

Privacy: a right or a privilege?

Health, Education and Welfare and
BIG DATA

Chief Privacy Officer

Advise state agencies regarding

- Creation, use, custody and disclosure of records to comply with federal/state privacy laws and fair information practices
- Technology and security requirements
- Opt out provisions
- Access to data for review and corrections
- Sanctions for data breaches

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Welcome to the State of Ohio Privacy & Security Information Center



Welcome

Welcome to the State of Ohio Privacy & Security Information Center. The State of Ohio is dedicated to providing technology, policy, standards, architecture, information, and solutions to enhance the privacy and security of Ohio's data and systems. This website acts as a privacy and security knowledge center for the citizens, businesses, and employees of the State of Ohio.

Please peruse the site and check often for the latest updates.

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<http://www.privacy.ohio.gov>
<http://www.privacy.ca.gov>
<http://www.privacy.wv.gov/Pages/default.aspx>

Recent Additions

[NEW! Ohio Privacy Impact Statements and Assessments 2013 \(.pdf\)](#)

[State Agency Guidance on HIPAA](#)

[Ohio Privacy Seminar \(April 2012\)](#)

[Ohio Privacy Policies Framework \(.pdf\)](#)
Includes complete instructions and ORC 1347.15 policy and procedure templates

[ITS-SEC-02 Enterprise Security Controls Framework State Standard Released Release Memo \(.pdf\)](#)

The Eternal Value of Privacy

...if we are observed in all matters, we are constantly under threat of correction, judgment, criticism, even plagiarism of our own uniqueness... We lose our individuality, because everything we do is observable and recordable. Bruce Schneier

Identity is to an individual
as Trade Secrets
are to a corporation

Project ALDER

- SB 909: longitudinal database “key deliverable”
- “The ultimate goal of such a data system is to answer specific questions about individual students and that is way beyond the capabilities of the current system and will be expensive. They will also need to define, ‘return on investment,’ and that will require a lot of technical work on the part of school business managers.”

American Recovery and Reinvestment Act of 2009

- State longitudinal Data Systems (SLDS)
- Electronic Health Records (EHR)
- Health Information Technology for Economic and Clinical Health Act (HITECH) section deals with many of the health information communication and technology provisions including Subpart D – Privacy.

Federal Laws

- FERPA = Family Education Rights and Privacy Act of Rights and Privacy Act of 1974
- HIPAA = Health Insurance Portability and Accountability Act of 1996
- COPPA = Children's Online Privacy Protection Act of 1998

EPIC v USED

Eugene School District Data Breach

June 11, 2012 **Eugene School District 4J** EDU HACK 16,000
Eugene, Oregon

An unauthorized person accessed confidential files that contained current and former students' personal information. Names, Social Security numbers, Dates of birth, student ID numbers, phone numbers, students' free or reduced-price school lunch status, and addresses may have been exposed. Eugene School District 4J's notification can be read [here](http://www.4j.lane.edu/communications/story/2012/06/11/securitybreachinformation): <http://www.4j.lane.edu/communications/story/2012/06/11/securitybreachinformation>

UPDATE (07/12/2012): A minor was arrested for possible involvement in the breach. It appears that the teenager may have obtained the login credentials of an employee and used them to access the computer system. Records for approximately 16,000 current students, as well as free and reduced-price lunch records from 2007 were exposed.

UPDATE (08/25/2012): The student was released from custody and expelled by North Eugene High School. He also posted hundreds of students' confidential information on a computer account to taunt district officials. He is on house arrest and his attorney entered not guilty pleas.

Information

Source:

Databreaches.net

records from this breach used in our total: 16,000

Our son's SLDS records

- Personally Identifiable Information
- Confidential information

DEPARTMENT OF
OREGON EDUCATION district

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Consolidated Collections

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Consolidated Collection File Layouts

This webpage serves as a single repository for all file formats used by the Consolidated Collections application for data exchange with the Oregon Department of Education. The operational file formats cataloged here represent the **current behavior of production systems**. These formats **do not represent planned changes to systems**. Draft and final documents for planned changes are available on the [Data Collection Committee](#) pages.

