

# AMHERST, MONT VERNON, SOUHEGAN, and SAU39 POLICY

## EHAB – DATA GOVERNANCE AND SECURITY

*Category: Priority/Required by Law*

*Related Policies EHAA, EHB, GBEBD, GBEF, IHBH, JICJ, JICL, JICM, KD, & KDC*

To accomplish SAU 39's mission and comply with the law, the SAU 39 must collect, create and store information. Accurately maintaining and protecting this data is important for efficient SAU 39 operations, compliance with laws mandating confidentiality, and maintaining the trust of the SAU 39's stakeholders. All persons who have access to SAU 39 data are required to follow state and federal law, SAU 39 policies and procedures, and other rules created to protect the information.

The provisions of this policy shall supersede and take precedence over any contrary provisions of any other policy adopted prior to the date of this policy.

### **A. Definitions**

Confidential Data/Information - Information that the SAU 39 is prohibited by law, policy or contract from disclosing or that the SAU 39 may disclose only in limited circumstances. Confidential data includes, but is not limited to, personally identifiable information regarding students and employees.

Critical Data/Information - Information that is determined to be essential to SAU 39 operations and that must be accurately and securely maintained to avoid disruption to SAU 39 operations. Critical data is not necessarily confidential.

### **B. Data and Privacy Governance Plan - Administrative Procedures.**

1. Data Governance Plan. The Superintendent, in consultation with the SAU 39 Information Security Officer ("ISO") (see paragraph C, below) shall create a Data and Privacy Governance Plan ("Data Governance Plan"), to be presented to the Board no later than June 30, 2019. Thereafter, the Superintendent, in consultation with the ISO, shall update the Data Governance Plan for presentation to the Board no later than June 30 each year. A reasonable attempt will be made to notify parents of the Data Governance Plan and make it available.

- (a) An inventory of all software applications, digital tools, and extensions. The inventory shall include users of the applications, the provider, purpose, publisher, privacy statement, and terms of use;
- (b) A review of all software applications, digital tools, and extensions and an assurance that they meet or exceed minimum standards set by the New Hampshire Department of Education;
- (c) Policies and procedures for access to data and protection of privacy for students and

staff including acceptable use policy for applications, digital tools, and extensions used on District hardware, server(s) or through the District network(s);

- (d) A response plan for any breach of information, including a reasonable attempt to notify parents of data breaches; and
- (e) A requirement for a service provider to meet or exceed standards set by the New Hampshire Department of Education for data protection and privacy.

2. Policies and Administrative Procedures. The Superintendent, in consultation with the ISO, is directed to review, modify and recommend (policies) create (administrative procedures), where necessary, relative to collecting, securing, and correctly disposing of SAU 39 data (including, but not limited to Confidential and Critical Data/Information, and as otherwise necessary to implement this policy and the Data Governance Plan. Such policies and/or procedures will may or may not be included in the annual Data Governance Plan.

**C. Information Security Officer.**

The Director of Technology is hereby designated as the SAU 39's Information Security Officer (ISO) and reports directly to the Superintendent or designee. The ISO is responsible for implementing and enforcing SAU 39's security policies and administrative procedures applicable to digital and other electronic data, and suggesting changes to these policies, the Data Governance Plan, and procedures to better protect the confidentiality and security of SAU 39's data. The ISO will work with the both SAU 39 and building level administrators and Data managers (paragraph E, below) to advocate for resources, including training, to best secure the SAU 39's data.

The Network Administrator is the SAU 39's alternate ISO and will assume the responsibilities of the ISO when the ISO is not available.

**D. Responsibility and Data Stewardship.**

All SAU 39 employees, volunteers and agents are responsible for accurately collecting, maintaining and securing SAU 39 data including, but not limited to, Confidential and/or Critical Data/Information.

**E. Data Managers.**

All SAU 39 administrators are data managers for all data collected, maintained, used and disseminated under their supervision as well as data they have been assigned to manage in the SAU 39's data inventory. Data managers will monitor employee access to the information to ensure that confidential information is accessed only by employees who need the information to provide services to the SAU 39 and that confidential and critical information is modified only by authorized employees. Data managers will assist the ISO in enforcing SAU 39 policies and procedures regarding data management.

**F. Confidential and Critical Information.**

SAU 39 will collect, create or store confidential information only when the Superintendent or designee determines it is necessary, and in accordance with applicable law. SAU 39 will provide access to confidential information to appropriately trained SAU 39 employees and volunteers only when the SAU 39 determines that such access is necessary for the performance of their duties. SAU 39 will disclose confidential information only to authorized SAU 39

contractors or agents who need access to the information to provide services to SAU 39 and who agree not to disclose the information to any other party except as allowed by law and authorized by the SAU 39.

