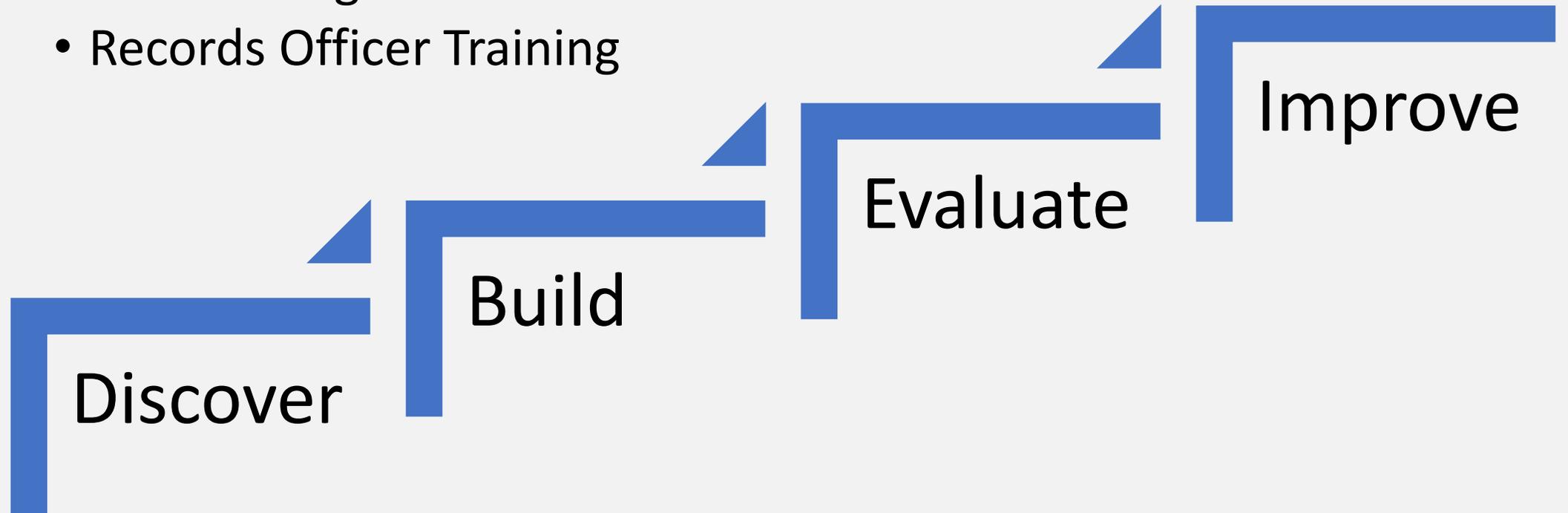# Data Manager 101

- **Dr. Whitney Phillips**, Chief Privacy Officer

- **David Sallay (CIPP/US, CIPM, CIPT),** Student Data Privacy Auditor

- **Greg Cox**, Trainer

- **Jessica Kallin**, Trainer

- **John Lyman**, Records Manager

2020 Focus

Back to Basics
- Data Manager Course
- Records Officer Training

Discover

Build

Evaluate

Improve

Agenda

LEA roles (data manager, records officer, information security officer)

LEA privacy requirements

Current status of LEA compliance

What's new?

LEA roles

Data Manager	Records Officer	Information Security Officer (ISO)
• Authorizes and manages the sharing of student data • Acts as local point of contact with USBE • Fulfills other duties as defined in data governance plan	• Handles other records requests under GRAMA • Ensures compliance with records retention schedules	• Oversees LEA adoption of security framework

LEA Privacy Requirements

	Federal (FERPA)	Federal (PPRA)/ State (Utah FERPA)	Federal (Other)	State
Policies		• Surveying/ evaluation policy		• Data governance plan
Notices/ Transparency	• Annual FERPA notice • Directory Information notice • Student transfer notice	• Notice of surveys	• Military recruiter/ IHE notice	• Student data collection notice • Metadata Dictionary

Annual Notice of FERPA Rights

Required content

- Rights and procedures under FERPA (access, amend, consent to disclose, file a complaint)
- Specification for determining a school official (generally a list of groups that can be school officials and a definition of legitimate educational interest)

Where should it be?

