



U.S. Department of Education

Privacy Initiatives

Presented to:
Virtual Data Quality Institute
June 8, 2011

Kathleen M. Styles
Chief Privacy Officer
U.S. Department of Education

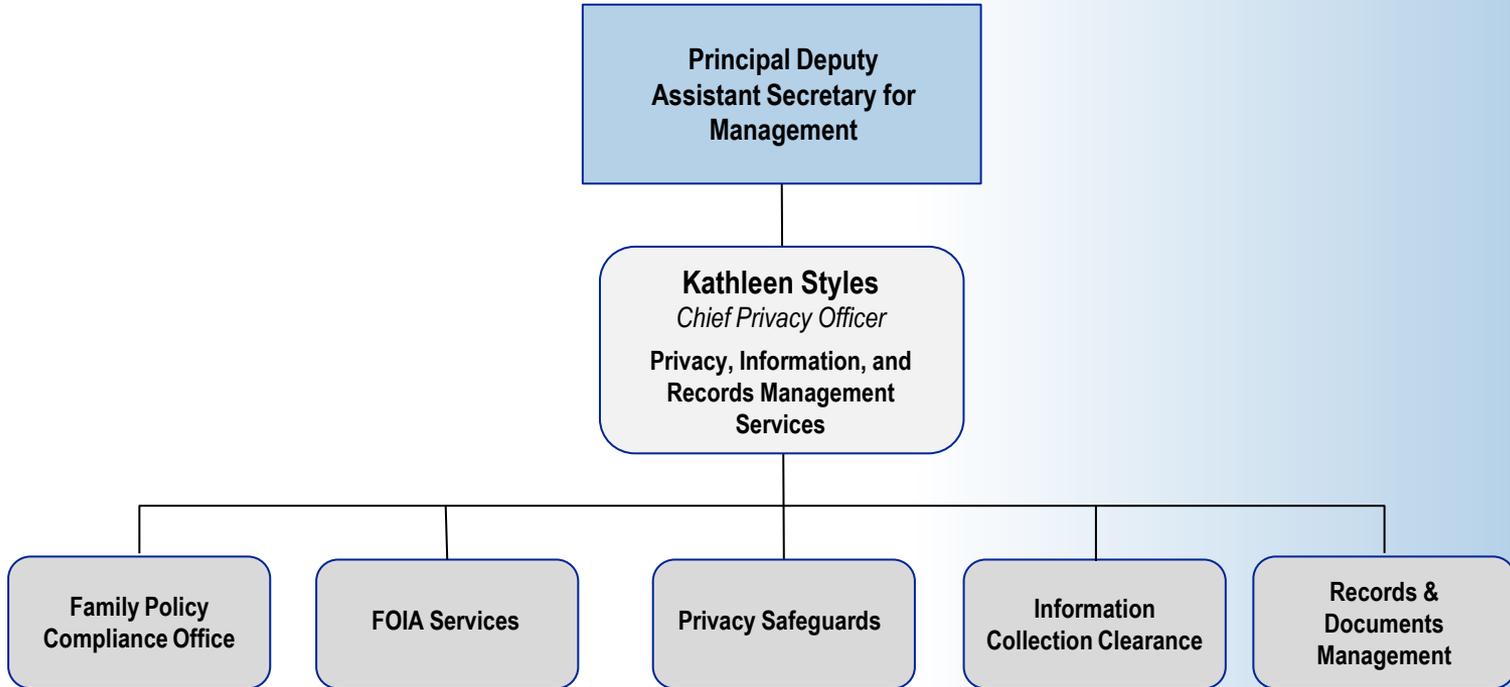


Privacy Initiatives

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



Chief Privacy Officer: Organizational Structure





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



Proposed Changes to FERPA

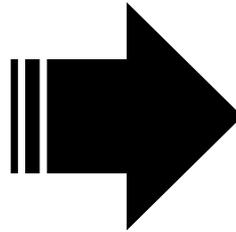
- Stronger enforcement
- Ensuring student safety
- Promote wise investment of taxpayer funds in educational programs
- Promote effectiveness research



