



Northern California Child Development, Inc.

Head Start & Early Head Start

220 Sycamore St., Suite 200, Red Bluff, CA 96080

Northern California Child Development Inc.

Phone: (530) 529-1500

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Northern California Child Development, Inc. Annual Notice Regarding PII and Parental Rights

This notice describes how Personally Identifiable Information about your child may be used and disclosed, and how you can access this information.

Please review it carefully.

By law, NCCDI must protect the privacy of your child's personally identifiable information that could be used to identify your child (known as personally identifiable information or PII) includes your child's name, name of child's family member, street address of the child, Social Security number, or other information that is linked or linkable to the child. NCCDI retains PII because your child receives Head Start or Early Head Start services from us, and it is a part of each child's record with us. We take our obligation to protect the privacy of your child's PII data very seriously. This notice explains your rights and our legal duties and privacy practices.

We are required to give you a copy of your rights in writing every year, including definitions (which cover descriptions of the types of PII that may be disclosed), to whom we can disclose, and list when we do not need to receive your consent to disclose PII from your child's record.

NCCDI will abide by the terms of this notice. Should our data and child record practices materially change, NCCDI reserves the right to change the terms of this notice and will follow the terms currently in effect. Any new provisions we add will affect all PII we maintain from the time the new provisions go into effect, as well as any PII that we may receive in the future. If we revise our practices substantially, we will provide a revised notice. Parents will receive a notice and direction to NCCDI's website for a detailed copy of the annual notice regarding PII and parental rights and post the update notice on our website at www.nccdi.com.

Definitions.

Child's records mean: (1) are directly related to the child; (2) are maintained by the program, or by a party acting for the program; and (3) include information recorded in any way such as print, electronic or digital means including media, video, image, or audio format.

Confidential means to be kept private with certain specific protections.

Consent means written approval or authorization that is signed and dated. It may include a record in signature and electronic format that: (1) identifies and authenticates a particular person as a source of



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electronic consent; and (2) indicates the same person's approval of the information. Consent can be revoked going forward.

Disclosure means to permit access to, or the release, transfer, or other communication of personally identifiable information contained in child records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

Party means an entity or individual.

Parent means person or agency legally authorized to act on behalf of the child, typically mother, father or legal guardian authorized to act in place of the mother or father.

Personally Identifiable Information (PII) means an any information that could identify specific individual, including but not limited to a child's name, name of the child's family member, street address of the child, Social Security number, or other information that is linked or linkable to the child.

Required uses and disclosures of PII.

We must use and disclose information contained in child records that is PII and a number of ways to carry out our responsibilities we keep PII and our child records. The following list describes the types of uses and disclosures of PII that federal law requires NCCDI to make and allows us to do so without your consent:

1. Within this organization for NCCDI purposes;
2. To other organizations for NCCDI purposes if (including but not limited to contractors or Delegates/ subrecipients that help us provide services to your child);
3. In connection with an audit, review or evaluation of education or child development programs or for enforcement of compliance with federal legal requirements such as to the US Department of Health and Human Services that funds our work;
4. For studies to improve child or family outcomes or quality of services;
5. During disasters or health and safety emergencies to appropriate parties including but not limited to local health departments, police, fire, EMS, etc.;
6. Pursuant to court orders or subpoenas so as long as we try to notify you in advance unless the court has ordered that neither the subpoenas, its contents, nor the information provided in response be disclosed; the disclosure is in compliance with an ex parte court order obtained by the United States Attorney general or his/her delegate concerning investigations or prosecutions of an offence listed in 18 USC 2332 (B)(G)(5)b or an act of domestic or international terrorism is defined in 18 USC 2331; a party is a party to a court proceeding directly in violence involving child abuse and neglect or dependency matters, and the order is issued in the context of that proceeding; or if there is legal action between NCCDI and a parent;
7. For Child And Adult Care Food Program (CACFP) monitoring if the results will be reported in an aggregate form that does not identify any individual;



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8. To foster care caseworkers who have the right to access a case plan for a child who is in foster care placement; and,
9. To appropriate parties in cases of suspected or known child maltreatment such as Child Protective Services.

