

d. Associated student(s)[children].

13. Respondent's publicly posted privacy notice states:
a. "RST [Respondent] will not sell, or otherwise use or disclose, its education records for targeted advertising or marketing purposes within its product or institution."²

14. Respondent was contacted by FOIA requesters on 11/14/2018, and was not responsive until after December 14, 2018. Respondent's Privacy Policy states:

15. The Department includes d(5)(c)(2), NYCRR Sections 121.6, (d)(5), and 121.6(b)(2) educational records policies, which require that any educational agency administrative, technical, or physical safeguards of educational agencies of a breach without unreasonable delay.

16. Respondent acknowledges its position and to avoid the burden and proceedings, hereby waves, and agrees to the issuance of the Respondent's consent to agree to the Department's validity of the Department by educational agencies as a result of this not an admission of the facts alleged or of liability.

IT IS HEREBY ORDERED, pursuant to the a) the above and 8 NYCRR Part 121.6,

1. The amount of \$100,000 will be paid by Respondent to the New York State Commissioner of Taxation and Finance for the civil penalty described above. Respondent shall pay the civil penalty.
2. Within ninety (90) days of the date of this Order, Respondent shall provide training, at its own expense, on the federal and state laws and regulations governing confidentiality and access to such data. This training shall minimally encompass FERPA and New York Education Law Section 2-d.

²

<https://www.rst.com/privacy-policy>
<https://www.rst.com/privacy-policy>

For Respondent:

[Signature]
(signature of Respondent)

CE
Title

July 9, 2013
Date

On the 1st day of July in the year 2013,
public, provided to me on the basis of information
(are) subscribed to the same in person,
the individual(s) or the instrument.

[Signature]
Notary Public



District of Columbia

New York State Education Department

Ry [Signature]
Louis
Chief