Student Privacy and Data Governance

Data Quality Network Meeting

Pennsylvania Association of Intermediate Units

1/18/2017

An Overview of the Student Privacy Landscape

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Landscape of Privacy Concerns

- The “cloud”
- The scope and type of student data schools collect
  - The collection of much more sensitive data
- Who is collecting and accessing student data/education records
- Federal/State
- Third parties
- How student data is being used
- Privacy beyond data

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Types of Risk

- An actual security or privacy risk
- Risk of not being in compliance
- Perception risk

Credit: Jim Siegl, Fairfax County Public Schools, Virginia

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Federal Actions

- In January 2015, President Obama offered a multi-pronged strategy to protect student data privacy
- There were several still-pending student data privacy bills introduced in Congress in 2015 and a FERPA re-write may pass in 2017

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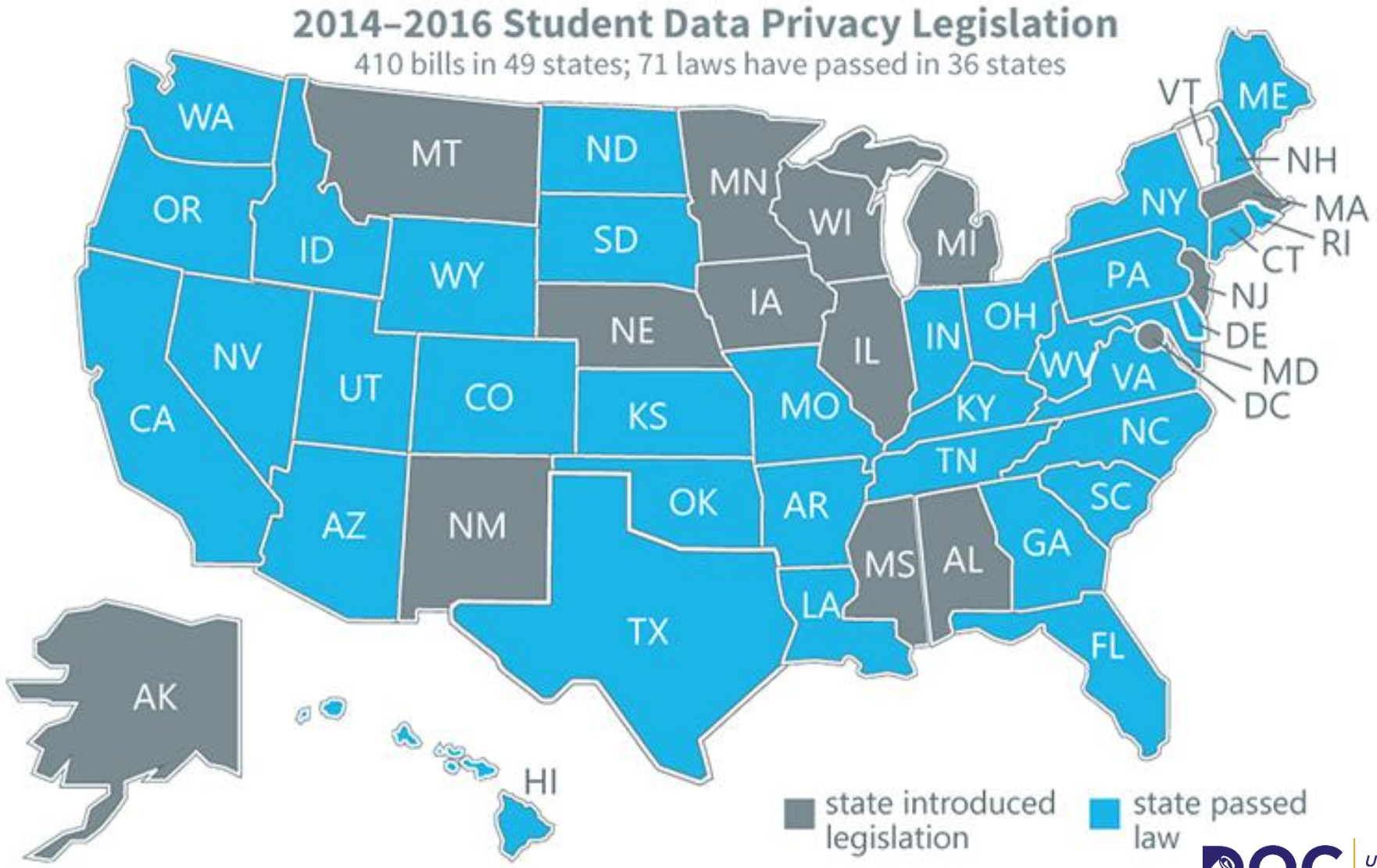
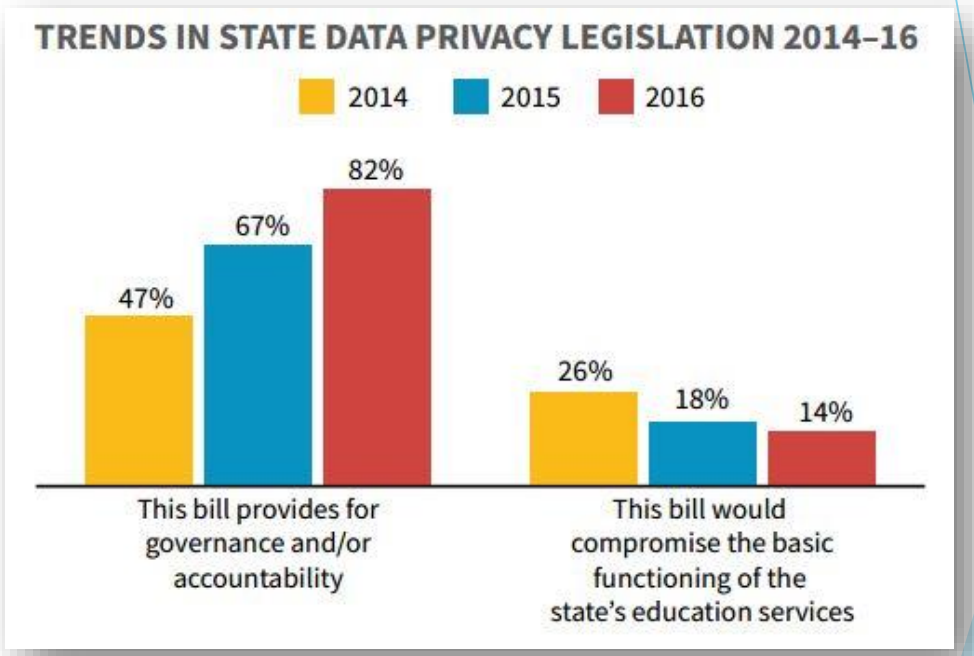
36 States Have Passed 80 Laws Since 2013



DQC DATA QUALITY CAMPAIGN *Using Data to Improve Student Achievement*

2014-2016

- **49** states and DC have introduced at least one student privacy bill
- Only **18** bills have addressed training since 2014 (out of more than 400 student privacy bills)