Procedure.

Location of PII. NCCDI keeps PII from child records in the following places in our record keeping system, Child Plus, in locked paper files in NCCDI's Central Office, in locked paper files in NCCDI licensed facility office or home base office.

Need to know basis. All disclosures of PII from child records are on a need to know basis or otherwise "deemed necessary" for the purpose of disclosure. In other words, at NCCDI, we do not disclose PII from child records for any reason. We have specific processes that must be followed, and it depends on the type of PII that has been requested and by whom. Our process limits the amount of PII disclosed to only that which must be provided, and nothing more.

Annual notice. NCCDI requires our early learning and care programs to annually notify parents of their rights and writing described in this procedure key definitions and exceptions for when parental consent is not needed. NCCDI provides this notice in the Family Guidebook.

Process. When someone requests to see a copy of a child record whether it is a federal reviewer, an auditor, an official from the state, a parent or someone else, we follow our process. We never just give out information about children in our program without following our process.

- First, whoever receives the request for the information shall document receipt of the request in the child's enrollment record in ChildPlus and upload the written request into attachments in Child Plus. if more than one child is part of the request, a copy will be placed in each child's enrollment record.
- Next the person who received the request sends it to the Enrollment manager or Education manager for review and make sure it is a valid request. If the enrollment manager or education manager is unsure, they shall contact the birth to five director for final decision.
- Once the enrollment manager or education manager has determined the validity of the request, they shall also determine which of the types of PII disclosures their request falls under.
- Once the type of PII disclosure has been determined, if the type requires a written consent, the consent shall be obtained if NCCDI does not already have it on file.
- if instead, the type requires only a written notice to be provided to the child's parent with an opportunity for them to refuse, NCCDI shall provide notice of the disclosure to the child's parent.
- NCCDI shall keep a record of disclosures of PII from child records by documenting in the child's enrollment record the date, the name of the person or third party entity to which the PII is



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disclosed and which PII is disclosed. This record does not need to be kept for disclosures made within NCCDI. This record shall, in effect, become a log for disclosures for each child record.

- A copy of the requested shall also be maintained by NCCDI and the child attachments on Child Plus.

Types of PII disclosures.

Disclosures of PII can be made to parents as defined above who have legal authority. Additionally, for disclosures to third parties, there are three main types of disclosures of PII for Head Start and Early Head Start that NCCDI can make. The first is disclosure without parental consent. The second is disclosure requiring parental consent. The third is disclosure requiring parental notification or opportunity to refuse, which does not require consent. Each type of disclosure has a different process set forth below and we have different rules to follow for each one.

Disclosure without parental consent. NCCDI must disclose PII from child records without parental consent to the following parties, with the following limitations:

Within this organization for NCCDI purposes. If officials within NCCDI determines it is necessary for program services, NCCDI maintains oversight with respect to the use, further disclosure and maintenance of records;

To contractors for program purposes. To officials acting for NCCDI, such as contractors, if the official provides services for which NCCDI would otherwise use employees, NCCDI determines it is necessary for program services, and NCCDI maintains oversight with respect to the use, further disclosure, and maintenance of child records, such as through a written agreement;

In connection with an audit or evaluation of education or child development programs or for enforcement or compliance with federal legal requirements. To officials within NCCDI, acting for NCCDI, or from a federal or state entity, in connection with an audit or evaluation of education or child development programs or for enforcement of or compliance with federal legal requirements of NCCDI provided NCCDI maintains oversight with respect to the use, further disclosure, and maintenance of child records, such as through a written agreement including the destruction of the PII would no longer needed for the purpose of the disclosure, except when the disclosure is specifically authorized by federal law or by the responsible HHS official;

