



Privacy Impact Assessment

For

Migrant Education Bypass Program Student Database

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1. System Information. Describe the system - include system name, system acronym, and a description of the system, to include scope, purpose and major functions.

The Office of Migrant Education (OME) under the Office of Elementary and Secondary Education (OESE) administers the Migrant Education Program (MEP). In accordance with its authority, the Department of Education (ED) is bypassing three State educational agencies (SEAs) that no longer wish to operate MEPs in their States. In order to identify and serve eligible migratory children, ED will contract with a private nonprofit agency, the Central Susquehanna Intermediate Unit (CSIU). The contractor will collect, maintain, and use data on eligible migratory children in the target states to provide educational and supportive services to these same children. The contractor is also responsible for exchanging this data, as necessary, to facilitate the children's enrollment, placement, and credit accrual in receiving school districts. The data is exchanged, in part, through ED's existing Migrant Student Information Exchange (MSIX). The MSIX is an electronic system of records that exchanges, on an interstate and intrastate basis, minimum educational and health information about migrant students who are eligible to participate in MEP.

In order to carry out these tasks, ED's bypass contractor will purchase a software license to an existing electronic database system to store the child data. The database will be known as the Migrant Education Bypass Program Student Database (MEBPSD). The contractor will transmit specific pieces of data, known as the minimum data elements (MDE), from MEBPSD to MSIX through an electronic data interface process. MSIX is covered under an already approved Privacy Impact Assessment (PIA) and System of Records Notice (SORN), which are available at:

Privacy Impact Assessment - <http://www2.ed.gov/notices/pia/pia-migstudentinfo.pdf>
System of Records Notice - <http://www2.ed.gov/notices/pai/pai-18-14-04.pdf>

2. Legal Authority. Cite the legal authority to collect and use this data. What specific legal authorities, arrangements, and/or agreements regulate the collection of information?

Authority to bypass SEAs and collect information on migratory children exists in sections 1301 and 1307 of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001, 20 U.S.C. 6397.

3. Characterization of the Information. What elements of PII are collected and maintained by the system (e.g., name, social security number, date of birth, address, phone number)? What are the sources of information (e.g., student, teacher, employee, university)? How is the information collected (website, paper form, on-line form)? Is the information used to link or cross-reference multiple databases?

The migratory child or his or her parents will provide the child's name, date of birth, parent's or parents' name or names, home address, telephone number, gender, and MEP eligibility data. MEP eligibility data includes information about the family's move and work history. The parents will also provide information related to a child's instructional and supportive needs.

The migratory worker's employer, in some cases, will be asked to verify the temporary nature of the worker's employment. This information is necessary to document eligibility for MEP services.

The child's school/school district will provide school enrollment, assessment, and course history data. The school/school district will also provide information related to a child's instructional and supportive needs. It is possible that SEAs will provide some of the school and assessment information (e.g., state assessment scores).

The child, the child's parents, or the school/school district will indicate whether the child has a chronic, acute, or no medical condition and whether the child's immunization records are on file at the school. The system will not include details about the child's medical condition or immunization records.

The system will maintain information on the types of instructional and supportive services a child receives from the contractor, the child's school, or other agencies or organizations that serve the child/family based on an identified need.

The contractor will collect information in paper form and on a tablet personal computer (PC). For information collected in paper form, contractor staff will manually enter data into the MEBPSD. Information that the contractors collect on a tablet PC is transmitted directly to the MEBPSD. As noted above, the contractor will transmit the MDEs to MSIX through the MEBPSD.

4. Why is the information collected? How is this information necessary to the mission of the program, or contributes to a necessary agency activity. Given the amount and any type of data collected, discuss the privacy risks (internally and/or externally) identified and how they were mitigated.

The contractor must collect information to document a child's eligibility to participate in the MEP. Eligibility must be documented on a certificate of eligibility (COE) form approved by the Department. See 34 CFR 200.89(c). The notice announcing Office of Management and Budget (OMB) approval of the collection of information on the COE was published in the Federal Register on October 9, 2008 (73 FR 59614). More information on the COE is available in the Department's Information Collection Notice at: http://edicsweb.ed.gov/browse/browsecoll.cfm?pkg_serial_num=3701.

5. Social Security Numbers - If an SSN is collected and used, describe the purpose of the collection, the type of use, and any disclosures. Also specify any alternatives that you considered, and why the alternative was not selected. **If system collects SSN, the PIA will require a signature by the Assistant Secretary or designee. If no SSN is collected, no signature is required**

SSNs are not collected.

6. Uses of the Information. What is the intended use of the information? How will the information be used? Describe all internal and/or external uses of the information. What types of methods are used to analyze the data? If the system uses commercial information, publicly available information, or information from other Federal agency databases, explain how it is used.

