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## **Parents beware! NY and eight other states plan to share your child's confidential school records with private corporations without your consent**

New York is one of five states that have **agreed to share confidential NYC student and teacher data** in Phase I of the “Shared Learning Collaborative” or SLC, a project of the Gates Foundation.

- The other states and districts in Phase I include North Carolina (Guilford Co.), Colorado (Jefferson Co.), Illinois (Unit 5 Normal and District 87 Bloomington) and Massachusetts (Everett). Phase II states include Delaware, Georgia, Kentucky, and Louisiana and according to the Gates Foundation, intend to start piloting the system in 2013.
- The data to be shared will include the names of students, their grades, test scores, disciplinary and attendance records, and likely race, ethnicity, free lunch and special education status as well.
- These records are to be stored in a massive electronic data bank, being built by Wireless Generation, a subsidiary of News Corporation. News Corporation is owned by Rupert Murdoch and has been found to illegally violate the privacy of individuals in Great Britain and in the United States.
- Over the next few months, the Gates Foundation plans to turn over all this personal data to another, as yet unnamed corporation, headed by Iwan Streichenberger, the former marketing director of a company called Promethean that sells whiteboards, based in Atlanta GA.
- This new corporation intends to make this confidential student information available to commercial enterprises to help them develop and market their “learning products.” This new corporation is supposed to be financially sustainable by 2016, which means either states, districts or vendors will have to pay for its upkeep and maintenance. **All this is happening without parental knowledge or consent.**

- There are serious questions as to whether this plan complies with the federal law protecting student privacy, called FERPA (the Family Educational Rights and Privacy Act), which allows states or districts to disclose of personally identifiable education records without parental consent to third parties only in very limited circumstances and under stringent conditions, none of which apply in this case.
- Moreover, we have learned that this confidential information is to be put on a cloud managed by Amazon.com, with few if any protections against data leakage.
- After a press conference in NYC with attorney Norman Siegel in October, the NY State Education Department finally released its contract with the Gates Foundation. As we feared, it only reaffirmed our concerns about the lack of privacy for children, the weak protections against data leakage, and the denial of the parental right to consent.

**We believe that any state that enters into an agreement with the Shared Learning Collaborative, or its successor corporation, should at the very least be obligated to:**

1. Publicly release its contract with the SLC; notify all parents of the impending disclosure of their children's confidential records, and provide them with the right to consent;
2. Hold public hearings for parents to express their concerns about the plan's potential to violate their children's privacy, security and safety;
3. Explain how families can obtain relief if their children are harmed by improper use or accidental release of this information, including who will be held financially responsible;
4. Affirm that they will ensure the privacy rights of public school children more than the interests of the Gates Foundation, News Corporation, or any other company or vendor with whom this confidential information will be shared.

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