FERPA: Stronger Enforcement *Enforcement Authority*

CURRENT INTERPRETATION

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

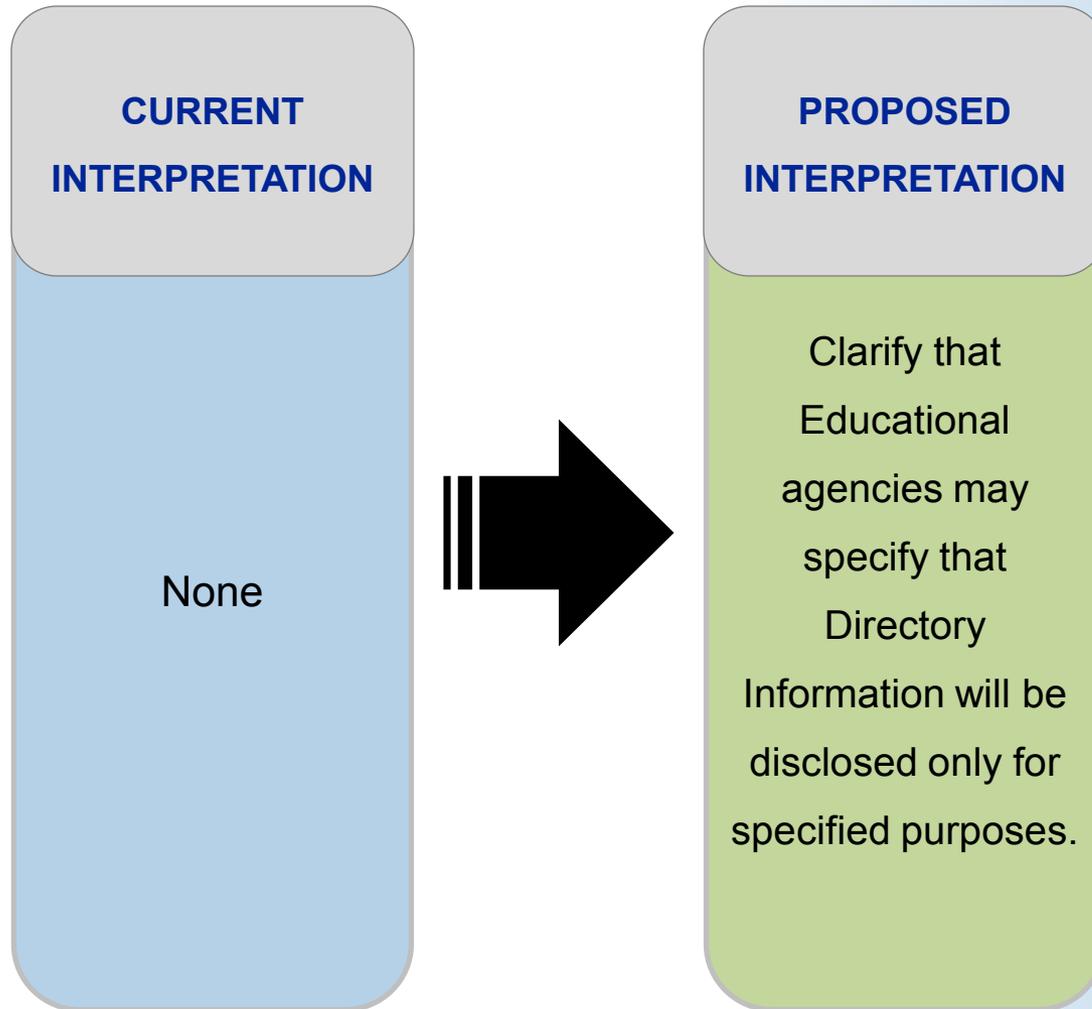


PROPOSED INTERPRETATION

Department could
enforce against
entities that
receive
Department
funds, even if no
students in
attendance



