

**From:** Ann Marie Banfield banfieldannmarie@gmail.com  
**Subject:** Re: FW: Request for information  
**Date:** April 15, 2023 at 7:40 PM

AB

**To:** Brown, Elizabeth Elizabeth.A.Brown@doe.nh.gov  
**Cc:** Doris, Jennifer Jennifer.F.Doris@doe.nh.gov, Rambeau, Kelly Kelly.A.Rambeau@doe.nh.gov, Kelley, Rhonda Rhonda.J.Kelley@doe.nh.gov, Krol, Diana Diana.C.Krol@doe.nh.gov, Brennan, Christine Christine.M.Brennan@doe.nh.gov, Megan Phillips Megan.phillips@keene.edu, Kevin Avard Kevin.Avard@leg.state.nh.us, Regina Birdsell@leg.state.nh.us, jeb.bradley@leg.state.nh.us, Ruth Ward Ruth.Ward@leg.state.nh.us, Timothy.Lang@leg.state.nh.us, Carrie.Gendreau@leg.state.nh.us, Donovan.Fenton@leg.state.nh.us, Melissa.A.White@doe.nh.gov, Mike Belcher Mike.Belcher@leg.state.nh.us, Margaret Drye Margaret.Drye@leg.state.nh.us, Valerie.McDonnell@leg.state.nh.us, Kristin.Noble@leg.state.nh.us, Katy Peternel Katy.Peternel@leg.state.nh.us, Arlene.Quaratiello@leg.state.nh.us, Mel.Myler@leg.state.nh.us, patricia.cornell@leg.state.nh.us, RepTanner@gmail.com, dluneauNH@gmail.com, Art.Ellison@leg.state.nh.us, steve.woodcock.rep@gmail.com, Muriel.Hall@leg.state.nh.us, Peggy Balboni Peggy.Balboni@leg.state.nh.us, Corinne.Cascadden@leg.state.nh.us, Hope.Damon@leg.state.nh.us, Glenn Cordelli Glenn.Cordelli@leg.state.nh.us, Roderick Ladd rick.ladd@leg.state.nh.us, Richard Lehmann Rick@nhlawyer.com, Michael Moffett michael.moffett@leg.state.nh.us, Deborah Hobson Deborah.Hobson@leg.state.nh.us, SchoolBoard@sau81.org, j.harmon.sb@sau33.com, j.saulnier@sau33.com, c.bennett.sb@sau33.com, t.clements.sb@sau33.com, s.scarfo.sb@sau33.com, slongnecker@mvsdpdridge.org, lcarey@mvsdpdridge.org, lvincent@mvsdpdridge.org, bmichael@mvsdpdridge.org, ehansen@mvsdpdridge.org, mmuzzy@mvsdpdridge.org, shirshdickinson@mvsdpdridge.org, tbricchi@mvsdpdridge.org, pjonesblanchard@mvsdpdridge.org, jwheelerrussell@mvsdpdridge.org, oharrington@mvsdpdridge.org, cbober@hdsd.org, pplater@hdsd.org, hwelch@hdsd.org, jmorris@hdsd.org, mkenney@hdsd.org, amills@hdsd.org, dmoore@hdsd.org, tgarvin@hdsd.org, ehodges@hdsd.org, lbotelho@hdsd.org, AMULLINS@lafayetteregional.org, MDETAMORE@LAFAYETTEREGIONAL.ORG, JGARRISON@lafayetteregional.org, JGARRISON@LAFAYETTEREGIONAL.ORG, GCLARK@lafayetteregional.org, GCLARK@LAFAYETTEREGIONAL.ORG, NMACKAY@lafayetteregional.org, NMACKAY@LAFAYETTEREGIONAL.ORG, Becky.Whitley@leg.state.nh.us, Suzanne.Prentiss@leg.state.nh.us

Dear Brown and Ms. Phillips,

After reviewing the files that were sent per the 91-a, I remain unclear on where and who has access to the PII that was collected by Keene State BHII. It appears that 13 identifiers were collected through, and some using this list below:

