

# Webutuck Central School District

Phone: (845) 373-4100  
FAX: (845) 373-4102

## Memorandum

TO: Jordan Lassiter  
FROM: Tracy Trotter, FOIL Officer  
DATE: July 6, 2023  
RE: FOIL Cyber



Please see the following documents as it relates to your FOIL request.

I responded on time, however, the information on your FOIL request to respond is confusing. I emailed the two responses in a timely manner to your email on your original fax (there was no acknowledgment); today I faxed to the two numbers that were on both of your follow-up faxes which did not work. Also today, I called your phone number located on your fax to clear up the confusion. The message was, you were not receiving calls today.

Lastly, I thought you would want to correct an error I saw as I looked at the MuckRock page online. Under Hyde Park you have a response from Margie Flynn. Ms. Flynn works for the Arlington Central School District, not Hyde Park.

Best Regards



Tracy Trotter <tracy.trotter@webutuck.org>

## Cyber Attack FOIL

1 message

Tracy Trotter <tracy.trotter@webutuck.org>

Wed, Jun 21, 2023 at 2:26 PM

To: Jordan@lassiter.eu

Dear Mr. Lassiter,

We are in receipt of your FOIL request received via fax dated June 14, 2023. As a small district and with the end of the school coming to a close, additional time is needed. We will respond by July 6 to the FOIL.

Thank you,

Therese Trotter  
Administrative Assistant to the Superintendent  
District Clerk to the Board of Education  
North East (Webutuck) CSD  
194 Haight Road  
Amenia, New York 12501  
845.373.4100 X5506



Tracy Trotter <tracy.trotter@webutuck.org>

### Re: Cyber Attack FOIL

1 message

**Tracy Trotter** <tracy.trotter@webutuck.org>

Wed, Jul 5, 2023 at 12:21 PM

To: Jordan@lassiter.eu

Please see attached.

Tracy Trotter

Therese Trotter  
Administrative Assistant to the Superintendent  
District Clerk to the Board of Education  
North East (Webutuck) CSD  
194 Haight Road  
Amenia, New York 12501  
845.373.4100 X5506

On Wed, Jun 21, 2023 at 2:26 PM Tracy Trotter <tracy.trotter@webutuck.org> wrote:

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North East (Webutuck) CSD  
194 Haight Road  
Amenia, New York 12501  
845.373.4100 X5506

 **FOIL Cyber June 2023.pdf**  
248K

# NORTH EAST (WEBUTUCK) CENTRAL SCHOOLS

Raymond Castellani  
Superintendent  
194 Haight Road, P.O. Box 405  
Amenia, New York 12501

Telephone 845-373-4100  
Fax 845-373-4102

June 27, 2023

VIA EMAIL AT JORDAN@LASSITER.EU

Jordan Lassiter  
MuckRock News  
DEPT MR 146407  
263 Huntington Ave  
Boston MA 02115

*FOIL response  
sent via email  
Jordan@lassiter.eu  
on 7/5/23.*

RE: FOIL Request

Dear Mr. Lassiter,

We are in receipt for your request dated June 14, 2023 for records under the provisions of the New York Freedom of Information Law ("FOIL"). Specifically, you requested a copy of:

- Any network breaches or cyber-attacks that have occurred within your organization, including any records of unauthorized access, data theft, or system compromise from January 1, 2018 to present;
- Any internal investigations or reviews conducted in response to a suspected or confirmed network breach, including any reports, findings or recommendations;
- Any incident response plans or policies in place to address network breaches, including any procedures for mitigating and remediating the effects of incidents;
- Any communication between your organization and effected individuals, customers, or partners regarding network breaches or incidents.

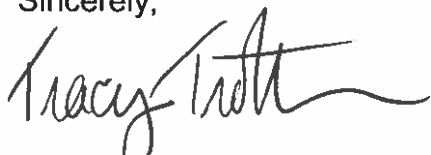
Please be advised the District has only one (1) known data breach that occurred on or about March 1, 2021. Attached is the incident reporting form.

In addition, the District has attached its template Parents Bill of Rights and 2-d Data Privacy Agreement, which is required of any company with whom student, teacher, and/or

protected data is shared.

Any appeal of this decision should be made within thirty (30) days, in writing, to the District's Superintendent of Schools, Raymond Castellani. If you have any questions, please feel free to contact me or our attorneys, Girvin and Ferlazzo, (Erin R. Morris, Esq.) at (518) 462-0300. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Tracy Trotter". The signature is fluid and includes a long, sweeping horizontal flourish at the end.

