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JUDICIARY

RULES

January 28, 2013

John B. King, Jr.
Commissioner
New York State Department of Education
Washington Avenue
Albany, NY 12234

Dennis Walcott
Chancellor
New York City Department of Education
52 Chambers Street
New York, NY 10007

Dear Commissioner King and Chancellor Wolcott:

I write to express my strong objection to the State Department of Education agreement to share private information regarding students with the Shared Learning Collaborative (SLC). To share such data without parental consent with the SLC, which will turn the data over to a massive for-profit data bank, raises serious privacy concerns.

The data to be shared will include the names of students, their grades, test scores, disciplinary and attendance records, and may include other variables such as race, ethnicity, free lunch and special education status. Such information should not be shared with private entities without first both informing parents and obtaining their consent.

I am particularly concerned that the SLC has chosen Wireless Generation to store and manage this data. Wireless Generation is a subsidiary of News Corporation, which is owned by Rupert Murdoch. News Corporation employees were recently involved in multiple illegal actions that violated the privacy of both British and U.S. citizens. These incidents have resulted in numerous arrests in Great Britain. It is deeply disturbing that New York would consider turning over private student information to News Corporation given this history. In fact, in 2011 the New York State Comptroller rejected a \$27 million State Education Department no-bid contract with Wireless Generation after determining that the revelations surrounding News Corporation made final approval of the contract untenable.

In addition, SLC intends to make these private records available to another for-profit corporation for the purpose of helping them develop and market "learning products." I do not believe it is appropriate for New York to treat our private student data as part of a product development plan, particularly without even gaining the consent of their parents.

I also have serious questions as to whether this plan complies with the Family Educational Rights and Privacy Act (FERPA), 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.

I urge you to reconsider plans to share private data with SLC without parental consent, and to provide parents with information and opportunities to comment on any such efforts to share private student data with outside entities. Please keep me informed of your actions to ensure that personal data regarding New York's students is protected.

Sincerely,

A handwritten signature in black ink that reads "Liz Krueger". The signature is written in a cursive, flowing style.

Liz Krueger
State Senator