Rhode Island Statewide Longitudinal Data System Data Request & Release Policies

Updated December 21, 2021

Purpose

Rhode Island Statewide Longitudinal Data System (RI SLDS) Data Request & Release Policies are articulated in each of the data sharing agreements that have been established between The University of Rhode Island (URI), on behalf of its program unit known as DataSpark, and the RI SLDS Contributing Agencies ("Contributing Agencies"). These agreements establish how data imported and linked through the RI SLDS will be managed so that benefits to the State of Rhode Island are maximized and risks are minimized. These policies detail how data requests and releases will be managed in practice.

The RI SLDS and its Contributing Agencies adhere to the confidentiality requirements of both federal and state laws including, but not limited to the Family Educational Rights and Privacy Act (FERPA), the Individuals with Disabilities Education Act (IDEA), the Health Insurance Portability and Accountability Act (HIPAA). The following definitions pertinent to addressing data access issues are derived from these and other related documents.

1. Data Request Process

Policy Statement

All Third-Party requests will follow the processes in this policy.

Requests are processed according to the order in which they are submitted and whether they further the Research Agenda of or have the sponsorship of a RI SLDS Contributing Agency.

Scope

This policy governs all data that are regularly integrated into the RI SLDS as well as data that are integrated on a temporary basis for project-specific use.

Reason for Policy

Standard policies and process set expectations, rights, roles, and responsibilities of both the Third Party Requestors, DataSpark, and the RI SLDS Contributing Agencies.

Processes

All Third-Party Requestors, meaning individuals are not employed by a RI SLDS Contributing Agency or DataSpark, will follow the processes in this policy.

RI SLDS Contributing Agencies consist of any state agency, local government, or nonprofit organization providing data to the RI SLDS. Contributing Agencies also refers to vendors providing data on behalf of a state agency, local government, or nonprofit organization. The RI SLDS Contributing Agencies include but are not limited to: the Rhode Island Department of Education, the Rhode Island Office of the Postsecondary Commissioner, the Rhode Island Department of Labor and Training, the Rhode Island Governor's Workforce Board, the Rhode Island Department of Children, Youth, and Families, and Rhode Island Department of Health, and the Rhode Island Secretary of State.

The Data Request process consists of the following steps:
1. The Requestor will complete the online Data Request Form.
2. Within five (5) business days, DataSpark will respond to the Requestor, communicating its ability to satisfy the request.
   a. If the request is for aggregate-level data, the Requestor will complete the Aggregate-Level Data Request Proposal.
   b. If the request is for individual-level data, the Requestor will complete an Individual-Level Data Request Proposal.
3. DataSpark shall notify all Contributing Agencies, including those Contributing Agencies whose Agency Information is *not included* in the request, through the RI SLDS Governance Committee, of all instances in which Third Parties request DataSpark release either aggregate- or individual-level Agency Information. The Aggregate-Level or Individual-Level Data Request Proposal, as appropriate serves as this notice.

4. Contributing Agencies whose Agency Information *is included* in the request may object to the request. This Contributing Agency review ensures data are released only to benefit the policies, programs, and citizens of Rhode Island.

2. Releasing Individual-Level Contributing Agency Data back to the Contributing Agency

Policy Statement

RI SLDS Contributing Agencies may request DataSpark return their Agency Information. Where appropriate contracts are established for the requested services, DataSpark shall release the Agency Information at the request of the Contributing Agency. Single-agency data requests may proceed without RI SLDS Governance Committee notification and review.

Scope

This policy governs all data that are regularly integrated into the RI SLDS as well as data that are integrated on a temporary basis for project-specific use.

Reason for Policy

In some instances, DataSpark can aggregate and analyze data more expeditiously than a Contributing Agency and in that way, can reduce agency burden.

Processes

The Contributing Agency may request DataSpark return their Agency Information, meaning the personally identifiable information and other administrative data such as education, health, and workforce records, provided to the RI SLDS. Where appropriate contracts are established for the requested services, DataSpark shall respond to the request and release the Agency Information.

