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**SB 567:**  
**Senate Education Committee**  
**February 28, 2013**

Good afternoon Chair Hass and members of the Senate Education Committee. For the record, I am Dion Baird speaking on behalf of the Oregon Education Department. I am here today to provide information about Senate Bill 567, a bill that calls for the appointment of a Chief Privacy Officer (CPO) to serve at the pleasure of the State Board.

Senate Bill 547

The duties of the Chief Privacy Officer are to

- Protect student data
- Advise the board on standards for
  - Creation, use, custody, and disclosure of student education records in a manner consistent with state and federal laws
- Insure that schools, districts, and ESDs comply with all Oregon and Federal regulations, and are acting in good faith to protect the privacy of the student data with which they are entrusted
- Sanction schools, districts, and ESDs that do not fall into compliance
- Issue an assessment of any data system, program, or contract involving personally identifiable information (PII) that contains student, parent, or legal guardian information, and publish those assessments on the ODE website
- Administer the Oregon electronic student record program described in ORS 326.580

Current ODE Security and Privacy Functions

- Currently ODE employs a Chief Information Security Officer (CISO) and maintains a complete Information Security and Privacy Program
- ODE CISO initiated a collaborative effort with the school districts and education service districts (ESDs) to launch a statewide Education Information Security Council
- ODE monitors changes in state and federal regulations and updates ODE procedures to meet new requirements (e.g., recent changes to FERPA regulations)
- ODE maintains and enforces a series of policies related to information security, including:
  - 581-101 Handling Confidential Information (updated by CISO February 2009)
  - 581-108 Public Records Requests
  - 581-110 Building Security
  - 581-116 Personally Identifiable Student Information Acceptable Use Policy
  - 581-302 Purchase and Use of Department Hardware and Software
  - 581-308 Accessing Secure Rooms Containing Test Development Materials
  - 581-309 Information Asset Classification (CISO wrote March 2010)
  - 581-310 Information Security Policy (CISO wrote January 2010)

- o 581-515 State School Fund Database Access
- Incident Handling Response guide written by CISO
- ODE is compliant with the Oregon Consumer Identity Theft Protection Act of 2007
- ODE conducts security audits against ODE systems to make sure access and rights continue to be appropriate and meet the standard of minimum access necessary to complete work
- ODE maintains Business Continuity and Disaster Recovery Plans
- ODE executes data sharing agreements with partner state agencies.
- ODE conducts security reviews of any procurements and contracts involving data, hardware, information services, etc.
- ODE conducts an Information Security and Privacy Program to educate employees about best practices, acceptable use policies and threats to information security
- The CISO publishes the monthly *InfoSec Insider* newsletter and periodic *Security and Privacy Bulletins* to increase employee awareness
- ODE maintains a presence on the Oregon Information Security Council via the CISO
- ODE CISO participates in external security organizations and functions such as:
  - o MS-ISAC (Multi State – Information Sharing and Analysis Center)
  - o Participated in the Department of Homeland Security Cyber Storm exercise in summer of 2012
- Complaints filed
  - o ODE will do an investigation if the complaint is internal
  - o ODE provide advisory services to districts, however does not do investigation. However, ODE is currently not staffed to do investigations.
- Imposing sanction
  - o There have been times in the past where State School Fund dollars have been withheld.
  - o However this is not common practice
  - o Would like to point out that on line 27 of the bill it says “impose sanctions against any school, school district, or education service district.” If this includes private schools the scope of the work increases.

Thank you and I would be happy to answer any questions on SB 567 or how ODE's current practices on protecting student information.