



DATA GOVERNANCE PLAN

For formal Board of Trustees Approval 2/12/2020

1. GOVERNING PRINCIPLES

The Winter Sports School (referred to as WSS throughout) takes its responsibility toward student data seriously. This governance plan incorporates the following Generally Accepted Information Principles (GAIP):

- **Risk:** There is risk associated with data and content. The risk must be formally recognized, either as a liability or through incurring costs to manage and reduce the inherent risk.
- **Due Diligence:** If a risk is known, it must be reported. If a risk is possible, it must be confirmed.
- **Audit:** The accuracy of data and content is subject to periodic audit by an independent body.
- **Accountability:** An organization must identify parties which are ultimately responsible for data and content assets.
- **Liability:** The risks in information means there is a financial liability inherent in all data or content that is based on regulatory and ethical misuse or mismanagement.

2. DATA MAINTENANCE AND PROTECTION POLICY

WSS recognizes that there is risk and liability in maintaining student data and other education-related data and will incorporate reasonable data industry best practices to mitigate this risk.

2.1 PROCESS

In accordance with [R277-487](#), WSS shall do the following:

- Designate an individual as an Information Security Officer
- Adopt the [CIS Controls](#) or comparable
- Report to the USBE by October 1 each year regarding the status of the adoption of the CIS controls or comparable and future plans for improvement.

3. ROLES AND RESPONSIBILITIES POLICY

WSS acknowledges the need to identify parties who are ultimately responsible and accountable for data and content assets. These individuals and their responsibilities are as follows:

3.1 DATA MANAGER ROLES AND RESPONSIBILITIES

- authorize and manage the sharing, outside of the student data manager's education entity, of personally identifiable student data for the education entity as described in this section
- provide for necessary technical assistance, training, and support
- act as the primary local point of contact for the state student data officer
- ensure that the following notices are available to parents:
 - annual FERPA notice (see [34 CFR 99.7](#)),
 - directory information policy (see [34 CFR 99.37](#)),
 - survey policy and notice (see [20 USC 1232h](#) and [53E-9-203](#)),
 - data collection notice (see [53E-9-305](#))

3.2 INFORMATION SECURITY OFFICER

- Oversee adoption of the CIS controls
- Provide for necessary technical assistance, training, and support as it relates to IT security

4. TRAINING AND SUPPORT POLICY

WSS recognizes that training and supporting educators and staff regarding federal and state data privacy laws is a necessary control to ensure legal compliance.

4.1 PROCEDURE

1. The data manager will ensure that educators who have access to student records will receive an annual training on confidentiality of student data to all employees with access to student data. The content of this training will be based on the Data Sharing Policy.
2. By October 1 each year, the data manager will report to USBE the completion status of the annual confidentiality training and provide a copy of the training materials used.
3. The data manager shall keep a list of all employees who are authorized to access student education records after having completed a training that meets the requirements of [53E-9-204](#).

5. AUDIT POLICY

In accordance with the risk management priorities of WSS, WSS will conduct an audit of:

- The effectiveness of the controls used to follow this data governance plan; and
- Third-party contractors, as permitted by the contract described in [53E-9-309\(2\)](#).

6. DATA SHARING POLICY

There is a risk of redisclosure whenever student data are shared. WSS shall follow appropriate controls to mitigate the risk of redisclosure and to ensure compliance with federal and state law.

6.1 PROCEDURE

1. The data manager shall approve all data sharing or designate other individuals who have been trained on compliance requirements with FERPA.

2. Teachers and staff are permitted to share student information that is classified as Directory Information. The Data Manager is responsible for designating students that have been opted-out of Directory Information sharing and will distribute a list of such students at the beginning of the school year to teachers.
3. WSS utilizes the Utah DPA to verify online sharing platforms and organize non-disclosure documents with third-party vendors and websites.
4. For external research, the data manager shall ensure that the study follows the requirements of FERPA's study exception described in [34 CFR 99.31\(a\)\(6\)](#).
5. After sharing from student records, the data manager shall ensure that an entry is made in WSS Metadata Dictionary to record that the exchange happened.
6. After sharing from student records, the data manager shall make a note in the student record of the exchange in accordance with [34 CFR 99.32](#).