3. Releasing Linked Individual-Level Data to one or more Contributing Agencies

Policy Statement

RI SLDS Contributing Agencies may request DataSpark return their Agnecy Information linked with other Contributing Agencies' Agency Information. In order words, RI SLDS Contributing

Agencies may request linked Agency Information. Contributing Agencies whose Agency Information *is included* in the request may object to the request. DataSpark will notify all Contributing Agencies, through the RI SLDS Governance Committee, of all instances in which Contributing Agencies request DataSpark release linked Agency Information.

Where Contributing Agencies object to the request, DataSpark shall not proceed with the release. Where Contributing Agencies consent to such release, where permitted by federal and state law, and where appropriate contracts are established for the requested services, DataSpark shall release the linked Agency Information.

Scope

This policy governs all data that are regularly integrated into the RI SLDS as well as data that are integrated on a temporary basis for project-specific use.

Reason for Policy

The Contributing Agencies have an interest in knowing about cross-agency data use so that benefits to the State of Rhode Island are maximized.

Processes

DataSpark will notify all Contributing Agencies, through the Governance Committee, of all instances in which Contributing Agencies request DataSpark return linked Agency Information. The notice will sufficiently and accurately describe the proposed use by or for Contributing Agencies and the Agency Information to be used.

Contributing Agencies whose Agency Information *is included* in the request may object to the request. Where Contributing Agencies object to the request, DataSpark will not proceed with the release.

Where Contributing Agencies consent to such release, where permitted by federal and state law, and where appropriate contracts are established for DataSpark's services, DataSpark will release the linked Agency Information.

4. Releasing Individual-Level Data to Third Parties

Policy Statement

DataSpark shall not release Confidential Information to Third Parties. DataSpark shall not release individual-level, identifiable data to Third Parties.

Third Parties may request individual-level, but fully de-identified Agency Information. All RI SLDS Contributing Agencies, including those Contributing Agencies whose Agency Information is *not included* in the request, will be notified through the RI SLDS Governance Committee. RI SLDS Contributing Agencies whose Agency Information *is included* in the request may object to the request.

Where RI SLDS Contributing Agencies object to the request, DataSpark will not proceed with the release. Where RI SLDS Contributing Agencies consent to such release, where permitted by federal and state law, and where appropriate contracts are established for DataSpark's services, DataSpark may release the Agency Information.

Third Party Requests for individual-level, de-identified data require a Data Use Agreement.

Scope

This policy governs all data that are regularly integrated into the RI SLDS as well as data that are integrated on a temporary basis for project-specific use.

Reason for Policy

The Contributing Agencies have an interest in knowing about cross-agency data use so that benefits to the State of Rhode Island are maximized. In addition, where data use is requested by a Third Party, Contributing Agencies have an interest in knowing about, and may in some cases have legal or policy concerns about the analysis, audit, evaluation, research, or study proposed.

Processes

DataSpark shall notify all Contributing Agencies, including those Contributing Agencies whose Agency Information is *not included* in the request, through the Governance Committee, of all instances in which Third Parties request DataSpark release individual-level, but fully de-identified Agency Information. The Individual-Level Data Request Proposal serves as this notice.

The Governance Committee may consider the benefits and the risks to the State of Rhode Island of releasing the requested Agency Information to the Requestor as well as whether the request aligns with their agency's research agenda.

Where a Contributing Agency whose Agency Information *is included* objects to the request, the Committee member shall notify DataSpark in writing, including a description of the legal or policy reasons underlying the objections, and the written objection will be delivered to the DataSpark Governance Manager within twenty-eight (28) calendar days of receiving the Individual-Level Data Request Proposal. The written objection may be shared with the Requestor.

Where Contributing Agencies object to the request, DataSpark shall not proceed with the request. If no Contributing Agency whose Agency information *is included* objects to the request within the twenty-eight (28) calendar day window, this failure to object constitutes a lack of any objections. Where Contributing Agencies consent to such release, where permitted by federal and state law, and where appropriate contracts are established for DataSpark's services, DataSpark may proceed with the request.

In order to proceed, DataSpark and the Requestor's employing institution shall execute a Data Use Agreement specifying the federal and state law permitting release, the RI SLDS data to be released, the project or purpose for which the RI SLDS data may be used, and the terms and conditions of such use. Data Use Agreements are established for a maximum length of three (3) years from the date the agreement is last signed by the parties. DataSpark and the Contributing Agency whose Agency Information *is included* in the request shall execute an Agency Approval Agreement, establishing that the Contributing Agency consents to the release and the release is consistent with applicable laws and existing data sharing agreements.