- No need to directly notify
- Place parents are likely to see it (website, parent's handbook, back-to-school paperwork)

Common issues

- Confusing with other notice (PPRA, directory information)

Directory Information Notice

Required content

- The types of information designated as directory information
- The timeline for a parent to be able to opt out

Optional content

- Limited directory information policy

Where should it be?

- No need to directly notify
- Place parents are likely to see it (website, parent's handbook, back-to-school paperwork, SIS during registration)

Common issues

- Not designating every element they can as directory information.
- Note that you are NOT required to designate every possible data element. Just make sure notice matches actual practice:
  - Birthday frequently announced in schools
  - Student ID number appearing on student ID cards

Common issues

- Having both an opt in and an opt out option

Please check *only one* of the following boxes.

☐ **Do release my child's directory information** (including name, photograph, and grade) to be used in school related materials, including playbills, programs, newsletters, awards ceremonies, etc.

☐ **Do not release my child's directory information.** I understand that, by checking this box, my child's information will not be released or used in any school programs, awards or recognitions activities, honor roll lists, athletic program, or other special publications or activities. My child's photo and name may be used in the school yearbook.

Data Collection Notice

Required Content

- Necessary, optional, and prohibited student data the LEA collects
- The exact statement "The collection, use, and sharing of student data has both benefits and risks. Parents and students should learn about these benefits and risks and make choices regarding student data accordingly."
- A description of how the education entity stores and protects student data
- A description of student rights

Where should it be?

- Must be a "prominent, standalone document"
- Must be posted to LEA's website

Common issues

- Simply not having the notice at all (or confusing it with the data governance plan/metadata dictionary)

- Some still include Board of Regents consent form (this requirement was removed during the 2019 legislative session)

Data Governance Plans

What is required

- Policies on maintaining and securing student data (i.e., adopting a cybersecurity framework) CHANGES IN 2019
- Describing the roles and responsibilities of staff as it pertains to data privacy
- Policy on training, technical assistance, support, and auditing
- Policy on data sharing
- Policy on expungement CHANGES IN 2019
- Data breach response process

Where should it be?

- Posted on LEA website

Data Governance Plans – Other Concerns

- Several LEAs are using v1 of our template, which incorporates a lot of USBE-specific language, most of which is unnecessary for LEAs

- Policy should state which cybersecurity framework (most likely CIS Controls, NIST)

- Many LEA policies still use old language regarding expungement (e.g., only available once a student has turned 23). This was changed to reflect record retention schedules and FERPA's right to seek to amend.

Current status

	DM	ISO	Annual Notice	Directory Notice	Collection Notice	Governance Plan
Full credit	132 (86%)	132 (86%)	78 (51%)	84 (55%)	83 (54%)	27 (18%)
Partial credit	0 (0%)	0 (0%)	24 (16%)	44 (29%)	7 (5%)	115 (75%)
Missing	22 (14%)	22 (14%)	52 (34%)	26 (17%)	64 (42%)	12 (8%)

Monitoring expectations

- Each data manager will receive a report of their current status

- LEAs will be given **~60 days** to resolve issues

- USBE will then conduct a second review

LEA Name: [redacted]
Review Date: 18-Oct-2019

Evidence #1 and #2: Name and contact info of Data Manager / Information Security Officer

Status: PASS

Evidence #3: Annual FERPA Notice

Status: PARTIAL
Expected elements
- Parent rights and procedure for following rights - partial
- Definition of school official - missing

The document says you will share with school officials, but doesn't explain what that means or how it is determined. It also does not inform parents of their right to file a complaint with the US Department of Education

Recommendation: Use the template to add language required by FERPA

Evidence #4: Directory Information Notice

Status: PARTIAL
Expected elements
- Types of items designated as directory information - partial
- Process for opting out of directory information

What's new?