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DQC DATA QUALITY CAMPAIGN

Other State Activity

- Regulations
- Executive Orders
- Resolutions
- Guidance

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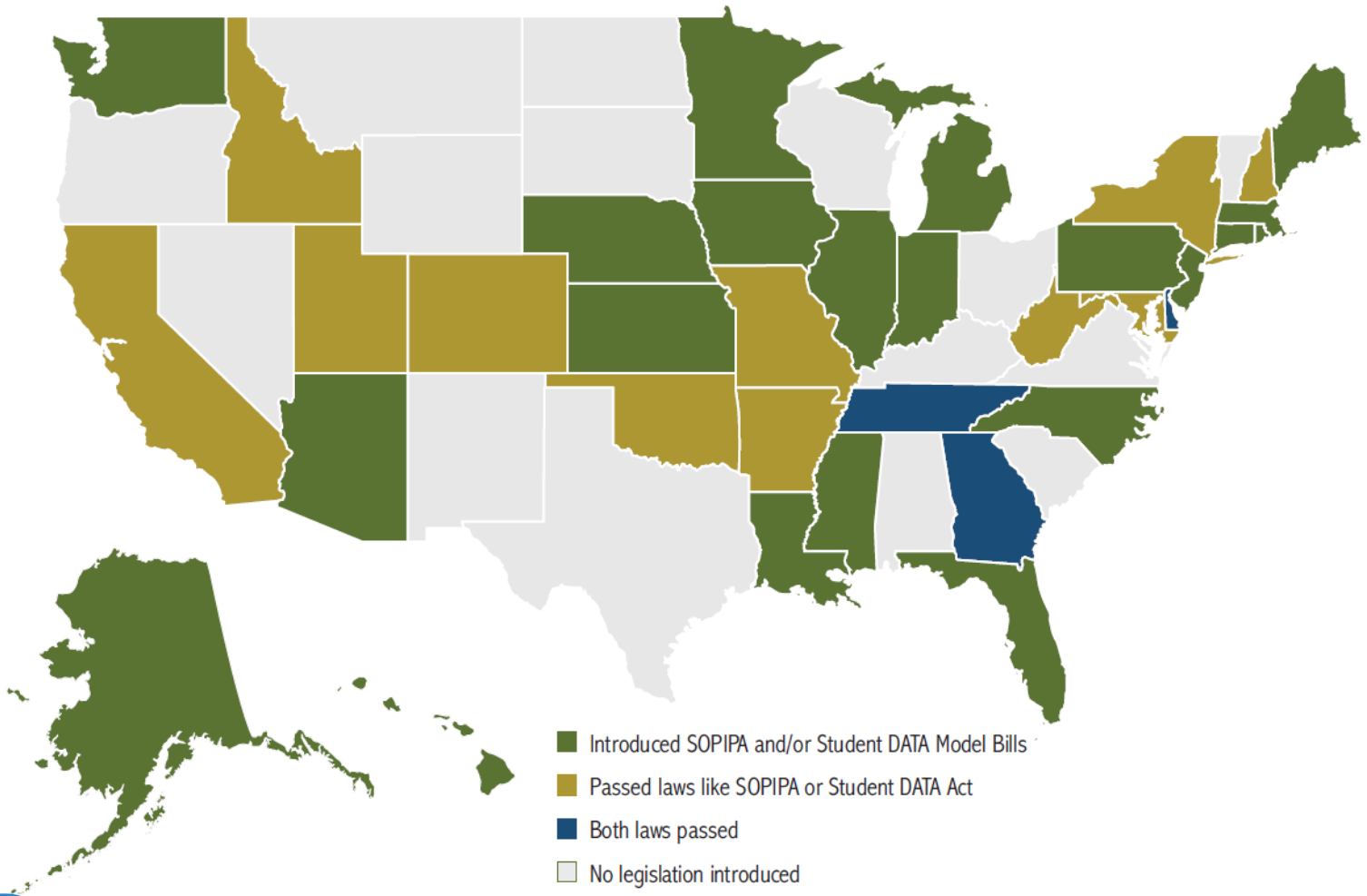
39 States Have Introduced One of Two Models



22 States Have Passed One of Those Two Models

Unintended Consequences

- Has been a huge problem throughout this debate
  - Louisiana
  - Oklahoma/Colorado (N-sizes)
  - Connecticut (parental notifications)
  - Kansas (research)
  - New Hampshire (video recordings)
  - Texas (video/audio recordings)
- Words matter
- Fear-based policies
  - Sen. Vitter legislation; GA Executive Order
- Privacy problems with privacy legislation
  - Sen. Markey/Hatch legislation
- The need for input

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Interesting Trends

- Governance
- Disciplinary Record or Medical Record Provisions
- Opt-In or Out Requirements
- Device and social media privacy
- Audits
- Penalties (financial and criminal)
- Training

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Best Practices

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Best Practice “Buckets”

- Data Governance and Security
- Transparency
- Vendor Monitoring
- Training Teachers and Other Staff

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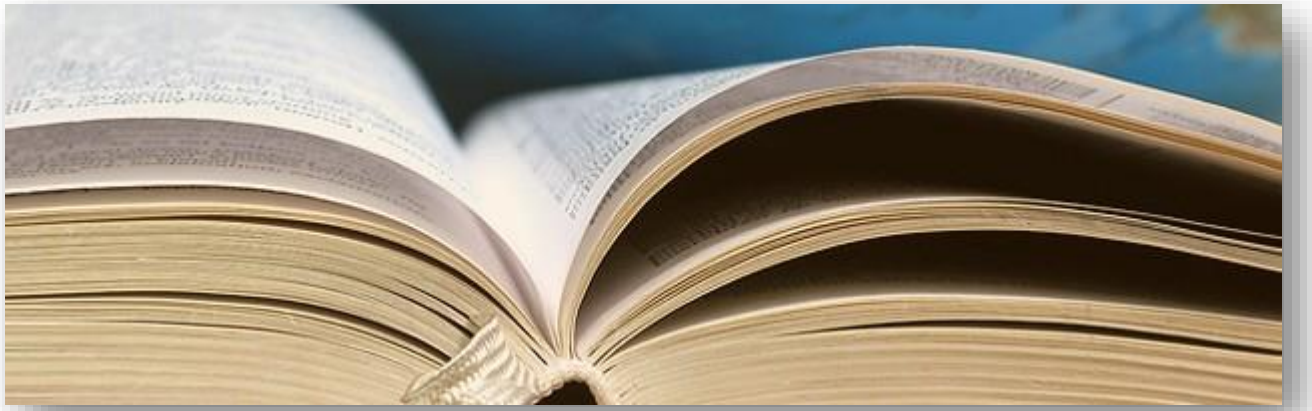
Process

- Review Your Resources
- Identify and Seek Input from Stakeholders



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Best Practice “Buckets”