For studies to improve child or family outcomes or quality of services. To officials within NCCDI, acting for NCCDI, or from a federal or state entity, to conduct a study to improve family and child outcomes, including improving the quality of programs, or on behalf of NCCDI, provided NCCDI maintains oversight with respect to the use, further disclosure, and maintenance of child records, such as through a written agreement including the destruction of PII when no longer needed for the purpose of the disclosure;

During disasters or health and safety emergencies. To appropriate parties (such as local health departments, police, fire, EMS, etc.) to address a disaster, health or safety emergency during the period



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of the emergency, or a serious health and safety risk such as a serious food allergy, if NCCDI determines that disclosing the PII from child records is necessary to protect the health or safety of children or other persons;

Pursuant to court orders or subpoenas. To comply with a judicial order or lawfully issued subpoena, provided NCCDI makes a reasonable effort to notify the parent about all such subpoenas and court orders in advance, unless:

- a court has ordered that neither the subpoena, its contents, nor the information provided in response be disclosed;
- the disclosure is compliance with an ex parte court order obtained by the United States Attorney general or designee not lower than an assistant attorney general concerning investigations or prosecutions of an offense listed in 18 USC 2332 (B)(G)(5)b or an act of domestic or international terrorism as defined in 18 USC 2331.
- A parent is a party to a court proceeding directly involving child abuse and neglect or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the program is not required; Or,
- NCCDI initiates legal action against a parent or a parent and initiates legal action against NCCDI, then NCCDI may disclose to the court, also without a court order or subpoena, the child records relevant for NCCDI to act as plaintiff or defendant.

CACFP monitoring. To the secretary of agriculture or an authorized representative from the food and nutrition service to conduct program monitoring, evaluations, and performance measurements for the child and adult care food program under the Richard B. Russell National School lunch act or the child nutrition act of 1966, if the results will be reported in an aggregate form that does not identify any individual: provided, that any data collected must be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the secretary of agriculture and any PII must be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements;

Foster care caseworkers. To a case worker or other representative from a state, local, or tribal child welfare agency, who has the right to access a case plan for a child who is in foster care placement, when such agency is legal responsible for the child's care and protection, under state or tribal law, if the agency agrees in writing to protect PII, to use information from the child's case plan for specific purposes intended of addressing the child's needs, and to destroy information that is no longer needed for those purposes; And,

Suspected or known child maltreatment. To appropriate parties such as Child Protective Services to address suspected or known child maltreatment and is consistent with applicable federal, state, local, and tribal laws on reporting child abuse and neglect.



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And any instances that fall within the specific guidelines set forth in this section if NCCDI's enrollment manager, education manager or Birth to 5 director or their designee, determines the request is valid, they shall ensure that copies of the requested PII are delivered to the requesting party through a hand to hand transaction, first class mail, the Courier, or other reliable method.

Notwithstanding the steps above, NCCDI retains the right to determine that such disclosure is not in the best interest of the child and may choose to keep the requested PII confidential, so long as the non-disclosure is lawful.

Parental right to copy of record. NCCDI must come upon parental request, provide a child's parent, free of charge, an initial copy of child records disclosed to third parties, unless the disclosure was for a court that ordered neither the subpoena, its contents, nor the information furnished in response be disclosed.

Written agreements. When NCCDI establishes a written agreement with a third party involving PII, such as a sub-recipient, a delegate or contractor, auditor or program evaluator, NCCDI will annually review the agreement and update it if necessary.

All agreements that involve the disclosure of PII will include that should the third party violate the agreement, then NCCDI may either provide the third party an opportunity to self-correct within 10 calendar days; Or prohibit the third party from access to records until the issue is corrected or the contract is terminated at NCCDI sole discretion.

Parental right to inspect written agreements that involve the disclosure of PII. If a parent requests, NCCDI shall allow them to come on site and review a written agreement with a third party that involves disclosure of their child's PII. Any such review must happen on site and this right only allows the parent to review the agreement, but not take any photos of it or make, or have copies made of the agreement. Prior to any such parental review of an agreement, NCCDI shall redact any parts of the agreement that contain business terms, confidential information, or other trade secrets and shall work with NCCDI's local counsel to do so, if need be.

