

Charter School Leaders  
Data Protection Officers

FROM: Louise DeCandia, Chief Privacy Officer

DATE: June 7, 2023

### Commercial and Marketing

This memorandum provides general guidance regarding WKH WHUPV 'FRPPHU  
DQG 'PDUNHWLQJ LQ (GLXFDWLRQ Education that agency can avoid the  
use of student data for such purposes.

Education Law § 2 -d (3) (b) (1) states that: 'D VWXGHQW V SHUVRQDOO  
LQIRUPDWLRQ 3,, FDQQRW EH VROG RU UHOHDVHG IRU DQ

2) Is the educational agency selling or releasing student data?