- Data Governance and Security
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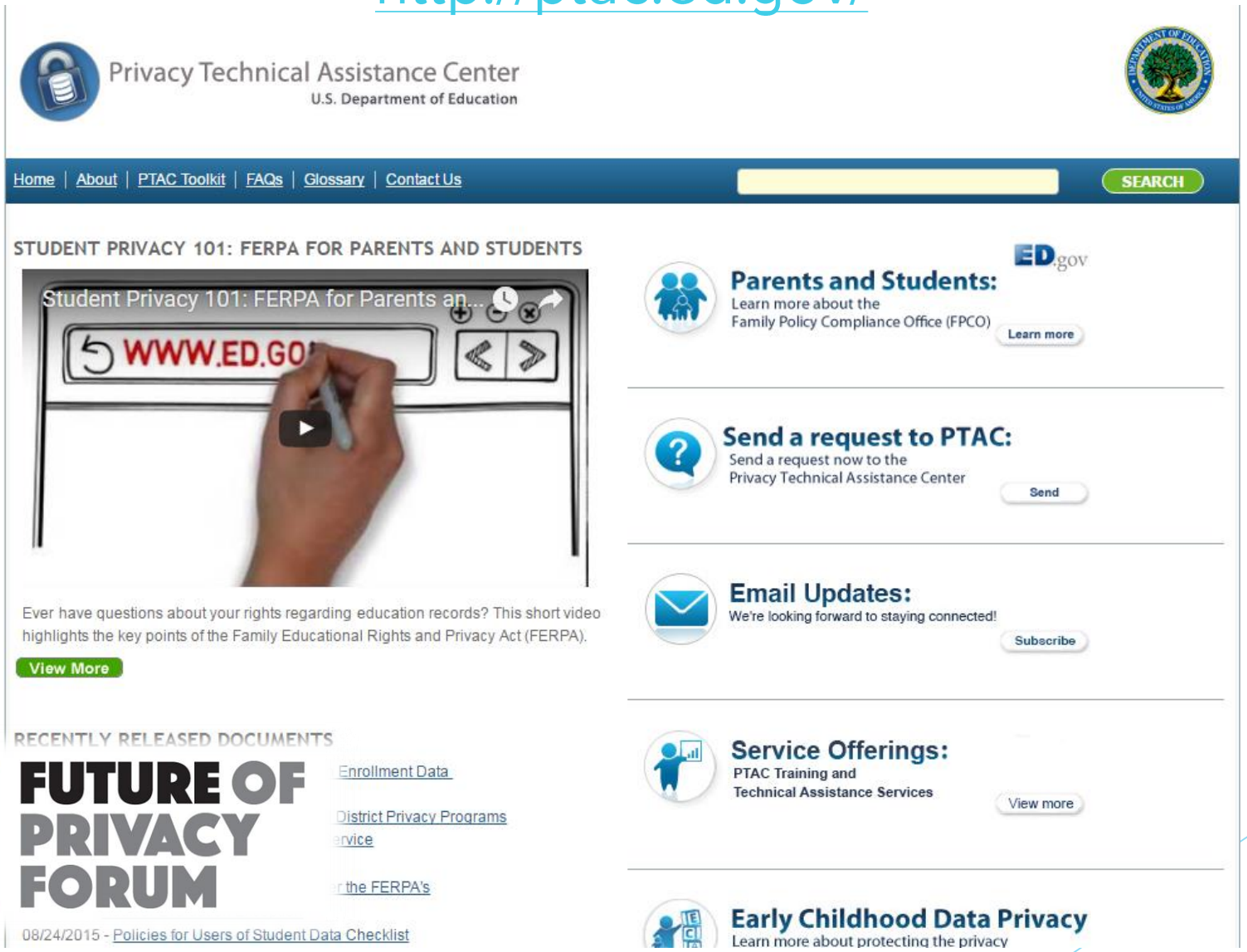
Governance as Foundation

- Processes and systems governing data quality, collection, management, and protection
- Formal policies defining:
  - Roles and responsibilities
    - Data access, disclosure, and use
  - Data management and monitoring
  - How data are collected, accessed, and used

PTAC

http://ptac.ed.gov/



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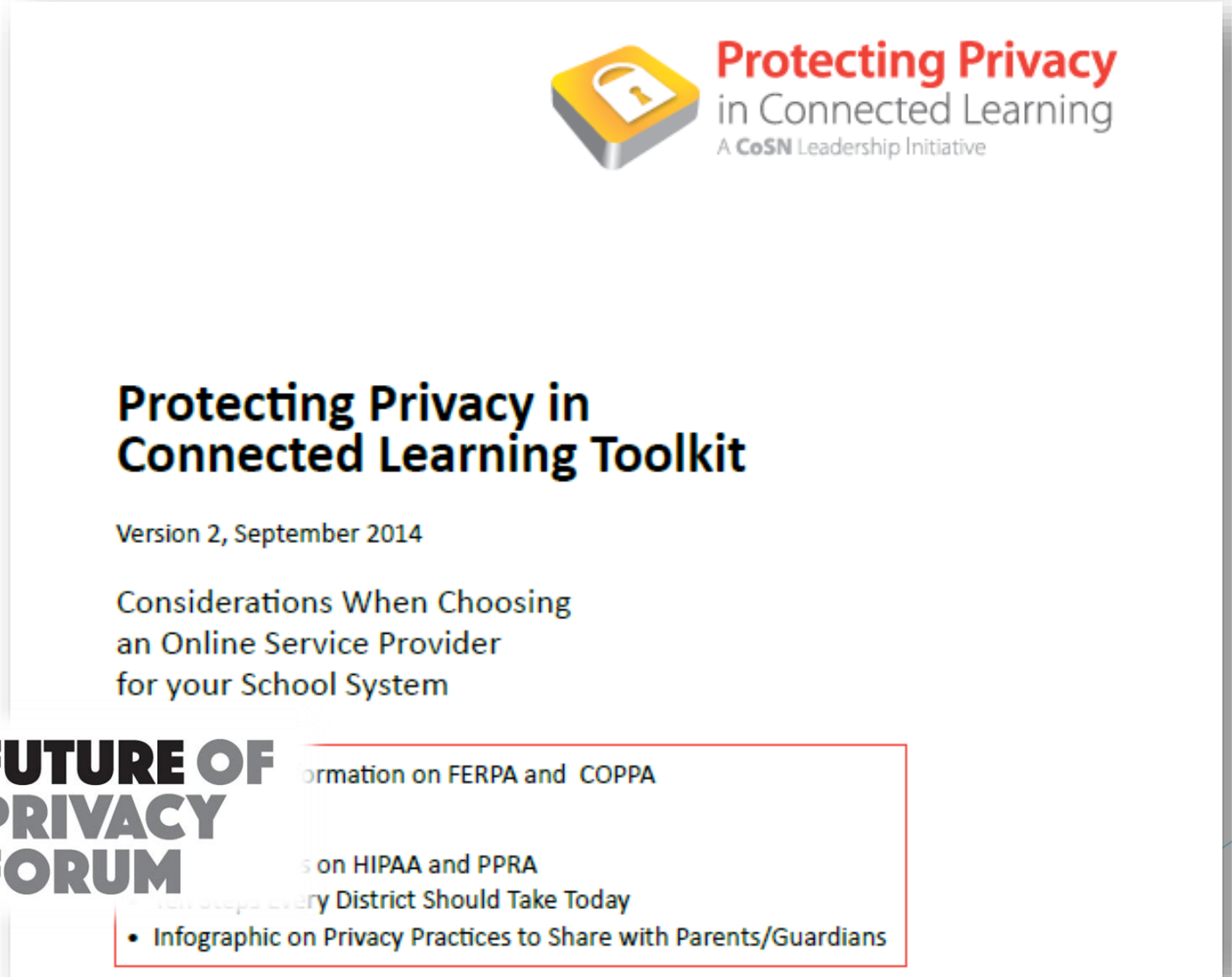
CoSN Privacy Toolkit, Training, & TLE

https://cosn.org/



NCES Forum Guide to Education Data Privacy

http://nces.ed.gov/pubs2016/Privacy_Guide_508_7.6.16.pdf

Best Practice “Buckets”

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Transparency is VITAL to build trust

- Schools, districts, and states have not always done a good job explaining to parents the vital role data plays in education, and this lack of communication has frayed the trust between parents and students.
- If LEAs and SEAs do not take the lead in being transparent, legislatures will pass laws requiring transparency – often in ways that may be burdensome (and not particularly useful to parents).
- In the absence of being transparent…

