

May 15, 2013

To Commissioner King and the Board of Regents:

We would like to alert you to the fact that in the last few weeks, four of the nine states that were cited as partnering with inBloom Inc., Louisiana, Georgia, Delaware and Kentucky, have all announced they no longer intend to share any student data with inBloom. Other states that had been planning to share data from “pilot districts”, including Massachusetts, are now reconsidering, because of privacy and security concerns.

We would also like to provide you with a brief account of the April 29 town hall meeting at Brooklyn Borough Hall that was held on the New York state’s plan to share personally identifiable student data with inBloom Inc., and through inBloom, with for-profit vendors.

About 150 parents and concerned citizens attended and expressed grave trepidation about the risks that this plan represents. Two of the Regents and two representatives from the State Education Department were there to observe. Adina Lopatin, Deputy Chief Academic Officer of the NYC Department of Education, was present and answered some of our questions. Unfortunately, her responses only reinforced the fears of many parents. Among the facts revealed by Ms. Lopatin were the following:

- The state and the city have already shared personally identifiable student data with inBloom, without notifying parents. This data includes such highly sensitive information as student and parent names, contact information, grades, test scores, attendance, disciplinary records, and program participation --which include details as to the special education services children receive.
- Neither the state nor the city is willing to respect parental requests to opt out of this data sharing plan. The DOE claims this is because the state guidelines do not allow for parents to opt out.
- Since inBloom has stated it will not be responsible if the data leaks out in storage or transmission, Ms. Lopatin explained that the State Education Department would be legally and financially liable if there are data breaches or the unauthorized use of this highly sensitive information.

Parents were understandably outraged. Many said they didn’t understand why private vendors need their children’s personal data, and asked why the state and city are divulging it without their consent. Among the salient points made by parents and community members who attended:

- Data breaches from clouds are common. A recent survey found that 86% of technology professionals do not trust clouds for their “more sensitive” information.
- Joel Reidenberg, privacy expert and law professor at Fordham, was quoted in Information Week in relation to inBloom that “Data breaches are going to happen.”
- The company Living Social, owned by Amazon.com, the host of the inBloom data cloud, recently announced it had been hacked, leading to the release of the personal information of 50 million subscribers.
- Stephen Boese, Executive Director of the Learning Disabilities Association of New York, pointed out that the disclosure of personal information on the Internet has caused children to suffer severe stress and even, at times, believed to have contributed to their suicide.
- Since inBloom has insulated itself from legal liability, such breaches are likely to make New York state vulnerable to class action suits.

As mentioned above, in the last few weeks, four of the nine states originally cited as participants have announced they are no longer planning to share any student data with inBloom.

John White, the Louisiana Superintendent, explained to his State Board that he was withdrawing all student data because of the privacy concerns expressed by parents. At a public meeting last week, the Georgia State Education Commissioner, Dr. John Barge, stated that he refused to share any data with inBloom, and that he understood this issue from a personal perspective, since he has a child in the public schools. Massachusetts state officials have said that they are reconsidering their decision to share the data of their only "pilot" district, Everett, because of security concerns.

At this point, it appears that New York is the **only state in the nation** willing to put the confidential personally identifiable data of its entire public school population on a vulnerable data cloud, and offer it up to vendors without parental consent, thereby posing a huge risk to more than five million students.

The LivingSocial data breach, the phone hacking engaged in by News Corporation employees, and the monitoring of Bloomberg LLP terminals by Bloomberg News reporters reveal how easily personal information can be leaked and misused.

There is posted [video](#) of the Town hall; and here are just some news stories that capture the flavor of evening: *Village Voice*: [NYC Parents Grill Department of Education Over Private Student Data Cloud](#); *EdSurge*: [NYC Parents Raise Questions About InBloom](#); *The Independent*: [How Murdoch, Bill Gates and Big Corporations Are Data Mining Our Schools](#); *WINS radio/CBS*: [Parents Irate Over NYC DOE Plan To Give Student Data To Nonprofit Organization](#); *Brooklyn Daily Eagle*: [Parents outraged over NYC schools data sharing program](#); and *Queens Chronicle*: [Is the DOE Hurting or Helping students?](#)

A full list of news clips about the inBloom data sharing plan, including articles from Reuters, Education Week, the Daily News, Newsday and other media outlets is [here](#).

We strongly urge you to withdraw the personally identifiable, highly sensitive student information of New York public school students as soon as possible from the inBloom data cloud, before any damage is done to the state's children.

Yours,

Council Member Robert Jackson, Chair of the NYC Council Education Committee
Leonie Haimson, Class Size Matters
Stephen Boese, Learning Disabilities Association of New York
Zakiyah Ansari, Alliance for Quality Education
O'Cynthia Williams, Coalition for Educational Justice

Cc: Speaker Sheldon Silver, NYS Assembly
Assemblymember Cathy Nolan, Chair of the Assembly Education Committee
Senators Dean Skelos and Jeff Klein, Senate Majority Leaders
Senator John Flanagan, Chair of the Senate Education Committee
De'Shawn Wright, Deputy Secretary of Education