SAU 39 employees, contractors and agents will notify the ISO or designee immediately if there is reason to believe confidential information has been disclosed to an unauthorized person or any information has been compromised, whether intentionally or otherwise. The ISO or designee will investigate immediately and take any action necessary to secure the information, issue all required legal notices and prevent future incidents. When necessary, the Superintendent, ISO or designee is authorized to secure resources to assist SAU 39 in promptly and appropriately addressing a security breach.

Likewise, SAU 39 will take steps to ensure that critical information is secure and is not inappropriately altered, deleted, destroyed or rendered inaccessible. Access to critical information will only be provided to authorized individuals in a manner that keeps the information secure.

SAU 39 staff, volunteers, contractors and agents who are granted access to critical or confidential information/data are required to keep the information secure and are prohibited from disclosing or assisting in the unauthorized disclosure of such confidential or critical data/information. All individuals using confidential and critical data/information will strictly observe all administrative procedures, policies and other protections put into place by the District including, but not limited to, maintaining information in locked rooms or drawers, limiting access to electronic files, updating and maintaining the confidentiality of password protections, encrypting and redacting information, and disposing of information no longer needed in a confidential and secure manner.

#### **G. Using Online Services and Applications.**

SAU 39 staff members are encouraged to research and utilize online services or applications to engage students and further the SAU 39's education mission. SAU 39 employees, however, are prohibited from installing or using applications, programs or other software, or online system/website, that either stores, collects or shares confidential or critical data/information, until the ISO approves the vendor and the software or service used. Before approving the use or purchase of any such software or online service, the ISO or designee shall verify that it meets the requirements of the law, Board policy, and the Data Governance Plan, and that it appropriately protects confidential and critical data/information. This prior approval is also required whether or not the software or online service is obtained or used without charge.

#### **H. Training.**

The ISO will provide appropriate training to employees who have access to confidential or critical information to prevent unauthorized disclosures or breaches in security. All school employees will receive annual training in the confidentiality of student records, and the requirements of this policy and related procedures and rules.

#### **I. Data Retention and Deletion.**

The ISO or designee shall establish a retention schedule for the regular archiving and deletion of data stored on SAU 39 technology resources. The retention schedule should comply with, and be

incorporated into the data/record retention schedule established under Policy EHB and administrative procedure EHB-R, including but not limited to, provisions relating to Litigation and Right to Know holds as described in Policy EHB.

## **J. Consequences**

Employees who fail to follow the law or SAU 39's policies or procedures regarding data governance and security (including failing to report) may be disciplined, up to and including termination. Volunteers may be excluded from providing services to SAU 39. SAU 39 will end business relationships with any contractor who fails to follow the law, SAU 39 policies or procedures, or the confidentiality provisions of any contract. In addition, SAU 39 reserves the right to seek all other legal remedies, including criminal and civil action and seeking discipline of an employee's teaching certificate.

SAU 39 may suspend all access to data or use of SAU 39 technology resources pending an investigation. Violations may result in temporary, long-term or permanent suspension of user privileges. SAU 39 will cooperate with law enforcement in investigating any unlawful actions. The Superintendent or designee has the authority to sign any criminal complaint on behalf of SAU 39.

Any attempted violation of SAU 39's policies, procedures or other rules will result in the same consequences, regardless of the success of the attempt.

### **Legal References:**

- 15 U.S.C. §§ 6501-6506 \* Children's Online Privacy Protection Act (COPPA)*
- 20 U.S.C. § 1232g \* Family Educational Rights and Privacy Act (FERPA)*
- 20 U.S.C. § 1232h \* Protection of Pupil Rights Amendment (PPRA)*
- 20 U.S.C. § 1400-1417 \* Individuals with Disabilities Education Act (IDEA)*
- 20 U.S.C. § 7926 \* Elementary and Secondary Education Act (ESSA)*
- RSA 189:65 \* Definitions*
- RSA 186:66 \* Student Information Protection and Privacy*
- RSA 189:67 \* Limits on Disclosure of Information*
- RSA 189:68 \* Student Privacy*
- RSA 189:68-a \* Student Online Personal Information*
- RSA 359-C:19-21 \* Right to Privacy/Notice of Security Breach*

**Adopted: November 9, 2020 (Amherst)**