

Approval Process: Data Sharing Agreements (DSA)

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.

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 Data Sharing Agreement located at: <http://mycde.cde.state.co.us/generalresources/datasharing>.

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

All agreements where CDE is disclosing PII to outside entities must go through the CDE Internal Review Process outlined below. Note that the process may vary depending on the type of document.

This includes agreements:

- Initiated through a request to the IRB (Institutional Review Board)
- Required as a component of a purchase order or documented quote (processed by Trish Bohm)
- Involve other state agencies even if data sharing is required by law

Please Note: Based on numerous Colorado statutes, a formal agreement between LEA's and CDE is not required for CDE to receive this information.

Internal Review Process

Before having a data sharing agreement reviewed, utilize the "CDE Checklist for Data Sharing Agreements" to ensure the agreement meets all requirements listed. This document can be found on the CDE Intranet at <http://mycde.cde.state.co.us/generalresources/datasharing>.

After those requirements are met:

1. Send the agreement to Margo Allen at allen_m@cde.state.co.us and let her know if there is a deadline for the document to obtain signatures and be submitted. (**Please Note:** Review can take from one to several weeks depending on the nature and contents of the document. Allow as much time as possible for review).
 2. Margo will log the agreement in a central database to track progress of review.
 3. Margo will submit the agreement to the appropriate review staff (see list below).
 4. Margo is the main point of contact regarding progress updates.
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5. If there are no changes after review:

- The submitter will be notified by a member of the internal review team that the agreement has been approved.
- The staff member that is to sign the approved agreement (and his/her assistant, if applicable) will be copied on the email.
- Once signed, an electronic copy will be sent to Margo Allen who will share it with the Internal Review Team and electronically file the signed agreement. Signed agreements need to also be filed with the CDE office involved with the agreement.
- Once the agreement is approved and signed, it is the submitter's responsibility to share the final contract with the outside entity.

6. If there are necessary changes after review:

- A member of the review team will reach out to the staff member who submitted the agreement to discuss.
- The submitter will work with the outside entities involved to make the necessary changes, then re-submit the document to the member of the internal review team (and copy Margo) for final approval. Once approved, see #5.

CDE's Internal Review Team

All data sharing agreements involving PII will be reviewed by the following internal team:

- **Review Team Lead:** Elliott Asp, Special Assistant to the Commissioner
- Dan Domagala, Chief Information Officer
- Marcia Bohannon, Deputy Chief Information Officer
- Kady Lanoha, Senior Policy Associate
- **Logistics Lead:** Margo Allen

Depending on the type and contents of the agreement, additional reviewers may be necessary.

- Dan Jorgensen: Institutional Review Board (IRB)
- Trish Bohm: Contracts
- Jan Petro: Data Management Committee
- Tony Dyl and/or Sally Pennington, Attorney General's Office (Elliott Asp will determine)
- Other content specialists, as needed