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HawaiiReporter
PUBLISHED SINCE 2002
Who can access K-12 students' personal data? No one really knows
emergencies.
MICHELLE MALKIN
Look who's data-mining your toddlers
biometric data collection.
The New York Times
With Tech Taking Over in Schools, Worries Rise
Teachers use behavior management systems to dole out positive and negative feedback in real time. Each child's status may be visible to the class. Behavior data can be used to create reports for administrators.
student IDs, can make it possible to track students' movements on and off the bus and in sc
potentially sensitive information.
Data analytics programs record
key stroke, and
nts make while
digital materials.
used to create
weaknesses that can be tailored
to individualized needs.
Stop Common Core Illinois
Common Core: Data Collection from Cradle to Adulthood
POLITICO
Data mining your children
MODEL VIEW CULTURE
Technology, culture and diversity media.
Grooming Students for A Lifetime of Surveillance
nce, grades, at-risk status,
cal and psychological
also be included.
photos, to some companies, including yearbook publishers and class-ring
HUFF POST EDUCATION
Student Privacy in Peril: Massive Data Gathering With Inadequate Privacy and Security
The New York Times
Student Data Collection Is Out of Control
a student works out.
Basic student data is sent to state education departments. Some states also gather info on pregnancy, homelessness, and bullying. Some
POLITICO
Big Brother: Meet the Parents
School-issued devices like lapto
contain location-tracking techno
may monitor activity on password-protected sites, including webmail and social media.

What is Transparency?

- Explaining the “why, what, who, and how” of data collection:
  - Why is data collected?
  - What data is collected?
  - Who is able to access or use my child’s data?
  - How is the data protected?

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Communications Toolkit

http://www.excelined.org/wp-content/uploads/Student-Data-Privacy-Comms-Toolkit.pdf

- Student Data Privacy Key Messages
- Student Data Privacy Web Page Content
- Student Data Privacy Frequently Asked Questions
- Student Data Privacy Fact Sheet
- Student Data Privacy Letter to Parents/Guardians
- Student Data Privacy Talking Points
- Rapid Response Tool: Student Data Privacy Newsletter/Article
- Rapid Response Tool: Student Data Privacy Lawmaker Brief
- Rapid Response Tool: Student Data Privacy Newspaper Opinion Pieces
- Rapid Response Tool: Student Data Privacy Social Media Posts

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What is Transparency?

- Make the data easy to find and understand – the "Grandma" Test

https://www.flickr.com/photos/kimsandiego/8168063548

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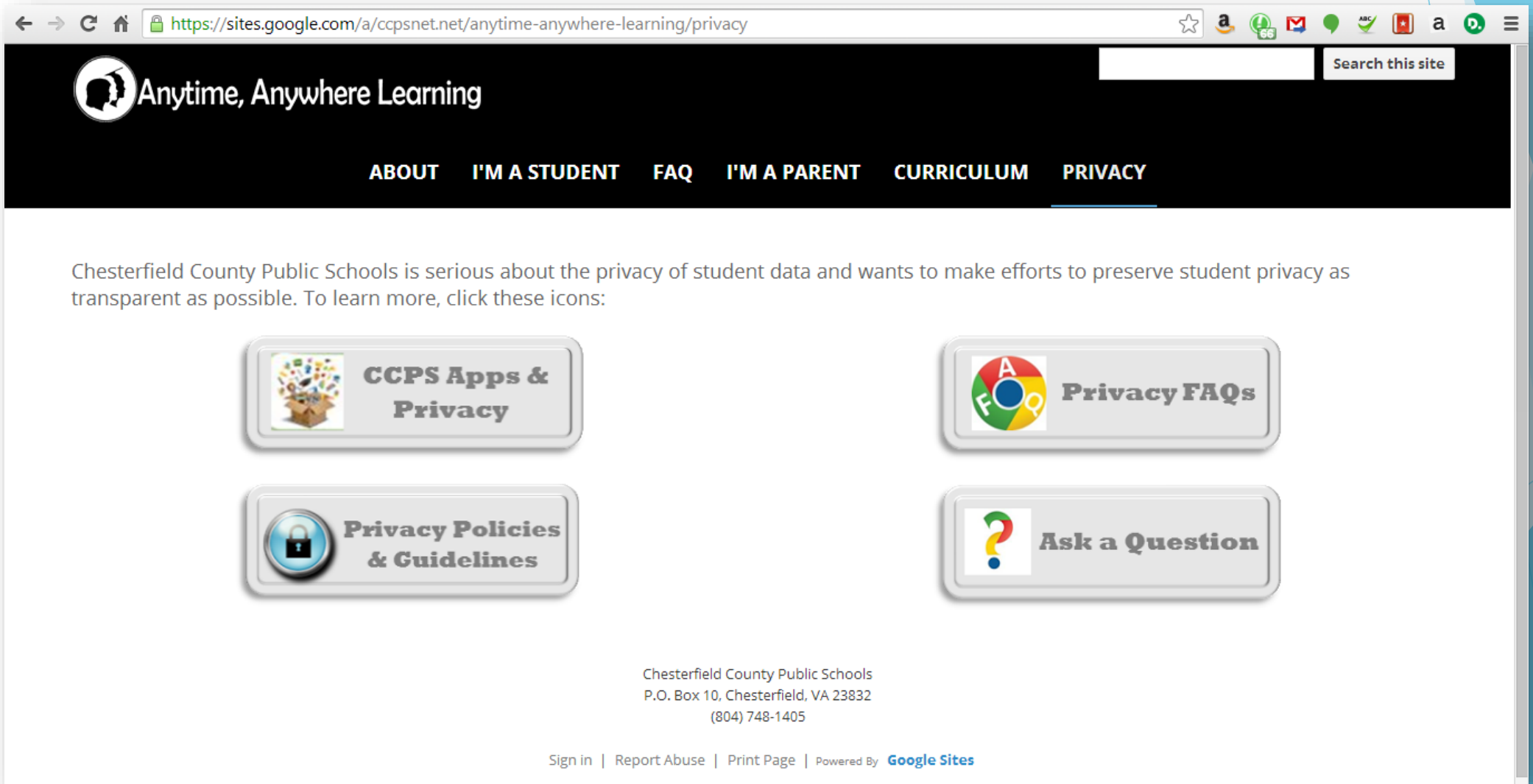
It Can (and Should) Be Simple...



