

Data Protection for Pandemic-EBT

Considerations for disclosure of student information



Use the document as a helpful guide when creating processes for the sharing of student information for purposes of pandemic-EBT (P-EBT).

1. Consider making a Partner or Agency a School Official

One of the exceptions to the prior written consent requirement in FERPA allows "school officials," including teachers, within a school to obtain access to personally identifiable information contained in education records provided the school has determined that they have "legitimate educational interest" in the information. Although the term "school official" is not defined in the statute or regulations, this Office generally interprets the term to include parties such as: professors; instructors; administrators; health staff; counselors; attorneys; clerical staff; trustees; members of committees and disciplinary boards; and a contractor, volunteer or other party to whom the school has outsourced institutional services or functions.

<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/students.html#:~:text=One%20of%20the%20exceptions%20to,legitimate%20educational%20interest%22%20in%20the>

2. Consider how Data will be shared between those assisting with P-EBT

- Secure File Share
- Email is not secure, and therefore, not recommend for Sensitive Data
- Paper Copies

3. Consider how Data will be used

- What assurances are there around the Data being used in the EXACT way it is intended for the specific Project (besides the Confidentiality Agreement)?

4. Consider how Data will be stored

- What assurances can be offered around the System's security?
- How is access to a System controlled? Unique Passwords?
- Locked File Cabinets/Drawers?

5. Consider how the Data will be destroyed at the completion of the project

- What assurances can be offered? Certified Destruction?