



Ohio

Data Privacy Report

DECEMBER 2014

PURPOSE OF REPORT

Ohio law requires the superintendent of public instruction to submit to the governor and Ohio General Assembly, by Dec. 31, 2014, this report recommending how the Ohio Department of Education is to collect, use and protect student data.

The report outlines the types of student records the department collects, how it governs student data management and how it secures data privacy. Online test scores are one particularly important type of student data. A separate Ohio Department of Education report describes how it manages and secures test score data.

INTRODUCTION

Ohio Department of Education procedures for protecting the privacy of individual student educational records exceed the requirements of the federal Family Educational Rights and Privacy Act. Ohio is one of only three states, including New Hampshire and Louisiana that do not collect student names as part of their K-12 student data systems. (Ohio's student data system is called the ¹[Education Management Information System \(EMIS\)](#)). Ohio also does not include student names in its preschool through college ²[Education Data Repository](#). Ohio law prohibits the reporting of a student's name, address and social security number to the State Board of Education or the Ohio Department of Education. Finally, the state's law governing ³[Personal Information Systems](#) also limits which department of education employees may access personal information systems and for what purposes.

This report discloses the student data that are collected and maintained by the agency and outlines the safeguards used to protect that information. The report includes:

- Which student data the state requires the Ohio Department of Education to collect;
- A description of how the data are used;
- How the data are disclosed;
- The safeguards used to protect the data; and
- References to policies and procedures for releasing and sharing the data.

TYPES OF STUDENT DATA COLLECTED

The Education Management Information System is Ohio's primary way of collecting K-12 student education records. School districts report individual test, attendance, demographic, program and course data using a unique data verification code for each student, the Statewide Student Identifier (SSID) number. Districts do not report students' names, parents' or other family members' names, addresses or social security numbers to the department of education. A list of the types of student data collected through EMIS appears in Appendix B of this report. Detailed definitions of various kinds of data, and instructions to districts for reporting them, appear in the ⁴[EMIS Guidelines](#) located on the Ohio Department of Education website. Since 1996, ⁵[Ohio law](#) has required the department to have a centralized data management office that reviews all requests for collections of new data and eliminates the collection of data no longer required by law.

There are limited exceptions in Ohio laws that allow a student name to be reported to the department of education. In each case, the student name is used only for the purpose stated. The name does not become part of the department's student data system. Laws that allow the department to collect a student's name appear below.

¹ ORC 3301.0714

² ORC 3301.94

³ OAC 3301-2

⁴ <http://education.ohio.gov/Topics/Data/EMIS/EMIS-Documentation/Current-EMIS-Manual>

⁵ ORC 3301.133

Ohio Revised Code	Purpose
3301.0716	Allows the department access to a student name so it may respond to a test score appeal <i>or</i> follow up when a student's written response to a test question includes threats or describes harm to the student or others.
3301.941	Individual student data records collected and maintained for early childhood programs
3310.11	Administration of the Educational Choice Scholarship
3310.42	Administration of the Autism Scholarship Program
3310.63	Administration of the Jon Peterson Special Needs Scholarship Program
3313.978	Administration of a pilot scholarship program
3317.20	Calculation of a payment to a county board of developmental disabilities

HOW THE OHIO DEPARTMENT OF EDUCATION USES STUDENT DATA

The individual student data the Ohio Department of Education collects through EMIS via a student's SSID number are used for these functions required by Ohio law:

- Accurate and timely ⁶[allocation of state funding and reporting to districts](#);
- ⁷[Calculation of student \(knowledge and skill\) growth](#), as part of Ohio's Performance Accountability System for schools;
- Administration of early childhood programs for special education and publicly funded childcare;
- Assessment of college and career readiness of Ohio students;
- Implementation of an early warning system to ⁸[identify students at risk of dropping out of school](#); and Research on behalf of the ⁹[state superintendent](#).