Leading Districts: Denver Public Schools

https://academictechnologymenu.dpsk12.org/studentdataprivacy.aspx

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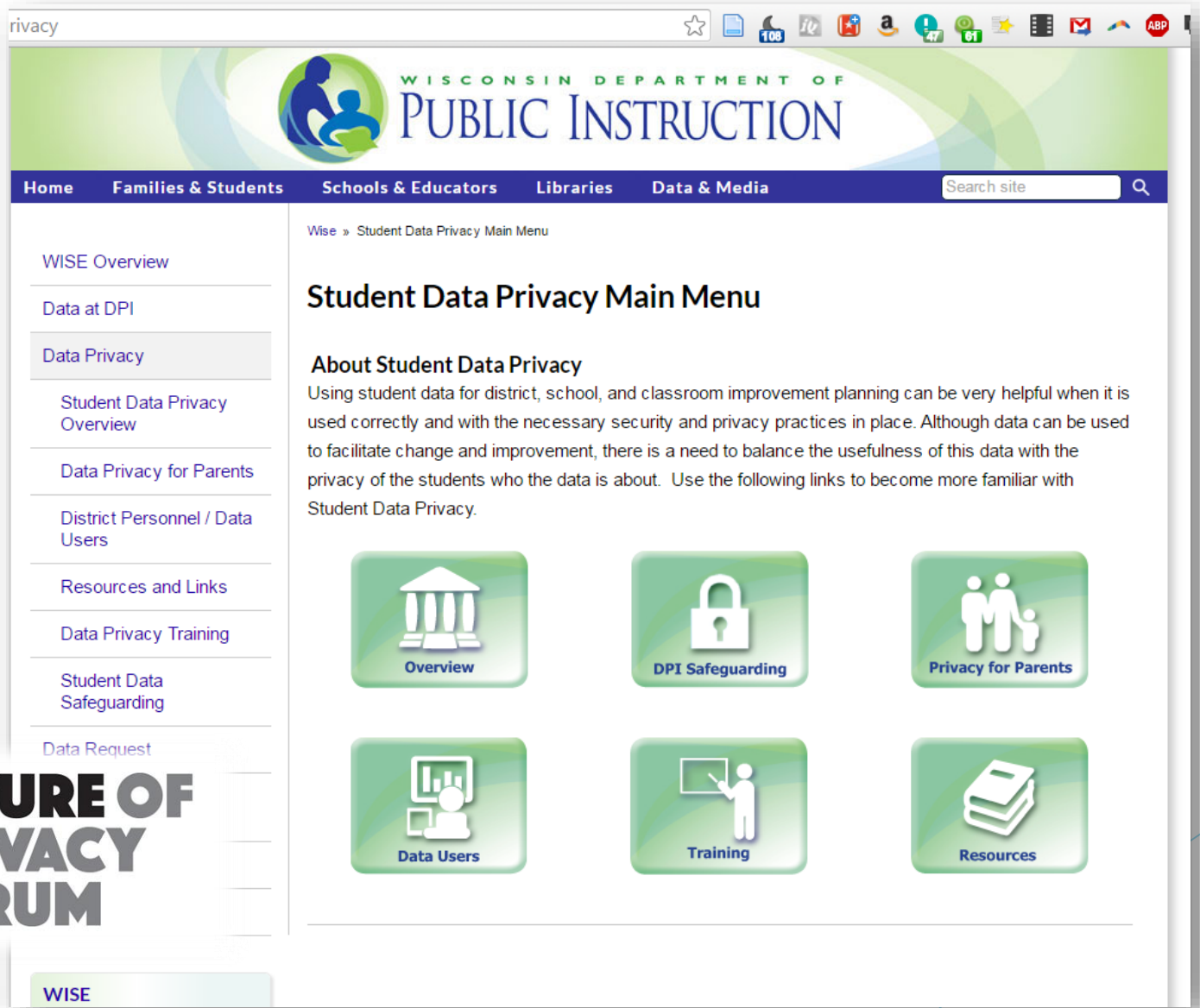
Wisconsin's Amazing Webpage

https://dpi.wi.gov/wise/data-privacy



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Best Practice “Buckets”

- Data Governance and Security
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Vendor Monitoring

- Limit data use for non-educational purposes
- Contract provisions for data use/storage

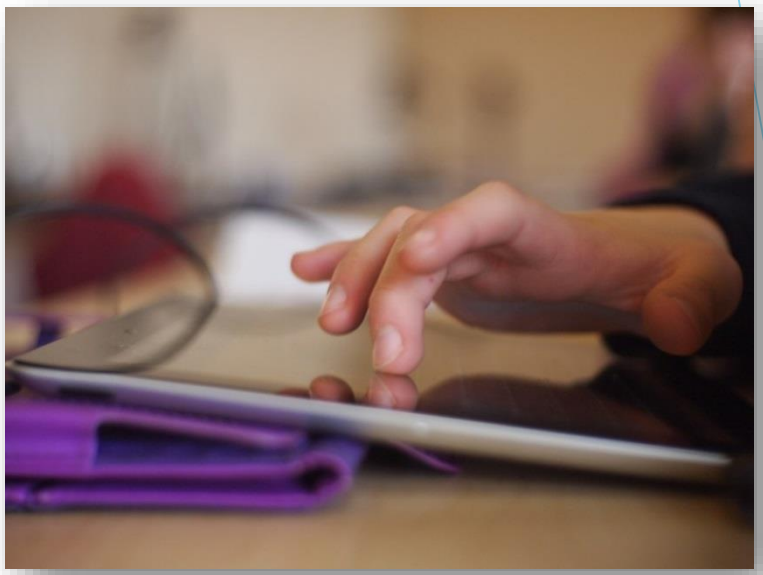

Photo Credit: Flickr user Brad Flickinger

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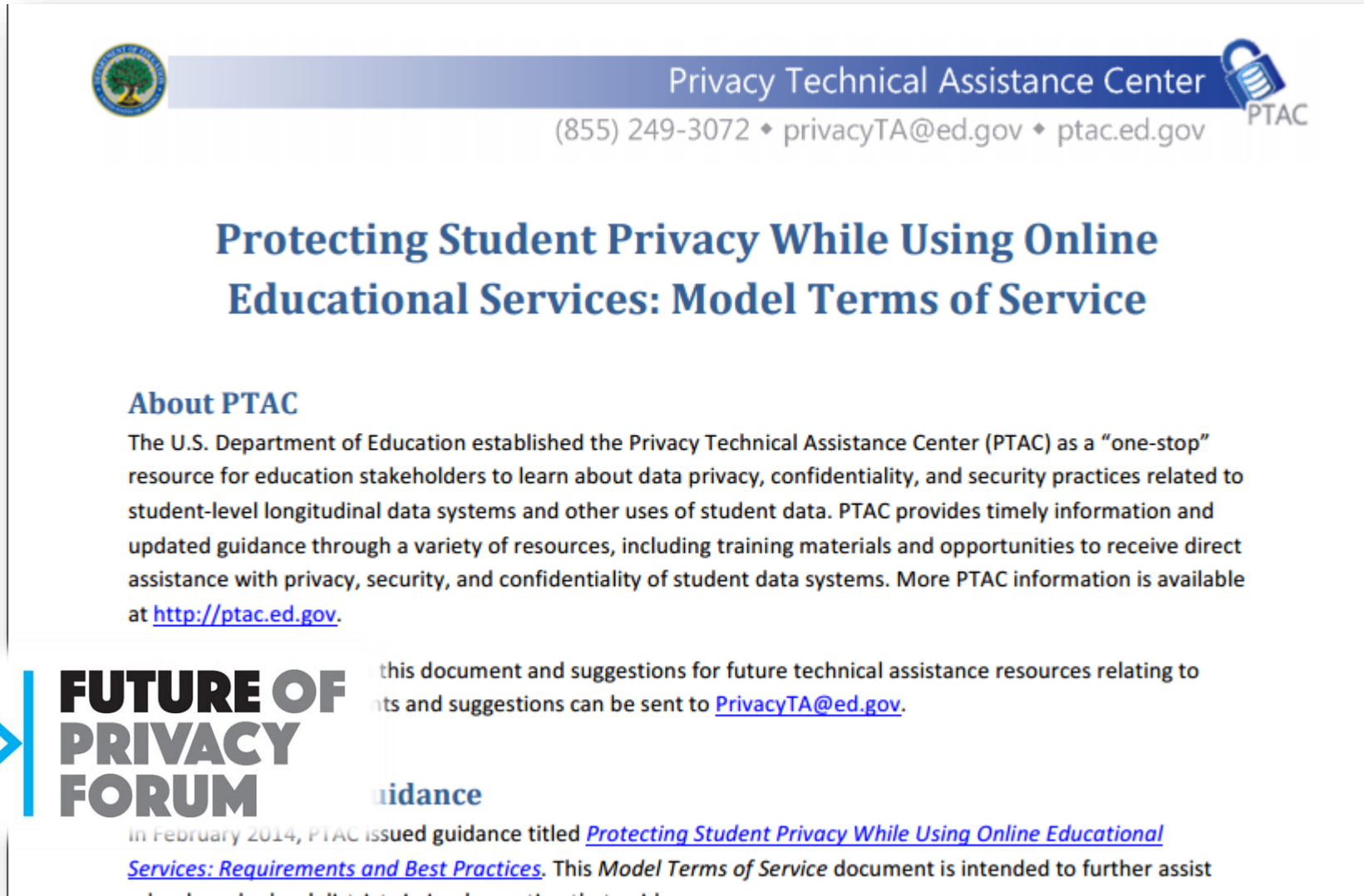
PTAC

