



Policy: **308 CONFIDENTIALITY AND DATA PRIVACY POLICY**

Effective: Inception

Revised: 10.24.16
 9.23.19

PURPOSE OF POLICY:

The purpose of this policy is to outline the expectations of employees of WLS with regard to confidential information they may come across during the execution of their duties.

The Minnesota Government Data Practices Act governs the collection, maintenance, and dissemination of all student and personnel records kept by World Learner School. The Federal Family Educational and Privacy Act also governs student records. All data on individuals collected, created, received, maintained, or disseminated by the school district which is classified by statute or federal law as public shall be accessible to the public pursuant to procedures established by the school district. All other data on individuals is private or confidential. The responsible authority for World Learner School is the Director or Principal.

GENERAL STATEMENT OF POLICY:

World Learner School recognizes its responsibility regarding the collection, maintenance, and dissemination of student and personnel records and the protection of the privacy rights of students and personnel under federal law and state statutes. Information about staff is required for the daily administration of the school system, for implementing salary and other personnel policies, for budget and financial planning, for responding to appropriate inquiries about employees, and for meeting district, state, and federal educational reporting requirements.

STUDENT DATA DEFINITIONS

Confidential Data

Confidential data are those records and data contained within those records which are not public by state or federal law, and which are inaccessible to the student and the student's parents or an eligible student. This category includes maltreatment of minors/mandatory reporting data and other investigative data.

Dates of Attendance

Dates of attendance, as referred to in Directory Information, means the period of time during which a student attends or attended a school or schools in the school district. The term does not include specific daily records of a student's attendance at a school or schools in the school district.

Dependent Student

A dependent student is an individual who during each of five (5) calendar months during the calendar year in which the taxable year of the parent begins:

1. Is a full-time student at an educational institution; or
2. Is pursuing a full-time course of instructional on-farm training under the supervision of an accredited agent of an educational institution or of a state or political subdivision of the state.

Directory Information

Directory information is that information on a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information is considered public information. One of the purposes of directory information is to allow the School District to include the following types of information about the student in official school publications, including, but not limited to, the yearbook, the student newspaper, graduation programs, honor roll or other recognition lists, sports programs, and drama playbills. These records include:

Grades K-12 and previously enrolled students:

1. Student Name
2. Birthdate
3. Gender
4. Dates enrolled in District 112 schools
5. Grade level
6. School
7. Special honors and achievement
8. Co-curricular activities
9. Athletic team member's height and weight
10. Photos or videotapes of the student engaged in academic, non-academic, or co-curricular activities Grade 12 only (July 1 – graduation date of their senior year)
11. Student mailing address

Directory information does not include personally identifiable data which references religion, race, color, social position, or nationality.

Educational Records

Educational records are those records which are directly related to a student and are maintained by the school district or a party acting for the school district.

Educational records do not include:

1. Records of instructional, supervisory, and administrative personnel and educational support personnel (a.k.a. "desk drawer data") which:
 - a. are in the sole possession of the maker thereof; and

- b. are not accessible or revealed to any other individual except a temporary substitute for the maker of the record; and
 - c. are destroyed at the end of the school year.
- 2. Records of a law enforcement unit of the school district, provided educational records maintained by the school district are not disclosed to the unit, and the law enforcement records are:
 - a. maintained separately from educational records;
 - b. maintained solely for law enforcement purposes; and
 - c. disclosed only to law enforcement officials of the same jurisdiction.
- 3. Records relating to an individual, including a student, who is employed by the school district which:
 - a. are made and maintained in the normal course of business;
 - b. relate exclusively to individual in that individual's capacity as an employee; &
 - c. are not available for use for any other purpose.

However, these provisions shall not apply to records relating to an individual in attendance at the school district who is employed as a result of his or her status as a student.

- 4. Records that contain information generated about an individual after he or she is no longer a student at the school district.

Eligible Student

Eligible student means a student who has attained eighteen (18) years of age or is attending an institution of post-secondary education.

