



Date: May 5, 2023

Dear Parent/Guardian:

Enclosed you will find a detailed notice of privacy practices (this "Notice") which details our confidentiality practices under federal (HIPAA/FERPA) and New York State law. This Notice includes detailed information regarding the privacy rights of your child. A significant portion of this Notice outlines procedures which we have implemented in order to comply with certain mental health or mental hygiene laws. Please be sure to return the acknowledgement form attached to this Notice immediately (and in no event later than 72 hours from receipt) since federal law requires that you acknowledge receiving this Notice.

If you have any specific questions, feel free to call me at (718) 816-1422 ext.: 1202, or write to me at [hipaa@eden2.org](mailto:hipaa@eden2.org) or 15 Beach Street, Staten Island, NY 10304.

Sincerely,

A handwritten signature in black ink, appearing to read "Shari Schatzman", is written over a light gray rectangular background.

Shari Schatzman, Eden II HIPAA Officer



## **EDEN II PROGRAMS** **NOTICE OF PRIVACY PRACTICES**

*Effective Date: April 2023*

***THIS NOTICE OF PRIVACY PRACTICES (THIS "NOTICE") DESCRIBES HOW CLINICAL INFORMATION ABOUT OUR PARTICIPANTS, KNOWN AS PROTECTED HEALTH INFORMATION, MAY BE USED AND DISCLOSED, AND HOW OUR PARTICIPANTS' PARENTS, GUARDIANS OR PERSONAL REPRESENTATIVES, CAN ACCESS THIS INFORMATION. IN ORDER TO MAKE THIS NOTICE AS READABLE AS POSSIBLE, THE WORD "YOU" REFERS TO OUR PARTICIPANTS, EVEN THOUGH THIS NOTICE IS DIRECTED TO THEIR PARENTS, GUARDIANS AND PERSONAL REPRESENTATIVES. PLEASE REVIEW THIS NOTICE CAREFULLY.***

The federal Health Insurance Portability and Accountability Act of 1996, as amended by the Health Information Technology for Economic and Clinical Health Act of 2009 (collectively, "HIPAA"), the federal Genetic Information Nondiscrimination Act of 2008, and New York State law to the extent that such law is more stringent than HIPAA, place certain obligations upon us with regard to your protected health information and require that we keep confidential any medical or mental health information that identifies you. In addition, the privacy and confidentiality of mental health information that we maintain is subject to protections under federal and state laws which in some situations go beyond the protections provided by law generally for health information treated as Protected Health Information. Therefore, throughout this Notice, "Protected Health Information" or "PHI" shall refer to all of your clinical information, including both medical and mental health information, and the privacy practices described in this Notice are intended to comply with the additional privacy protections for mental health information as required by such federal and state laws.

This Notice describes the privacy practices with respect to PHI of our agency, its staff, and affiliated service providers that jointly provide services to you. We take these privacy obligations seriously. When we need to use or disclose your PHI, we will comply fully with the terms of this Notice. Moreover, anytime we are permitted or required to share your PHI with others, we will provide only the **minimum** amount of information **necessary** to comply with such disclosures, unless otherwise permitted or required by law.

In addition, this Notice will address the application of the federal Family Educational Rights and Privacy Act ("FERPA") to clinical information that we maintain for those participants receiving funds under programs administered by the U.S. Department of Education. Such clinical information is treated as educational records under FERPA, rather than as PHI under HIPAA.

We are required to provide you with a copy of this Notice. In addition, you are able to view or obtain a copy of this Notice by accessing our website at <http://www.eden2.org>, contacting your Eden II program director, or asking for a copy at the time of your next visit.

***If you have any questions about this Notice or would like further information, please contact **Shari Schatzman, Eden II Privacy Officer** at (718) 816-1422 ext.: 1202, [hipaa@eden2.org](mailto:hipaa@eden2.org) or 15 Beach Street, Staten Island, NY 10304.***

## **USES AND DISCLOSURES OF YOUR PHI THAT DO NOT REQUIRE SPECIFIC AUTHORIZATION**

With your general written consent (which we must obtain before providing services to you), we are permitted by law to use and disclose your PHI under the circumstances described below. This means that, once we obtain your general consent, we do not have to ask you again before we use or disclose your PHI to provide you with treatment, seek payment for our services, or conduct our normal business operations.

