

Definitions and Review Processes

Agreements Disclosing Personally Identifiable Information (PII)



COLORADO
Department of Education

All agreements involving Personally Identifiable Information (PII) undergo rigorous review processes at the Colorado Department of Education (CDE). This document serves as guidance to define types of agreements that might involve PII, defines what “using PII” means, as well as describes the review processes for each agreement type. Specific directions and obligations pertaining to PII are explicitly articulated in every individual agreement and contract.

Note: Many agreements between CDE and outside entities do not contain or disclose PII. On May 1, 2014, CDE instituted its data and security review processes. All contracts or agreements involving PII entered into, amended or extend on or after May 1 are posted on CDE’s Data Privacy and Security webpage (<http://www.cde.state.co.us/cdereval/agreementsinvolvingpii>). As Agreements involving PII are approved, they will be added to the webpage.

Definitions:

- **Personally Identifiable Information (PII)** - includes, but is not limited to the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.
- PII also 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.

Types of Agreements

1. **Research Agreements** - Agreements between CDE and individuals and institutions who wish to conduct research using Colorado student or school system data already collected by CDE. This includes doctoral and master’s degree candidates, university faculty, independent researchers, and private and public agencies.
2. **Contracts** are legally binding agreements with specific terms between two or more persons or entities in which there is a promise to do something in return for a valuable benefit known as “consideration.”
3. **Data Sharing Agreements (DSAs)** - Agreements that are created between CDE and another state agency (such as the Department of Higher Education) for the purpose of sharing data to fill a statutory requirement, perform cross-departmental research, or produce aggregated reports on remediation or post-secondary enrollment.
4. **Interagency Agreements (IAs)**- Agreements that are created between CDE and another state agency (such as the Department of Public Health and Environment (CDPHE) or the Colorado Community College System) to assist in implementation of education initiatives, distribute resources, etc. The primary goal of an IA is not to share data; however, sharing PII may be part of the agreement.

Defining “Use of PII”

Any agreements that involve the disclosure of PII are thoroughly examined through CDE’s review and approval process.



Review Processes for each Agreement Type:

Go to <http://www.cde.state.co.us/cdereval/dataprivacyandsecurity> to read the documents and procedures referenced below.

Data Sharing Agreements

- Agreement submitted to Data Privacy Assistant (DPA). Data Privacy Officer (DPO) and if necessary, a review team of CDE staff identified by the DPO review agreement. .
- Requirements in the “Checklist for Agreements Involving PII” (<http://www.cde.state.co.us/cdereval/dataprivacyandsecurity>) are met so that the agreement is in compliance with CDE Policy.
- Data privacy language is added to all agreements involving disclosure of PII.
- The Commissioner approves all data sharing agreements involving PII before executed.

Research Agreements

- Proposal submitted to CDE’s Institutional Review Board (IRB) (<http://www.cde.state.co.us/research/irb>).
- Once approved, submitted to Data Privacy Assistant (DPA). Data Privacy Officer (DPO) and if necessary, a review team of CDE staff identified by the DPO review agreement.
- Requirements in the “Checklist for Agreements Involving PII” (<http://www.cde.state.co.us/cdereval/dataprivacyandsecurity>) are met so that the agreement is in compliance with CDE Policy.
- Data privacy language is added to all agreements involving disclosure of PII.
- The Commissioner approves all research agreements involving PII before executed.

Contract Agreements

- All contract agreements are based on a template (<http://www.cde.state.co.us/cdereval/dataprivacyandsecurity>) which has been reviewed and approved by the Attorney General’s Office, Office of Information Technology (OIT), and the Colorado State Controller’s Office.
- Data privacy procedures are included in all contracts involving disclosure of PII.
- Contracts are negotiated to ensure PII is protected in accordance with both CDE’s and OIT’s Data Security and Privacy Policies and the CDE “Checklist for Agreements Involving PII” (<http://www.cde.state.co.us/cdereval/dataprivacyandsecurity>).
- The Commissioner will be notified of any concerns about contractual issues relating to PII which cannot be resolved during negotiations.
- The Commissioner approves all contracts before executed.

Interagency Agreements

- Agreement submitted to Data Privacy Assistant (DPA). Data Privacy Officer (DPO) and if necessary, a review team of CDE staff identified by the DPO review agreement. .
- Requirements in the “Checklist for Agreements Involving PII” (<http://www.cde.state.co.us/cdereval/dataprivacyandsecurity>) are met so that the agreement is in compliance with CDE Policy.
- Data privacy language is added to all agreements involving disclosure of PII.
- The Commissioner approves all interagency agreements involving PII before executed.