The ED bypass contractor will use information to document a child's eligibility for the MEP and to determine the types of educational and supportive services the contractor will provide. The information will be used to make possible the timely enrollment, grade and course placement, and credit accrual of migratory students in the target state who move from one district or State to another due to their move. ED staff will oversee and evaluate contractor performance to include requiring the contractor to report data in aggregate form. In limited circumstances, ED staff will review student level data to ensure that the contractor is properly identifying children and providing appropriate instructional and supportive services that address individual needs.

7. Internal Sharing and Disclosure. With which internal ED organizations will the information be shared? What information is shared? For what purpose is the information shared?

The MEBPSD will share information with MSIX to facilitate the timely enrollment, grade and course placement, and credit accrual of migratory students in the target states who move from one district or State to another due to their relocation.

8. External Sharing and Disclosure. With what external entity will the information be shared (e.g., another agency for a specified programmatic purpose)? What information is shared? For what purpose is the information shared? How is the information shared outside of the Department? Is the sharing pursuant to a Computer Matching Agreement (CMA), Memorandum of Understanding or other type of approved sharing agreement with another agency?

The MEBPSD does not share information with other federal agencies. However, it will share information with schools where migratory children are enrolled in the target states. It will also share information with schools and MEPs where these same children enroll after they have relocated. In general, this sharing is done via MSIX. But, if the contractor has data in addition to those which are collected in MSIX (e.g., information about contractor services to the child, educational or supportive needs the contractor identifies), the contractor will share the data directly with schools and MEPs where the children enroll.

9. Notice. Is notice provided to the individual prior to collection of their information (e.g., a posted Privacy Notice)? What opportunities do individuals have to decline to provide information (where providing the information is voluntary) or to consent to particular uses of the information (other than required or authorized uses), and how individuals can grant consent?

The COE that ED will use to collect information directly from individuals will include a Privacy Act Statement. The Privacy Act Statement on the COE will summarize the ED's authority for the solicitation of the information. The Privacy Act Statement will explain that although the information is voluntary it is needed to determine eligibility for MEP services, the principal

purpose for which the information will be used, and the routine uses which may be made of the information. Below is an example of the Privacy Act Statement:

The Department of Education (ED) has awarded a contract to the Central Susquehanna Intermediate Unit (CSIU), to assist the Department in administering the Migrant Education Program in the States of Connecticut, Rhode Island, and West Virginia and to use the information provided to determine eligibility and to provide federal Migrant Education Program (MEP) services. Section 1307 of the Elementary and Secondary Education Act of 1965, as amended, gives ED the authority to ask these questions.

The Department collects your name, your child's name, your spouse's name, and your home address. ED also collects information about moves you and your spouse have made and the type of work you and your spouse do or have done in the past. The information includes the dates of birth for anyone whom ED determines is eligible for MEP services. ED will use this information to determine eligibility for MEP services, to provide educational services, and to retrieve records from our system.

While individuals are not required to provide information on the COE form, ED requests this information because it is necessary for determining eligibility to receive MEP services. Without this information, ED cannot determine eligibility for MEP services and MEP services will not be provided even though individuals might meet the eligibility criteria.

When ED decides that an individual is eligible for MEP services then we will disclose the information provided on the COE form to the Migrant Student Information Exchange (MSIX) system. MSIX, a system of records which we also maintain, will in turn non-consensually disclose the information to State and local MEPs and local school districts, where you, your children, or your spouse enroll. Disclosing this information to the MSIX system results in the timely transfer of enrollment, placement, and credit accrual records.

The Department also will publish a system of records notice (SORN) in the Federal Register because ED will retrieve records on migratory children and their families that our contractor CSIU collects in the States of Connecticut, Rhode Island, and West Virginia. This SORN will provide general notice to the public regarding the system's locations, the categories of records that will be collected, the categories of individuals about whom information will be collected, the purposes of collecting the information, the authority for the collection, the routine use disclosures that the Department may make of the information in the system, and the safeguards that the Department and its contractor will employ to protect the records in the system. The system of records notice also will inform individuals of the procedures to request access to and amend their records in the system of records.

The routine uses summarized in the Privacy Act Statement provide public notice of which categories of users and for what uses the Department may make non-consensual disclosures of records from the particular system of records. It will indicate that the Department may disclose records from this system to the following:

- *authorized representatives of State educational agencies (SEAs), local educational agencies (LEAs), and other MEP local operating agencies that enroll the individual, or*

his or her children or spouse so that they may use the information to report on State assessments and to determine eligibility of migratory children for other Federal programs, such as the School Breakfast and National School Lunch Programs and the Summer Food Service Program;

- *to the Department's contractor as part of the administration and operation of the MEP;*
- *to a researcher if an appropriate Department official determines that the researcher is qualified to carry out specific research related to functions or purposes of the MEP and if the records are used solely for the purpose of carrying out such research;*
- *to the U.S. Department of Justice (DOJ) or the Office of Management and Budget (OMB) if it is desirable or necessary to obtain DOJ's or OMB's advice on whether the Department must disclose records under the Freedom of Information Act or the Privacy Act;*
- *to agencies, entities, and persons whose assistance is needed by the Department in the course of responding to a breach of data in the system and to help the Department prevent, minimize, or remedy such harm;*
- *to DOJ, an adjudicative body, parties, counsels, representatives or witnesses, if records are relevant and needed for litigation or alternative dispute resolution proceedings; and*
- *to members of Congress or their staff who are seeking to resolve a written request, complaint, or concern from the individual about whom the record in the system pertains.*

As indicated in the discussion above about the Privacy Act Statement, an individual is not required to provide this information to the Department, but the Department requests this information to determine eligibility to receive MEP services. Without this information, the Department cannot provide MEP services to the individual. In addition, ED is not seeking individual consent for any particular uses of the information collected.