- **SLDS Data Collections (Formerly KIDS)**
 - [Layout: Attendance History File Format](#) 09/24/2012 (105 KB)
File format document for the Attendance History data collection.
 - [Layout: Discipline Incidents File Format](#) 09/24/2012 (107.50 KB)
File format document for the Discipline Incidents data collection.
 - [Layout: Enrollment History File Format](#) 09/24/2012 (120 KB)
File format document for the Enrollment History data collection.
 - [Layout: Graduation Status](#)
File format document for the Graduation Status data collection.
 - [Layout: Guardian File Form](#)
File format document for the Guardian File Form data collection.
 - [Layout: Immunizations File](#)
File format document for the Immunizations File data collection.
 - [Layout: Limited English Pr](#)
File format document for the Limited English Proficiency data collection.
 - [Layout: Marks File Format](#)
File format document for the Marks data collection.
 - [Layout: Program Participation File Format](#) 09/24/2012 (286.50 KB)
File format document for the Program Participation data collection.
 - [Layout: Special Education \(SpEd\) File Format](#) 09/24/2012 (370 KB)
File format document for the Special Education (SpEd) data collection.
 - [Layout: Student Academic Summary File Format](#) 09/24/2012 (264.50 KB)
File format document for the Student Academic Summary data collection.
 - [Layout: Student File Format](#) 09/24/2012 (381 KB)
File format document for the Student data collection.
 - [Layout: Test Administration File Format](#) 09/24/2012 (271 KB)
File format document for the Test Administration data collection.
 - [Layout: Test Scores File Format](#) 09/24/2012 (290 KB)
File format document for the Test Scores data collection.

		WthdrMod Lookup Table		
	Code	Name	Description	Effective
	0	Not Applicable	Not Applicable	07/01/1999
	1	Left school without notice	Left school without notice and cannot be located	07/01/1999
	2	Withdrawn for Home Schooling	Withdrawn for home schooling but did not register with the ESD	07/01/1999
	4	Joined the Military	Joined the military service	07/01/1999
	5	Withdrew from Alternative Program	Withdrew from a district-sponsored alternative education program	07/01/1999
	6	Moved with Migrant Family	Moved with migrant family and is not known to be in school	07/01/1999
	7	Suspended or Expelled	Suspended or expelled and did not return to school	07/01/1999
	8	Left to Earn a GED	Left to earn a General Equivalency Diploma (GED) certificate but did not complete	07/01/1999
	9	Other	Other	07/01/1999
	A	Unknown	Unknown	07/01/1999
	X	Not Applicable	Default value - if enrollment is not closed	07/01/1999

“W 8” enrollment code

“The data you are looking at is out of the SLDS system, which is not the system of record—it isn’t used for federal or state accountability.”

Common Education Data Standards

Disciplinary Action Taken UPDATED

Definition:

Identifies the consequences of an incident for the student(s) involved in an incident as perpetrator(s).

Option Set:

Description	Option
Bus suspension	03071
Change of placement (long-term)	03072
Change of placement (reassignment), pending an expulsion hearing	03073
Change of placement (reassignment), resulting from an expulsion hearing	03074
Change of placement (reassignment), temporary	03075
Community service	03076
Conference with and warning to student	03077
Conference with and warning to student and parent/guardian	03078
Confiscation of contraband	03079
Conflict resolution or anger management services mandated	03080
Corporal punishment	03081
Counseling mandated	03082
Demerit	03083
Detention	03084
Expulsion recommendation	03085
Expulsion with services	03086
Expulsion without services	03087
Juvenile justice referral	03088
Law enforcement referral	03089
Letter of apology	03090
Loss of privileges	03091
Mechanical Restraint	13357
No action	03105
None	09998
Other	09999
Physical activity	03092
Physical Restraint	13358

