



Clear as Mud

How to Improve the Transparency of Your Data Practices

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The U.S. Department of Education's Role in Protecting Student Privacy

- Administering and enforcing federal laws governing the privacy of student information
 - Family Educational Rights and Privacy Act (FERPA)
 - Protection of Pupil Rights Amendment (PPRA)
- Raising awareness of privacy challenges
- Providing technical assistance to schools, districts, and states
- Promoting privacy & security best practices

Student Data

To effectively educate students schools collect and use a variety of information about each student.

Test Scores

Enrollment Info

Grades

Disciplinary Info

Demographic Info

Much of that information is protected from unauthorized disclosure by Federal (and increasingly State) laws.

Personalized Learning

Metadata

Special Education Info

Credits earned



Question:

Why is transparency about schools' and districts' data practices important?

Why is Transparency Important?

- Parents expect openness and transparency from schools and districts about their data practices.
- Transparency allows a parent to evaluate if the protection of their child's personal information meets their expectations.
- In the absence of full information, people often assume the worst.
- Schools and districts should take a proactive approach in communicating with parents.

Communication by Schools and Districts

- It is important that schools and districts communicate:
 - What student information they collect
 - Why they collect it
 - How they use it
 - And to whom they disclose it



Best Practices & Federal Requirements

- The Department of Education has a number of best practice recommendations for what schools and districts ought to communicate to parents.
- But first we will briefly describe what information *must* be provided to parents and students under federal law.

Required Notices to Parents

Some transparency is required by law, through notices to parents, including:

- Annual Notice of Rights under FERPA
- PPRA Notices (for some surveys and for use of student information for marketing purposes)
- Directory Information Notice (if disclosing Directory Information)

But these required notices represent the bare minimum...effective transparency about data use will often require much more!

Best Practice Recommendations for Improving Transparency

- Beyond FERPA and PPRA, the Department recommends best practices for improving transparency
- These recommendations can be divided into three main categories:
 1. What information to communicate to parents;
 2. How to convey that information; and
 3. How to respond to parent inquiries about student data policies and practices.

Recommendations on What to Communicate to Parents

As a best practice parents should be provided with the following information about your school's or district's data and privacy practices:



Recommendations on What to Communicate to Parents

WHAT information are you collecting about students?

- Develop and publish a [data inventory](#) listing the information that you collect from or about your students.
- A best practice is to provide this information at the individual data element level.
- Be sure to include any information collected by vendors and apps (they are typically acting as agents of the school).

REMEMBER: The first step in protecting sensitive information is knowing what information you have.



Recommendations on What to Communicate to Parents

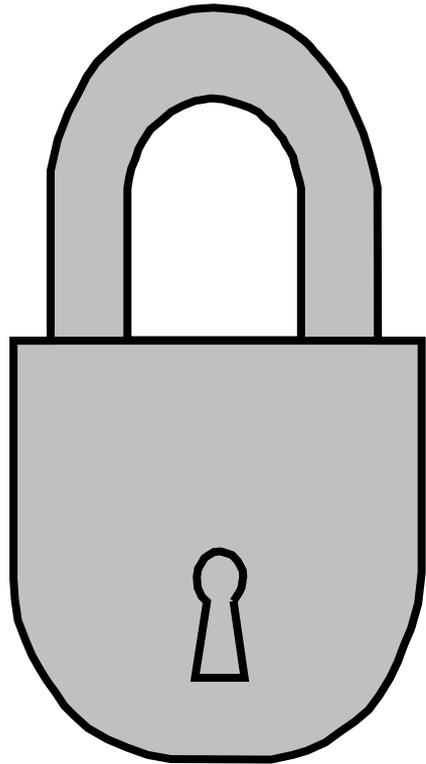
WHY are you collecting this information?

- Explain why you collect student information
- A best practice is to provide this information at the data element level

REMEMBER: If you cannot provide a good reason for why you are collecting a particular data element, you may want to reconsider collecting it.

Recommendations on What to Communicate to Parents

HOW is the information **protected**?



- Explain your institution's IT security and data protection policies.
- Describe your school's or district's policies governing access and use of students' PII.
- Explain your data retention policies and whether you retain records in identifiable, minimized/redacted, or de-identified form
- If you publish aggregate data on your website, explain the privacy protections you apply to protect against disclosure of PII in "small cells"

REMEMBER: It is important to regularly train your faculty and staff on these IT and data protection policies

Recommendations on What to Communicate to Parents

Do you **share** any personal information with third parties?

- If you contract for services that require you to share student information, consider posting those contracts online.
- Provide parents with a list of apps or online educational services that are approved for use in the classroom
- If you share student information with external researchers, show parents the research findings and identify if you made any changes to curriculum, policies, or programs as a result
- What data security requirements must these third parties follow?

REMEMBER: Parents care about who has access to and uses their children's information. Let them know the reasons you are sharing student data with a third party and explain the legal, contractual, and policy protections in place to safeguard the data.

Recommendations on What to Communicate to Parents

WHO should parents contact if they have questions about your data practices?



- Display contact information prominently on your website, so that it is clear whom parents can contact if they have questions, comments, or suggestions

REMEMBER: Posting information on a website is not enough – ask for constructive feedback from parents and students to ensure that the policies and practices are truly transparent

Recommendations on How to Communicate about Data Practices

When communicating with parents about the school's or district's data practices, consider the following best practices to improve accessibility and clarity of the messages...