6.2 DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that WSS, with certain exceptions, obtain parental written consent prior to the disclosure of personally identifiable information from a child's education records. However, WSS may disclose appropriately designated "directory information" without written consent, unless the parent has advised the WSS to the contrary in accordance with WSS procedures. The primary purpose of directory information is to allow the WSS to include information from a child's education records in certain school publications.

Examples include:

- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965, as amended (ESEA) to provide military recruiters, upon request, with the following information – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent. [Note: These laws are Section 9528 of the ESEA (20 U.S.C. § 7908) and 10 U.S.C. § 503(c).]

If parents do not want their student's directory information disclosed, they can opt out officially when enrolling or re-enrolling their student on the Aspire online registration portal. The online registration submission collects basic student information (i.e., address, birthdate, etc.), as well as the designation of student personal information disclosure. Parents can opt out by selecting the "Restrict directory data & photos" option in the Restricted Information field. The WSS Administrative Office Manager will process the submissions and will record any opt outs within one week of receipt. If a parent wants to opt out during the school year, a written request must be submitted to the Administrative Office Manager, who will process and record the request within one week.

WSS has designated the following information as directory information:

- Student name
- Student grade level
- Dates of attendance
- Mailing address(es)
- Student's email address
- Student's parent(s) name(s)
- Parent email address(es)
- Parent phone number(s)
- Yearbook photograph
- Participation in officially recognized activities
- Degrees, honors, and awards
- Most recent institution attended
- Student ID Number(s)
- Student's sport(s) and team affiliation(s)

7. EXPUNGEMENT REQUEST POLICY

WSS recognizes the risk associated with data following a student year after year that could be used to mistreat the student. WSS shall review all requests for records expungement from parents and make a determination based on the following procedure.

7.1 PROCEDURE

The following records may not be expunged: grades, transcripts, a record of the student's enrollment, assessment information.

The procedure for expungement shall match the record amendment procedure found in [34 CFR 99, Subpart C](#) of FERPA.

1. If a parent believes that a record is misleading, inaccurate, or in violation of the student's privacy, they may request that the record be expunged.
2. WSS shall decide whether to expunge the data within a reasonable time after the request.
3. If WSS decides not to expunge the record, they will inform the parent of their decision as well as the right to an appeal hearing.
4. WSS shall hold the hearing within a reasonable time after receiving the request for a hearing.
5. WSS shall provide the parent notice of the date, time, and place in advance of the hearing.
6. The hearing shall be conducted by any individual that does not have a direct interest in the outcome of the hearing.
7. WSS shall give the parent a full and fair opportunity to present relevant evidence. At the parents' expense and choice, they may be represented by an individual of their choice, including an attorney.
8. WSS shall make its decision in writing within a reasonable time following the hearing.
9. The decision must be based exclusively on evidence presented at the hearing and include a summary of the evidence and reasons for the decision.
10. If the decision is to expunge the record, WSS will seal it or make it otherwise unavailable to other staff and educators.

8. DATA BREACH RESPONSE POLICY

WSS shall follow industry best practices to protect information and data. In the event of a data breach or inadvertent disclosure of personally identifiable information, WSS staff shall follow industry best practices for responding to the breach.

8.1 PROCEDURES

1. The Head of School will work with the information security officer to designate individuals to be members of the cyber incident response team (CIRT)
2. At the beginning of an investigation, the information security officer will begin tracking the incident and log all information and evidence related to the investigation.
3. The information security officer will call the CIRT into action once there is reasonable evidence that an incident or breach has occurred.
4. The information security officer will coordinate with other IT staff to determine the root cause of the breach and close the breach.
5. The CIRT will coordinate with legal counsel to determine if the incident meets the legal definition of a significant breach as defined in [R277-487](#) and determine which entities and individuals need to be notified.
6. If law enforcement is notified and begins an investigation, the CIRT will consult with them before notifying parents or the public so as to not interfere with the law enforcement investigation.

9. PUBLICATION POLICY

WSS recognizes the importance of transparency and will post this policy on WSS website.