U.S. Department of Education

Privacy Initiatives

Presented to: Virtual Data Quality Institute
June 8, 2011
Privacy Initiatives

- Chief Privacy Officer
- Privacy Technical Assistance Center
- Technical Briefs
- FERPA Notice of Proposed Rulemaking
Chief Privacy Officer: Organizational Structure

Principal Deputy
Assistant Secretary for Management

Kathleen Styles
Chief Privacy Officer
Privacy, Information, and Records Management Services

- Family Policy Compliance Office
- FOIA Services
- Privacy Safeguards
- Information Collection Clearance
- Records & Documents Management
My Background

- Attorney
- Certified in government privacy
- Worked on the 2010 Census and American Community Survey
- Prior position: Director, Office of Analysis and Executive Support, U.S. Census Bureau
CPO Responsibilities

- Compliance
- Advice
- Training
- Outreach
- Advocacy
Initial Areas of Emphasis

- Considering comments to FERPA NPRM
- Process improvements
- Working with PTAC and the Technical Briefs
- Open Government/transparency
- Data management
Privacy Technical Assistance Center (PTAC)

Mission: To be a “one-stop” resource for state longitudinal data systems for information about privacy, confidentiality, and security assistance.

Oversight: Privacy Advisory Committee

http://nces.ed.gov/programs/Ptac/Home
Privacy Technical Assistance Center

- “Privacy Toolkit” including FAQs and documents of interest
- Technical Assistance Site Visits
- Training Materials
- Support Center
- Regional Meetings
Technical Briefs – The Basics

- Intended to assist states with their development of longitudinal data systems.
- Seeking input that can help inform future development of official guidance.
- Three are currently available:
  - Basic Concepts and Definitions
  - Data Stewardship
  - Statistical Methods for Data Protection
- Send comments to SLDStechbrief@ed.gov

http://nces.ed.gov/programs/Ptac/TechnicalBriefs
Proposed Changes to FERPA

- Stronger enforcement
- Ensuring student safety
- Promote wise investment of taxpayer funds in educational programs
- Promote effectiveness research
FERPA: Stronger Enforcement

Enforcement Authority

CURRENT INTERPRETATION

No clear authority to bring enforcement actions against entities that have no students

PROPOSED INTERPRETATION

Department could enforce against entities that receive Department funds, even if no students in attendance
FERPA: Ensuring Student Safety

Limited Directory Information

CURRENT
INTERPRETATION

None

PROPOSED
INTERPRETATION

Clarify that Educational agencies may specify that Directory Information will be disclosed only for specified purposes.
FERPA: Ensuring Student Safety

Student ID Badges

CURRENT INTERPRETATION

Unclear whether students can be required to wear ID badges if they opt out of directory information.

PROPOSED INTERPRETATION

Clarify that a school may require a student to wear an ID badge that exhibits information that has been designated as directory information.
FERPA: Ensuring Program Effectiveness

Term Definitions

**CURRENT INTERPRETATION**

None

**PROPOSED INTERPRETATION**

**Education Program**
Any program principally engaged in education

**Authorized Representative**
Any entity designated by educational agency to conduct audit, evaluation or compliance or enforcement activity
FERPA: Ensuring Program Effectiveness

Legal Authority to Conduct Audit/Evaluations

CURRENT INTERPRETATION

Using PII to conduct an audit or evaluation – requires legal authority

PROPOSED INTERPRETATION

Clarifies that authority may be express or implied
FERPA: Ensuring Program Effectiveness

Written Agreements

**CURRENT INTERPRETATION**

Written agreements are not required under the audit/evaluation exception

**PROPOSED INTERPRETATION**

Written agreements would be required under the audit/evaluation exception
FERPA: Ensuring Program Effectiveness

Reasonable Methods

**CURRENT INTERPRETATION**

NONE

**PROPOSED INTERPRETATION**

Specify that disclosing entities must use reasonable methods to ensure receiving entities are FERPA compliant
FERPA: Promoting Research on Effectiveness

Authority to Conduct Study

CURRENT INTERPRETATION

Preamble to 2008 Regulations indicates that an SEA may not give PII to a researcher unless the SEA has separate legal authority to act on behalf of LEA

PROPOSED INTERPRETATION

Clarify that state educational agencies may enter into agreements with researchers on behalf of LEAs
Status of FERPA NPRM

- Comment period closed May 23, 2011
- 274 Comments received; available for review on regulations.gov
- Final rule as soon as possible
- Limited ability to discuss proposed changes.
Wrap Up

- Questions or comments?
- My contact information:
  
  Email: Kathleen.Styles@ed.gov