Recommendations on How to Communicate about Data Practices

Use your website as part of a multi-layered approach to communication

- Post electronic copies of your required FERPA and PPRA (and Directory Information) notices on your website as a reference for parents and students to consult later
- Adjust the detail of the message according to the medium
 - For example, shorter documents or announcements, such as a letter to parents, student handout, newsletter item, or a blog post could contain a very simple message, supplemented by a link to additional, more in-depth information for those who are interested

Recommendations on How to Communicate about Data Practices

Make your website user-friendly, searchable, and easy to navigate

- When possible, consolidate information about data practices and privacy protections into a single page or section on your website.
- Clearly label the data practices/student privacy section and ensure that users can quickly navigate to it from the homepage with just one or two mouse clicks.
- Add a “Search” tool to your website so that visitors can easily find relevant information on data practices using common keywords.



Recommendations on How to Communicate about Data Practices

Be clear and consistent.

- Use plain language whenever possible (avoid legal or technical jargon).
- Provide examples to illustrate complex concepts or ideas
- Include a glossary with definitions and links to relevant privacy laws, regulations, or policies.
- Make sure that your website's data practices section is accessible to persons with disabilities.
- Consider translating the data practices section and any related student privacy information on your website into other languages commonly spoken in your community.
- Maintain consistency across communication mediums (i.e., between written letters and website pages).

Recommendations on How to Communicate about Data Practices

Have members of the community regularly review your website for useability, comprehension, and completeness.

- Follow up with parents and students to ensure that they can easily find and understand the data and privacy practices information posted on your website.
- Solicit feedback from parents and students on recommended improvements to your website or for additional information to include about your data and privacy practices.

Recommendations for Responding to Parent Inquiries

- Sometimes parents or students will contact you wanting additional information.
- The Department of Education encourages schools and districts to handle parental and student inquiries about data privacy in a responsive and meaningful fashion.
- The best practices include...

Recommendations for Responding to Parent Inquiries

Keep the lines of communication open.



- Be available to answer questions from parents and students regarding student data.
- Provide parents and students with easy ways to reach staff for questions, concerns, or suggestions.
- Parents and students should be able to reach out for help in ways that are convenient to them.
- When appropriate, use online systems that grant parents access to their children's information so that parents can learn more about their children's progress and activities in school.

Recommendations for Responding to Parent Inquiries

Review parental inquiries, concerns, and suggestions in a thoughtful and careful manner.

- Don't dismiss inquiries, concerns, or suggestions without sufficient consideration.
- Acknowledge parents' concerns about their child's well-being.
- Make the effort to properly understand the question, concern, or suggestion and relevant circumstances – follow-up to obtain additional information if necessary.
- Respond in a clear, respectful, and meaningful fashion to minimize confusion.

Recommendations for Responding to Parent Inquiries

Respond to parental or student inquiries in a timely manner.

- Notify the parent or student about the expected turn-around time and explain the logistics of the response process (*this information can be posted on the school's or district's website, communicated directly to the requestor, or both*).
- If additional time is required to address the inquiry, follow up with the parent or student to keep him or her informed about the delay and the reason for it.



Recommendations for Responding to Parent Inquiries

Periodically review old inquiries and resolutions to evaluate and improve your communication and transparency efforts.

- Evaluate your effectiveness by reviewing changes in the relevant measures over time.
 - Some useful indicators include the number of data/privacy concerns, response turn-around time, and feedback from parents and students.
- Review and modify data privacy policies and procedures, including the content of privacy notices and modes of communication, at least annually.

Evaluating Your Website

- ✓ Do you have a section on your website about data use and privacy?
 - ✓ Is it centrally located and easy to find?
 - ✓ How many clicks away from your homepage is it?
- ✓ Do you include useful information that parents may want to know about your school/district's data policies?
 - ✓ Required notices (FERPA, PPRA, Directory Info, etc.)?
 - ✓ Data inventory with explanations of why the information is collected?
 - ✓ Copies of contracts with 3rd party vendors?
 - ✓ List of Apps used in the school/district?
 - ✓ Results of any studies or evaluations using your school/district's data?
- ✓ Do you include contact information for someone parents can talk to if they have questions?

How often do you review and update this information?

Critical Role for Transparency

- In the absence of information, people tend to assume the worst!
- As an industry, we tend to do a poor job of explaining our data practices and use of education technology in layman's terms.
- Explain the VALUE of the data and the technology in direct terms that parents can understand .
 - Consider publishing a data inventory!

PTAC Resources

<http://ptac.ed.gov>

- Guidance and Best Practice Documents
 - Model Terms of Service
 - Data Security
 - Data Governance
 - Data Sharing under FERPA
 - ...and much, much more.
- Videos
 - FERPA for Parents and Students
 - Protecting Student Privacy while Using Online Educational Services

PTAC Service Offerings

- Help Desk (privacyTA@ed.gov)
- Training (CBT, webinar, or onsite)
 - FERPA 101
 - Data Sharing under FERPA
 - Data Security Best Practices
 - Disclosure Avoidance (protecting privacy in public reporting)
- Data Governance, Policy, and Architecture Reviews (online or onsite)
 - Data Governance
 - Data Security Architecture
 - Breach Response Preparation
- MOU Assistance