Juvenile Justice System

Juvenile justice system includes criminal justice agencies and the judiciary when involved in juvenile justice activities.

Legitimate Educational Interest

Legitimate educational interest includes interest directly related to classroom instruction, teaching, student achievement and progress, discipline of a student, and student health and welfare. It includes a person's need to know in order to:

- 1. Perform an administrative task required in the school or employee's contract or position description approved by the school board;
- 2. Perform a supervisory or instructional task directly related to the student's education; or;

3. Perform a service or benefit for the student or the student's family such as health care, counseling, student job placement, or student financial aid.
4. Perform a task directly related to responding to a request for data.

Parent

Parent means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent of the student in the absence of a parent or guardian. The school district will presume that the custodial or non-custodial parent has the authority to exercise the rights provided herein, unless it has been provided with evidence that there is a state law or court order governing such matters as marriage dissolution, separation or child custody, or a legally binding instrument which provides to the contrary.

Personally Identifiable

Personally identifiable means that the data or information includes, but is not limited to:

1. A student's name;
2. The name of the student's parent or other family member;
3. The address of the student or student's family;
4. A personal identifier such as the student's social security number or student number;
5. A list of personal characteristics that would make the student's identity easily traceable; or
6. Other information that would make the student's identity easily traceable.

Private Data

State law provides that all data collected, created, received, or maintained by a school district is public unless classified by state or federal as not public or private or confidential. State law classifies all educational data on individuals maintained by a school district which relates to a student, and which is not classified as confidential, as private data on individuals. This data may not be disclosed to parties other than the parent or eligible student without consent, except pursuant to a valid court order, certain state statutes authorizing access, and the provisions of 20 U.S.C. Section 1232g and the regulations promulgated there under.

Private data typically includes, but is not limited to:

1. Grades and other indication of achievement levels including individually administered tests of intelligence, aptitude, achievement, and interest test scores and reports on this data by appropriately qualified professionals
2. Systematically gathered pupil observations and evaluations
3. Notice of special program enrollment and evaluations; special education individual education plan documents

4. Health data including immunization records, various screenings such as height, weight, hearing, vision, and scoliosis; dental records, medical history, specialized medical reports, and emergency information
5. Records of parent-school communications; interview and conference reports (with student, parent/guardian or other individuals concerned with education of the student)
6. Official records and reports of disciplinary action such as dismissal from class, suspensions, or other similar actions.

Public Data

See *Directory Information*.

Record

Record is any information or data recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, photography, microfilm, and microfiche.

Responsible Authority

Responsible authority means the administrators of the school. In District 4016, responsible authority includes persons serving in the following roles:

1. Director Deana Siekmann 368-7398

Student

Student is any individual who is or has been in attendance, enrolled, or registered at the school district and regarding whom the school district maintains educational records. Student also includes applicants for enrollment or registration at the school district and individuals who receive shared time educational services from the school district.

School Official

School officials include:

1. A person duly elected to the school board;
2. A person employed by the school board in an administrative, supervisory, instructional, or other professional position;
3. A person employed by the school board as a temporary substitute in a professional position for the period of his or her performance as a substitute; and
4. A person employed by, or under contract to, the school board to perform a special task such as a secretary, a clerk, an attorney, or an auditor for the period of his or her performance as an employee or contractor.
5. An on-duty police liaison officer.

Summary Data

Summary data are statistical records and reports derived from data on individuals but in which individuals are not identified and from which neither their identities nor any other characteristic that could uniquely identify the individual is ascertainable.

Other Terms and Phrases

All other terms and phrases shall be defined in accordance with applicable state and federal law or ordinary customary usage.

PERSONNEL DATA DEFINITIONS

Public

“Public” means that the data is available to anyone who requests it.

Private

“Private” means the data is available to the subject of the data and to school district staff who need it to conduct the business of the school district.

Confidential

“Confidential” means the data is not available to the subject.