Tracy Trotter  
FOIL Officer

**NYS EDUCATION DEPARTMENT  
DATA INCIDENT REPORTING FORM  
(EDUCATIONAL AGENCY)  
Office of the Chief Privacy Officer  
Privacy@nysed.gov, 518.474.0937**

**Reporting Individual/Entity's Information:**  
 Name of Reporting Individual: Robert Farrier Title: School Business Administrator  
 Name of Educational Agency/Company: Northeast (Webutuck) CSD  
 Office phone #: 845-373-4100 x5500 Mobile phone (if applicable) #: 845-705-4391  
 Email: ROBERT.FARRIER@WEBUTUCK.CS

Please indicate if a third- party contractor is implicated (software vendor, technology services, cloud services, or other services) na  
 If yes, please explain how: \_\_\_\_\_

**Information about the Educational Agency Impacted, if different from Reporting Entity:**  
 Name: \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Office phone #: \_\_\_\_\_ Email: \_\_\_\_\_  
 Type of Organization (select one):  
 School District;  BOCES/RIC;  Other: \_\_\_\_\_ (specify).

**Dates:**  
 Date of Incident: 3/1/2021 Date of Discovery: 3/4/21 Date of Notification to Affected Persons (made or planned): 3/4/21  
 Date reported to state agencies other than SED (indicate entity to which report was made, e.g. AG): FBI - 3/8/21  
 Recovery Date (by system, if applicable): \_\_\_\_\_

**Description of Incident (select all that apply):**  
 Loss or theft of device or media (e.g., computer, laptop, external hard drive, thumb drive, CD, tape);  
 Internal system breach;  Insider wrongdoing;  External system breach (e.g., hacking);  
 Unauthorized Access;  Malicious Code (virus, malware etc.);  Inadvertent disclosure ;  
 Other (specify): \_\_\_\_\_

**Information about Impacted Data (select all that apply):**

- N/A (No data impacted)
  - Student Name
  - Student Social Security Number
  - Student NYSIS ID
  - Student Grades
  - Teacher/Principal APPR Data
  - Other Personally Identifiable Information or Personal Information (specify): Staff email addresses & Password stored data from active drive
  - Other sensitive, confidential or mission critical information (specify): \_\_\_\_\_
- Total Number of Data Subjects Affected: \_\_\_\_\_

**Information about Impacted Systems:**

- N/A (No systems impacted)
- List critical systems impacted (indicate how, and for how long): Exchange Server,
- List non-critical systems impacted (indicate how, and for how long): \_\_\_\_\_
- Do you have backup systems? yes Onsite \_\_\_\_\_ Offsite (BOCES/RIC/3rd Party): BOCES
- Were back up systems impacted and how? (Service/confidentiality, integrity, accessibility, damage):  
No \_\_\_\_\_

**Notification of Data Subjects (Affected Individuals):**

- Is notification required? \_\_\_\_\_ If not, please explain: \_\_\_\_\_
- Was notification performed? No If not, please explain: \_\_\_\_\_
- If performed, how?  Written  Electronic  Telephone  Substitute notice

**Reporting to Oversight Agencies:**

- Is reporting to another government agency required? No If yes, please indicate which agency and why: \_\_\_\_\_
- Has reporting to another government agency occurred? No If yes, please indicate which agency and dates reported: \_\_\_\_\_

**Detection and Response:**

- How was incident detected: - Patch, exploit scan of system
- Was a root cause identified? Please explain: unknown Exchange server exploit
- Did a third-party perform the investigation? yes If yes, who: BOCES & CSI
- What steps were taken in response to this incident? Network scan, Repeated End Point Scans
- Please describe any additional corrective and recovery activities: Repeated Scans
- Has the incident been contained/resolved? Yes - all known exploits & remediation completed
- Has the virus been eradicated? All known remnants removed If yes, how? Remnants removed
- Have systems been recovered and restored? N/a if yes, when?
- How will eradication be verified? Will assurance be received in writing by an independent third party? yes

**Additional Information (briefly describe what occurred):**

Exchange Server was exploited through vulnerability. Microsoft sent out urgent patch on 3/3/21, patch installed that night but hack had already occurred prior to notification. It appears based on system review and diagnostic testing, that the exploitation occurred on 3/1/2021. All remnants of the of the exploitation have been removed. Repeated scans of the system, and endpoints with various tools have been performed. All passwords for all users have been changed.



