

Mason Kortz, Legal Fellow  
ACLU of Massachusetts  
211 Congress Street  
Boston, MA 02110  
mkortz@aclum.org  
(617) 482-3170 x314

November 26, 2014

Mary Czajkowski  
Superintendent of Schools  
Barnstable Public Schools  
230 South Street  
Hyannis, MA 02601

**Re: Request for Public Records Relating to Student Records Management**

Dear Dr. Czajkowski,

This is a request for public records under M.G.L. ch. 66, § 10 made on behalf of the American Civil Liberties Union Foundation of Massachusetts (ACLUM). ACLUM seeks public records relating to the *creation, maintenance, and release* of personally identifiable student information. We are not requesting any personally identifiable student information *itself*.

Under 603 C.M.R. 23.02, student records include any information about a student held by a public school in a way that the student may be individually identified. Public schools are required to take special care in protecting student records because access to this information raises serious privacy concerns. ACLUM understands that schools in your district use software designed to create, maintain, store, and release student records (a “Student Information Systems” or “SIS”). We also understand that your schools may create, maintain, store, or release non-record data referencing specific students. ACLUM requests two categories of documents: (1) documents relating to student records; and (2) documents relating to personally identifiable student information other than student records.

First, we request the following documents relating to student records:

1. Any contracts, agreements, receipts, invoices, grants, or Memoranda of Understanding for:
  - a. The purchase, lease, or use of an SIS.
  - b. The purchase, lease, or use of any hardware or software that is able to access student records by connecting to an SIS.
  - c. On-site or off-site electronic storage of student records.
  - d. Access to student records by anyone other than the specific student to whom the records belong or that student’s guardian.

2. Any rules, regulations, guidelines, handbooks, training materials, student and parent handouts, or other records that describe policies relating to:
  - a. The creation, retention, or deletion of student records in an SIS.
  - b. Privacy and security practices for student records in an SIS.
  - c. Notification in case of unauthorized access to student records in an SIS.
  - d. Access to student records by students and their guardians.
  - e. Access to student records by individuals or entities other than students and their guardians.

Second, we request the following documents relating to personally identifiable student information other than student records:


1. Any access, retention, filtering, data breach or privacy policies for:
  - a. School surveillance camera systems and footage.
  - b. Biometric systems, including fingerprint readers and voice recognition systems.
  - c. Radio-frequency identification (RFID) systems.
  - d. Student email accounts.
2. Any contract, agreement, or Memoranda of Understanding with an email provider to manage student email accounts.

Because this request involves a matter of public concern and because it is made on behalf of a nonprofit organization, we ask that you waive any copying costs pursuant to 950 C.M.R. § 32.06(5), which encourages all custodians of public records to “waive fees where disclosure would benefit the public interest.” ACLUM is a nonprofit §501(c)(3) organization dedicated to the protection of civil rights and liberties for all persons in the Commonwealth of Massachusetts.

Whenever possible, we prefer to receive the documents electronically rather than in paper form. As you know, a custodian of public records shall comply with a request within ten days after receipt. If any part of this request is unclear, please contact me at 617-482-3170 ext. 314.

Thank you for your assistance. We look forward to your response.

Sincerely,



Mason Kortz  
Legal Fellow  
ACLU of Massachusetts