FERPA: Ensuring Student Safety ***Limited Directory Information***



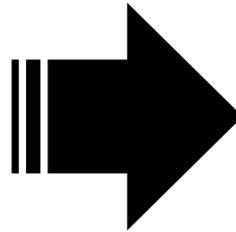


FERPA: Ensuring Student Safety

Student ID Badges

CURRENT INTERPRETATION

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



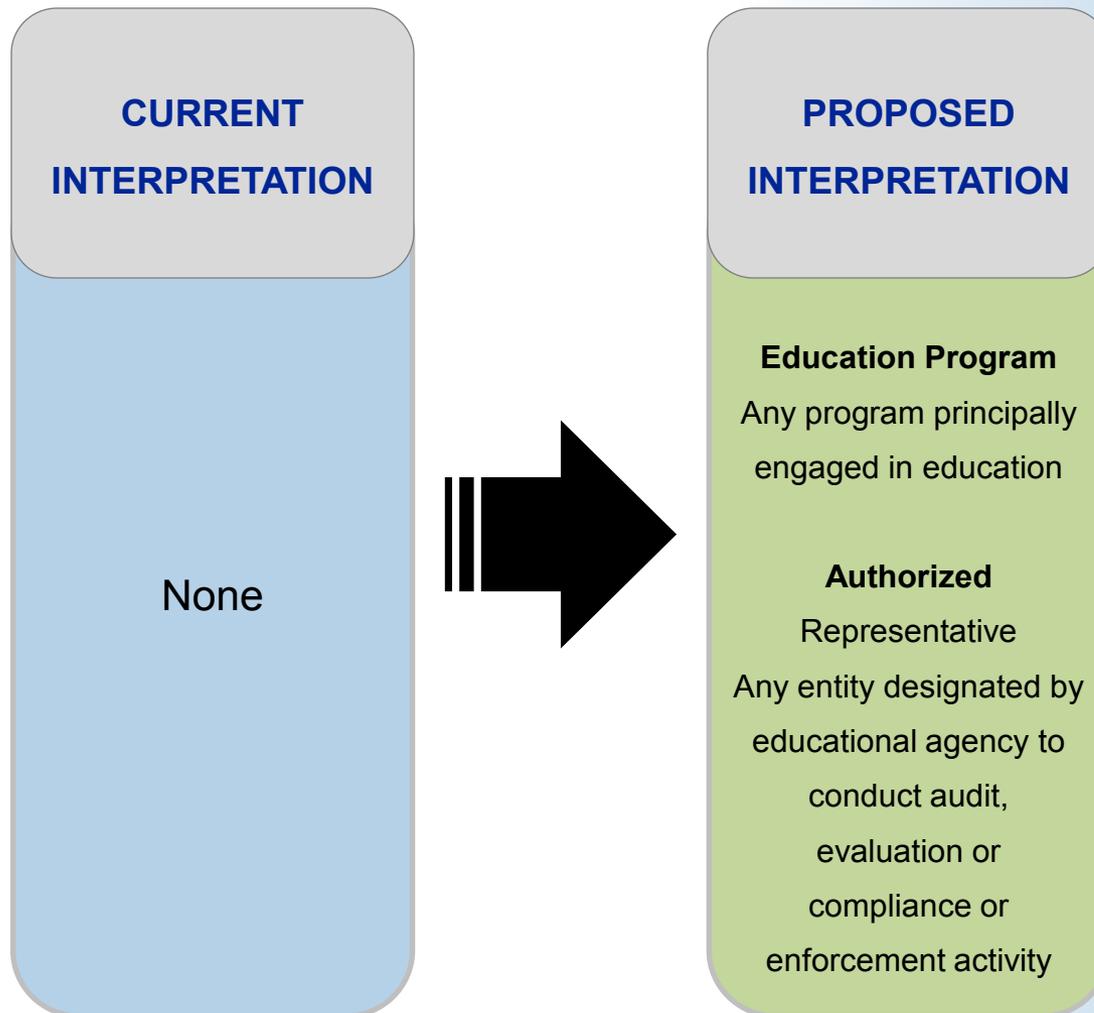
PROPOSED INTERPRETATION

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