We also may use or disclose your PHI without specifically asking you for authorization for certain other purposes as described elsewhere in this Notice. Other uses and disclosures, some of which are described in this Notice, will be made only with your specific written authorization or as otherwise described herein. You may revoke such specific authorization at any time, to be effective prospectively, *i.e.*, your revocation will not be effective with respect to actions which we took in reliance on your specific authorization prior to your revocation.

- **Treatment, Payment & Operations.** Your PHI may be used by personnel within our agency (or its “business associates”) in connection with their duties to provide you with treatment, to obtain payment for that treatment, or to conduct our agency’s business operations. A business associate is any person or entity, other than a member of Eden II’s workforce, who performs services involving the creation, receipt, maintenance, or transmission of your PHI on behalf of Eden II.

We may reveal your PHI to persons outside of this agency when we have obtained your written consent. In addition, we may reveal your PHI to persons outside of this agency without your specific written authorization under the following circumstances:

- **Other Health Care Providers.** To other providers who are currently serving you, who previously served you, and who will be serving you, if such providers are licensed or regulated by the New York State Office of Mental Health.
- **Emergency Services.** To licensed hospital emergency services.
- **Personal Representative.** To a personal representative who is authorized to make health care decisions on your behalf.
- **Court Order.** Pursuant to a court order from a court with appropriate jurisdiction.
- **Health and Safety/Public Health.** Where necessary to prevent or lessen a serious and imminent threat to your health and safety or the health and safety of other persons, and for certain public health activities as required by law, including, without limitation: (i) to report health information to public health authorities for the purpose of preventing or controlling disease, injury or disability; (ii) to report certain immunization information, such as to the state immunization registry or to your school; and (iii) to alert any person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading a disease or condition.
- **Law Enforcement Officials.** To appropriate federal and state authorities to locate a missing person or conduct a criminal investigation as permitted under federal and state laws and regulations, to report violations of law as provided pursuant to the New York State Mental Hygiene Law and 45 C.F.R. § 164.502(j)(1), or as otherwise required or authorized pursuant to New York State law.

- Mental Hygiene Legal Services. To New York State agencies offering mental hygiene-related legal services.
- Attorneys. To an attorney representing you in an involuntary hospitalization or medication proceeding. However, we will not disclose your PHI to an attorney for any other purpose without your authorization, unless we are ordered to do so by a court with appropriate jurisdiction.
- Health Oversight Activities. To an authorized health oversight agency for the purpose of monitoring or evaluating the quality of care provided by this agency and its staff, or to assist with audits, inspections, or investigations designed for ensuring compliance with governmental health care programs and applicable laws.
- Research. We may use and disclose your PHI without your authorization to a researcher who has received approval through an Institutional Review Board process as required by HIPAA, provided that such researcher will not disclose information that identifies you. However, in most cases, we will ask for your written authorization before using PHI about you or sharing it with others in order to conduct research.
- Victims of Abuse, Neglect, Domestic Violence. Where we have reason to believe that you may be a victim of abuse, neglect or domestic violence, to the proper governmental authorities, including social or protective service agencies, which require, or are authorized by law to receive, such reports.
- Decedents. To a medical examiner or coroner for purposes of identifying or determining the cause of your death.
  - De-identified Information. If we have removed any information that might reveal who you are.
- As Required by Law. We may use or disclose your PHI under any other circumstances where we would be required to do so by federal or state law.

While your specific written authorization is not required with respect to the following two situations, generally you will be given an opportunity to agree or object to disclosures of your PHI prior to any such disclosure being made by Eden II:

- Disclosures to Relatives, Close Friends, Caregivers. To family members and relatives, close friends, caregivers or other individuals whom you may identify, so long as we: (i) affirmatively obtain your approval; (ii) provide you with the opportunity to object to the disclosure, and you do not object; or (iii) reasonably infer that you would not object to the disclosure. If you are not present or, due to incapacity or emergency, you are unable to agree or object to a use or disclosure, we may exercise our professional judgment in order to determine whether such use or disclosure would be in your best interests. Where we disclose PHI to a family member, other relative, close friend, or other individual, we would disclose only that information we believe is directly relevant to such person's involvement with your care or payment for your care. Also, we will disclose your PHI in order to notify or assist with notifying such persons of your location, general condition or death. You may at any time request that we not disclose your PHI to any of these individuals.