Disclosure requiring only parental notice or opportunity to refuse. Under the Head Start regulations, this type of disclosure does not require parental consent. NCCDI requires written consent from the parent for any information released.

- a. To do so NCCDI shall notify a Parent about the disclosure by requesting a release to be signed at which time the parent can refuse to complete the form or indicate on the release in writing either electronically (text/email) or in person within 5 business days.
- b. NCCDI shall provide the Parent prior to any PII Disclosure to the other party, upon the parent's request, a copy of the PII from Child Records to be disclosed and give the parent an opportunity to challenge and refuse disclosure of the information in the records, before the program forwards the records to the other Party.
- c. If an entity or a parent requests that PII be disclosed for enrollment or transfer purposes, NCCDI shall provide the parent a Notice of PII Release of Information.



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- d. If the parent does not follow the steps within the timeframe set forth in the Notice of PII Release of Information, NCCDI's Birth to 5 Director, their designee, the Enrollment Manager or the Education Manager shall make a determination that the request for disclosure is legitimate and will ensure that copies of the requested PII are delivered to the requesting program, school, or school district through either a hand to hand transaction, first class mail, a courier, or other reliable methods.
- e. Notwithstanding the steps above, NCCDI retains the right to determine that such disclosure is not in the best interest of the child and may choose to keep the requested PII confidential, so long as the nondisclosure is lawful.

Disclosure requiring parental consent. All disclosures of PII from child records that do not fall in one of the other categories above require written parental consent before NCCDI can disclose any data.

- a. NCCDI uses the PII Release of Information form to document written consent from a parent. This form (a) specifies which child records may be disclosed, (b) explains why the records will be disclosed, and (c) identifies the party/parties to whom the records may be disclosed.
- b. The written consent must be signed and dated, as per the definition of consent above. If it is not, a representative from NCCDI must contact the parent to get the form signed and dated prior to any PII disclosure.
- c. While the PII Release of Information Form includes an explanation that giving consent is voluntary by the parent and may be revoked at any time, NCCDI's representative giving the form to the parent should also explain this point to them.
- d. If a parent revokes consent, revocation is not retroactive. Therefore, it does not apply to any action that occurred before the consent was revoked.
- e. Upon the receipt of the completed PII Release of Information Form, NCCDI's Birth to 5 Director or their designee, the Enrollment Manager or the Education Manager shall make a determination that the request for disclosure is legitimate and will ensure that copies of the requested PII are delivered to the appropriate third party through either a hand to hand transaction, first class mail, a courier, or other reliable method.
- f. Notwithstanding the steps above, NCCDI retains the right to determine that such disclosure is not in the best interest of the child and may choose to keep the requested PII confidential, so long as the nondisclosure is lawful. In such instances, NCCDI shall explain the issue to the parent or legal guardian to help determine the next steps.
- g. Parental right to copy of record. NCCDI must provide a child's parent, free of charge, an initial copy of Child records disclosed to third parties with parental consent.

Children referred to or receiving IDEA Services for Disabilities.

- a. NCCDI will follow the confidentiality provisions of IDEA Parts B and C (located at 34 CFR Parts 300 and 303) for any children that we serve that are referred to or are receiving IDEA services. At any time or in any instance that those provisions are stricter than what NCCDI requires, we will follow those stricter IDEA provisions.



Parental Rights to Inspect Child Records.

- a. A parent has the right to inspect child records.
- b. If the parent requests to inspect their child records, NCCDI shall ensure that the parent gets the opportunity to come on-site to review the child records available within 10 business days. NCCDI shall not allow parents to take originals of the child records off-site, only copies.
- c. If some of the child's record is in a document that contains information on more than on child, NCCDI will ensure that the parent only inspects information that pertains to the parent's child. Specifically, the Enrollment Manager or Education Manager will review the requested child file prior to the parent and will redact the copy of the file to be made available to the parent.
- d. Additionally, NCCDI will not destroy a child record if there is an outstanding request to inspect and review the record under this section.

