

## Grand County School District

# 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.

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- 33 5. **“Data Governance Plan”** means a comprehensive plan for managing  
34 education data that:
- 35 a. Incorporates reasonable data industry best practices to maintain  
36 and protect student data and other education-related data;
  - 37 b. Provides for necessary technical assistance, training, support, and  
38 auditing;
  - 39 c. Describes the process for sharing student data between the District  
40 and another person;
  - 41 d. Describes the process for an adult student or parent to request that  
42 data be expunged; and
  - 43 e. Is published annually and available on the District’s website.
- 44 6. **“Metadata Dictionary”** means a complete list of student data elements  
45 and other education-related data elements, that:
- 46 a. Defines and discloses all data collected, used, stored, and shared  
47 by the District, including:
    - 48 i. Who uses a data element within the District and how a data  
49 element is used within the District;
    - 50 ii. If a data element is shared externally, who uses the data  
51 element externally and how a data element is shared  
52 externally;
    - 53 iii. Restrictions on the use of a data element; and
    - 54 iv. Parent and student rights to a data element;
  - 55 b. Designates student data elements as either
    - 56 i. necessary student data or
    - 57 ii. optional student data;
  - 58 c. Designates student data elements as required by state or federal  
59 law; and
  - 60 d. Without disclosing student data or security information, is displayed  
61 on the District’s website.
- 62 7. **“Optional Student Data”** means student data that is neither necessary  
63 student data nor data which the District is prohibited from collecting (as  
64 described in **Prohibited Collection of Student Data**, below).
- 65 a. “Optional student data” includes:
    - 66 i. Information that is related to an IEP or needed to provide  
67 special needs services but is not “necessary student data”;
    - 68 ii. Biometric information; and

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

71                           [Utah Code § 53A-1-1402 \(2017\)](#)

### 72 **District Responsibilities—**

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

75 **Requirements for Student Data Manager**, below.

76                           If possible, the District shall designate a records officer pursuant to the  
77                           Government Records Access and Management Act as defined in [Utah Code §](#)  
78 [63G-2-103\(25\)](#), as the student data manager.

79 The District shall create and maintain a District:

- 80                           1. Data governance plan; and  
81                           2. Metadata dictionary.

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

84                           [Utah Code § 53A-1-1404 \(2016\)](#)

### 85 **Student Data Ownership—**

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

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

89                           [Utah Code § 53A-1-1405 \(2016\)](#)

### 90 **Notification in Case of Breach—**

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

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

96                           [Utah Code § 53A-1-1405 \(2016\)](#)

### 97 **Prohibited Collection of Student Data—**

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

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

103                           [Utah Code §53A-1-1406\(2\) \(2017\)](#)

## Grand County School District Student Data Disclosure Statement—

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

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1. Is a prominent, stand-alone document;

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2. Is annually updated and published on the District's website;

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3. States the necessary and optional student data the District collects;

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4. States that the District will not collect the student data described in

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**Prohibited Collection of Student Data**, above;

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5. Describes the types of student data that the District may not share without  
114 a data authorization;

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6. Describes how the District may collect, use, and share student data;

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7. Includes the following statement: "The collection, use, and sharing of  
117 student data has both benefits and risks. Parents and students should  
118 learn about these benefits and risks and make choices regarding student  
119 data accordingly.";

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8. Describes in general terms how the District stores and protects student  
121 data; and

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9. States a student's rights under the Student Data Protection Act.

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[Utah Code § 53A-1-1406\(3\) \(2017\)](#)

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## Student Data Disclosure Statement Recipients—

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

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1. The student, if the student is an adult student; or

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

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[Utah Code § 53A-1-1406\(4\) \(2017\)](#)

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## Optional Student Data Collection—

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

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

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a. The optional student data to be collected; and

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b. How the District will use the optional student data; and

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- 139 2. Obtains a data authorization to collect the optional student data from an  
140 individual described in **Student Data Disclosure Statement Recipients**,  
141 above.

142 [Utah Code § 53A-1-1406\(5\) \(2017\)](#)

## 143 Student Biometric Identifier and Biometric Information Data 144 Collection—

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

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

160 [Utah Code § 53A-1-1406\(6\) \(2017\)](#)

## 161 Sharing Student Data—

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

166 [Utah Code § 53A-1-1409 \(2016\)](#)

## 167 Requirements for Student Data Manager—

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

- 170 1. Authorize and manage the sharing, outside of the District, of personally  
171 identifiable student data from a cumulative record for the District as  
172 described in this section; and
- 173 2. Act as the primary local point of contact for the state student data officer  
174 described in [Utah Code § 53A-1-1403](#).

175 [Utah Code § 53A-1-1409 \(2016\)](#)

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### 176 Permitted and Prohibited Sharing of Student Data by Student Data 177 Manager—

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

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

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

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

202 A student data manager may share aggregate data.

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

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

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

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

213 [Utah Code § 53A-1-1409 \(2016\)](#)

### 214 **Third Party Contractors—**

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

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

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

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

238 [Utah Code § 53A-1-1410 \(2017\)](#)

239 [Utah Code § 53A-1-1411 \(2016\)](#)