Individual student data are not released publicly, are not provided in response to public records request and are not submitted to the U.S. Department of Education.

DISCLOSURE OF STUDENT DATA

The Ohio Department of Education follows a standard procedure for publicly releasing data to ensure that it does not share "personally identifiable" information about a pupil. This is information that could be used alone or in combination with other information to identify, contact or locate a single student. Information also can be considered personally identifiable if it allows someone to identify a student in context—for example, to identify an individual child with a disability in a classroom where there are only three students with disabilities.

Data that reflects information about a group of students, not individuals, are used for publishing school and district report cards and federal reports. Again, no data are included that could allow someone to personally identify a student. To guard against identification of a student in a group context, such as a classroom or grade, the department does not release data for a group of fewer than 10 students. The department follows this same practice for public record requests.

The Ohio Department of Education also established an approval process for formal data requests. Department staff members, including the offices of the chief of staff, chief legal counsel and chief information officer, review all requests for information not already publicly available to ensure that information released is applicable to the needs of the requestor and protects student privacy.

⁶ ORC 3317.01

⁷ ORC 3302.021

⁸ ORC 3301.28

⁹ ORC 3301.12

DISCLOSURE OF PERSONALLY IDENTIFIABLE STUDENT DATA

The Family Educational Rights and Privacy Act does contain certain exceptions to the written consent requirement as outlined in FERPA, *20 U.S.C. § 1232g(b) and (h) – (j) and 34 CFR § 99.31*.

The most common exceptions include:

- Educational studies requiring a written agreement with the department;
- Educational studies for, or on behalf of, the department in order to develop, validate or administer predictive tests, student aid programs or to improve instruction; and
- An audit of federal- or state-supported education programs or to comply with federal legal requirements related to a program.

The department uses formal memorandums of understanding to govern any data sharing arrangements with other state agencies, researchers, vendors and service providers. For research, data are shared according to Ohio [law](#). If the department shares individual student records, it does so only by SSID, not student name or another personal identifier.

The memorandum of understanding must designate a single, authorized representative who is directly responsible for requesting, receiving and maintaining records related to the data request. It must include a scope of work specifying the research and any expected reports. The memorandum also must require the authorized representative to:

- Uphold all federal regulations, including but not limited to FERPA;
- Uphold all state regulations;
- Obtain approval from the Ohio Department of Education before releasing data to another party;
- Acknowledge that he or she is subject to auditing by the state auditor;
- Ensure that all individuals whom the researcher grants access to the data have agreed to protect the data's confidentiality;
- Maintain the data in a secure environment;
- Protect student privacy by not publishing any results that would allow for the individuals students to be identified;
- Share reports or presentations that use Ohio Department of Education data with the department before releasing these reports to the public; and
- Destroy data when the research study is complete.

In addition to containing these precautions, all memorandums of understanding require the authorized representative to report annually to the department of education on the research studies for which data was shared.

There may be legal, financial or other consequences when a data requestor breeches the memorandum of understanding. Both the department and the authorized representative will be solely or proportionally liable, legally and financially, for audit exceptions based on their respective actions.

OHIO DEPARTMENT OF EDUCATION STUDENT DATA SECURITY AND SAFEGUARDS

Ohio has a centralized ¹⁰[Privacy and Security Office](#) dedicated to providing technology, policy, standards, architecture and solutions to protect the privacy of Ohio's data and systems. The office provides the Ohio Department of Education with a full-time chief information security officer to ensure that the department complies with Ohio law and policies. The Information Security Office works closely with the centralized data management unit at the education department to ensure compliance. The office also consults on a regular basis with the federal ¹¹[Privacy Technical Assistance Center at the U.S. Department of Education](#).

The student data the Ohio Department of Education collects is stored in the State of Ohio Computer Center, a secure data center dedicated to state and local government agencies. Access to the center is controlled and monitored by security, including video surveillance at entry points.