Personnel Data

“Personnel data” means data on individuals collected because they are or were employees of the school district, applicants for employment, volunteers for the school district, or members of or applicants for an advisory board or commission. Personnel data include data submitted to the school district by an employee as part of an organized self-evaluation effort by the school district to request suggestions from all employees on ways to cut costs, make the school district more efficient, or to improve school district operations. An employee who is identified in a suggestion shall have access to all data in the suggestion except the identity of the employee making the suggestion.

Finalist

“Finalist” means an individual who is selected to be interviewed by the appointing authority for a position for a position.

Protected Health Information

“Protected health information” means individually identifiable health information transmitted in electronic form by a school district acting as a health care provider.

“Protected health information” excludes health information in education records covered by FERPA and employment records held by a school district in its role as employer.

PUBLIC PERSONNEL DATA DEFINITIONS

The following information on employees, including volunteers and independent contractors, is public:

1. name;
2. employee identification number, which may not be the employee's social security number;
3. actual gross salary;
4. salary range;
5. contract fees;
6. actual gross pension;
7. the value and nature of employer-paid fringe benefits;
8. the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
9. job title;
10. bargaining unit;
11. job description;
12. education and training background;
13. previous work experience;
14. date of first and last employment;
15. the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;
16. the final disposition of any disciplinary action, as defined in Minn. Stat. § 13.43, Subd. 2(b), together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the school district;
17. regardless of whether there has been a final disposition as defined in Minn. Stat. § 13.43, Subd. 2(b), upon completion of an investigation of a complaint or charge against a public official, as defined in Minn. Stat. § 13.43, Subd. 2(e), or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources;
18. the terms of any agreement settling any dispute arising out of the employment relationship, including superintendent buyout agreements, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money, and such agreement may not have the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data;
19. work location;
20. work telephone number;
21. honors and awards received;
22. payroll time sheets or other comparable data that are used only to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data; and

23. city and county of residence.

The following information on applicants for employment or district committees is public:

1. veteran status;
2. relevant test scores;
3. rank on eligible list;
4. job history;
5. education and training; and
6. work availability.

Names of applicants for employment are private data except when certified as eligible for appointment to a vacancy or when they become finalists for an employment position.

PRIVATE PERSONNEL DATA DEFINITIONS

All other personnel data are private and will only be shared with school district staff whose work requires such access. Private data will not be otherwise released unless authorized by law or by the employee's informed written consent. Data pertaining to an employee's dependents are private data on individuals. Data created, collected or maintained by the school district to administer employee assistance programs are private. Health information on employees is private unless otherwise provided by law. To the extent that the school district transmits protected health information, the school district will comply with all privacy requirements.

RECORD RETENTION

All Public and Private Educational Data will be maintained by World Learner School for periods of time in accordance with State of Minnesota General Records Retention Schedule for School Districts.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

Minn. Stat. Section 13.02 (Definitions)

Minn. Stat. Section 13.37 (General Nonpublic Data)

Minn. Stat. Section 13.39 (Civil Investigation Data)

Minn. Stat. Section 13.43 (Personnel Data)

Minn. Stat. Section 120A.22 (Compulsory Instruction)

Minn. Stat. Section 122A.20, Subd. 2 (Mandatory Reporting)

Minn. Stat. Section 121A.40 to 121A.56 (The Pupil Fair Dismissal Act)

Minn. Stat. Section 144.341-144.347 (Consent of Minors for Health Services)

Minn. Stat. Section 626.556 (Reporting of Maltreatment of Minors)

Minn. Rules Pts. 1205.0100 to 1205.2000

P.L. 104-191 (HIPPA)

20 U.S.C. Section 1232g et. seg. (Federal Family Rights and Privacy Act)

34 C.F.R. Part 99.1-99.67

45 C.F.R. Parts 160 and 164 (HIPPA Regulations)

26 U.S.C. Section 1152 (Internal Revenue Code)