## **SPECIAL USES AND DISCLOSURES OF YOUR PHI THAT REQUIRE SPECIFIC AUTHORIZATION**

In general, we will need your **specific written authorization** to use or disclose your PHI for the following purposes and any purpose not listed above, unless such use or disclosure without your specific authorization would otherwise be permitted or required by law. You may revoke such authorization at any time by writing to the Eden II Privacy Officer.

- Psychotherapy Notes. We must obtain your specific written authorization prior to disclosing any psychotherapy notes. However, there are certain purposes for which we may disclose psychotherapy notes without obtaining your specific authorization: (i) to carry out certain treatment, payment or health care operations (e.g., for purposes of your treatment, for our own training, and to defend ourselves in a legal action or other proceeding brought by you); (ii) to the Secretary of the Department of Health and Human Services to determine our compliance with federal law; (iii) as otherwise required by federal or state law; (iv) for health oversight activities authorized by law; (v) to medical examiners or coroners as required or permitted by state law; or (vi) for the purposes of preventing or lessening a serious or imminent threat to the health or safety of a person or the public.
- Receipt of Remuneration for Certain Disclosures of PHI. From time to time, we may receive remuneration, directly or indirectly, from a business associate or other third party in exchange for some or all of your PHI, which remains subject to HIPAA protections. However, we must obtain your specific written authorization prior to releasing such information, except with respect to activities for treatment, public health or research purposes. You are not obligated to provide us with such specific authorization, in which case we will not release your PHI to such business associate or third party for purposes other than treatment, public health or research purposes, or as otherwise permitted in accordance with this Notice. If you do provide us with your written authorization, you have a right to revoke your authorization at any time.
- Fundraising & Marketing Activities. From time to time, we may contact you to solicit tax deductible contributions to support our fundraising activities (e.g. annual dinner dance, golf outings, raffles, sports events, craft sales, bake sales, flea-markets, etc.). You may also be contacted about opportunities to attend workshops and webinars which may result in a financial benefit for our agency. In doing so, we may use certain limited demographic information without your authorization (such as email and mailing addresses, your child's age and gender, and the department in which your child received services). We may also share this limited demographic information with charitable foundations that raise money on our behalf to help us operate. Eden II requires your explicit written authorization to use or disclose any protected health information for fundraising or marketing purposes that is not considered permissible demographic information. If you do provide us with your written authorization you have a right to revoke such authorizations at any time. All fundraising and marketing communications (via traditional mail or email) will have an easy "opt out" mechanism for you to utilize at your discretion. To opt out of fundraising and marketing communications, call (718) 816-1422 and speak to the Director of Development.

## **RIGHTS YOU HAVE TO ACCESS AND CONTROL YOUR PHI**

*You have the following rights to access and control your Protected Health Information. These rights help you control the way we use your PHI and share it with others, and the way we communicate with you about your health care matters.*

### **1. Right To Inspect And Copy Records**

You have the right to inspect and obtain copies of your PHI obtained by Eden II, including medical and billing records. For PHI that we maintain in an electronic designated record set, you may request a copy of such health information in a reasonable electronic format if readily producible. To inspect or obtain a copy of your PHI, please submit your request in writing to Shari Schatzman, Eden II Privacy Officer, 15 Beach Street, Staten Island, NY 10304. Such requests may be submitted by e-mail to [hipaa@eden2.org](mailto:hipaa@eden2.org). However, an e-mail request will not be considered as having been received by Eden II until and unless the Eden II Privacy Officer sends you an e-mail acknowledging the date and time at which Eden II received your e-mail request. If you request a copy of your PHI, we may charge a fee for the costs of copying, mailing or supplies we use to fulfill your request.

We will respond to your request for inspection of your PHI within 10 days. We ordinarily will respond to requests for copies within 30 days. If we need additional time to respond to a request for copies, we will notify you in writing within the time frame above to explain the reason for the delay and to inform you when you can expect to have a final answer to your request.

Under certain limited circumstances, we may deny your request to inspect or obtain a copy of your PHI. If we do, we will provide you with a summary of the information instead. We will also provide a written notice that explains our reasons for providing only a summary, and a complete description of your rights to have that decision reviewed and steps you may take to exercise those rights. The written notice also will include information on how to file a complaint about these issues with us or with the Secretary of the Department of Health and Human Services. If we have reason to deny only part of your request, we will provide complete access to the remaining parts after excluding the information we cannot let you inspect or copy.

