Delete EDAR subpart 3439.702 in its entirety and replace with:

3439.702 Department Security and Privacy Requirements for Information Technology Procurements

The contracting officer must include the provision at 3452.239-71 (DEVIATION) (JUN 2021) "Notice to Offerors of Department Security and Privacy Requirements for Information Technology Procurements" in solicitations and clause at 3452.239–72 (DEVIATION) (JUN 2021) "Department Security and Privacy Requirements for Information Technology Procurements" in contracts when it is anticipated that contractors will have access to ED Information Technology (IT) systems and/or contractor systems operated with ED data or interfacing with ED systems.

Delete all previous versions of EDAR provision 3452.239-71 and replace with:

3452.239-71 Notice to Offerors of Department Security and Privacy Requirements for Information Technology Procurements. (DEVIATION) (JUN 2021)

(a) The successful offeror and any of its future subcontractors shall, *at all times*, maintain compliance with the *most current version* of Department of Education requirements as set forth in "Security and Privacy Requirements for Information Technology Procurements" posted at http://www.ed.gov/fund/contract/about/bsp.html.

(b) Performance of this contract will [ ] will not [ ] involve access to ED IT systems and/or contractor systems operated with ED data or interfacing with ED systems. For contracts that require access to ED IT systems and/or contractor systems operated with ED data or interfacing with ED systems, the Information Security Categorization applicable to each security objective has been determined to be:

Confidentiality: [ ] Low [ ] Moderate [ ] High *(Contracting Officer to complete)*

Integrity: [ ] Low [ ] Moderate [ ] High *(Contracting Officer to complete)*

Availability: [ ] Low [ ] Moderate [ ] High *(Contracting Officer to complete)*

Overall Risk Level: [ ] Low [ ] Moderate [ ] High *(Contracting Officer to complete)*

(c) Performance of this contract [ ] does involve [ ] does not involve Personally Identifiable information (PII) or "Controlled Unclassified Information" as defined in 32 CFR Part 2002.4(h). The Confidentiality Impact Level of such information has been determined to be:

[ ] Not Applicable [ ] Low [ ] Moderate [ ] High.

(d) Failure to comply with Department of Education Security and Privacy Requirements for Information Technology Procurements may result in a termination of the contract for default or cause.

(End of Provision)

Delete all previous versions of EDAR clause 3452.239-72 and replace with:

3452.239-72 Department Security and Privacy Requirements for Information Technology Procurements. (DEVIATION) (JUN 2021)

(a) The contractor and its subcontractors shall, *at all times*, maintain compliance with the *most current version* of Department of Education requirements as set forth in "Security and Privacy Requirements for Information Technology Procurements" posted at http://www.ed.gov/fund/contract/about/bsp.html.

(b) Performance of this contract will [ ] will not [ ] involve access to ED IT systems and/or contractor systems operated with ED data or interfacing with ED systems. For contracts that require access to ED IT systems and/or contractor systems operated with ED data or interfacing with ED systems, the Information Security Categorization applicable to each security objective has been determined to be:

Confidentiality: [ ] Low [ ] Moderate [ ] High *(Contracting Officer to complete)*

Integrity: [ ] Low [ ] Moderate [ ] High *(Contracting Officer to complete)*

Availability: [ ] Low [ ] Moderate [ ] High *(Contracting Officer to complete)*

Overall Risk Level: [ ] Low [ ] Moderate [ ] High *(Contracting Officer to complete)*

(c) Performance of this contract [ ] does involve [ ] does not involve Personally Identifiable information (PII) or "Controlled Unclassified Information" as defined in 32 CFR Part 2002.4(h). The Confidentiality Impact Level of such information has been determined to be:

[ ] Not Applicable [ ] Low [ ] Moderate [ ] High.

(d) Failure to comply with Department of Education Security and Privacy Requirements for Information Technology Procurements may result in a termination of the contract for default or cause.

(End of Clause)