Integrated Data Systems: Privacy Considerations When Linking Data

SEPTEMBER 26, 2017
Baron Rodriguez, State Support Team

Attention: Go to Pollev.com/PTAC to interact with the keynote
INTEGRATED DATA SYSTEMS

Securely link administrative data across government agencies
CROSS-AGENCY COLLABORATION

DOZENS OF CITIES AND COUNTIES AROUND THE COUNTRY ARE SETTING UP “INTEGRATED DATA SYSTEMS,” IN WHICH SCHOOLS SHARE DATA WITH OTHER PUBLIC AGENCIES IN AN EFFORT TO IMPROVE EDUCATION AND SOCIAL SERVICES.

Established local integrated data systems with full K-12 participation

Established state integrated data systems with full K-12 participation

SOURCES: Ongoing survey by Actionable Intelligence for Social Policy, the Data Quality Campaign, the National League of Cities, and the National Neighborhood Indicators Project

EDUCATION WEEK
Examples of IDS Use Cases

• Mapping Childhood Obesity in Austin Motivates Understanding and Action

• Measuring School Readiness at the Community Level Helps Support
Deep Dive: IDS EXAMPLE
Allegheny County Department of Human Services

Internal Sources
- Aging
- Child Welfare
- Community Service Block Grant
- Drug & Alcohol
- Early Intervention (partial)
- Family Support Centers
- HeadStart (partial)
- Homeless
- Housing Support
- Mental Health
- Intellectual Disabilities

External Sources
- Allegheny County Housing Authority
- Allegheny County Jail
- Birth Records
- Allegheny County Medical Examiner’s Office
- Department of Public Welfare
- Housing Authority City of Pittsburgh
- Physical Health Claims (Medicaid)
- Juvenile Probation
- Pittsburgh Public Schools + 17 additional County School Districts
- Pre-trial Services
- Adult/family court
Action Research Model

Analysis

Critical Reflection

Action

- Predictive Analytics – Chronic Absenteeism

- Improving school stability – Best Interest Placement Tool, decision support tool used when caseworkers make placement decisions

- McKinney-Vento vs. HUD definitions of homelessness. Exploring housing crisis prevention services for schools where families are often first identified.
**Data Where It’s Needed:** *Up-to-date education information (where legal)*

**Child Welfare Case Management System**

**Weekly Email Alert to Caseworkers (Pilot)**

### SUMMARY OF EDUCATION CONCERNS

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### DETAILS

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FERPA AND HEAD START PROGRAMS

• FERPA applies directly to local educational agencies (LEAs) that receive funding under a program administered by the Department, including the Head Start programs that they operate. Concurrent jurisdiction exists between the Department and HHS for these Head Start programs.

• FERPA does not apply to Head Start programs solely under the jurisdiction of HHS.

• FERPA permits State and local educational agencies and BIE funded and operated schools to disclose PII from education records to Head Start programs for an audit, evaluation, or enforcement or compliance activity.
HEAD START PERFORMANCE

• Subpart C of the Rule discusses standards that provide parents with certain rights with respect to their child’s education records and programs with permissions to disclose personally identifiable information in the absence of written consent from parents equivalent to those in FERPA that are appropriate for Head Start programs. However, instead of using the term “education records” as defined by FERPA, proposed rule uses the term “child records” to reflect the population HHS serves.
FERPA REFRESHER
Elements relevant in the IDS context

• Personally Identifiable Information (PII)
• Consent

• Exceptions to Consent
  • School Official
  • Audit & Evaluation
  • Studies

• Disclosure of PII vs. De-identified Data
STAGE 1

Becoming an IDS Partner: Establishing a Data Governance Framework and Integrating Education Data into the IDS

Unless an educational authority intends to operate the IDS, participation in an IDS requires disclosure of PII from students' education records to the third party that will be hosting and operating the IDS (IDS Lead). To be permissible under FERPA, this disclosure must be made with the written consent of the parent or eligible student or it must satisfy one of FERPA’s exceptions to the requirement for written consent. All educational authorities may explore the audit and evaluation exception to consent to participate. If the educational authority is a school district, it may also explore the school official exception to consent to participate.

STAGE 2

Approving the Use of Integrated Data: Reviewing Research Requests for FERPA Compliance and Releasing the Results of those Analyses

Once education data are integrated with the IDS, each prospective use of any integrated data containing PII from education records should be reviewed within the context of the IDS data governance framework, for compliance with FERPA and other applicable federal and state confidentiality and privacy provisions and adherence to established best practices. A key distinction in approving the release of the results of analyses using integrated data is whether they will be released in a de-identified or identifiable format.
A FEW THINGS TO NOTE...

Data warehouse vs. fully federated IDS models

*Fully Federated IDS model (not the subject of today’s discussion)*
- Participating agencies maintain data in their source systems
- Data are only accessed to fulfill a specific, approved request. No PII is stored in the IDS
- Stage 2 is most relevant, approving project specific requests for integrated data. Note recordation requirements still apply.