**[NAME OF DISTRICT] SCHOOL DISTRICT PARENTS' BILL OF RIGHTS FOR DATA  
PRIVACY AND SECURITY**

The [Name of District] School District ("District") is committed to ensuring student privacy in accordance with local state and federal regulations and policies. To this end and pursuant to the New York Education Law §2-d, and its implementing regulations (Commissioner's regulations Part 121), Parents (including legal guardians or persons in parental relationships) and Eligible Students (student 18 years and older) can expect the following:

1. A student's personally identifiable information (PII) shall not be sold or released for any commercial purposes. PII, as defined by Education Law §2-d and FERPA, includes direct identifiers such as a student's name or identification number, parent's name, or address; and indirect identifiers such as a student's date of birth, which when linked to or combined with other information can be used to distinguish or trace a student's identity. Please see FERPA's regulations at 34 CFR 99.4 for a complete definition.
2. The right to inspect and review the complete contents of their child's education record stored or maintained by an educational agency, and may do so by contacting [Name of District Clerk], District Clerk at [Telephone Number] or [Email Address]. This right may not apply to parents of an Eligible Student.
3. State and federal laws such as Education Law §2-d; the Commissioner of Education's Regulations at 8 NYCRR Part 121, the Family Educational Rights and Privacy Act ("FERPA") at 12 U.S.C. 1232g (34 CFR Part 99); Children's Online Privacy Protection Act ("COPPA") at 15 U.S.C. 6501-6502 (16 CFR Part 312); Protection of Pupil Rights Amendment ("PPRA") at 20 U.S.C. 123h (34 CFR Part 98); the Individuals with Disabilities Education Act ("IDEA") at 20 U.S.C. 1400 et seq. (34 CFR Part 300); protect the confidentiality of student's personally identifiable information.
4. 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.
5. A complete list of all student data elements collected by NYSED is available for review at <http://www.nysed.gov/data-privacy-security/student-data-inventory> or by writing to: Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, New York 12234.
6. The right to have complaints about possible breaches and unauthorized disclosures of PII addressed. Complaints may be submitted to NYSED at <http://www.nysed.gov/data-privacysecurity/report-improper-disclosure>, or by mail to: Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, New York 12234; or by email to: [privacy@nysed.gov](mailto:privacy@nysed.gov). Complaints may also be directed to [Name of Superintendent or Data Privacy Officer], [Superintendent of Schools / Data Privacy Officer] at [Telephone Number] or [Email Address].
7. To be notified in accordance with applicable laws and regulations if a breach or unauthorized release of PII occurs.

8. Educational agency workers that handle PII will receive training on applicable state and federal laws, policies and safeguards associated with industry standards and best practices that protect PII.
9. Educational agency contracts with vendors that receive PII will address statutory and regulatory data privacy and security requirements.
10. Specify whether this Agreement involves disclosure to the Contractor of Student Data, APPR Data or both.

- Disclosure of Student Data  
 Disclosure of APPR Data

11. The exclusive purposes for which Student Data or APPR Data may be used by the third-party contractor in the performance of this Agreement is [EXPLAIN EXCLUSIVE PURPOSES OF SERVICE PROVIDED UNDER CONTRACT/AGREEMENT].
12. Identify any subcontractors or other persons/entities with whom the Contractor will share the Student Data or APPR Data in the performance of this Agreement and describe how the Contractor will ensure that persons/entities will abide by the data protection and security requirements of the Agreement:

[Explain.]

In the event the Contractor engages a Subcontractor or otherwise shares Student Data or APPR Data with any other entity, Contractor acknowledges and agrees that before any such data is shared with a Contractor or other entity, such party must agree in writing to be bound by the confidentiality and data protection provisions set forth in this Agreement, including, but not limited to, the District's Policy for Data Security and Privacy. Upon termination of the agreement between the Contractor and a Subcontractor or other entity, Contractor acknowledges and agrees that it is responsible for ensuring that all Student Data or APPR Data shared by the Contractor must be returned to the Contractor or otherwise destroyed.

13. Specify the expiration date of the Contract and explain what will happen to the Student Data or APPR Data in the Contractor's possession, or in the possession of any person/entity described in response to Paragraph 12, upon the expiration or earlier termination of the Agreement.

