

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



FTC

- 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

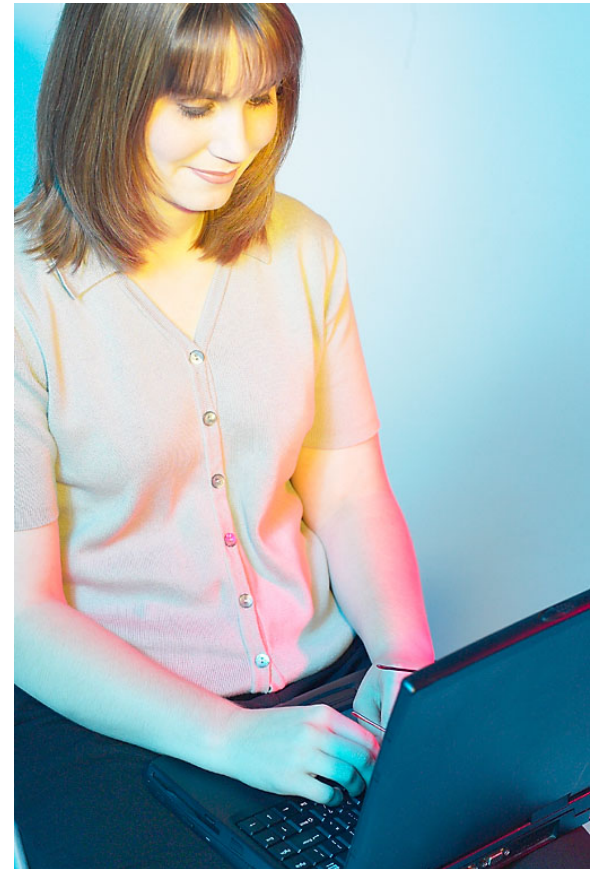


CCCS Privacy Initiatives

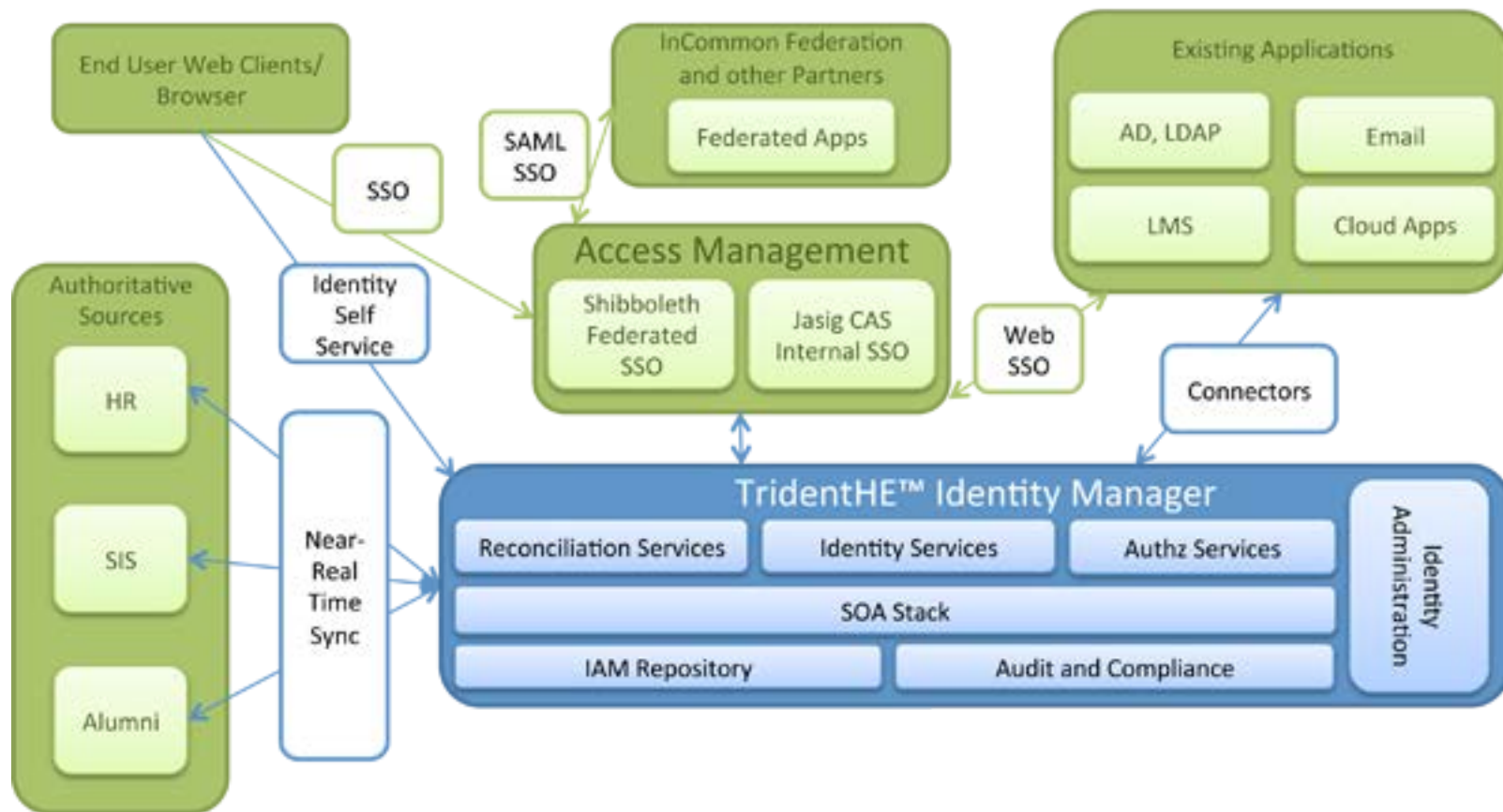
- System-wide Identity Management
- InfoSec Policies
- Comprehensive Training
- LMS and Integration
- Data Integrity
- Proctoring Service
- Video Conferencing