### **2. Right to Request Changes to Your Records**

If you believe that the PHI we have is incorrect or incomplete, you may ask us to review the information. You have the right to request an amendment for as long as such PHI is kept in our records. However, note that we will review your request but cannot guarantee a change of information will occur. To request an amendment, please write to Shari Schatzman, Eden II Privacy Officer, 15 Beach Street, Staten Island, NY 10304. Such requests may be submitted by e-mail to [hipaa@eden2.org](mailto:hipaa@eden2.org). However, an e-mail request will not be considered as having been received by Eden II until and unless the Eden II Privacy Officer sends you an e-mail acknowledging the date and time at which Eden II received your e-mail request. Your request should include the reasons why you think we should make the amendment. Ordinarily we will respond to your request within 30 days. We will comply with your request unless: (i) we believe that the information is accurate and complete; (ii) we maintain the information you have asked us to amend, but we did not create or author it (for example, such information was obtained from your medical records at another hospital or a medical practice and incorporated into your medical record here); or (iii) the information is not part of a designated record set or otherwise is unavailable for inspection.

If we deny all or part of your request, we will provide you with a written notice that explains our reasons for doing so. You will have the right to have certain information related to your requested amendment included in your records. For example, if you disagree with our decision, you will have an opportunity to submit a statement explaining your disagreement, which we will include in your records. We will also include information on how to file a complaint with us or with the Secretary of the Department of Health and Human Services. These procedures will be explained in more detail in any written denial notice we send to you.

### **3. Right to an Accounting of Disclosures**

You may request an accounting of certain disclosures we have made of your PHI, other than for purposes of treatment, payment and health care operations, within the six (6) year period preceding the date of your request for the accounting. Pending adoption of applicable federal regulations, and pursuant to applicable New York State Law, you also may request an accounting of certain disclosures we have made of your ePHI for purposes of treatment, payment and health care operations from a designated record set within the three (3) year period preceding the date of your request for such accounting. The first accounting you request within a period of twelve (12) months is free. Any subsequent requested accountings may result in a reasonable charge for the accounting statement. Please contact the Eden II Privacy Officer if you wish to request an accounting of disclosures. We will generally respond to your request in writing within thirty (30) days from the date of receipt of your request. We will notify you of any cost involved so that you may choose to withdraw or modify your request before incurring such costs.

### **4. Right to Request Additional Privacy Protections**

You have the right to request that restrictions be placed on uses and disclosures of your PHI for treatment, payment and health care operations, and with respect to disclosures to your family and friends. Requests for restrictions must be in writing, must specify what PHI you want to limit and what limitations you want to have imposed on our use or disclosure of such PHI, and should be sent to the Eden II Privacy Officer. Although we will endeavor to comply with reasonable requests that do not adversely affect your treatment, we are not required to grant your request unless such request relates solely to disclosure of your PHI to a health plan or other payor for the sole purpose of payment or health care operations for a health care item or service for which you or someone on your behalf (other than the plan) have paid us in full and out-of-pocket. You may cancel any such restrictions by writing to the Eden II Privacy Officer. Requests for restrictions, if approved and cancellations of restrictions will be effective with respect to future disclosures only.

### **5. Right to Request More Confidential Communications**

You have the right to request in writing that we communicate with you about your medical matters in a more confidential manner, by alternative means, or at alternative locations. For example, you may request that we contact you by fax or email instead of by mail, or at work instead of at home. To request more confidential communications, please write to Shari Schatzman, Eden II Privacy Officer, 15 Beach Street, Staten Island, NY 10304. Such requests may be submitted by e-mail to [hipaa@eden2.org](mailto:hipaa@eden2.org). However, an e-mail request will not be considered as having been received by Eden II until and unless the Eden II Privacy Officer sends you an e-mail acknowledging the date and time at which Eden II received your e-mail request. *We will not ask you the reason for your request, and we will try to accommodate all reasonable requests.* Please specify in your request how or where you wish to be contacted. If you request that any portion of such information be sent to you by e-mail,

we will send you such information only via encrypted e-mail. Any portion of the information you request that cannot be encrypted will be sent to you via regular mail or, if you so authorize, by fax transmission.

