



Data Governance Plan

1.0 Purpose

Data governance is an organizational approach to data and information management that is formalized as a set of policies and procedures that encompass the full life cycle of data; from acquisition, to use, to disposal. Promontory School takes seriously its moral and legal responsibility to protect student privacy and ensure data security. Utah's Student Data Protection Act (SDPA), U.C.A. 53E-9-3 requires that Promontory School adopt a Data Governance Plan.

2.0 Scope and Applicability

This plan is applicable to all employees, temporary employees, and contractors of the Agency. The plan must be used to assess agreements made to disclose data to third-parties. This plan must also be used to assess the risk of conducting business. In accordance with Promontory School's policy and procedures, this plan will be reviewed and adjusted on a regular basis, as needed. This plan is designed to ensure only authorized disclosure of confidential information.

3.0 Data Maintenance and Protection

Promontory School 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.

3.1 In accordance with R277-487, Promontory school shall do the following:

- Designate an individual as the 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.

4.0 Roles and Responsibilities

Promontory School 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:

4.1 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)
 - PPRA/UT FERPA policy and notice
 - directory information policy notice (see 34 CFR 99.37)
 - survey policy and notice (see 20 USC 1232h and 53E-9-203)
 - data collection notice (see 53E-9-305)

4.2 Information Security Officer

- Oversees adoption of the CIS controls

- Provide necessary technical assistance, training, and support as it relates to IT security

5.0 Plan

The following 5 subsections provide data governance plans and processes for Promontory School:

- Data Security and Privacy Training for Employees
- Data Disclosure
- Record Retention and Expungement
- Data Quality
- Transparency

The Promontory School Data Governance Plan includes the following:

- Requires Data Stewards to manage confidential information appropriately and in accordance with all legal mandates, Utah State Board administrative rules, and school policies and procedures.
- Complies with all legal, regulatory, and contractual obligations regarding privacy of Agency data. Where such requirements exceed the specific stipulation of this plan, the legal, regulatory, or contractual obligation shall take precedence.
- Ensures that all Promontory School employees comply with the policy and undergo annual security training.
- Provides policies and processes for maintaining industry standard information and physical security safeguards to protect student data.

Furthermore, Promontory School Data Governance Plan also contains a Data Breach Response Plan which:

- Defines the goals and the vision for the breach response process.
- Defines to whom it applies and under what circumstances,
- Defines a breach, staff roles and responsibilities, standards and metrics (e.g., to enable prioritization of the incidents), as well as reporting, remediation, and feedback mechanisms.
- Emphasizes Promontory School's established culture of openness, trust and integrity.

5.1 Privacy Training for Employees

Promontory School will provide a range of training opportunities for all district employees with access to student educational data or confidential educator records in order to minimize the risk of human error and misuse of information.

All employees will be required to participate in a privacy training as part of the annual compliance training. Completion of Promontory School's compliance training is a condition of employment.

5.2 Data Disclosure

Providing data to persons and entities outside of the Promontory School increases transparency, promotes education in Utah, and increases knowledge about Utah public education. This plan establishes the protocols and procedures for sharing data maintained by Promontory School. It is intended to be consistent with the disclosure provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, 34 CFR Part 99 and Utah's Student Data Protection Act (SDPA), U.C.A 53E-9-3.

5.2.1 External disclosure of Personally Identifiable Information (PII)

5.2.1.1 Parental Access to Educational Records

In accordance with FERPA regulations 20 U.S.C. § 1232g (a)(1) (A) (B) (C) and (D), LEAs will provide parents with access to their child's education records, or an eligible student access to his or her own education records (excluding information on other students, the financial records of parents, and confidential letters of recommendation if the student has waived the right to access), within 45 days of receiving an official request. Promontory School is not required to provide data that it does not maintain, nor is Promontory School required to create education records in response to an eligible student's request.

5.2.1.2 Third Party Vendor

Third party vendors may have access to students' personally identifiable information if the vendor is designated as a "school official" as defined in FERPA, 34 CFR §§ 99.31(a)(1) and 99.7(a)(3)(iii).

All third-party vendors contracting with Promontory School must be compliant with Utah's Student Data Protection Act (SDPA), U.C.A §53A-1-1401. Vendors determined not to be compliant may not be allowed to enter into future contracts with Promontory School without third-party verification that they are compliant with federal and state law, and board rule.

5.2.1.3 Governmental Agency Requests

Promontory School may not disclose personally identifiable information of students to external persons or organizations to conduct research or evaluation that is not directly related to a state or federal program reporting requirement, audit, or evaluation. The requesting governmental agency must provide evidence the federal or state requirements to share data in order to satisfy FERPA disclosure exceptions to data without consent in the case of a federal or state

- A. Reporting requirement
- B. Audit
- C. Evaluation

The Director or designee will ensure the proper data disclosure avoidance are included if necessary. An Interagency Agreement must be reviewed by legal staff and must include "FERPA-Student Level Data Protection Standard Terms and Conditions or Required Attachment Language."

5.2.2 External disclosure of Non-Personally Identifiable Information (PII)

5.2.2.1 Priority

Promontory School recognizes good research as a building block for understanding and improving education. Priority is given to projects that:

- A. Yield useful products or data for ourschools.
- B. Align with District programs, goals, and mission.
- C. Are not intrusive or interrupt classroom/school activities.

No access to data will be granted for research purposes that do not meet the above criteria. The Director has full discretion in the evaluation of research proposals

5.2.2.2 General Directions

A completed application must include the following items listed below. Please allow 2-3 weeks for a decision once completed materials have been received.

1. A completed Research Project Request (Form 521). (You may reference details from your research proposal on the application.)
2. Copy of your research proposal.
3. Copy of all interview protocols, surveys, questionnaires, observation guides, etc.
4. Copy of all disclosures and consent forms.
5. Copy of the IRB approval (or documentation that IRB approval is pending)
6. Copy of the vita or resume of the investigator(s). (Optional)

5.3 Record Retention and Expungement

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

5.3.1 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. The LEA shall decide whether to expunge the data within a reasonable time after the request.
3. If the LEA decides not to expunge the record, they will inform the parent of their decision as well as the right to an appeal hearing.
4. The LEA shall hold the hearing within a reasonable time after receiving the request for a hearing.
5. The LEA 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. The LEA 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. The LEA 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, the LEA will seal it or make it otherwise unavailable to other staff and educators.

5.4 Data Quality

Data quality is achieved when information is valid for the use to which it is applied, is consistent with other reported data and users of the data have confidence in and rely upon it. Good data quality does not solely exist with the data itself, but is also a function of appropriate data interpretation and use and the perceived quality of the data. Thus, true data quality involves not just those auditing, cleaning and reporting the data, but also data consumers. Data quality is addressed in five areas:

5.4.1 Data Governance Structure

The Promontory School data governance plan is structured to encourage the effective and appropriate use of educational data. The Promontory School data governance structure centers on the idea that data is the responsibility of all Promontory School departments and schools and that data driven decision making is the goal of all data collection, storage, reporting and analysis. Data driven decision making guides what data is collected, reported and analyzed.

5.4.2 Data Collection

When possible and to avoid data duplication, data is collected at the lowest level available.

5.5 Transparency

Annually, Promontory School will publicly post:

- Promontory School data collections
- Metadata Dictionary as described in Utah's Student Data Protection Act (SDPA), U.C.A §53A-1-1401

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