**Personally Identifiable Information (PII):** The terms “Personally Identifiable Information” or “PII” shall include, but are not limited to, student data, metadata, and user or pupil-generated content obtained by reason of the use of Provider’s software, website, service, or app, including mobile apps, whether gathered by Provider or provided by LEA or its users, students, or students’ parents/guardians. PII includes, without limitation, at least the following:

First Name	Home Address
Last Name	Subject
Telephone Number	Email Address
Discipline Records	Test Results
Special Education Data	Juvenile Dependency Records
Grades	Evaluations
Criminal Records	Medical Records
Health Records	Social Security Number
Biometric Information	Disabilities
Socioeconomic Information	Food Purchases
Political Affiliations	Religious Information
Text Messages	Documents
Student Identifiers	Search Activity
Photos	Voice Recordings
Videos	Date of Birth
Grade	Classes
Place of birth	Social Media Address
Unique pupil identifier	
Credit card account number, insurance account number, and financial services account number	
Name of the student's parents or other family members	

I am copying some of our New Hampshire Senators, House Education Committee members, and school board members on this email. I know that many of our elected officials are concerned about mental health PII being accessible or shared without the knowledge or consent by the student or their parents. Contrary to what was presented during much of the testimony on SB265, the Senators now know that mental health PII was shared with Keene State BHII without the knowledge or consent by the parents or students from Governor Wentworth, Hudson, Merrimack Valley, Raymond, Sanborn Regional, SAU34 and SAU35.

As far as I can tell, school counselors and social workers provided mental health data, including PII through the Quickbase software. Keene State/BHII officials were able to access all of this PII mental health data.

This has left a lot of unanswered questions.

I hope that someone will take the time to answer these questions so that these elected representatives will get some answers:

- 1) What happens to the PII mental health data ?
- 2) Does anyone outside Keene State/BHII have access to all or some of the PII data?
- 3) Is the PII shared with any government agency?
- 4) Does anyone or agency within the federal government have access to any of the PII that has been collected?
- 5) Does anyone or any agency within the state government have access to any of the PII?
- 6) Who and when does the PII get destroyed? How?
- 7) How will parents know if there is ever a data breach?
- 8) Why did BHII require mental health PII on the children in these schools?
- 9) Did anyone discuss the School Counselor's Code of Ethics provision under "confidentiality" with the school counselors and social workers who were required to enter the mental health PII data into the Quickbooks database?
- 10) Were any school counselors reluctant or hesitant to violate their own code of ethics?
- 11) What are the 13 identifiers that were collected?

I am deeply disturbed that we had Ms. Phillips, School Counselors, and a representative from the New Hampshire Department of Education all confirmed that informed consent was part of this process during the public hearing to add public funding to the MTSS-B framework. We all know that this is not true. Not only is it not true, we now have what appears to be school counselors violating their own code of ethics.

[Ed306.39 includes](#) references "*The ASCA National Model: A Foundation for School Counseling Program,*" published by the American School Counselor Association (ASCA) in 2012 as referenced in Appendix II as an integral part of the total educational program."

Under **A.2. Confidentiality School counselors from the ASCA Ethical Standards**, parents would believe that their child's personal information would be kept private and require informed consent before sharing this information with BHII.

New Hampshire's [Mental Health Bill of Rights](#) also says:

*3) To have the information you disclose to your mental health provider kept confidential within the limits of state and federal law. Communications between mental health providers and clients are typically confidential, unless the law requires their disclosure. Mental health providers will inform you of the legal exceptions to confidentiality, and should such an exception arise, will share only such information as required by law.*

N.H. Code Admin. R. Mhp 502.02

The New Hampshire Constitution, Article 2, B includes a right to privacy. An individual's right to

The New Hampshire Constitution, Article 2-B includes a right to privacy: *An individual's right to live free from governmental intrusion in private or personal information is natural, essential, and inherent.*

Someone needs to answer these questions. The public, and our elected representatives have a right to know what PII has been accessible to anyone besides the school counselor or social worker.