http://ptac.ed.gov/sites/default/files/TOS_Guidance_Mar2016.pdf



Privacy Technical Assistance Center

(855) 249-3072 • privacyTA@ed.gov • ptac.ed.gov

PTAC

Protecting Student Privacy While Using Online Educational Services: Model Terms of Service

About PTAC

The U.S. Department of Education established the Privacy Technical Assistance Center (PTAC) as a "one-stop" resource for education stakeholders to learn about data privacy, confidentiality, and security practices related to student-level longitudinal data systems and other uses of student data. PTAC provides timely information and updated guidance through a variety of resources, including training materials and opportunities to receive direct assistance with privacy, security, and confidentiality of student data systems. More PTAC information is available at http://ptac.ed.gov.

this document and suggestions for future technical assistance resources relating to
ts and suggestions can be sent to PrivacyTA@ed.gov.

idance

In February 2014, PTAC issued guidance titled *Protecting Student Privacy While Using Online Educational Services: Requirements and Best Practices*. This *Model Terms of Service* document is intended to further assist

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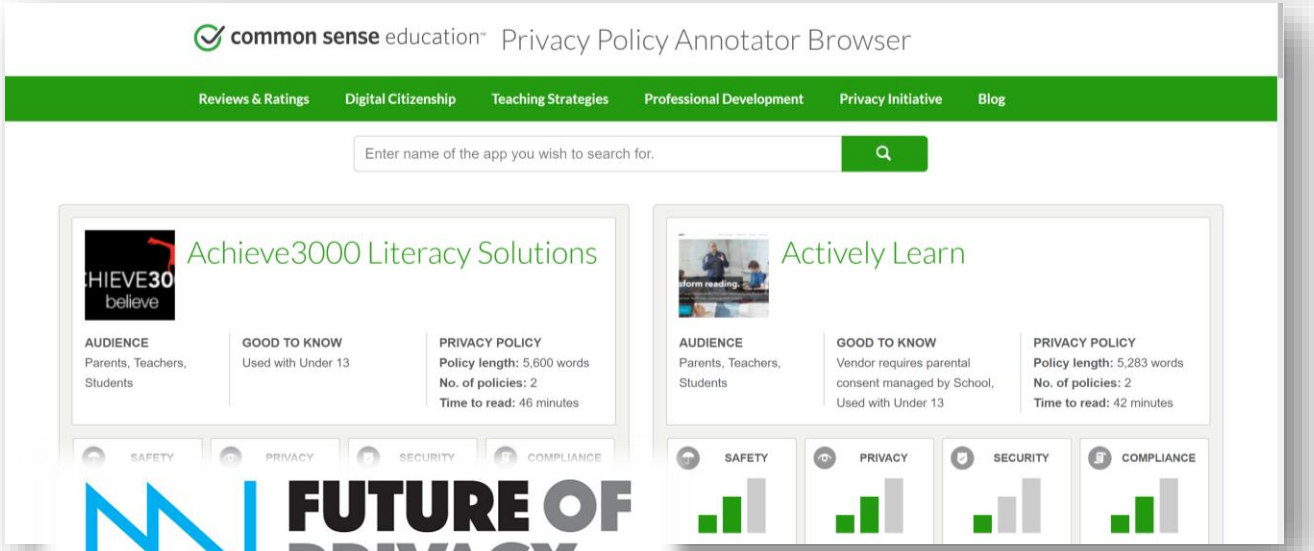
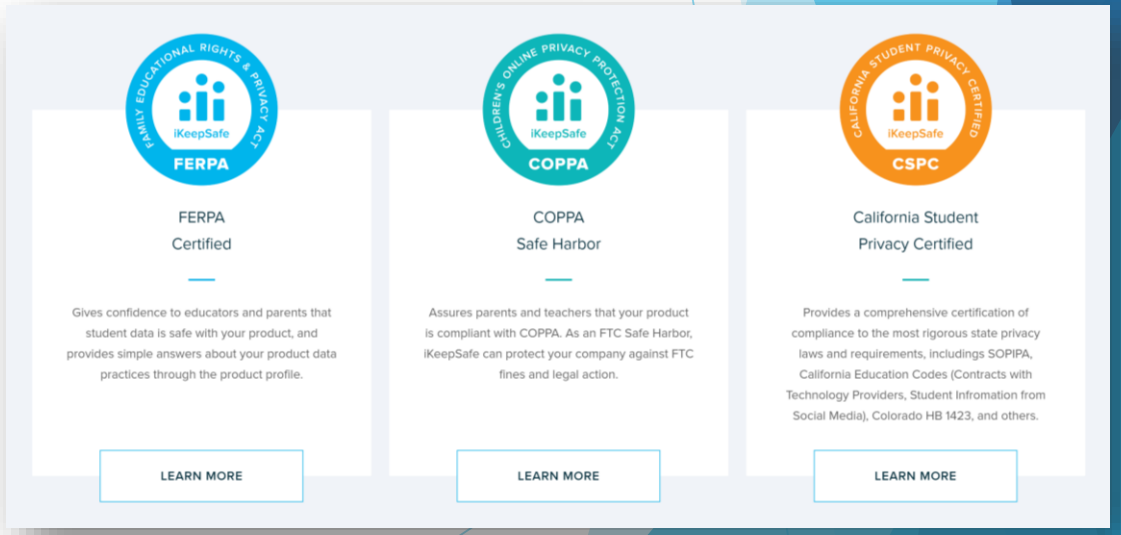
Badges and Seals and Pledges, Oh My!