Removal by a hearing officer	03158
Reprimand	03093
Restitution	03094
Saturday school	03095
School probation	03096
Seclusion	13359
Substance abuse counseling mandated	03097
Substance abuse treatment mandated	03098
Suspension after school	03099
Suspension, in-school	03100
Suspension, out of school, greater than 10 consecutive school days	03154
Suspension, out of school, separate days cumulating to more than 10 school days	03155
Suspension, out-of-school, with services	03101
Suspension, out-of-school, without services	03102
Unilateral removal - drug incident	03157
Unilateral removal - weapon incident	03156
Unknown	09997
Unsatisfactory behavior grade	03103
Work detail	03104

Related Domains, Entities, and Categories:

K12 -> Incident
K12 -> K12 Student -> Discipline

Common Education Data Standards

Child Identification System NEW!

Definition:

A coding scheme that is used for identification and record-keeping purposes by programs, schools, social services, or other agencies to refer to a child.

Option Set:

Description	Option
Canadian Social Insurance Number	CanadianSIN
District-assigned number	District
Family unit number	Family
Federal identification number	Federal
National migrant number	NationalMigrant
School-assigned number	School
Social Security Administration number	SSN
State-assigned number	State
State migrant number	StateMigrant
Program-assigned number	Program

Related Domains, Entities, and Categories:

Early Learning -> EL Child -> Identity -> Identification

Dental Insurance Coverage UPDATED!

Definition:

The nature of insurance covering a person's dental care.

Option Set:

Description	Option
Non-workplace or personal	NonWorkplace
Workplace	Workplace
Medicaid	Medicaid
Children's health insurance program	CHIP
State-only funded insurance	StateOnlyFunded
Supplemental security income	SSI
Military medical	Military
Veteran's medical	Veteran
None	None
Other	Other

Related Domains, Entities, and Categories:

Early Learning -> EL Child -> EL Health Information -> Insurance

Single Parent Or Single Pregnant Woman Status UPDATED!

Definition:

A student who, at some time during the school year, is either a pregnant female student who is unmarried; or a male or female student who is unmarried or legally separated from a spouse and has a minor child or children.

Option Set:

Yes
No

Related Domains, Entities, and Categories:

Adult Education -> AE Student -> Status NEW!
 Career and Technical -> CTE Student -> Program Participation NEW!
 K12 -> K12 Student -> CTE

Social Security Number

Definition:

The nine-digit number of identification assigned to the person by the Social Security Administration.

Option Set:

None

Related Domains, Entities, and Categories:

Adult Education -> AE Staff -> Identity -> Identification NEW!
 Adult Education -> AE Student -> Identity -> Identification NEW!
 Career and Technical -> CTE Student -> Identity -> Identification NEW! NEW!
 Early Learning -> EL Child -> Identity -> Identification NEW!
 K12 -> K12 Staff -> Identity -> Identification
 K12 -> K12 Student -> Identity -> Identification NEW!
 K12 -> Parent/Guardian -> Identity -> Identification NEW!
 Postsecondary -> PS Section -> Enrollment
 Postsecondary -> PS Staff -> Identity -> Identification NEW!
 Postsecondary -> PS Student -> Identity -> Identification
 Workforce -> Quarterly Employment Record NEW!
 Workforce -> Workforce Program Participant -> Identity -> Identification NEW!

ELC and SLDS

- the Early Learning Council (ELC) is charged specifically with establishing a plan to create an early childhood data system that can be aligned with the statewide student database.
- The ELC requested a federal waiver for HIPAA/FERPA as needed for data sharing.

Office of Civil Rights

- As provision of HITECH Act, data breaches affecting more than 500 individuals are posted
- Utah Department of Health attributed a weak password to the largest data breach last year: 780,000 patient files (of which 280,000 had SSN stolen)
- Additional 6000 Medicaid patients affected in Jan. 2013 when contractor misplaced USB device

regional data exchange

- Bill & Melinda Gates Foundation grant
- September 1, 2011 to May 31, 2013
- Memorandum of Agreement between Oregon Department of Education, Western Interstate Commission for Higher Education (WICHE) and the National Student Clearinghouse
- Coordinate state agencies in Washington, Oregon, Hawaii and Idaho to compile longitudinally linked education and workforce data

regional data exchange (cont.)