¹⁰ <http://www.privacy.ohio.gov/>

¹¹ <http://ptac.ed.gov/>

The Ohio administrative code on ¹²[Personal Information Systems](#) specifies who at the department may access personally identifiable data and for what purposes. All department employees are required to take information security education and awareness training annually. There are multiple levels of controls in place for access to the data, including a role-based access and authentication process that requires complex passwords and 90-day expiration, in keeping with state information technology security policies. The department monitors access to confidential personal information according to Ohio ¹³[law](#), and any data breach is handled through the ¹⁴[State of Ohio Privacy and Security Office](#) using mandated policies and procedures.

SUMMARY

The Ohio Department of Education is committed to protecting the confidentiality of the student data it collects and manages. This is evident in the agency's focus on data governance, centralized data management and information security. The safeguards in state legislation that forbid the collection of student names exceed federal regulations for protecting student privacy and confidentiality. The department has a formal data collection review process to ensure that it collects only the student data required to comply with state and federal regulations. The department also has a formal data release process to ensure that it releases data only in keeping with the Family Educational Rights and Privacy Act and Ohio law.

RECOMMENDATIONS

The Ohio Department of Education recognizes it is responsible for ensuring the appropriate information security safeguards are in place to protect the student data that it collects and maintains. The Ohio Department of Education also acknowledges the need to enhance its transparency to parents and other stakeholders regarding which student data are collected, how the data are used and how the data are protected.

The department will leverage its website to communicate with parents the types of student data collected and the use of the data, including reiterating that the department does not collect student names and does not have the ability to answer questions about specific students. An email address will be provided for parents to submit any questions that they may have about student data

The department recommends the following:

1. A collaborative effort with the State of Ohio Office of Information Security and Privacy to partner with other entities, such as but not limited to, the Data Quality Campaign (DQC), the Privacy Technical Assistance Center (PTAC), other state agencies and private sector vendors, to ensure the adoption of best practices based upon nationally recognized information security standards and compliance with state and federal privacy laws.
2. An update to current state statute (ORC 3301.133) that requires the department to have a formal, identified unit to manage education data. It should be updated to include the requirement for the Ohio Department of Education to annually post a student data transparency report on its website. The report would provide information on the data collected and how the data are used and protected.

¹² OAC 3301-2

¹³ ORC 1347.15

¹⁴ <http://www.privacy.ohio.gov/>

APPENDICES

Appendix A – Glossary of Terms

Appendix B – Summary List of EMIS Student Data Elements

Appendix C – Reference Table of Ohio Revised Code/Ohio Administrative Code regarding student data and privacy

Appendix D – 3301.133 Ohio Revised Code

APPENDIX A – GLOSSARY OF TERMS

<i>Term</i>	<i>Definition</i>	<i>Source</i>	<i>Notes</i>
Personal Information	Any information that describes anything about a person, indicates actions done by or to a person, or indicates that a person possesses certain personal characteristics, and that contains, and can be retrieved from a system by, a name, identifying number, symbol, or other identifier assigned to a person	3301-2-01 Ohio Administrative Code	
Disclosure of Personal Information	Any action which reveals personal information in a personal information system to any individual or organization other than employees of the state agency who must use the personal information in the performance of their assigned duties, except subject's right to inspect personal information pursuant to rule 3301-3-08 of the Administrative Code.	3301-2-01 Ohio Administrative Code	
Use of Personal Information	Any action which causes personal information in a personal information system to be referenced, processed, or disseminated. "Disclosure of personal information" is a "use of personal information."	3301-2-01 Ohio Administrative Code	
Confidential Personal Information	Means personal information that is not a public record for purposes of section 149.43 of the Revised Code.	3301-2-14 OAC 1347.15 ORC and 149.43 ORC	
Breach of Security	<p>Unauthorized access to and acquisition of computerized data that compromises the security or confidentiality of personal information owned or licensed by a state agency or an agency of a political subdivision and that causes, reasonably is believed to have caused, or reasonably is believed will cause a material risk of identity theft or other fraud to the person or property of a resident of this state.</p> <p>For purposes of this rule, "good faith acquisition of personal information by an employee or agent of the state agency or agency of the political subdivision for the purposes of the agency" is not a breach of the security of the system, provided that the personal information is not used for an unlawful purpose or subject to further unauthorized disclosure. Acquisition of personal information pursuant to a search warrant, subpoena, or other court order, or pursuant to a subpoena, order, or duty of a regulatory state agency, is not a breach of the security of the system.</p>	3301-2-13	
Personally Identifiable Information	<p>The term includes, but is not limited to—</p> <ul style="list-style-type: none"> (a) The student's name; (b) The name of the student's parent or other family members; (c) The address of the student or student's family; (d) A personal identifier, such as the student's social security number, student number, or biometric record; (e) Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; (f) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or (g) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education 	FERPA – page 6	

