



The City of New York

Manhattan Community Board 1

Catherine McVay Hughes CHAIRPERSON | Noah Pfefferblit DISTRICT MANAGER

The New York City Council Committee on Education

Hearing:

Res 1768-2013

Protect Student Privacy by Prohibiting the Release of Personally Identifiable Student Information Without Consent (A.6059/S.5932)

Testimony by Catherine McVay Hughes, Chairperson

and

Tricia Joyce, Chairperson, Youth and Education Committee

Monday, September 30, 2013

250 Broadway - Committee Room, 14th Floor

10:00 AM

Good morning Chairman Jackson and members of the New York City Council Committee on Education. I am Catherine McVay Hughes, Chair of Manhattan Community Board One (CB1). Thank you for the opportunity to comment on this very important topic involving the protection of student privacy.

At our board meeting on April 23, 2013, CB1 passed unanimously a resolution expressing our strong concerns about the agreement by the New York State and New York City Departments of Education to share confidential student and teacher data with a corporation funded by the Gates Foundation called inBloom Inc.

Our understanding is that this confidential data would include children's personal information, including name, address, grades, test scores, disciplinary records, attendance, race, ethnicity, economic status, disabilities, health conditions and other highly sensitive information. This information is to be stored in an electronic "data store" built by Wireless Generation, a subsidiary of Rupert Murdoch's News Corporation, which has been found to have illegally violated privacy in Great Britain and in the US.

This information would be placed on a data cloud managed by Amazon.com. InBloom Inc. has already stated that it "cannot guarantee the security of the information stored or that the information will not be intercepted when it is being transmitted." We would therefore have serious concerns about the safety of this sensitive data. Moreover, inBloom Inc. intends to make this highly confidential data available to commercial vendors to help develop and market their "learning products."

All of this is happening without parental notification or consent. We therefore expressed support in our resolution for A.6059/S.4284 (now S.5932), sponsored in the New York State Assembly by Daniel O'Donnell and in the New York State Senate by Joseph Robach. The bill would require parental notification and consent before any confidential, personally identifiable student data is disclosed to third party vendors.

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Our resolution also called for the NYS Education Department & NYC Department of Education to immediately:

1. Notify parents of these impending disclosures and provide them with the right to consent before their child's information is shared
2. Hold public hearings to explain the point of these disclosures, and hear the concerns of parents & privacy experts about how this plan risks children's privacy, security and safety
3. Pledge that the privacy rights of public school children and their families will be respected over the interests of the Gates Foundation, inBloom Inc., News Corp, or any other company or organization; and
4. Remove all health, disability and personal information (including: name, gender, social security number, and age) from the database

We hope that members of the City Council Education Committee and all members of the Council will pass Res 1768-2013, calling upon the New York State Legislature to pass A.6059/S.5932, so that our children's privacy will be protected and parents will be provided with full notification and the right to consent before any disclosures occurs.

Thank you for the opportunity to testify today.