Contract Expiration Date: [Date]

- Contractor agrees to return the Student Data or APPR Data to the District consistent with the protocols set forth in the Data Privacy Agreement.
- Contractor agrees to securely destroy the Student Data or APPR Data consistent with the protocols set forth in the Data Privacy Agreement

14. A parent, student, eligible student (student eighteen years or older), teacher or principal may challenge the accuracy of the Student Data or APPR Data that is collected by contacting the District which produced the challenged record or data or otherwise created such data.

15. The third party contractor shall protect all student data or teacher principal data through security protections consistent with the industry standards. The third party contractor shall store any student data or teacher or principal data [INSERT LOCATION/DESCRIPTION] and shall ensure such data will be protected and data security and privacy risks are mitigated, and shall use encryption protections on such data while in motion and at rest.

\_\_\_\_\_  
[Name of District] School District

\_\_\_\_\_  
[Third Party Contractor]

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



Book	WEBUTUCK CENTRAL SCHOOL DISTRICT POLICY MANUAL
Section	8000 Support Services Goals
Title	Parent's Bill of Rights for Student Data Privacy and Security
Code	8635-E
Status	Active
Adopted	February 28, 2022
Prior Revised Dates	01/25/2021

The Webutuck School District, in recognition of the risk of identity theft and unwarranted invasion of privacy, affirms its commitment to safeguarding student personally identifiable information (PII) in educational records from unauthorized access or disclosure in accordance with State and Federal law. The Webutuck School District establishes the following parental bill of rights:

- Student PII will be collected and disclosed only as necessary to achieve educational purposes in accordance with State and Federal Law.
- The district and its schools, and any third-party contractors and subcontractors, will not sell student PII or use or disclose it for any marketing or commercial purposes or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so;
- Parents have the right to inspect and review the complete contents of their child's education record (for more information about how to exercise this right, see 5500-R);
- State and federal laws, such as NYS Education Law §2-d and the Family Educational Rights and Privacy Act, protect the confidentiality of students' personally identifiable information. 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;
- A complete list of all student data elements collected by the State Education Department is available for public review at <http://nysed.gov/data-privacy-security/student-data-inventory> or by writing to: Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234
- Parents have the right to have complaints about possible breaches and unauthorized disclosures of student data addressed. Complaints should be directed to (*insert district contact information including title, phone number, email and mailing address here*). Complaints can also be directed to the New York State Education Department online at <http://nysed.gov/data-privacy-security/report-improper-disclosure>, by mail to the Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany, NY 12234 or by email to [privacy@nysed.gov](mailto:privacy@nysed.gov) or by telephone at 518-474-0937.
- Parents have the right to be notified in accordance with applicable laws and regulations if a breach or unauthorized release of their student's PII occurs.
- All district and school employees and officers with access to PII will receive annual training on applicable federal and state laws, regulations, district and school policies and safeguards which will be in alignment with industry standards and best practices to protect PII
- In the event that the district engages a third party provider to deliver student educational services, the contractor or subcontractors will be obligated to adhere to State and Federal Laws to safeguard student PII. Parents can request information about third party contractors by contacting (*insert district contact information including title, phone number, email and mailing address here*) or can access the information on the district's website (*insert district website address*).

\* \* \*

**PARENT BILL OF RIGHTS FOR STUDENT  
DATA PRIVACY AND SECURITY  
THIRD PARTY CONTRACTOR SUPPLEMENT**

The *(insert name of contractor)* has been engaged by the *(insert name of school district)* to provide services. In this capacity, the company may collect, process, manage, store or analyze student or teacher/principal personally identifiable information (PII).

The *(insert name of contractor)* will provide the district with *(describe specific purpose for which the PII will be used)*.

The *(insert the name of contractor)* will ensure that subcontractors or others that the company shares PII will abide by data protection and security requirements of district policy, and state and federal law and regulations by *(describe methods/procedures to safeguard data use by subcontractors)*.

PII will be stored *(describe the location in a manner that protects data security)*.

Parents may challenge the accuracy of PII held by *(insert name of contractor)* by contacting *(insert contact information, including title, phone number, mailing address and email address)*.

The *(insert name of contractor)* will take reasonable measures to ensure the confidentiality of PII by implementing the following *(describe the following, as applicable)*:

- Password protections
- Administrative procedures
- Encryption while PII is in motion and at rest
- Firewalls

The contractor's agreement with the district begins on *(insert date)* and ends on *(insert date)*. Once the contractor has completed its service to the district, records containing student PII will be *(select one: destroyed or returned)* by *(insert date)* via the following *(insert method if destroyed or format if returned)*.