<i>Term</i>	<i>Definition</i>	<i>Source</i>	<i>Notes</i>
	record relates.		
Record	Any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.	FERPA- page 6	
Student	Except as otherwise specifically provided in this part, means any individual who is or has been in attendance at an educational agency or institution and regarding whom the agency or institution maintains education records.	FERPA – page 7	
Directory Information	<p>Information contained in an education record of a student that would not generally be considered harmful or invasion of privacy if disclosed.</p> <p>(a) Directory information includes, but is not limited to, the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status (e.g., undergraduate or graduate, full-time or part-time); dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received; and the most recent educational agency or institution attended.</p> <p>(b) Directory information does not include a student's ---</p> <p>(1) Social security number; or</p> <p>(2) Student identification (ID) number, except as provided in paragraph © of this definition.</p> <p>(c) In accordance with paragraphs (a) and (b) of this definition, directory information includes;</p> <p>(1) A student ID number, user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password or other factor known or possessed only by the authorized user; and</p> <p>(2) A student ID number or unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as PIN, password, or other factor know or possessed only by the authorized user.</p>	FERPA – page 4	
Disclosure	To permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.	FERPA – page 4	

APPENDIX B

Elements

Comment

Elements Required for Statewide Student ID Assignment NOT REPORTED TO OHIO DEPARTMENT OF EDUCATION

Statewide Student Identifier

Legal First Name
 Legal Middle Name
 Legal Last Name
 Date of Birth
 Gender
 Native Language
 Ethnicity
 Birth Place Name
 Student Home Language
 Admission Reason

These elements are submitted to a third party vendor, IBM, for assignment of a unique data verification number as required by 3301.0714 of the Ohio Revised Code. The number is referred to as the Statewide Student Identifier or SSID. This information is NOT reported to ODE.

Student Elements Reported to Ohio Department of Education

STUDENT RECORDS

EMIS Student ID Number
 Date of Birth
 Gender
 Hispanic/Latino
 Native Language Element
 Student Home Language
 Summative Racial/Ethnic Group
 Racial Group
 Admission Date
 Admission Reason
 Admitted From IRN
 Assigned Building Area IRN
 Attending Building IRN
 County of Residence Code
 District IRN
 District Relationship
 Effective End Date
 Effective Start Date
 EMIS Student ID Number
 How Received
 How Received IRN
 Legal District of Residence
 October Count Week Attendance Days
 October Count Week Excused Absence Days
 October Count Week Unexcused Absence Days
 School Year Attendance Days
 School Year Excused Absence Days
 School Year Unexcused Absence Days

Demographic data about students

Data about where students are enrolled.

