

Student Data Protection

Definitions—

1. **“Aggregate Data”** means data that:
 - a. Are totaled and reported at the group, cohort, school, school district, region, or state level with at least 10 individuals in the level;
 - b. Do not reveal personally identifiable student data; and
 - c. Are collected in accordance with board rule.
2. **“Biometric Identifier”**
 - a. Biometric identifier means a:
 - i. Retina or iris scan;
 - ii. Fingerprint;
 - iii. Human biological sample used for valid scientific testing or screening; or
 - iv. Scan of hand or face geometry.
 - b. “Biometric identifier” does not include:
 - i. A writing sample;
 - ii. A written signature;
 - iii. A voiceprint;
 - iv. A photograph;
 - v. Demographic data; or
 - vi. A physical description, such as height, weight, hair color, or eye color.
3. **“Biometric Information”** means information, regardless of how the information is collected, converted, stored, or shared:
 - a. Based on an individual’s biometric identifier; and
 - b. Used to identify the individual.
4. **“Cumulative Record”** means physical or electronic information that the District intends:
 - a. To store in a centralized location for 12 months or more; and
 - b. For the information to follow the student through the public education system.

5. **“Data Governance Plan”** means a comprehensive plan for managing education data that:
 - a. Incorporates reasonable data industry best practices to maintain and protect student data and other education-related data;
 - b. Provides for necessary technical assistance, training, support, and auditing;
 - c. Describes the process for sharing student data between the District and another person;
 - d. Describes the process for an adult student or parent to request that data be expunged; and
 - e. Is published annually and available on the District’s website.
6. **“Metadata Dictionary”** means a complete list of student data elements and other education-related data elements, that:
 - a. Defines and discloses all data collected, used, stored, and shared by the District, including:
 - i. Who uses a data element within the District and how a data element is used within the District;
 - ii. If a data element is shared externally, who uses the data element externally and how a data element is shared externally;
 - iii. Restrictions on the use of a data element; and
 - iv. Parent and student rights to a data element;
 - b. Designates student data elements as either
 - i. necessary student data or
 - ii. optional student data;
 - c. Designates student data elements as required by state or federal law; and
 - d. Without disclosing student data or security information, is displayed on the District’s website.
7. **“Optional Student Data”** means student data that is neither necessary student data nor data which the District is prohibited from collecting (as described in **Prohibited Collection of Student Data**, below).
 - a. “Optional student data” includes:
 - i. Information that is related to an IEP or needed to provide special needs services but is not “necessary student data”;
 - ii. Biometric information; and

- iii. Information that is not necessary student data but is required for a student to participate in a federal or other program.

[Utah Code § 53A-1-1402 \(2016\)](#)

District Responsibilities—

The District shall designate an individual to act as a student data manager to fulfill the responsibilities of a student data manager described in

Requirements for Student Data Manager, below.

If possible, the District shall designate a records officer pursuant to the Government Records Access and Management Act as defined in [Utah Code § 63G-2-103\(25\)](#), as the student data manager.

The District shall create and maintain a District:

1. Data governance plan; and
2. Metadata dictionary.

The District shall establish an external research review process to evaluate requests for data for the purpose of external research or evaluation.

[Utah Code § 53A-1-1404 \(2016\)](#)

Student Data Ownership—

A student owns the student's personally identifiable student data.

A student may download, export, transfer, save, or maintain the student's student data, including a document.

[Utah Code § 53A-1-1405 \(2016\)](#)

Notification in Case of Breach—

If there is a release of a student's personally identifiable student data due to a security breach, the District shall notify:

1. The student, if the student is an adult student; or
2. The student's parent or legal guardian, if the student is not an adult student.

[Utah Code § 53A-1-1405 \(2016\)](#)

Prohibited Collection of Student Data—

Beginning with the 2017-18 school year, the District may not collect a student's:

1. Social Security number; or
2. Criminal record, except as required in [Utah Code § 78A-6-112](#) (Minor taken into custody by peace officer, private citizen, or probation officer).

[Utah Code § 53A-1-1406\(2\) \(2016\)](#)

Student Data Disclosure Statement—

Beginning with the 2017-18 school year, if the District collects student data into a cumulative record it shall, in accordance with this section, prepare and distribute to parents and students a student data disclosure statement that:

1. Is a prominent, stand-alone document;
2. Is annually updated and published on the District's website;
3. States the necessary and optional student data the District collects;
4. States that the District will not collect the student data described in **Prohibited Collection of Student Data**, above;
5. Describes the types of student data that the District may not share without a data authorization;
6. States that students and parents are responsible for the collection, use, or sharing of student data obtained by the student as described in **Student Data Ownership**, above;
7. Describes how the District may collect, use, and share student data;
8. Includes the following 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.";
9. Describes in general terms how the District stores and protects student data; and
10. States a student's rights under the Student Data Protection Act.

