Minimum Standards for Privacy and Security of Student and Employee Data

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Background

- New Hampshire HB1612 was signed by the Governor 6/12/2018 and went into effect 8/11/2018

- HB1612 amended RSA 189:66, IV and added new paragraph V:

> V. **The department shall establish minimum standards for privacy and security of student and employee data, based on best practices, for local education agencies.** Each local education agency shall develop a data and privacy governance plan which shall be presented to the school board for review and approval by June 30, 2019.

- The Department of Education requested assistance from the Department of Information Technology to develop the Minimum Standards

Scope and Applicability

- Paragraph B from the Minimum Standards explains the scope and applicability as well as referencing what is meant by "Covered Information"

> B.   These Standards apply to "Student Personally-Identifiable Data" and "Teacher Personally-Identifiable Data" (RSA 189:65), as well as "Covered Information" (RSA 189:68) handled by LEAs in both electronic and physical formats. Unless otherwise noted, the terms "Covered Information" shall include Student and Teacher Personally-Identifiable Data throughout this document.

Considerations and Objectives

- Brief, clearly written security and privacy objectives (privacy and security objectives overlap)

- Logically arranged in 14 basic categories

- Derived from a <u>subset</u> of security requirements in a federal standard (NIST SP 800-171)

- Direct alignment with FERPA and CUI[*] guidance in the protection of student records

- Most of the standards are implementable by any IT professional

- Adhere closely to the spirit and intent of "minimum standards" language of RSA 189:66,V

- Consistent with existing security standards in use by the State of New Hampshire

*Controlled Unclassified Information. See References.

Q&A

References

- The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records.

- 32 CFR Part 2002 "*Controlled Unclassified Information*" (CUI) was issued by ISOO to establish policy for agencies on designating, safeguarding, disseminating, marking, decontrolling, and disposing of CUI

- The CUI registry established the category of "Student Records" relative to education records that are directly related to a student under FERPA

- The National Institute of Standards and Technology (NIST) created NIST SP 800-171 Revision 1, "*Protecting Controlled Unclassified Information in Nonfederal Systems and Organizations*"