http://ptac.ed.gov/sites/default/files/TOS_Guidance_Mar2016.pdf





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Student Data Privacy Consortium

https://secure2.cpsd.us/mspa/

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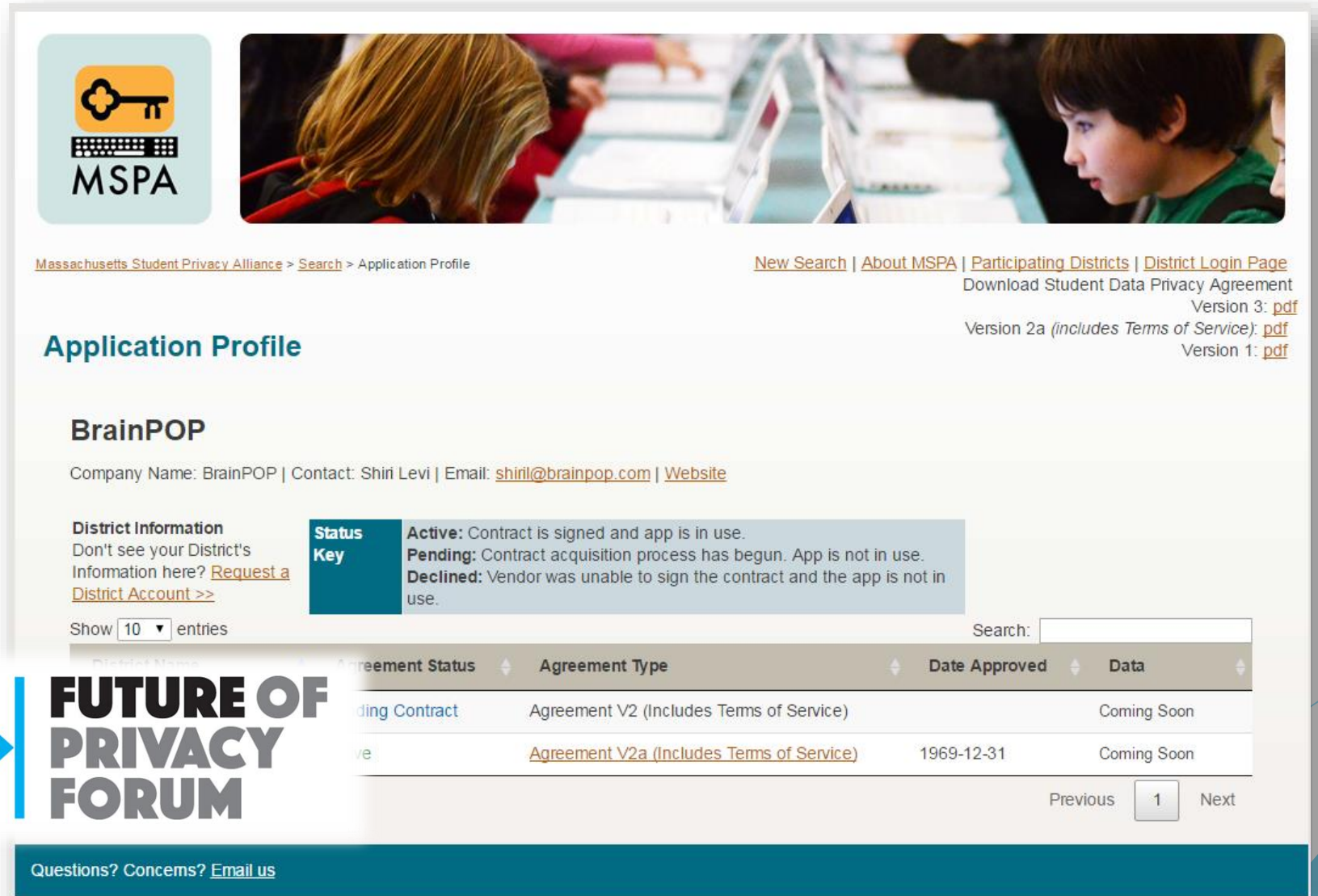

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Other Factors to Consider

- Click-Wrap Agreements
- Defining Who Can “Sign” Contracts
- Sub-Contractors
- Requiring Certain Training
- Having a “standard” set of contract requirements might backfire

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Best Practice “Buckets”

- Data Governance and Security
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Training is Essential

- Anyone who handles data should know how to protect those data.
- Provisions for training appear in only 18 of the more than 400 bills introduced since 2014.

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Types of Risk

- An actual security or privacy risk
- Risk of not being in compliance
- Perception risk

Credit: Jim Siegl, Fairfax County Public Schools, Virginia

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What Do Teachers Need to Know?

- Basic internet and computer safety procedures
- How to use data to help students
- The dangers of unintentional student data disclosure
- How to use apps safely

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When Should Training Occur?

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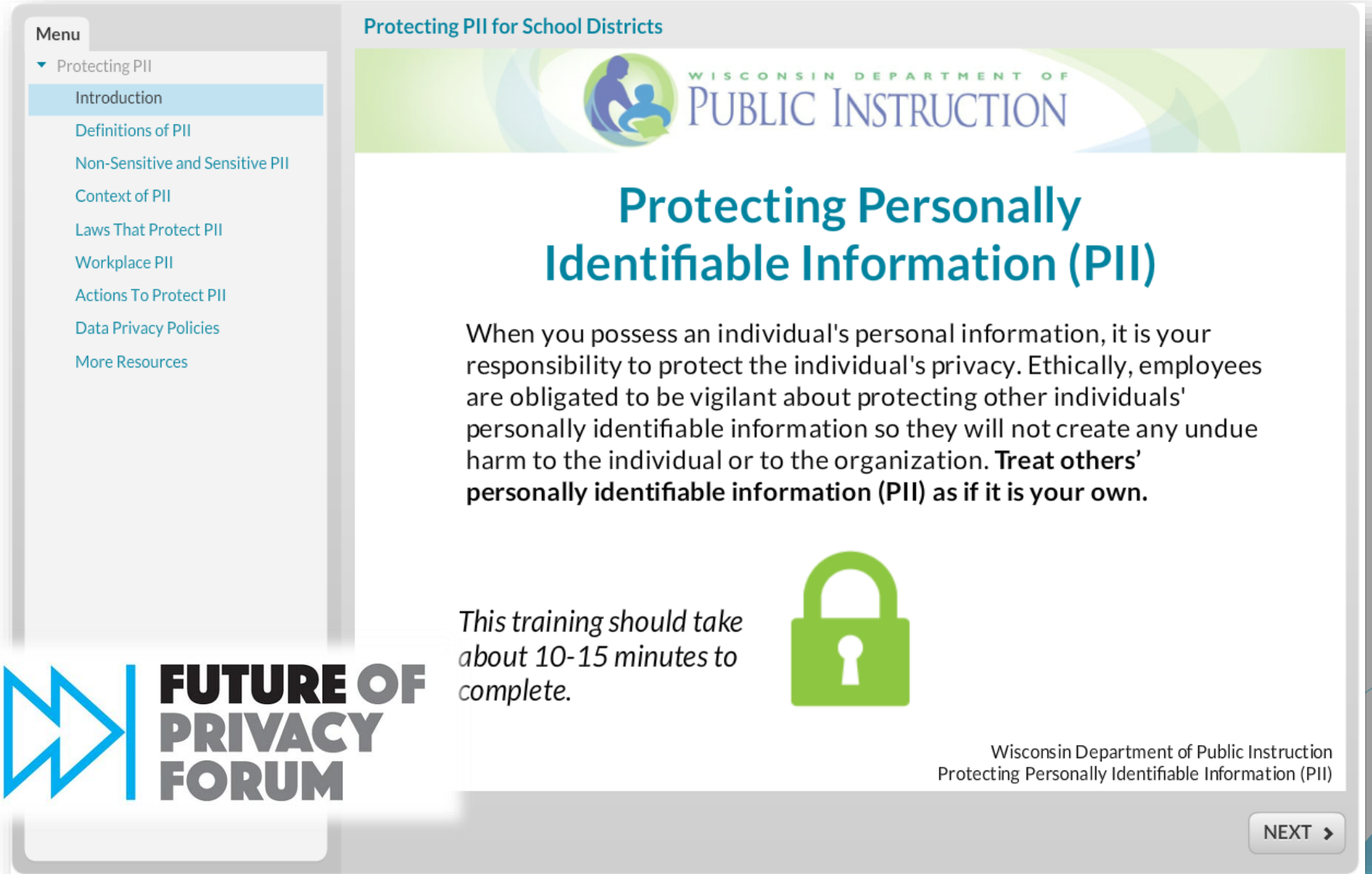
Wisconsin Student Privacy Training Module