2019 board rule changes

Training requirements

Newsletter

Contract alignment

Record Appraisal and Management Project (RAMP)

Changes to board rule: Metadata Dictionary

- Previously said that LEAs must enter information into the board's metadata dictionary (which has not been functional since May 2018)

- New rule created to give flexibility and open up the possibility of using the USPA website to meet requirements

80   ([15]12) "Metadata dictionary" [has the same meaning as defined in] means any tool,

81 document, or display that meets the requirements of Subsection 53E-9-301(1[4]1).

Changes to board rule: Auditing clarifications

- Clarification added to provide flexibility in how to realistically meet audit requirements

356   (5) For the purposes of meeting the audit requirements of a contract subject to

357   Subsection 53E-9-309(2)(e), a third-party contractor may:

358   (a) provide an LEA or the Superintendent a self-assessment of their compliance with

359   the contract and the effectiveness of the information security program described in

360   Subsection (3);

361   (b) provide responses to a questionnaire provided by the LEA or Superintendent;

362   (c) provide a report of an industry-recognized privacy and security audit, such as an

363   SOC2 or SOC3; or

364   (d) submit to an onsite audit, if agreed upon by the third-party contract and the LEA
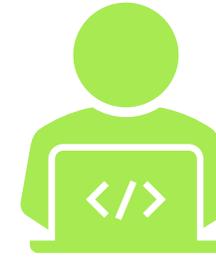
365   or Superintendent.

Teachers

LEA Annual Training on Confidentiality

LEA Training on State and Federal Privacy Law

Re-licensure Training on State and Federal Privacy Law

Data Managers

Train New Data Managers

Train Old Data Managers

Keep Data Managers Up-To-Date on New Law

Provide New Resources

Newsletter

Welcome to Student Data Privacy

Overview

Our mission is to improve student data privacy in K-12 education by building public trust through providing practical support, meaningful guidance, and investigations.

Contact

🔗 Student Data Privacy
Phone: (801) 538-7618

E-mail List

SIGN UP HERE

Subscribe to the 🔗 Student Data Privacy Newsletter via Mailchimp in order to receive the most current information.

Program Menu

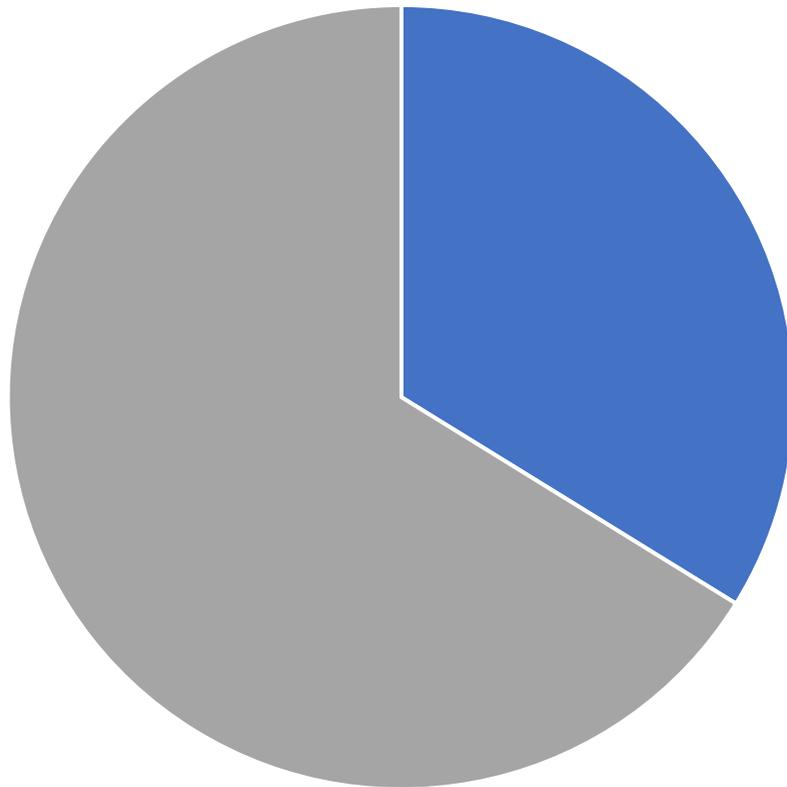| Data Manager |
| Conferences |
| Parents |
| Teachers |
| Law and Policy |
| Training |
| Utah Data Privacy Agreements |
| Contact Us |