[Utah Code § 53A-1-1406\(3\) \(2016\)](#)

Student Data Disclosure Statement Recipients—

Beginning with the 2017-18 school year, the District may collect the necessary student data of a student into a cumulative record only if the District provides a student data disclosure statement to:

1. The student, if the student is an adult student; or
2. The student's parent, if the student is not an adult student.

[Utah Code § 53A-1-1406\(4\) \(2016\)](#)

Optional Student Data Collection—

Beginning with the 2017-18 school year, the District may collect optional student data into a cumulative record only if it:

1. Provides, to an individual described in **Student Data Disclosure Statement Recipients**, above, a student data disclosure statement that includes a description of:

- a. The optional student data to be collected; and
 - b. How the District will use the optional student data; and
2. Obtains a data authorization to collect the optional student data from an individual described in **Student Data Disclosure Statement Recipients**, above.

[Utah Code § 53A-1-1406\(5\) \(2016\)](#)

Student Biometric Identifier and Biometric Information Data Collection—

Beginning with the 2017-18 school year, the District may collect a student's biometric identifier or biometric information into a cumulative record only if the District:

1. Provides, to an individual described in **Student Data Disclosure Statement Recipients**, above, a biometric information disclosure statement that is separate from a student data disclosure statement and which states:
 - a. The biometric identifier or biometric information to be collected;
 - b. The purpose of collecting the biometric identifier or biometric information; and
 - c. How the District will use and store the biometric identifier or biometric information; and
2. Obtains a data authorization to collect the biometric identifier or biometric information from an individual described in **Student Data Disclosure Statement Recipients**, above.

[Utah Code § 53A-1-1406\(6\) \(2016\)](#)

Sharing Student Data—

Beginning with the 2017-18 school year, the District may not share a student's personally identifiable student data except in conformance with the requirements of this policy and with the Family Educational Rights and Privacy Act ("FERPA") and related provisions under [20 U.S.C. §§ 1232\(g\)](#) and [1232\(h\)](#).

[Utah Code § 53A-1-1409 \(2016\)](#)

Requirements for Student Data Manager—

Beginning with the 2017-18 school year, the District will designate a student data manager who shall:

1. Authorize and manage the sharing, outside of the District, of personally identifiable student data from a cumulative record for the District as described in this section; and

2. Act as the primary local point of contact for the state student data officer described in [Utah Code § 53A-1-1403](#).

[Utah Code § 53A-1-1409 \(2016\)](#)

Permitted and Prohibited Sharing of Student Data by Student Data Manager—

A student data manager may share the personally identifiable student data of a student with the student and the student's parent. Otherwise, a student data manager may only share a student's personally identifiable student data from a cumulative record in accordance with federal law or as follows. Such data may be shared with:

1. A school official;
2. An authorized caseworker, in accordance with this policy, or other representative of the Department of Human Services; or
3. A person to whom the District has outsourced a service or function:
 - a. To research the effectiveness of a program's implementation; or
 - b. that the District's employees would typically perform.

A student data manager may share a student's personally identifiable student data from a cumulative record with a caseworker or representative of the Department of Human Services if:

1. The Department of Human Services is:
 - a. legally responsible for the care and protection of the student; or
 - b. providing services to the student; and
2. The student's personally identifiable student data is not shared with a person who is not authorized:
 - a. to address the student's education needs; or
 - b. by the Department of Human Services to receive the student's personally identifiable student data; and
3. The Department of Human Services maintains and protects the student's personally identifiable student data.

A student data manager may share aggregate data.

A student data manager may not share personally identifiable student data for the purpose of external research or evaluation except as follows: If a student data manager receives a request to share data for the purpose of external research or evaluation, the student data manager shall:

1. Submit the request to the District's external research review process; and
2. Fulfill the instructions that result from the review process.

A student data manager may share personally identifiable student data in response to a subpoena issued by a court.

In accordance with State Board of Education rule, a student data manager may share personally identifiable information that is directory information.

[Utah Code § 53A-1-1409 \(2016\)](#)

Third Party Contractors—

The District may provide a third-party contractor with personally identifiable student data received under a contract with the District strictly for the purpose of providing the contracted product or service.

When contracting with a third-party contractor, the District shall require the following provisions in the contract:

1. Requirements and restrictions related to the collection, use, storage, or sharing of student data by the third-party contractor that are necessary for the District to ensure compliance with the provisions of the Student Data Protection Act and State Board of Education rules;
2. A description of a person, or type of person, including an affiliate of the third-party contractor, with whom the third-party contractor may share student data;
3. Provisions that govern requests by the District for the deletion of the student data received by the third-party contractor from the District;
4. Except as provided in this policy and if required by the District, provisions that prohibit the secondary use of personally identifiable student data by the third-party contractor; and
5. An agreement by the third-party contractor that, at the request of the District, the District or its designee may audit the third-party contractor to verify compliance with the contract.

A third-party contractor's use of personally identifiable student data shall be in accordance with [Utah Code §§ 53A-1-1410](#) and [53A-1-1411](#).

[Utah Code § 53A-1-1410 \(2016\)](#)

[Utah Code § 53A-1-1411 \(2016\)](#)