Sincerely,  
Ann Marie Banfield

On Wed, Feb 22, 2023 at 5:28 AM Brown, Elizabeth <[Elizabeth.A.Brown@doe.nh.gov](mailto:Elizabeth.A.Brown@doe.nh.gov)> wrote:

Ms. Banfield:

The New Hampshire Department of Education is in receipt of your right-to-know request dated February, 21, 2023. In that right-to-know request you seek the following documents:

- 1) Privacy statement between Keene State BHII and all of the schools that are providing the mental health PII on students in NH Schools.
- 2) A list of participating schools
- 3) Detailed list on who will then have access to the data once it is compiled and shared.
- 4) A link to watch the Zoom meeting from March 16, 2022 SOC/AWARE Cohort meeting 12pm to 2pm
- 5) Documentation on any information shared with vendors, the State or Federal Government.
- 6) A copy of the agreement/MOU between the NH Schools that are providing the PII to Keene State BHII.
- 7) Can you explain the professional relationship between Keene State BHII and local area schools? Is Keene State BHII considered a contractor? Vendor? etc.
- 8) Documents showing the data points collected and shared.

Due to the high volume of right-to-know requests received daily by the NHED, I anticipate that it will require the department until at least March 17 to respond to your request. Responses to right-to-know requests are handled on a rolling basis. If the agency determines that it cannot respond to your requests by March 17, I will provide you with an updated timeline in mid-March.

*Elizabeth A. Brown*

Elizabeth A. Brown | Counsel for the New Hampshire Department of Education

NHED- New Hampshire Education Department

101 Pleasant Street | Concord, NH 03301

Phone: 603-271-6388



---

**From:** Ann Marie Banfield <[banfieldannmarie@gmail.com](mailto:banfieldannmarie@gmail.com)>  
**Sent:** Tuesday, February 21, 2023 6:40 PM  
**Cc:** Doris, Jennifer <[Jennifer.F.Doris@doe.nh.gov](mailto:Jennifer.F.Doris@doe.nh.gov)>; [jeb.bradley@leg.state.nh.us](mailto:jeb.bradley@leg.state.nh.us); Kevin Avard <[Kevin.Avard@leg.state.nh.us](mailto:Kevin.Avard@leg.state.nh.us)>; [HouseEducationCommittee@leg.state.nh.us](mailto:HouseEducationCommittee@leg.state.nh.us); Edelblut, Louis (Frank) <[Louis.F.Edelblut@doe.nh.gov](mailto:Louis.F.Edelblut@doe.nh.gov)>; [~hhsea@leg.state.nh.us](mailto:~hhsea@leg.state.nh.us) <[HHSEA@leg.state.nh.us](mailto:HHSEA@leg.state.nh.us)>; Ruth Ward <[Ruth.Ward@leg.state.nh.us](mailto:Ruth.Ward@leg.state.nh.us)>; [Suzanne.Prentiss@leg.state.nh.us](mailto:Suzanne.Prentiss@leg.state.nh.us); [Regina.Birdsell@leg.state.nh.us](mailto:Regina.Birdsell@leg.state.nh.us); [Becky.Whitley@leg.state.nh.us](mailto:Becky.Whitley@leg.state.nh.us); [Carrie.Gendreau@leg.state.nh.us](mailto:Carrie.Gendreau@leg.state.nh.us); [Timothy.Lang@leg.state.nh.us](mailto:Timothy.Lang@leg.state.nh.us); [Donovan.Fenton@leg.state.nh.us](mailto:Donovan.Fenton@leg.state.nh.us); Roderick Ladd <[rick.ladd@leg.state.nh.us](mailto:rick.ladd@leg.state.nh.us)>  
**Subject:** Re: Request for information

---

<b>EXTERNAL:</b> Do not open attachments or click on links unless you recognize and trust the sender.
---

---

Dear Ms. Doris:

Pursuant to the Right to Know Law (RSA, 91-1), I am requesting public access, within 5 business days, to the governmental records:

1) Privacy statement between Keene State BHII and all of the schools that are providing the mental health PII on students in NH Schools.