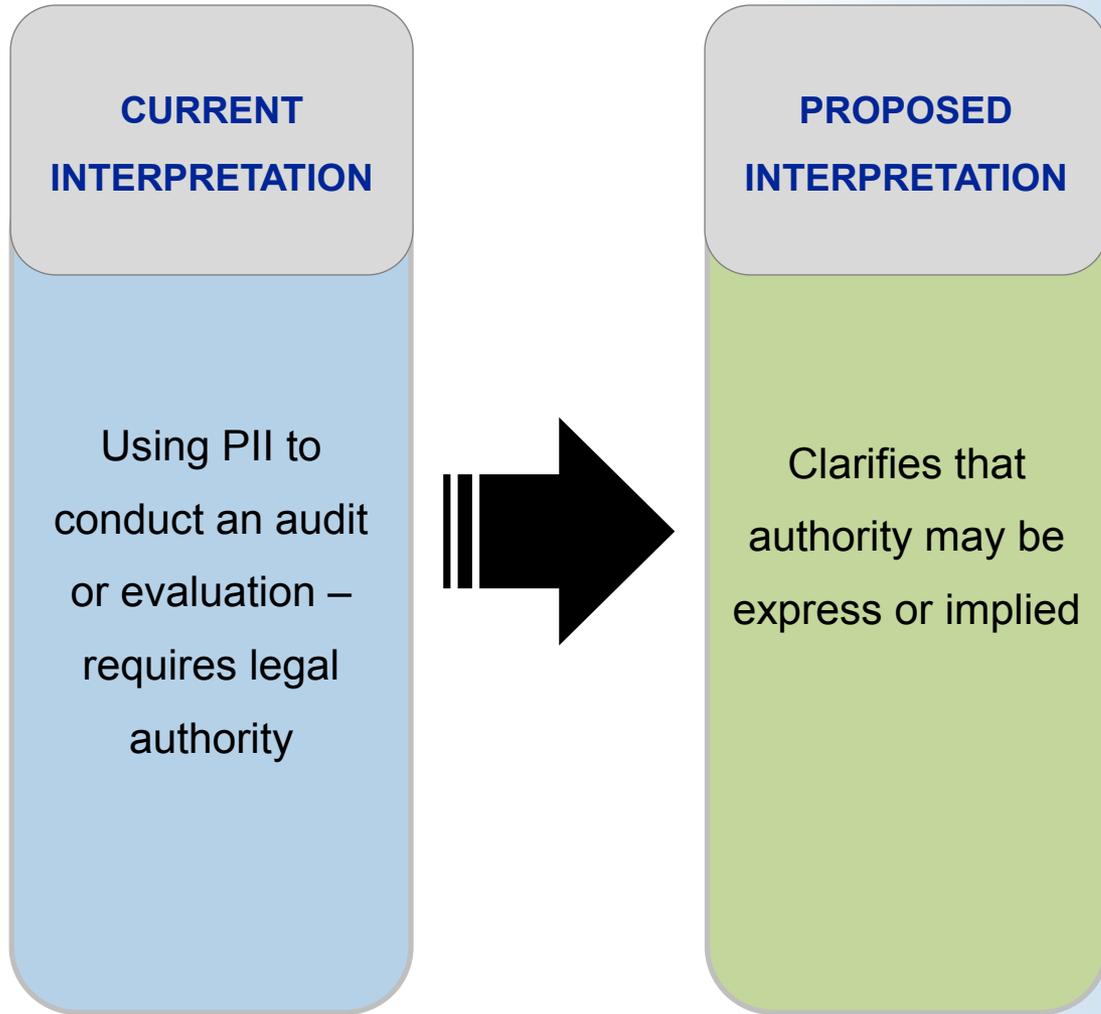
Term Definitions





FERPA: Ensuring Program Effectiveness

Legal Authority to Conduct Audit/Evaluations



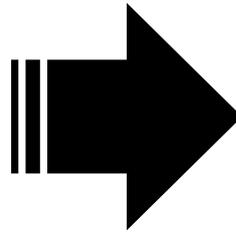


FERPA: Ensuring Program Effectiveness

Written Agreements

CURRENT INTERPRETATION

Written
agreements are
not required
under the
audit/evaluation
exception



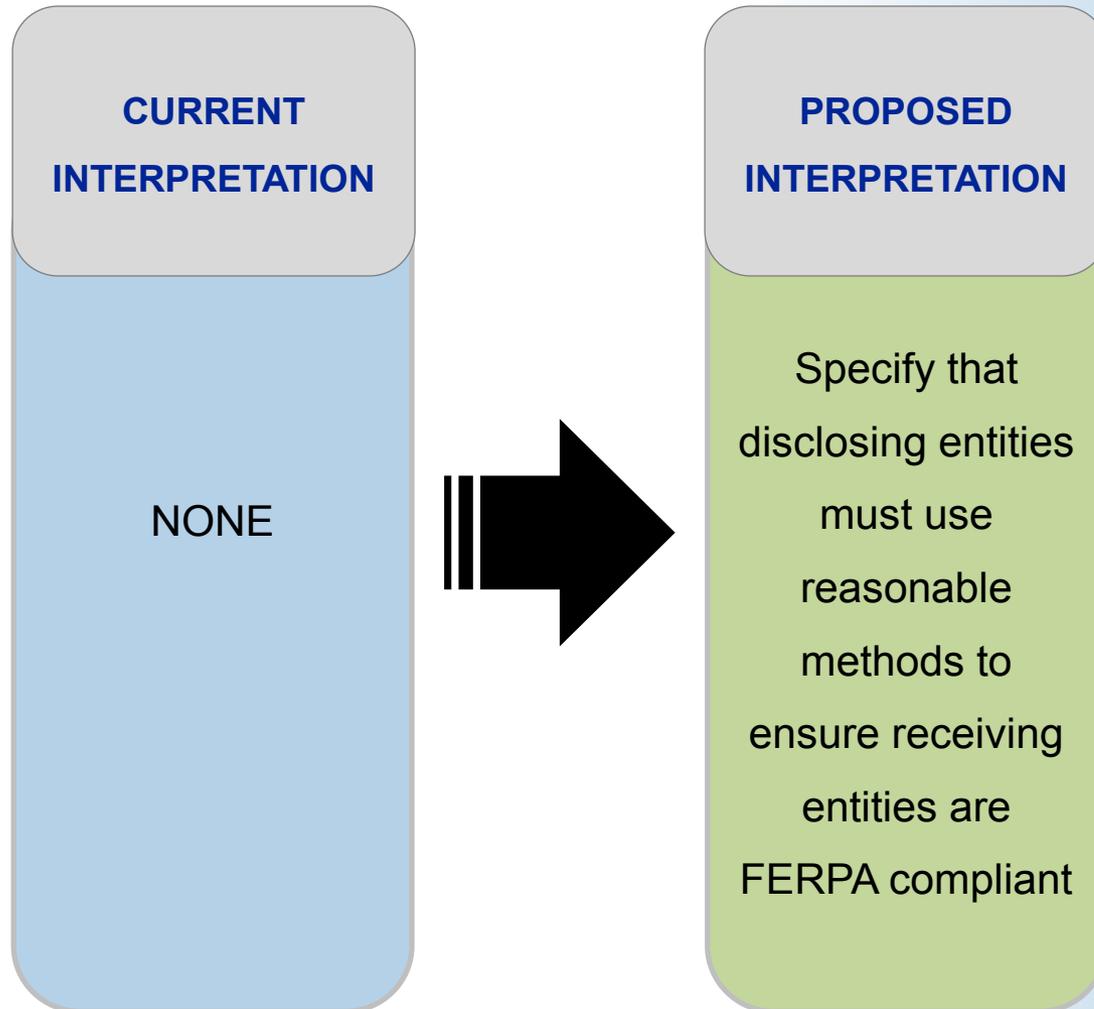
PROPOSED INTERPRETATION

Written
agreements
would be
required under
the
audit/evaluation
exception



FERPA: Ensuring Program Effectiveness

Reasonable Methods

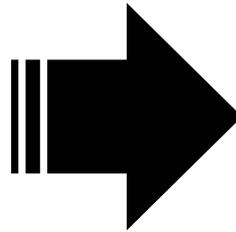




FERPA: Promoting Research on Effectiveness *Authority to Conduct Study*

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](mailto:Kathleen.Styles@ed.gov)