- Data elements include personally identifiable information, including students names, personal identifiers such as student numbers and social security numbers, any combination of information that together would make it possible to easily identify individuals.
- Oregon agencies involved: Oregon Dept. of Education, Oregon Dept. of Community Colleges and Workforce Development, Oregon University System, Oregon Employment Department



Privacy Technical Assistance Center
U.S. Department of Education



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SEARCH

A Message From Kathleen Styles
Chief Privacy Officer, U.S. Department of Education

PTAC offers technical assistance to State educational agencies, local educational agencies, and institutions of higher education related to the



Privacy, Security, and Confidentiality
of student records.



Parents and Students:

Learn more about the Family Policy Compliance Office (FPCO)

[Learn more](#)



Send a request to PTAC:

Send a request now to the Privacy Technical Assistance Center

[Send](#)

LATEST PUBLICATIONS

- 12/14/2012 - [PTAC - New Guidance: Disclosure Avoidance & Limiting Access to PII](#)
- 10/24/2012 - [Data De-identification Glossary of Terms \(Oct 2012\)](#)
- 10/24/2012 - [FAQs Disclosure Avoidance \(Oct 2012\)](#)
- 10/24/2012 - [Case Study 5 - Minimizing PII access \(Oct 2012\)](#)
- 09/21/2012 - [Checklist - Data Breach Response \(Sept 2012\)](#)

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Compliance and Fair Information Practices



Kathleen Styles

[More from this Blogger](#)

Posted in: [Policy Spotlight](#), an [EDUCAUSE Review Online Blog](#)

ED CPO on Privacy, Emerging Technologies, and New Uses of Data

When I first accepted the position as ED's Chief Privacy Officer the workload revolved heavily around privacy issues in the K-12 context, especially issues relating to the Family Educational Rights Privacy Act (FERPA) and its applicability to State Longitudinal Databases. Recently our office is spending an increasing amount of time providing guidance in the higher ed arena. Colleges, universities, and other postsecondary institutions often have research agendas that involve data; they often have medical facilities; and most importantly, colleges and universities often function as change agents, particularly for technological and social change. The combination of new technologies and new uses of data create today's cutting-edge privacy issues, including "Big Data," matching with wage data, data sharing in general, the use of analytics, cloud computing, MOOCs, and school use of web engagement tools.

But compliance analysis is only the first step. Many federal and state privacy statutes have been on the books for decades, providing – at best – a spotty framework for analyzing whether a given action is a good idea. I strongly recommend also analyzing proposed data initiatives in terms of Fair Information Practices (FIPs). Consider not just whether an initiative is legal, but whether it is a good idea. Have you given students meaningful notice of what you intend to do with the data you collect about their use of their student ID card? Do you really need to collect extensive information about on-line student practices? Have you appropriately limited access to online databases? Lance Spitzner in his earlier blog post expressed this approach in terms of **respect**. I agree that we need to be respectful of student information when evaluating data initiatives. You can find varying number of FIPs in various iterations [see, e.g., <http://bobgellman.com/rg-docs/rg-FIPShistory.pdf>].

Commodify Privacy?

“We’ve learned that human intuition about what is private is not especially good. Computers are getting more and more sophisticated at pulling individual data out of things that a naive person might think are harmless. Privacy is a nonrenewable resource. Once it gets consumed, it is gone. There’s another resource that has the same property — the hours of your life. There are only so many of them, and once you use them, they’re gone. Yet because we have a currency and a market for labor, as a society we have figured out how to price people’s time. We could imagine the same thing happening for privacy.”

Frank McSherry [Microsoft Research Silicon Valley](#)

or Protect Privacy?

The right to be left alone—the most comprehensive of rights, and the right most valued by a free people.

Supreme Court Justice Louis Brandeis

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decompressor
are needed to see this picture.

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