DataSpark shall not release confidential information, meaning information that alone or in combination is linked or linkable to a specific individual and that would allow a reasonable person to identify the individual with reasonable certainty, to Third Parties. DataSpark shall not release individual-level, identifiable data to Third Parties.

DataSpark logs all Third-Party data requests, Governance Committee reviews, and data releases.

5. Releasing Aggregate-Level Data to Third Parties

Policy Statement

Third Parties may request aggregate-level Agency Information. All RI SLDS Contributing Agencies, including those Contributing Agencies whose Agency Information is *not included* in the request, will be notified through the RI SLDS Governance Committee. RI SLDS Contributing Agencies whose Agency Information *is included* in the request may object to the request.

Where RI SLDS Contributing Agencies object to the request, DataSpark will not proceed with the release. Where the RI SLDS Contributing Agencies consent to such release, where permitted by federal and state law, and where appropriate contracts are established for DataSpark's services, DataSpark may release the Agency Information.

Third Party requests for aggregate-level data do not require a Data Use Agreements.

Scope

This policy governs all data that are regularly integrated into the RI SLDS as well as data that are integrated on a temporary basis for project-specific use.

Reason for Policy

The Contributing Agencies have an interest in knowing about cross-agency data use so that benefits to the State of Rhode Island are maximized. In addition, where data use is requested by a Third Party, Contributing Agencies have an interest in knowing about, and may in some cases have legal or policy concerns about the analysis, audit, evaluation, research, or study proposed.

Processes

DataSpark shall notify all Contributing Agencies, including those Contributing Agencies whose Agency Information is *not included* in the request, through the Governance Committee, of all instances in which Third Parties request DataSpark release aggregate-level Agency Information. The Aggregate-Level Data Request Proposal serves as this notice.

The Governance Committee may consider the benefits and the risks to the State of Rhode Island of releasing the requested Agency Information to the Requestor as well as whether the request aligns with their agency's research agenda.

Where a Contributing Agency whose Agency Information *is included* objects to the request, the Governance Committee member shall notify DataSpark in writing, including a description of the legal or policy reasons underlying the objections, and the written objection will be delivered to the DataSpark Governance Manager within twenty-eight (28) calendar days of receiving the Aggregate-Level Data Request Proposal. The written objection may be shared with the Requestor.

Where Contributing Agencies object to the request, DataSpark shall not proceed with the release. Where Contributing Agencies consent to such release, where permitted by federal and state law, and where appropriate contracts are established for DataSpark's services, DataSpark may release the Agency Information.

If no Contributing Agency whose Agency information *is included* objects to the request within the twenty-eight (28) calendar day window, this failure to object constitutes a lack of any objections. DataSpark may proceed with the release under the terms specified in relevant data sharing agreements and contracts between Contributing Agencies, the Requestor, and DataSpark.

DataSpark logs all Third-Party data requests, Governance Committee reviews, and data releases.

6. Access to Individual-Level Data

Policy Statement

RI SLDS data shall only be accessed for the legitimate business of DataSpark and as required in the performance of job functions.

DataSpark shall not release Confidential Information to Third Parties. DataSpark shall not release individual-level, identifiable data to Third Parties. DataSpark shall only release individual-level, but fully de-identified data to Third Parties upon request. Third Party requests for individual-level, but fully de-identified data require a Data Use Agreement.

Scope

This policy governs all data that are regularly integrated into the RI SLDS as well as data that are integrated on a temporary basis for project-specific use.

Reason for Policy

Data Use Agreements specify the federal and state law permitting release, the RI SLDS data to be released, the project or purpose for which the RI SLDS data may be used, and the terms and conditions of such use.

Processes

In signing a Data Use Agreement, the Third Party confirm that it shall be responsible for RI SLDS data in its possession from and after the time DataSpark releases the RI SLDS data to the Third Party The Third Party shall safeguard the use, access, and release of all RI SLDS data in accordance with all applicable federal and state laws and agreements between DataSpark and itself.