Parental Right to Ask to Amend the Child Record/Hearing.

- a. Right to ask to amend.
 - a. A parent has the right to ask NCCDI to amend information in the child record that the parent believes is inaccurate, misleading, or violates the child's privacy.
 - b. NCCDI must consider the parent's request within 10 business days. NCCDI's Birth to 5 Director, Enrollment Manager, or Education Manager is in charge of reviewing requests to amend child records.
 - c. IF NCCDI's Birth to 5 Director, Enrollment Manager, or Education Manager finds the Parent's request to be reasonable, NCCDI's Birth to 5 Director, Enrollment Manager, or Education Manager will notate an amendment to the child file that includes the date of the amendment, the content of the amendment, why the change is being made, and the name of the person making the amendment to the file. Any amendment to the child file of this kind will be documented within the child's Enrollment Record.
 - d. If, however, the Parent's request is denied by NCCDI, NCCDI shall render a written decision to the Parent within 10 business days that informs the Parent of the right to a hearing.
- b. Hearing.
 - a. If the Parent requests a hearing to challenge information in the child record, NCCDI will schedule a hearing within 30 calendar days, notify the Parent, in advance about the hearing.
 - b. Person conducting the hearing. The person who conducts the hearing may not have a direct interest in its outcome. As a result, NCCDI will not allow the person who made the initial notation in the file, or the decision not to amend the file as per the Parent's wishes, to lead the hearing.
 - c. Content of hearing. The hearing shall include a full and fair opportunity for the Parent to present evidence relevant to the issue.
 - d. Outcome of hearing.



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- i. If the person conducting the hearing determines from evidence presented at the hearing that the information in the Child Records is inaccurate, misleading, or violates the child’s privacy, they will direct NCCDI to amend the information and notify the Parent in writing.
- ii. If instead, the person conducting the hearing determines from evidence presented at the hearing that information in the Child Records is accurate, does not mislead, or otherwise does not violate the child’s privacy, they will inform the parent of the right to place a statement in the Child’s Record that either comments on the contested information or that states why the Parent disagrees with the program’s decision, or both.

Maintaining Records.

Consistent with our “Need to Know” basis above, NCCDI maintains Child Records in a manner that ensures only Parents, and officials within NCCDI or acting on behalf of NCCDI have access to Child Records. Accordingly, we keep any paper records containing PII of children under lock and key and any on-line records containing child PII are password protected. All Child Records are kept for 5 years after a child’s last enrolled program year.

Data Security

1. NCCDI utilizes an online platform database to track Child Records: ChildPlus. Per ChildPlus:

“...we see data security as the foundation for protecting PII and we ensure that the data collected by our customers from families participating in their programs is secure...”

- a. SSL Encryption. ChildPlus uses the Secure Socket Layer protocol (SSL) to encrypt all communication of customer data between NCCDI and their data center. All exchanges of data with ChildPlus’ data center is encrypted with 128-bit SSL Encryption to ensure the confidentiality and integrity of data in motion.
- b. Additionally, any portable media, including back up media, containing PII are encrypted to protect data at rest.
- c. Firewall. ChildPlus uses firewall technology to protect all servers and databases from unauthorized access. All critical systems are monitored 24 hours a day, 7 days a week.
- d. State of the Art Data Center. All PII maintained by ChildPlus is stored on servers located within a Rackspace Hosting data center and managed by Rackspace Hosting. Physical access to our servers is controlled by keycard protocols, biometric scanning protocols and round the clock interior and exterior surveillance.



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- e. Password and ID Protections. ChildPlus provides NCCDI with access controls via login authentication. NCCDI assign unique user names and passwords to authorized personnel and the login process regulates who can gain access and limits the scope of their access. NCCDI controls when access is granted or terminated and what data can be access by each employee.
2. NCCDI follows our Record Retention Policy for how long we keep records and we destroy Child Records within a reasonable timeframe after such records are no longer needed or required to maintain.