directed in writing to the Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, New York 12234. Complaints may also be directed to the Chief Privacy Officer via email at: CPO@mail.nysed.gov.

EXHIBIT B: SUPPLEMENTAL INFORMATION

Pursuant to Education Law § 2-d and Section 121.3 of the Commissioner's Regulations, the Educational Agency (EA) is required to post information to its website about its contracts with third-party contractors that will receive Personally Identifiable Information (PII).

Name of Contractor and Product	Flip, Inc., Flip
Description of the purpose(s) for which Contractor will receive/access PII	Flip collects information to perform our Service under the Flip Terms of Use and process this information in accordance with our privacy policy located at: https://info.flip.com/about/trust-and-safety/privacy-policy.html
Type of PII that Contractor will receive/access	Flip receives and access information per our privacy policy located at: https://info.flip.com/about/trust-and-safety/privacy-policy.html
Contract Term	These Terms will remain in effect for the use of the Service.
Subcontractor Written Agreement Requirement	<p>Contractor will not utilize subcontractors without a written contract that requires the subcontractors to adhere to, at a minimum, materially similar data protection obligations imposed on the contractor by state and federal laws and regulations, and the Contract. (check applicable option)</p> <p><input type="checkbox"/> Contractor will not utilize subcontractors.</p> <p><input type="checkbox"/> Contractor will utilize subcontractors.</p>
Data Transition and Secure Destruction	Flip performs data destruction and secure destruction per our privacy policy at: legal.Flip.com.
Challenges to Data Accuracy	Parents, teachers or principals who seek to challenge the accuracy of PII will do so by contacting the EA.
Secure Storage and Data Security	<p>Please describe where PII will be stored and the protections taken to ensure PII will be protected: (check all that apply)</p> <p><input type="checkbox"/> Using a cloud or infrastructure owned and hosted by a third party.</p> <p><input type="checkbox"/> Using Contractor owned and hosted solution</p> <p><input type="checkbox"/> Other:</p>
Encryption	Information can be found at: Privacy & Security Commitments to Schools – Flip Help Center