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 Trident



Aegis Identity Software

Phase One: Self Serve Password Reset

Request Self
Service Password
Reset

Enter S#,
Last Name,
DOB

Validates
with Banner

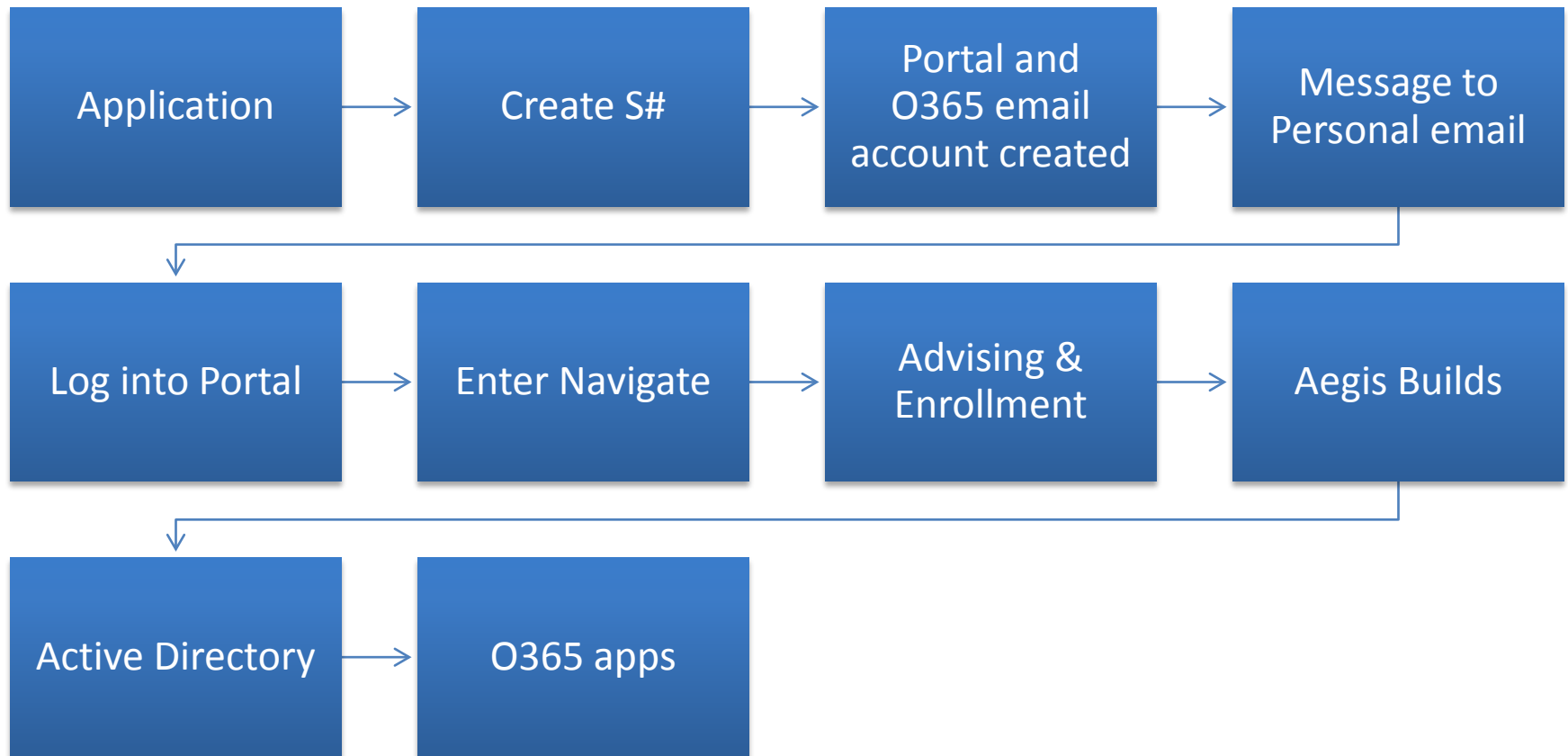
Security
Questions

Reset on
mobile, text,
tablet

Temporary
PIN to sync
with email

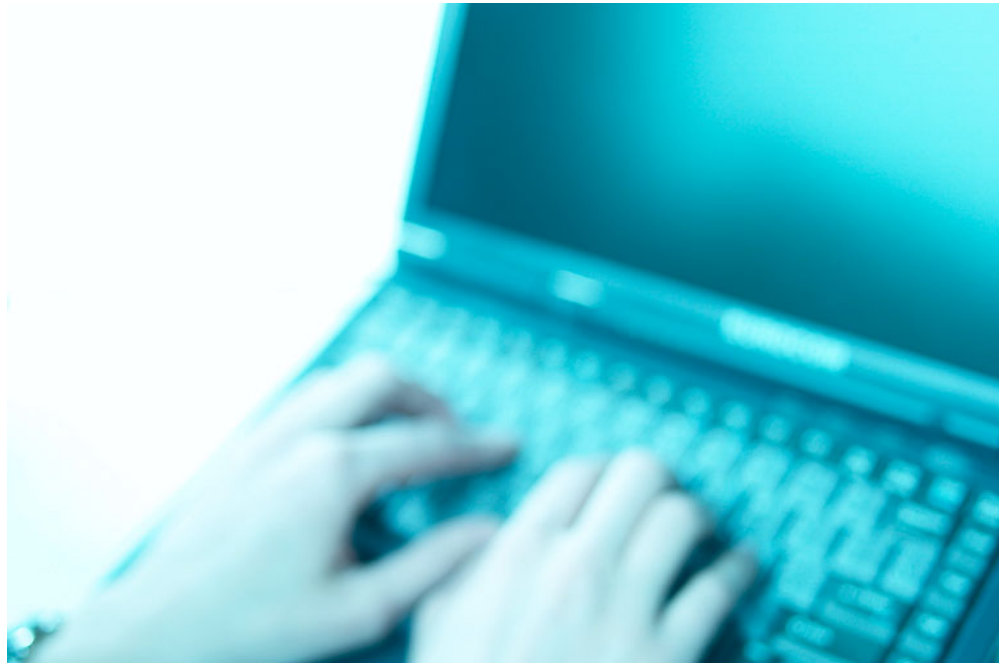
Aegis Identity Software

Phase Two: Account Creation (Student)



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:

*Tricia Bertram Gallant, Ph.D.
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



Privacy Technical Assistance Center
U.S. Department of Education

Source:

ptac.ed.gov

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

- 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



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