2) A list of participating schools

3) Detailed list on who will then have access to the data

3) Detailed list on who will then have access to the data once it is compiled and shared.

4) A link to watch the Zoom meeting from March 16, 2022 SOC/AWARE Cohort meeting 12pm to 2pm



5) Documentation on any information shared with vendors, the State or Federal Government.

6) A copy of the agreement/MOU between the NH Schools that are providing the PII to Keene State BHII.

7) Can you explain the professional relationship between Keene State BHII and local area schools? Is Keene State BHII considered a contractor? Vendor? etc.

8) Documents showing the data points collected and shared.

Per RSA 91-A:4IV(C) If you deny any portion of this request, please cite the specific exemption used to justify the denial to make each record, or part thereof, available for inspection along with a brief explanation of how the exemption applies to the information withheld.

Please let me know when these records are available for inspection or you may email the records to me at [Banfieldannmarie@gmail.com](mailto:Banfieldannmarie@gmail.com).

==

***Ann Marie Banfield***

***TRUST REQUIRES TRANSPARENCY***

On Tue, Feb 21, 2023 at 11:51 AM Megan Phillips <[Megan.Phillips@keene.edu](mailto:Megan.Phillips@keene.edu)> wrote:

Greetings Ann Marie,

I'm going to redirect you to the NH Department of Education, which is the grantee for the work you are requesting information about; they run these projects you are referencing. You can file your request using the contact info at this link:

<https://www.education.nh.gov/who-we-are/commissioner/legal-counsel>

The only information on this list specific to BHII at Keene State would be the data privacy agreements we hold with each of 7 currently participating school districts. My understanding is that you have already requested these from the individual school districts, but if you need copies from me, let me know.

Best,

Megan

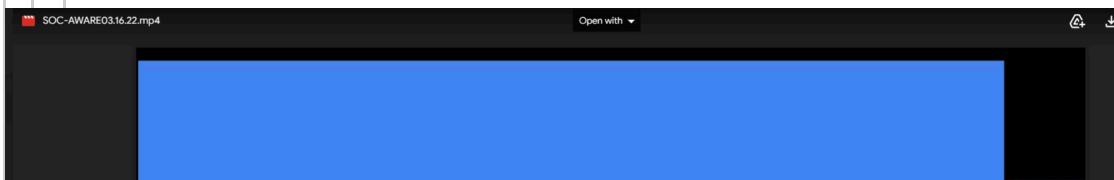
**From:** Ann Marie Banfield <[banfieldannmarie@gmail.com](mailto:banfieldannmarie@gmail.com)>  
**Sent:** Friday, February 17, 2023 7:57 PM  
**To:** Megan Phillips <[Megan.phillips@keene.edu](mailto:Megan.phillips@keene.edu)>  
**Subject:** Re: Request for information

**CAUTION:** This email originated from outside of the University System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Megan,

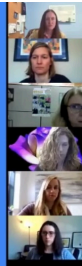
Can you please send me:

- 1) Privacy statement between Keene State BHII and all of the schools that are providing the mental health PII on students in NH Schools.
- 2) A list of participating schools
- 3) Detailed list on who will then have access to the data once it is compiled and shared.
- 4) A link to watch the Zoom meeting from March 16, 2022 SOC/AWARE Cohort meeting 12pm to 2pm



# SOC/AWARE Cohort Meeting

March 16, 2022 | 12p - 2p | Zoom



5) Documentation on any information shared with vendors, the State or Federal Government.

6) A copy of the agreement/MOU between the NH Schools that are providing the PII to Keene State BHII.

7) Can you explain the professional relationship between Keene State BHII and local area schools? Is Keene State BHII considered a contractor? Vendor? etc.

8) Documents showing the data points collected and shared.

Thank you



*Ann Marie Banfield*

*TRUST REQUIRES TRANSPARENCY*