https://dpi.wi.gov/wise/data-privacy/training



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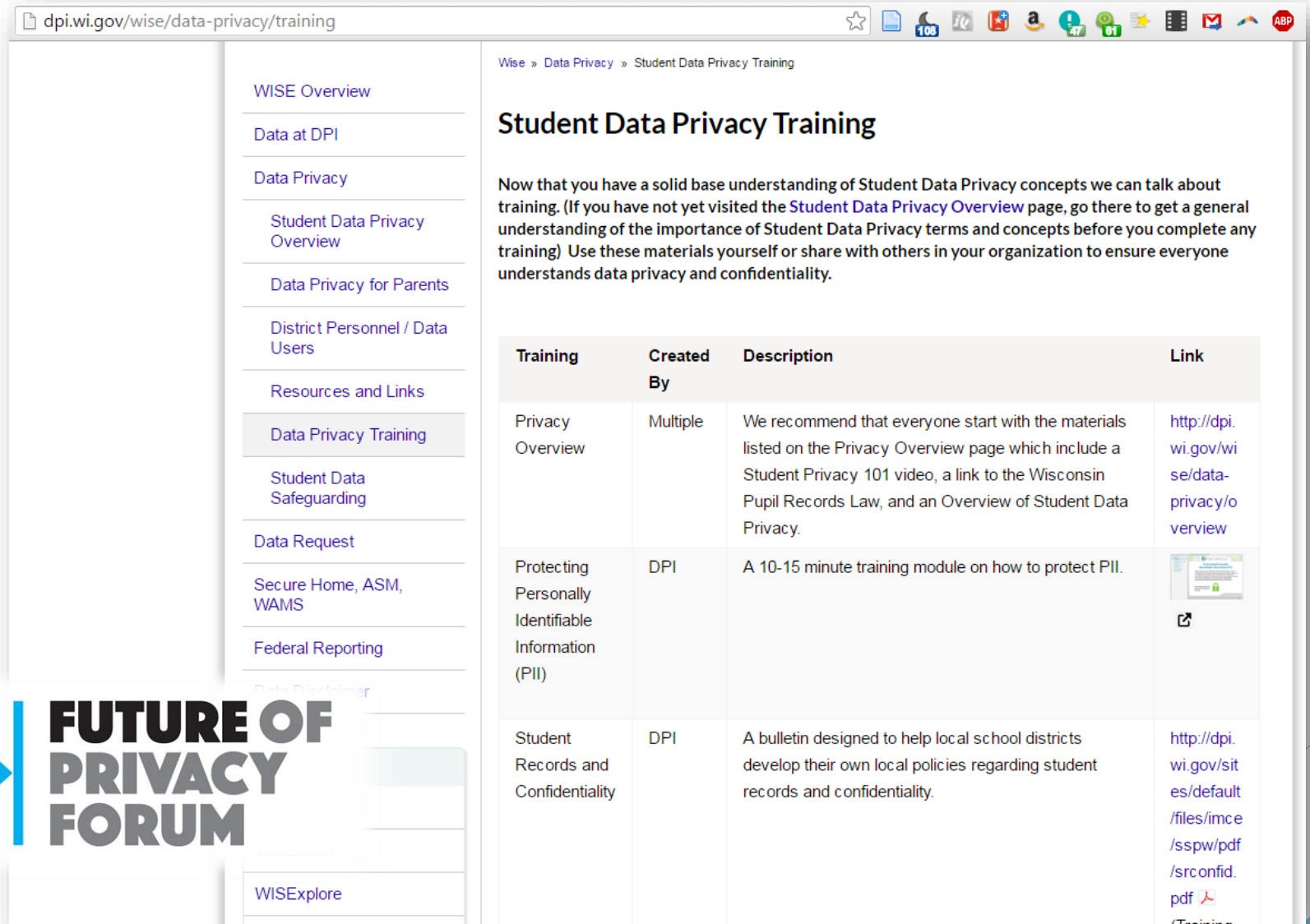
Wisconsin Student Privacy Training Module

https://dpi.wi.gov/wise/data-privacy/training



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Ask Before You App

http://www.f3law.com/resources.php?id=155&rs_id=69

Ask Before You App

Video Tool: Keeping an Eye on Privacy

Integrating educational apps and tools safely, responsibly, and effectively can be a challenge. This short video provides guidelines for today's education professionals. It is a handy reference for classroom teachers and as a training tool for professional development.

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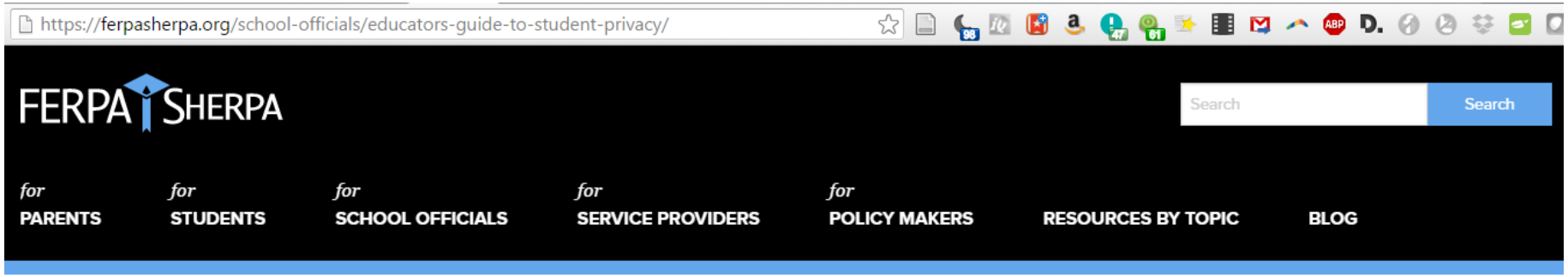
Educator's Guide to Student Privacy

https://ferpasherpa.org/wp-content/uploads/2016/05/EduGuide_DataPrivacy_516.pdf



Educator's Guide to Student Privacy

Technology tools and apps are making it possible for educators and students to collaborate, create, and share ideas more easily than ever. When schools use technology, students' data—including some personal information—is collected both by educators and often the companies that provide apps and online services. Educators use some of this data to inform their instructional practice and get to know their students better. It is just as essential for educators to protect their students as it is to help them learn.

This project is brought to you by:

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ConnectSafely
Smart Socializing Starts Here™

This guide is meant to help teachers utilize technology in the classroom while protecting their students' privacy.

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Why should classroom teachers care about student data privacy?

Privacy Courses for Teachers

http://ikeepsafe.org/privacyeducation

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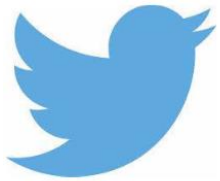
Learning Through Teaching

http://blogs.harvard.edu/youthandmediaalpha/files/2016/03/DLT-Curriculum-Introductory-Materials.pdf

Questions?



- www.fpf.org
- facebook.com/futureofprivacy
- @futureofprivacy

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