## **6. Right to Breach Notification**

We will notify you in the event a breach occurs involving or potentially involving your unsecured PHI and inform you of what steps you may need to take to protect yourself.

## **7. Right to Revoke Authorization**

At any time, you may revoke any or all of your specific authorizations, whether given verbally or in writing, without revoking your general written consent. Any such revocation must be in writing, and any revocation of specific authorizations, whether in connection with your revocation of your general written consent or otherwise, will be effective prospectively, *i.e.*, your revocation will not be effective with respect to actions which we took in reliance on your specific authorization prior to your revocation. No revocation will be effective unless submitted in writing to the Eden II Privacy Officer, 15 Beach Street, Staten Island, NY 10304. Any revocations may be submitted by e-mail to [hipaa@eden2.org](mailto:hipaa@eden2.org). However, an e-mail revocation will not be considered as having been received by Eden II until and unless the Eden II Privacy Officer sends you an e-mail acknowledging the date and time at which Eden II received your e-mail revocation. Any revocation will be granted except to the extent we may have acted in reliance upon your prior authorization.

## **INFORMATION REGARDING THE LENGTH AND DURATION OF THIS NOTICE**

This Notice is effective as of April 1, 2023. We may change this notice at any time. Changes to this Notice will apply to all health information, including mental health information. However, if we do change this Notice, we will only make changes to the extent permitted by law. We will also make the revised Notice available to you by posting it each of our facilities in a place where all individuals seeking services from us will be able to read the Notice, as well as on our website at <http://www.eden2.org>. You may at any time request a paper copy of this Notice, even if you previously agreed to receive this Notice by email or other electronic format. To obtain a paper copy of this Notice, please contact the Eden II Privacy Officer at 718-816-1422, [hipaa@eden2.org](mailto:hipaa@eden2.org), or 15 Beach Street, Staten Island, NY 10304, ask your Eden II program director, or ask for a copy at the time of your next visit.

## **COMPLAINTS/ADDITIONAL INFORMATION**

You may contact our Privacy Officer at any time if you wish to obtain any additional information or have questions concerning this Notice or your protected health information, including mental health information. If you feel that your privacy rights have or may have been violated, you may also contact our Privacy Officer or file a written complaint with the Office of Civil Rights of the U.S. Department of Health and Human Services. We will NOT retaliate against you if you file a complaint with us or the Office of Civil Rights.

If you have experienced discrimination because of the release of confidential HIV-related information, you may file a complaint with the New York State Division of Human Rights by electronic submission at <http://www.dhr.ny.gov> or by calling 888-392-3644. Alternatively, you may file a complaint by visiting the Law Enforcement Bureau of the New York City Commission on Human Rights, 100 Gold Street, Suite 4600, New York, New York 10038; appointments may be scheduled by calling 212-306- 7450.



## **OUR CONTACT INFORMATION**

You may contact us with any concerns or for additional information regarding our privacy practices by calling the Eden II Privacy Officer at 718-816-1422, or writing to [hipaa@eden2.org](mailto:hipaa@eden2.org) or 15 Beach Street, Staten Island, NY 10304.

Eden II Programs  
Shari Schatzman, Privacy Officer  
15 Beach Street  
Staten Island, NY 10304  
718-816-1422

## **Parents' Bill of Rights for Data Privacy and Security**

The federal Family Educational Rights and Privacy Act ("FERPA") protects the privacy of certain students' education records. The term "education records" is broadly defined to mean those records that are: (1) directly related to a student, and (2) maintained by or on behalf of an educational agency or institution. At the elementary or secondary level, a student's health records, including immunization records, maintained by an educational agency or institution subject to FERPA, as well as records maintained by a school nurse, are "education records" under FERPA and not PHI subject to HIPAA. In addition, records that elementary or secondary level schools maintain on special education students, including records on services provided to students under the Individuals with Disabilities Education Act (IDEA), are "education records" under FERPA.

An educational agency or institution subject to FERPA may not have a policy or practice of disclosing the education records of students, or personally identifiable information from education records, without a parent's or eligible student's written consent. However, FERPA contains several exceptions to this general consent rule. An "eligible student" is a student who is at least 18 years of age. Under FERPA, parents/guardians and eligible students have the right to inspect and review the student's education records and to seek to have those records amended in certain circumstances.