10. Security. What administrative, technical, and physical security safeguards are in place to protect the PII? Examples include: monitoring, auditing, authentication, firewalls, etc. Has a C&A been completed? Is the system compliant with any federal security requirements?

Security Policies and Procedures –

- The hosted system is located in a secure room at the contractor's Data Center at 90 Lawton Lane, Milton PA 17847.
- Access to the secure room is monitored electronically. Personnel entering the room without electronic passes are logged in, and admitted only by authorized personnel. Additionally, the secure room is located behind closed doors in a passage for CSIU personnel only. Finally, all entrances to the building are monitored both electronically and by front desk personnel, thus presenting three levels of physical security.
- Access to the database server and software is restricted to the system Administrators for the MEBPSD. Access to server data is granted to the Database Vendor for the sole purpose of resolving CSIU initiated calls for assistance. The contractor has had and still has a signed confidentiality agreement with the software vendor since 1995.
- The main CSIU office is supported by a diesel generator that comes on-line, instantaneously in the event of a power outage. This generator is capable of providing for the full electrical capacity for the facility, and is able to run for multiple days at a time.

- Off-Site Backup drives are encrypted and transported securely by CSIU staff to a second secure location that is also protected by electronic security measures.
- Confidentiality statements are maintained in job descriptions of all CSIU employees.

End user access to data

- All user accounts will be granted by CSIU System Administrator staff and will leverage role-based accounts and security controls to limit access to the database application, its server and infrastructure to authorized users only. CSIU System Administrators will only grant access to authorized contract staff by creating accounts and assigning the appropriate roles. The Migrant database requires the use of “strong” passwords comprised of alphanumeric and special characters. All physically unsecured installations (user workstations) of the database reside on hard drives that are fully encrypted.
- Access to the system will only be provided through secure network sessions such as Hypertext Transfer Protocol over Secure Socket Layer (HTTPS) and Virtual Private Network (VPN) connections.
- Staff are granted access only to student information contained in workload assigned to them

Additional Security Measures

- The CSIU uses a series of firewalls to limit internal access to specific Internet protocols and ports as well as intrusion detection systems to monitor any potential unauthorized access to its data systems. The data system logs and tracks login attempts, data modifications, and other key application events. CSIU staff monitor database and security logs on a regular basis.
- Vulnerability scans by a third party are conducted on a routine basis, and staff monitor the US Computer Emergency Response Team (CERT) bulletins and apply operating system and vendor patches as appropriate.

11. **Privacy Act System of Records. Is a system of records being created or altered under the Privacy Act, 5 U.S.C. 552a?** Is this a Department-wide or Federal Government-wide SORN? If a SORN already exists, what is the SORN Number?

Yes. A Privacy Act system of records notice is being developed for publication in the Federal Register.

12. **Records Retention and Disposition. Is there a records retention and disposition schedule approved by the National Archives and Records Administration (NARA) for the records created by the system development lifecycle AND for the data collected?**

Schedule 086, Information Systems Supporting Materials - This item covers the disposition for all records supporting major Department of Education information systems, excluding the system data (see Implementation Guidance).

DISPOSITION INSTRUCTIONS:

b.1.) Input/Source Records (GRS 20 Item 2), Non-electronic documents or forms designed and used solely to create, update, or modify the records in an electronic medium and not required for

audit or legal purposes (e.g., original signatures not needed) and not previously scheduled for permanent retention in a NARA-approved department records schedule

TEMPORARY - Destroy after the information has been converted to an electronic medium and verified, or when no longer needed to support the reconstruction of, or serve as the backup to, the master file, whichever is later.

b.2.) Electronic records, except as noted in Item b.3, entered into the system during an update process, and not required for audit purposes

TEMPORARY - Delete when data have been entered into the information system and verified; or when no longer required to support reconstruction of, or serve as backup to, the master file or database, whichever is later.

b.3.) Electronic records received from another agency and used as input/source records by the department, EXCLUDING records produced by another agency under the terms of an interagency agreement, or records created by another agency in response to the specific information needs of the receiving agency

TEMPORARY

Delete when data have been entered into the master file or database and verified, or when no longer needed to support reconstruction of, or serve as backup to, the master file or database, whichever is later.