Contract Alignment
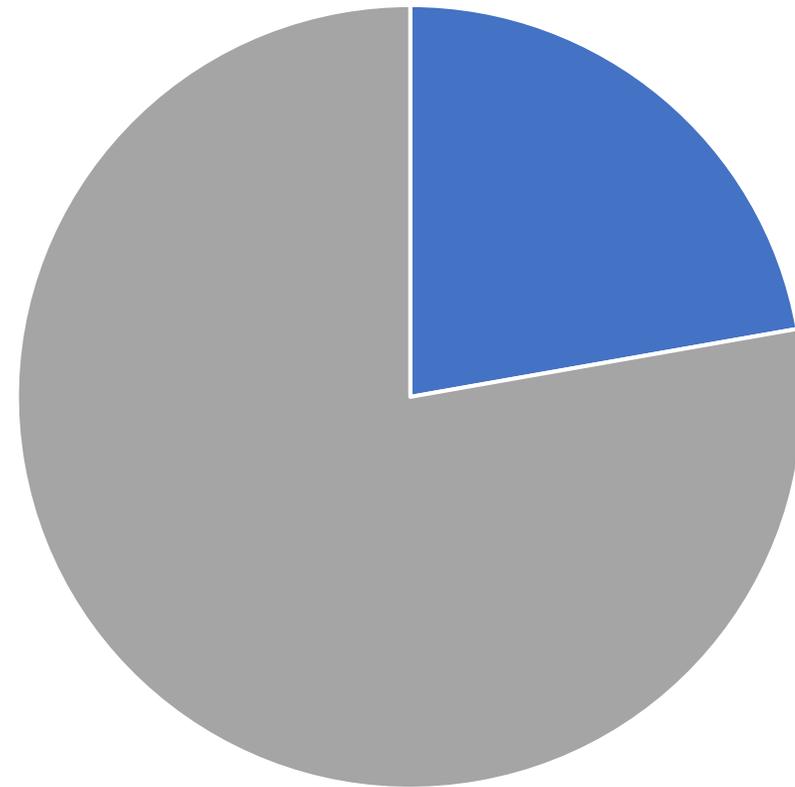
Contract Alignment

Promontory School of Expeditionary Learning	**Acadience**	Active	Utah DPA V2 (With Exhibit E) Exhibit E	Approved: 10/15/2019 Expires: 05/31/2022	1, 2, 3, 4	English Language Arts
Provo	**Acadience**	Active	Utah DPA V2 (With Exhibit E) Exhibit E	Approved: 09/24/2019 Expires: 09/24/2022	K, 1, 2, 3, 4, 5, 6	English Language Arts
Ogden Preparatory Academy	**Acadience**	Active	Utah DPA V2 (With Exhibit E) Exhibit E	Approved: 09/20/2019 Expires: 06/26/2022	K, 1, 2, 3, 4, 5, 6	English Language Arts
Cache	**Acadience**	Active	Utah DPA V2 (With Exhibit E) Exhibit E	Approved: 08/14/2019 Expires: 08/15/2022	K, 1, 2, 3, 4, 5, 6	English Language Arts

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Records Appraisal & Management Project
RAMP

Goals-

- Increase confidence of record handlers.
- Create a support infrastructure.
- Develop preventative practices.
- Propose statewide records management standardizations.
- Compliance with statutes.

Student Data Privacy

State Archives

LEAs

USBE Internal