Be Concerned: Student Privacy Is Your Job!

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Student Privacy Laws That Affect Your Institution

Matthew Johnson, Cooley LLP
Sources of Requirements

- Family Educational Rights and Privacy Act (FERPA)
- Health Insurance Portability and Accountability Act of 1996 (HIPAA)
- FTC
- State Laws
• **Fair Credit Reporting Act**
  – Applies to consumer information including credit card information

• **Gramm-Leach-Bliley**
  – Applies to financial products and services

• **General fair trade practices jurisdiction**
  – Basic requirement to do what you say you will do

• **Section 5 of the Federal Trade Commission Act**
  – It is an unfair business practice to violate privacy policy or to provide inadequate data security
General State Laws

• Breach notification laws in 47 states, D.C., Guam, Puerto Rico, Virgin Islands
  – Define covered information and entities
  – Define breach
  – Specify timing, method and target of notification

• Online privacy
  – Privacy policies (California, Connecticut, plus 16 other states as to government sites)
  – False and misleading statements (Nebraska, Pennsylvania)

• Employee communications
  – Monitoring notices (Connecticut, Colorado, Delaware, Tennessee)
Institutional and System Approaches to Privacy

Dr. Tina Parscal
Colorado Community College System
CCCS Privacy Initiatives

- System-wide Identity Management
- InfoSec Policies
- Comprehensive Training
- LMS and Integration
- Data Integrity
- Proctoring Service
- Video Conferencing
Identity Management

1. Aegis Identity Software - Trident
2. Central Authentication Server (CAS)
3. Active Directory Federation Services
4. Banner Enterprise Identity Services
Aegis Identity Software
Phase One: Self Serve Password Reset

- Request Self Service Password Reset
- Enter S#, Last Name, DOB
- Validates with Banner
- Security Questions
- Reset on mobile, text, tablet
- Temporary PIN to sync with email
Aegis Identity Software
Phase Two: Account Creation (Student)

Application → Create S# → Portal and O365 email account created → Message to Personal email

Log into Portal → Enter Navigate → Advising & Enrollment → Aegis Builds

Active Directory → O365 apps
CCCS Privacy Initiatives

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Preparing and Protecting Your Students

Dr. Luke Dowden, UL Lafayette
Students

• How do we help students make informed decisions about protecting their privacy?
  – Educating on dangers of tools or services they may be using?
  – Advocating for them when we sense they are at risk?
Students

- What is the hidden cost of participation in contract cheating?
  - Defrauding the government
  - Undermining their own college credentials and integrity
  - Suffering from Identity Theft
  - Something worse . . . .

Source:
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Director, Academic Integrity Office
University of California, San Diego
Vendors

• Are you asking the right questions to our vendors of how they protect students and their privacy?
  – Vendor hiring practices - employee background checks
  – Records retention policies? (e.g. video recordings)

• Do you have policies and procedures to evaluate and approval online educational services and which include rating protection of student privacy?
Tips on Protecting Students Privacy in Vendor Contracts

- Include Provisions:
  - Security and Data Stewardship
  - Collection Provisions (e.g. forms, cookies, logs, etc.)
  - Data Use, Retention, Disclosure, and Destruction
  - Data Access
  - Modification, Duration, and Termination

Source: ptac.ed.gov

Protecting Student Privacy While Using Online Educational Services: Requirements and Best Practices

October 12-14 Minneapolis, MN
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