When a school provides health care to students in the normal course of business, such as through its health clinic, it is also a "health care provider" as defined by HIPAA. If a school also conducts any covered transactions electronically in connection with that health care, it is then a covered entity under HIPAA. However, many schools, even those that are HIPAA-covered entities, are not required to comply with the HIPAA Privacy and Security Rules to the extent that health records maintained by the school are "education records" of eligible students under FERPA, which are excluded from the definition of PHI under HIPAA.

Generally, your PHI will be subject to HIPAA. However, if your education at Eden II is funded in whole or in-part by any program administered by the U.S. Department of Education, then the privacy of some or all of your information is governed by FERPA, rather than HIPAA. In such cases, the privacy protections under FERPA will be applied to your records which qualify as education records under FERPA, and your education records will not be released without your parent or guardian's specific written authorization if you are under age eighteen or your guardian's specific written authorization if you are age eighteen or older, unless otherwise permitted or required by law. In addition, the HIPAA privacy protections described in this Notice will be applied to your other clinical information treated as PHI under HIPAA. If you have questions regarding the application of FERPA to your records, please contact the Eden II Privacy Officer.

Eden II School for Autistic Children, Inc is committed to protecting the privacy and security of student data in accordance with federal Family Educational Rights and Privacy Act ("FERPA") and New York Education Law § 2-d. These laws provide important protections and provide remedies for breaches of the responsibility to maintain the security and confidentiality of such data. The purpose of this Parents' Bill of Rights for Data Privacy and Security ("Parents' Bill of Rights") is to inform parents (which includes legal guardians or persons in parental relationships) and eligible students (students 18 years and older) of the following:

## Notification of Rights Under FERPA

1. A student's personally identifiable information, or "PII," cannot be sold or released for any commercial purposes.
2. Parents have the right to inspect and review the complete contents of their child's education record.
3. State and federal laws protect the confidentiality of PII, and safeguards associated with industry standards and best practices, including but not limited to, encryption, firewalls and password protection, must be in place when data is stored or transferred.
4. A complete list of all student data elements collected by Eden II is available at your child's primary school location or by writing to: Privacy Officer, Shari Schatzman, at 15 Beach Street, Staten Island, New York, 10304 or via email at: [hipaa@eden2.org](mailto:hipaa@eden2.org).
5. Parents have the right to have complaints about possible breaches and unauthorized disclosures of PII addressed. Complaints to Eden II should be directed to Privacy Officer, Shari Schatzman, at 15 Beach Street, Staten Island, New York, 10304 or via email at: [hipaa@eden2.org](mailto:hipaa@eden2.org).
6. Parents have the right to be notified in accordance with applicable laws and regulations if a breach or unauthorized release of certain PII occurs.
7. Eden II workers and staff that handle PII will receive training on applicable state and federal laws, policies and safeguards associated with industry standards and best practices that protect PII.
8. Eden II's contracts with its vendors that receive PII will address statutory and regulatory data privacy and security requirements.
9. The right to inspect and review the student's education records within 45 days after the day Eden II School for Autistic Children, Inc. ("Eden II") receives a request for access.
10. Parents or eligible students who wish to inspect their child's or their education records should submit to Shari Schatzman, (the "Eden II Privacy Officer") a written request that identifies the records they wish to inspect. The Eden II Privacy Officer or a school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected. Written requests to the Eden II Privacy Officer, Shari Schatzman, at 15 Beach Street, Staten Island, New York, 10304 or via email at: [hipaa@eden2.org](mailto:hipaa@eden2.org).
11. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask Eden II to amend an education record should write the Eden II Privacy Officer at the address listed above, clearly identify the part of the record they want changed, and specifying why it should be changed. If Eden II decides not to amend the record as requested by the parent or eligible student, Eden II will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment.

Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

12. The right to provide written consent before Eden II discloses personally identifiable information (“PII”) from the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest must be set forth in Eden II’s annual notification for FERPA rights. A “school official” is a person employed by Eden II as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service of function for which Eden II would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, Eden II discloses education records without consent to officials of another school in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student’s enrollment or transfer.

13. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Eden II to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202



**Notice of Privacy Practices Acknowledgement Form**

*By signing below, I acknowledge that I have been provided a complete copy of the Eden II Programs Notice of Privacy Practices and, therefore, have been advised as to how Protected Health Information or PHI/PII may be used and disclosed by Eden II Programs and how I may obtain access to this information.*

\_\_\_\_\_

Print Name of Parent/Guardian

\_\_\_\_\_

Date

\_\_\_\_\_

Signature of Parent/Guardian

\_\_\_\_\_

Name of Child

\_\_\_\_\_

Eden II Department Where Your Child Receives Services

*Please complete, sign above and return to:*

*Shari Schatzman, Eden II Privacy Officer*  
15 Beach Street  
Staten Island, NY 10304

Dear Parent/Guardian:

Staff training and development are very important components for our program. There is no better way to train staff than to demonstrate the proper way to work with individuals with autism. We hope you will allow us to include your son or daughter's images in our training videos as well as other projects and events we sponsor.

Enclosed we are requesting releases for: video authorization; picture authorization; and social media authorization. Please review and, if you agree, complete, sign and send back your release to Shari Schatzman, 15 Beach Street, Staten Island, NY 10304.

By authorizing this release form, you will be giving Eden II permission to photograph and video record your child as well as post on social media sites, use, disclose, and otherwise publicly display those images, and information about your child. If at any time we create a video which demonstrates your child engaging in any behaviors we deem maladaptive, your specific authorization to post such videos will be requested. Signing these releases allows Eden II Programs to keep images of your child permanently as Eden II's intellectual property. Images will not be sold.

You may revoke this form and any specific authorizations you have given Eden II at any time to prevent any future filming, photographing, and publication or distribution of images/video clips of your child. However, your revocation will not be effective with respect to images, video clips or other information which we previously published or distributed on your authorization prior to your revocation.

If you have any specific questions, please feel free to contact Shari Schatzman, Eden II Privacy Officer at 718- 816-1422 or [hipaa@eden2.org](mailto:hipaa@eden2.org).

Sincerely,



Shari Schatzman, Eden II HIPAA Officer

### Permission to Take/Record/Use images of your child

We understand that information about your child is personal and we are committed to protecting the privacy of that information. Eden II is requesting your permission before we may use or disclose images of your child.

<i>Type of Use</i>	<i>Place a check next to your permission choice</i>	
	<b>Grant Permission</b>	<b>Decline Permission</b>
<b>Include, but are not limited to:</b> <ul style="list-style-type: none"> <li>• Printed materials such as flyers, brochure and ads</li> <li>• Connections and e-newsletters</li> <li>• Bulletin board publicly posted at program site</li> <li>• Workshops, Trainings and Conferences</li> <li>• Slideshows used for fundraising events</li> <li>• Internet/social media sites (Facebook, Instagram, Twitter, LinkedIn, YouTube, or Eden II website-www.eden2.org)</li> </ul>	<input style="width: 50px; height: 50px;" type="checkbox"/>	<input style="width: 50px; height: 50px;" type="checkbox"/>

- I understand that it is my responsibility to update this form in the event that I no longer wish to authorize the use or disclose of images. Signing this release allows Eden II to keep images of your child as a permanent product.
- Images will be used and/or received by internal Eden II employees, Eden II families, donors and potential donors, publications, internet, television networks, with the purpose of informing and educating the community about autism, disseminating information to families, employees, donors and the public, and for soliciting donations from the community.
- This authorization does not have an expiration date unless written withdrawal of usage is submitted and confirmed by the Eden II Privacy Officer.
- Note that images of your child on social media sites may be accessible to anyone who uses the internet.
- Images of your child will be seen by individuals outside of the Eden II workforce.
- I waive all rights against Eden II, and release Eden II from any liabilities, for any claims, causes of action, or suits that may have arise from any use or misuse of images of my child.
- If you sign this authorization, you will have the right to revoke it at any time moving forward. However, please be aware that once an image has been posted on the internet, it may never be fully erased, even after it has been removed from a site(s). If you have additional questions, or if you would like to revoke this authorization, please contact Shari Schatzman, Privacy Officer at [hipaa@eden2.org](mailto:hipaa@eden2.org), or at (718) 816-1422 ext. 1202.
- If you have any exceptions please note below.

\_\_\_\_\_  
Parent of Guardian Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Child

\_\_\_\_\_  
Eden II Department Where Your Child Receives Services

Exceptions: \_\_\_\_\_