The Third Parrty shall restrict access to RI SLDS data to only those individuals within the Third Party's employing institution who require access to perform their responsibilities as specified in the Individual-Level Data Request Proposal, as approved by the Governance Committee, and the Data Use Agreement. Prior to DataSpark's release of and the individuals' access to the RI SLDS data, these individuals must:
   1. demonstrate knowledge of FERPA, by providing DataSpark with a certification of completion of either
        a. the FERPA 201: Data Sharing under FERPA online webinar provided by the Department of Education's Privacy Technical Assistance Center or
        b. the FERPA course provided by CITI Program and
   2. return a signed confidentiality and non-disclosure agreement to DataSpark.

The Third party shall not disclose, release, or share the RI SLDS data with any individuals or entities who are not listed in the Data Use Agreement, who have not demonstrated knowledge of FERPA to DataSpark, and who have not returned a signed confidentiality and non-disclosure agreement to DataSpark.

The Third Party shall monitor authorized individuals to ensure such users observe the confidentiality requirements in the Data Use Agreement as well as applicable federal and state laws and to evaluate whether the individuals' responsibilities continue to require access. The Third Party shall immediately remove individuals from accessing RI SLDS data who no longer need such access. The Third Party shall communicate to DataSpark changes in the individuals needing access. In signing Data Use Agreement, DataSpark reserves the right and the Third Party shall permit DataSpark, at DataSpark's cost and upon written reasonable notice, to audit the Third Party to confirm its compliance with the terms of the Agreement, including, but not limited to maintaining on file executed copies of the confidentiality and non-disclosure agreement for all individuals with access to the RI SLDS data.

The Third Party shall use the RI SLDS data only for the purposes outlined in the Individual-Level Data Request Proposal, as approved by the Governance Committee, and the Data Use Agreement. The Third Party shall not combine or link the RI SLDS data with any other data or information, except and to the extent specifically outlined in the Individual-Level Data Request Proposal, as approved by the Governance Committee, and the Data Use Agreement.

The approval of DataSpark and the Governance Committee for one request does not confer approval to use said data for another purpose. The Third Party agrees that such approval does not convey ownership of the RI SLDS data.

7. Protecting Confidentiality

Policy Statement

DataSpark shall not release Confidential Information to Third Parties. DataSpark shall not release individual-level, identifiable data to Third Parties.

Still individual-level RI SLDS data may contain enough information that it might be possible for others who do not have personal knowledge of relevant details to identify an individual with reasonable certainty. Therefore Third Parties are required to safeguard the use, access, and release of all RI SLDS data in accordance with all applicable federal and state laws and agreements between DataSpark and itself.

Scope

This policy governs all data that are regularly integrated into the RI SLDS as well as data that are integrated on a temporary basis for project-specific use.

Reason for Policy

Data Use Agreements between DataSpark and Third Parties are consistent with federal and state laws and regulations particularly regarding education, health, and workforce records and Contributing Agency data sharing agreements.

Processes

The Requestor shall maintain confidentiality of RI SLDS data. The Requestor shall make no attempt to determine the identity of any individual to whom the RI SLDS data relates.

Public outputs from analysis, audit, evaluation, study, report, or other deliverable using RI SLDS data shall be published in a manner that protects the privacy and confidentiality of the individuals involved. The Third Party shall follow applicable federal and state laws and employ appropriate disclosure avoidance techniques as defined by the National Center for Education Statistics in Technical Brief 3 "Statistical Methods for Protecting Personally Identifiable Information in Aggregate Reporting". At a minimum, the Third Party shall suppress cell sizes smaller than ten (10) and make a reasonable effort at complementary suppression.

Forty-five (45) days prior to any presentation, publication, or other public release of its findings, the Third Party shall provide these findings to DataSpark. DataSpark shall notify all Contributing Agencies, including those Contributing Agencies whose Agency Information is *not included* in the request, through the Governance Committee, of all instances in which Third Parties are prepared to release findings. The Third Party shall communicate with DataSpark and all Contributing Agencies when questions arise regarding the RI SLDS data DataSpark released to the Third Party. This process is to ensure the RI SLDS data context is interpreted correctly and that RI SLDS data confidentiality is maintained.