Other privacy laws may apply

We’re focusing on FERPA – but other federal and state laws may apply to the PII from education records in an IDS as well as other linked data.

DEFINITIONS

IDS Lead: The entity hosting the IDS, managing data integration and access controls
Education Partner: The educational agency or institution participating in the IDS
What does it mean to participate/become an IDS partner?

- Send data to IDS on a regular basis (yearly, quarterly, monthly, weekly, daily, etc.)
- IDS Lead has ongoing access to PII from education records
- Openness to participate in cross-agency research and evaluation projects (must be approved)

Two FERPA Exceptions to Consent to Explore

Audit & Evaluation Exception
(School Districts, Local and State Ed. Authorities)

School Official Exception
(School Districts)
AUDIT AND EVALUATION EXCEPTION

Allows a School District, Local or State Educational Authority to share PII from education records without consent with their “authorized representatives”

Data can only be shared in order to
- Audit or evaluate a Federal- or State-supported education program, or
- Enforce or comply with Federal legal requirements that relate to those education programs

Stage 1 IDS Purpose:
To facilitate future audits and evaluations of Federally- or State supported education programs by establishing linked data.
SCHOOL OFFICIAL EXCEPTION

School Districts may disclose education records to a third party if the third party:

- Performs a service/function for the school/district for which it would otherwise use its own employees
- Is under the direct control of the school/district with regard to the use/maintenance of the education records
- Uses education data in a manner consistent with the definition of the “school official with a legitimate educational interest,” specified in the school/LEA’s annual notification of rights under FERPA
- Does not re-disclose the PII except under the direction of the school and as permitted by FERPA

IDS Purpose:

IDS Lead may perform, for the district, the function of creating an integrated data infrastructure including linking education data with other IDS data sources, maintaining security, and controlling access to the data.
Various Stakeholders May Request Information

- Government Agencies
- Research Institutions
- Public
- Service Providers

IDS Lead plays a central role in accessing/analyzing data

Key distinction....what type of data is being released to stakeholders?

De-identified Data
(Aggregate/Summary or Individual Level Records)

Identifiable Data
DE-IDENTIFIED DATA

Sharing de-identified data is not considered a disclosure under FERPA

- de-identify the data by removing all direct and indirect identifiers;

- as needed, perform statistical methods to reduce the risk of reidentification, including:
  - aggregation
  - suppression
  - blurring, or
  - perturbation; and

- Perform a disclosure avoidance analysis on the resulting file to determine that it meets FERPA’s standards for reidentification
IDENTIFIABLE DATA

The IDS Lead may only re-disclose PII from education records to an external entity in limited situations when the project falls under the audit and evaluation or studies exception and all criteria to comply are met.

- May require an additional written agreement
- In most cases, the written agreements will be with the educational entity disclosing data to the IDS Lead and the external entity requesting data, with the IDS Lead named as the party to re-disclose the data.
Regardless of whether the method to share data is identifiable or not, the IDS Lead may only access data for the uses permitted in the legal framework the Education Partner established with the IDS Lead to become an IDS partner.
A NOTE ON USING IDS DATA FOR DIRECT SERVICE...

- In most cases, the exceptions used to operate an IDS will not permit use of these data for direct service.

- Direct service workers may be able to access PII from education records through the IDS with prior written consent or legal authority to access records without consent (for example, Uninterrupted Scholars Act).
QUESTIONS ABOUT THE LEGAL FRAMEWORK?

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DE-IDENTIFIED DATA

IDENTIFIABLE DATA
*REDISCLOSURE*

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BEST PRACTICES

Transparency

✓ Be open about what data you are collecting and linking

✓ Explain (in layman’s terms) what research and analysis you are doing (and why!)

✓ Publish (and advertise) the strength of your data governance and information security practices

✓ Use a multi-layered communication strategy

✓ Value! Value! Value! (Explain what’s in it for the parents/children)
BEST PRACTICES
Governance and Information Security

- Decision-making authority
- Standard Policies and Procedures
- Data Inventorying
- Data Records Management
- Data Quality
- Data Access Control
- Recordation
- Data Security and Risk
DECIDING IF AN IDS IS RIGHT FOR YOU

IT & Data Governance Costs
Privacy Challenges

Potential Benefits
Resources


Contacts and Additional Resources

Contact Information:

• Baron Rodriguez, Baron.Rodriguez@slds-sst.org
• Privacy Technical Assistance Center (PTAC), (855) 249-3072, PrivacyTA@ed.gov

For more info about the SST and to request support:

• SST general help: support@sst-slds.org
• SLDS GRADS360° website: https://slds.grads360.org
• Privacy & Data Security Assistance Website: https://studentprivacy.ed.gov