Elements

Sent Reason 1
Sent Reason 2
Sent to IRN 1
Sent to IRN 2
Sent to Percent of Time 1
Sent to Percent of Time 2
State Student ID (SSID)
Student Admission Reason
Student Percent of Time
Tuition Type
Withdrawal Reason
Withdrawn to IRN
State Equivalent Grade Level
Attendance Pattern
Disadvantagement Element
Preschool Poverty Level
Disability Condition
Student being Served by a 504 Plan
Homeless Status
Homeless Unaccompanied Youth
Limited English Proficiency (LEP) Status
Migrant Status
Foreign Exchange Student Graduation Plan
Immigrant Status
Accountability IRN
Admission to Current High School Date
CORE Economics and Financial Literacy Requirement Met
CORE Fine Arts Requirement Met
CORE Graduation Requirement Exemption Code
CORE Graduation Requirement Exemption Date Element
CORE Graduation Requirement Met Flag
CTE Program of Concentration
Diploma Date
Diploma Type
Exempted from Physical Education Graduation Requirement
Expected Graduation Date
Fiscal Year that Student Began Ninth Grade
Grade Level, Next Year
Limited English Proficient Reclassification Date
Majority of Attendance IRN
Math Diagnostic
Military Compact Graduation Alternative Count
Next Year Attending Building IRN
Non-Attending Reason Element
OGT Graduation Alternative
Reading Diagnostic

Comment

Data about student graduation

Elements

Retained Student Status
Updated December 1 IEP Outcome
Writing Diagnostic Result
Yearend Reported State Student ID (SSID)
Accelerated Assessment Accountability IRN
Subject Area Code
Accelerated Assessment Flag
Accelerated Level Count
Assessment Area Code
Assessment Type Code
Grade Level of Student at Time of Test
Required Test Type
Score
Score Not Reported
Test Date
Test Grade Level
Type of Accommodation
Employee ID
Program Code
Program Enrollment End Date
Program Enrollment Start Date
Program Provider IRN
Gifted Screening
Gifted Assessment
Gifted Identification
Gifted Identification Date
Gifted Served
Building IRN
Building IRN of Where Discipline Incident Took Place
Date of Discipline
Discipline Reason
Discipline Modified
Discipline Sequence Number
Referred for Alternate Education Services
Total Discipline Days
Type of Discipline
Apprenticeship
Diploma
Employed Placement
Fiscal Year of LCC-1
Fiscal Year of LCC-2
Fiscal Year of LCC-3
Fiscal Year of LCC-4
Fiscal Year of LCC-5
Local Classroom Code Flag - 1
Local Classroom Code Flag - 2

Comment

Student assessment-related data elements

Data about students who are gifted

Data about students who are disciplined

Follow-up reporting for students in career-technical education

Elements

Local Classroom Code Flag - 3
Local Classroom Code Flag - 4
Local Classroom Code Flag - 5
Military Placement
Other Follow-Up Status
Postsecondary Education or Advanced Training
Student Earned Certificate/License Element
Date
Date Type
IEP Test Type
Non-Compliance ID
Outcome Beginning Date
Outcome End Date
Outcome ID Element
Secondary Planning
Assessment Area Code
Assessment Type Code
Exemption Flag
IEP Date
IEP Date Type Code
CORE Area Code
CORE Area Count
Courses Completed Date
Courses Completed IRN
Diploma Date
Graduation-Only Test Score
Graduation-Only Test Scaled Score
Withdrawal Date
Withdrawal Reason
Withdrawn to IRN
Course Enrollment End Date
Course Enrollment Start Date
High School Credit Earned
Local Classroom Code
Partial/Override Credit

Comment

Data elements for students with an IEP

For detailed descriptions of each element, including reporting instructions, consult the EMIS Manual, available to the public on the Ohio Department of Education's website [here](#).