8. Data Storage

Policy Statement

In signing a Data Use Agreement, the Third Party confirms that it shall be responsible for the RI SLDS data in its possession from and after the time DataSpark releases the RI SLDS data to the Third Party. The Third Party shall safeguard the use, access, and release of all RI SLDS data in accordance with all applicable federal and state laws and agreements between DataSpark and itself.

Transmission and storage of all individual-level RI SLDS data, even where de-identified, will adhere to generally accepted best practice standards related to information security, including, but not limited to, commercially available and widespread precautionary measures, such as firewall implementation, virus scanning, security access control software, logical encryption of data as it leaves the data boundary, secure tunnels and limitation of physical access RI SLDS data.

Scope

This policy governs all data that are regularly integrated into the RI SLDS as well as data that are integrated on a temporary basis for project-specific use.

Reason for Policy

Data Use Agreements between DataSpark and Third Parties are consistent with federal and state laws and regulations particularly regarding education, health, and workforce records and Contributing Agency data sharing agreements.

Processes

If the RI SLDS data is wrongly accessed by or disclosed to third parties, due to a data breach or other occurrence, the Third Party shall immediately notify DataSpark and work with DataSpark to take all appropriate steps to respond to the incident, following all reasonable instructions from DataSpark.

9. Release of Findings

Policy Statement

The Third Party shall provide its findings to DataSpark and the RI SLDS Contributing Agencies prior to any presentation, publication, or other public release thereof.

Scope

This policy governs all data that are regularly integrated into the RI SLDS as well as data that are integrated on a temporary basis for project-specific use.

Reason for Policy

The Governance Committee ensures that RI SLDS data is appropriately interpreted and contextualized.

Processes

Forty-five (45) days prior to any presentation, publication, or other public release of its findings, the Third Party shall provide these findings to DataSpark. DataSpark shall notify all Contributing Agencies, including those Contributing Agencies whose Agency Information is *not included* in the request, through the Governance Committee, of all instances in which Third Parties are prepared to release findings. The Third Party shall communicate with DataSpark and all Contributing Agencies when questions arise regarding the RI SLDS data DataSpark released to the Third Party. This

process is to ensure the RI SLDS data context is interpreted correctly and that RI SLDS data confidentiality is maintained.

Public outputs shall contain the following disclaimer: "Data for this [presentation][publication][report][product] were obtained with the assistance of DataSpark."

10. Data Destruction

Policy Statement

The Third Party shall destroy or return the RI SLDS data at the earliest time possible, when the data are no longer needed, upon request from DataSpark or a RI SLDS Contributing Agency, or thirty (30) days after the end date of the Data Use Agreement.

Scope

This policy governs all data that are regularly integrated into the RI SLDS as well as data that are integrated on a temporary basis for project-specific use.

Reason for Policy

The approval of DataSpark and the Governance Committee for one request does not confer approval to use said data for another purpose. The Third Party agrees that such approval does not convey ownership of the RI SLDS data. Additional, Data Use Agreement establish the end date through which the Third Party may use the RI SLDS data.

Processes

The Third Party shall destroy the RI SLDS data, at the earliest time possible, when it no longer needs to retain the information to meet its regulatory or other legally binding obligations, provided the Third Party shall, in any case, destroy the information no later than thirty (30) days after the end data of the Data Use Agreement. DataSpark and the Contributing Agencies reserve the right to require data destruction at any time, without cause. The Third Party shall comply with any request to destroy the data received from DataSpark and the Contributing Agencies and shall complete a Certification of Data Destruction form within thirty (30) days of being notified that destruction is required.

The Third Party shall provide written verification of data destruction by scanning the signed Certificate of Data Destruction and returning it to DataSpark.

In singing Data Use Agreements, DataSpark reserves the right and the Third Party shall permit DataSpark, at DataSpark's cost and upon written reasonable notice, to audit the Third Party to confirm its compliance with the terms of the Agreement, including, but not limited to ensuring that the Third Party has destroyed the data in the manner required by the terms of the Agreement.

Credit

This policy borrows generously from the examples and best practices provided by the U.S. Department of Education, Institute for Education Sciences, National Center for Educational Statistics, State Support Team.