

Review Process: Agreements Disclosing PII



COLORADO
Department of Education

Purpose

This document is intended to be used by staff of the Colorado Department of Education (CDE) when developing and reviewing agreements involving the disclosure of *personally identifiable student information* (PII) to *outside entities*, such as contracted vendors/organizations or other state agencies. **PII means** a dataset that is linked to a specific individual and that would allow a reasonable person in a school community, who does not have knowledge of the relevant circumstances, to identify the individual with reasonable certainty. For a complete definition, reference the “Definitions and Review Processes” document at <http://www.cde.state.co.us/cdereval/dataprivacyandsecurity>.

Please note that, when data is shared between offices or units within CDE rather than to outside entities, CDE staff members need not apply the following review process and are instead required to complete the “CDE Inter-Office Agreements Involving PII” document located at: <http://www.cde.state.co.us/cdereval/dataprivacyandsecurity>.

Because this document will be reviewed and updated on a regular basis, please check for the most current version of the document on CDE’s Data Privacy and Security web page at <http://www.cde.state.co.us/cdereval/dataprivacyandsecurity>.

Determining Need for Review

Any agreements that involve the disclosure of PII are thoroughly examined through CDE’s review and approval process. Specific directions and obligations pertaining to PII are explicitly articulated in every individual agreement and contract. The process varies depending on the type of agreement/document. See the “Definitions and Review Processes” document at <http://www.cde.state.co.us/cdereval/dataprivacyandsecurity> for more information.

This includes agreements:

- Research Agreements
- Contract Agreements
- Data Sharing Agreements (DSAs)
- Interagency Agreements (IAs)
- Memorandum of Understanding (MOU)

CDE Internal Review Process

Directions for Staff

If program/contract manager is unsure whether the agreement contains PII, send the agreement to the Data Privacy Assistant (DPA) for the Data Privacy Officer (DPO) to review and provide feedback. If the agreement does not involve PII, the agreement will be returned to the program/contract manager and no further action is required in terms of review for PII.

Before having agreements involving PII reviewed, utilize the “CDE Checklist for Agreements Involving PII” to ensure the agreement meets all requirements listed. This document can be found on CDE’s Data Privacy Webpage <http://www.cde.state.co.us/cdereval/dataprivacyandsecurity>. Contact the DPO with any questions.



After the checklist requirements are met:

1. Program/contract manager emails the agreement to the DPA. If applicable, let the DPA know if there is a requested deadline for the agreement to obtain signatures and to be submitted. The DPA will forward the agreement to the DPO for initial review. **(Please Note:** Review can take from one to several weeks depending on the nature and content of the agreement. Allow as much time as possible for review). The DPO has the authority to construct a review team that consists of relevant CDE staff to further review the agreement if necessary.
2. Contact the DPA for progress updates on the review of the agreement.

To view the review process, reference Appendix A

3. If there are no changes after review:

- Program/Contract Manager will be notified by the DPA that the agreement has been approved
- Program/Contract Manager provides DPA with a hard copy of the agreement for signature. Include extra copies, if multiple original signatures are required.
- Once signed, the original agreement will be sent from the DPA to the program/contract manager.
- Program/contract manager completes getting any additional signatures needed on the agreement and sends the final, signed, agreement back to the DPA. The agreement will be posted on the Data Privacy and Security website: <http://www.cde.state.co.us/cdereval/dataprivacyandsecurity>.
- Signed agreements need to also be filed with the program/contract manager. It is up to the program/contract manager's discretion whether a hard copy or electronic copy must be kept on file.
- Once the agreement is approved and fully signed, it is the program/contract manager's responsibility to share the final agreement with the outside entity.

4. If there are necessary changes after review:

- The DPO will notify the program/contract manager of the requested changes.
- The program/contract manager will work with the outside entities involved to make the necessary changes, then re-submit the document to the DPO (cc DPA) for final approval. Once approved, see #3. If program/contract manager needs assistance discussing changes with the outside entities, contact the DPO.

CDE's PII Review Team

The DPO will determine who needs to review each agreement involving PII based on the contents of the agreement. The review team may be comprised of, but is not limited to, the staff in the positions listed below.

- Data Privacy Officer
- Chief Information Officer
- Deputy Chief Information Officer
- Information Security Officer
- Director of Data Services
- Senior Policy Associate
- Chief Communications Officer and
- Accountability and Research Manager
- Contract Manager



- Senior Assistant Attorney General
Other content specialists, as needed

Appendix A