APPENDIX C – STUDENT DATA COLLECTION: STATE AND FEDERAL REQUIREMENTS

Ohio Revised Code	Description	Link
149.43	Availability of public records for inspection and copying	149.43
1347.15	Access rules for confidential personal information	1347.15
2913.42	Tampering with records	2913.42
3301.0714	Guidelines for statewide education management information system	3301.0714
3301.0716	Department access to student information	3301.0716
3301.075	Purchase and lease of data processing services and equipment - Ohio education computer network	3301.075
3301.12	Superintendent of public instruction - additional duties	3301.12
3301.133	Identifiable organizational unit of department to deal with management of education data	3301.133
3301.94	Education Data Repository	3301.94
3301.941	Student level data records collected and maintained for early childhood programs	3301.941
3301.947	Privacy of data during testing	3301.947
3301.948	Provision of data to multi-state consortium prohibited	3301.948
3310.11	Request for data verification code of applicant	3310.11
3310.42	Autism scholarship program - data verification code request	3310.42
3310.63	Requests for data verification code	3310.63
3313.978	Implementation of program	3313.978
3317.20	Calculation of payment to county DD board	3317.20
3319.321	Confidentiality	3319.321

Ohio Administrative Code	Description	Link
3301-2	Personal Information Systems	3301-2
3301-2-03	Personal systems security coordinator	3301-2-03
3301-2-05	Collection, maintenance, and use of only personal information which is necessary and relevant	3301-2-05
3301-2-12	Privacy instruction for department employees	3301-2-12
3301-2-16	Valid reasons for accessing confidential person information	3301-2-16
3301-2-17	Confidentiality statutes, rules, and regulations	3301-2-17

Federal Regulations and Guidance	Description	Link
	Family Educational Rights and Privacy Act	FERPA
	Privacy Technical Assistance Center	PTAC

APPENDIX D

3301.133 Identifiable organizational unit of department to deal with management of education data.

As used in this section, "form" has the same meaning as in section [3301.0722](#) of the Revised Code.

(A) No later than July 1, 1992, the organization of the department of education shall include an identifiable organizational unit that deals with the management of any education data that the department gathers, processes, uses, or reports. The superintendent of public instruction shall assign employees to this unit or employ persons for this unit who are trained and experienced in data management and the design of forms and who understand the data needs of the department of education. The superintendent shall provide a sufficient number of such employees for the unit to perform its duties in an effective and timely manner.

(B) The unit established pursuant to division (A) of this section shall:

(1) Review each new form or modification of any existing form that the state board, the superintendent of public instruction, or the department of education proposes to put into use on or after July 1, 1992. In conducting the review of any form, the unit shall evaluate it utilizing at least the criteria specified under division (C) of this section. The unit shall report in writing to the superintendent of public instruction whether the form satisfies the criteria specified under division (C) of this section, and if not, the reasons why it does not. Each report shall include recommendations regarding the simplification, consolidation, or elimination of the proposed form or any other forms related to the proposed form that would enable all the criteria specified under division (C) of this section to be met.

(2) Regularly contact and seek to work with other state and federal agencies that collect and use education data for the purpose of increasing the efficiency and coordination of data collection;

(3) Perform any other duties assigned by the superintendent of public instruction.

(C) In conducting the review of any form pursuant to division (B)(1) of this section, the unit established under division (A) of this section shall determine whether the following criteria are satisfied:

(1) Each data item on the form does not duplicate data already submitted to the state board, superintendent of public instruction, or department of education.

(2) The form cannot be consolidated with any other form required by the state board, superintendent, or department.

(3) The form is required to be submitted no more often than necessary and no sooner than reasonably necessary prior to the date on which the data reported on the form will be initially used.

(4) The stated purpose of the form cannot be met as part of any other procedure, such as a verification or certification procedure or other reporting procedure.

(5) If the form or any data item on the form is attributed to any requirement of state statute, federal statute or rule, or any court, the form or data item is limited to the data that the statute, rule, or court requires.

(6) If the form or any data item on the form is attributed to the requirements of any research or of any process of auditing school districts for compliance with any requirement, the research is planned or currently taking place or the compliance is currently required.

(7) The form is designed in a way that minimizes the cost of completing it.

(8) The form includes instructions that clearly explain how to complete it, who will use the data reported on it, and who to contact with questions about completing the form or the use of the data reported on it.

Effective Date: 12-02-1996