

# Privacy by Design (PbD)

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*This session will include an overview of Privacy by Design (PbD) and third party accountability tools. We'll discuss all 7 principles of PbD.*

*Session will include tools and tricks to vet vendors and establish strong agreements. IT leaders will be given the opportunity to join the Arkansas chapter for the Student Data Privacy Consortium (SDPC).*

# Security & Privacy

**Security** is about protecting data against unauthorized access and malicious action.



**Privacy** is about enforcing the appropriate use of the data within a secure environment.

# Data Life Cycle consists of...

1. *Data collection*
2. *Data processing (use)*
3. *Data transfer (disclosure)*
4. *Data retention*
5. *Data deletion*

# **Privacy** by **Design** (PbD)

*7 design principles*

# Principle 1

*Proactive, not Reactive; Preventative, not Remedial*

# Principle 2

*Privacy as the Default Setting*

# Principle 3

*Privacy Embedded into Design*



# Principle 4

*Full Functionality—Positive Sum, Not Zero Sum*

# Principle 5

*End-to-End security—Full Life Cycle Protection*

# Principle 6

*Visibility and Transparency—Keep it Open*

# Principle 7

*Respect for User Privacy; Keep it User Centric*

You *can* transfer **risk**.

You **cannot** transfer  
**responsibility**.

**HB1961 - *STUDENT  
ONLINE PERSONAL  
INFORMATION  
PROTECTION ACT***

<https://www.arkleg.state.ar.us/Home/FTPDocument?path=%2FACTS%2F2015%2FPublic%2FACT1196.pdf>

# HB1961 *highlights*

(effective since 2015)

An operator shall not engage knowingly in...

- targeted advertising to students
- compiling a student profile without district consent
- selling student information
- disclosing student information without district consent

An operator shall...

- use data only as agreed upon and intended by the district
- implement reasonable security procedures and practices (including data destruction)

# **HB1757 - *STUDENT DATA VENDOR SECURITY ACT***

<https://www.arkleg.state.ar.us/Home/FTPDocument?path=%2FBills%2F2023R%2FPublic%2FHB1757.pdf>



# HB1757 *highlights*

(effective on and after June 1, 2024)

- Third parties have provisions that safeguard privacy and security of PII
- Each district maintains a list of contract providers and makes available to parents upon request (including the actual contract)
- Districts should maintain the right to terminate agreement in the event of a data breach
- Vendors should provide the district with a privacy notice in language that parents can understand
  - PII fields
  - Purpose of contract
  - Describes how the provider uses and shares PII



Access 4 Learning (A4L) Community National Data Privacy Agreement

<https://privacy.a4l.org/national-dpa/>

Student Data Privacy Consortium (SDPC) Resource Registry

[https://sdpc.a4l.org/view\\_alliance.php?state=AR](https://sdpc.a4l.org/view_alliance.php?state=AR)

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# Student Privacy

The [insert name] School District is committed to protecting student privacy. The purpose of this page is to share what personal student information is collected, how it is used and secured, and with whom it is shared.

- [Read a summary](#) of the state and federal regulations that protect the privacy of Arkansas students.
- [Read our district policy](#) about the Privacy of Student' Records and Directory Information.
- [View a list](#) of approved classroom tools. [Insert name] School District evaluates the privacy policy for every approved tool with which our students interact.
- [Review your rights](#). The Family Educational Rights and Privacy Act affords parents and students who are 18 years of age or older certain rights with

For more information, please contact:

Steve Pelican

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# Other Resources

StateRAMP

<https://stateramp.org/about-us/>

1EDTECH Certified

[https://site.imglobal.org/certifications?refinementList%5Bproduct\\_attributes%5D%5B0%5D=Vetted](https://site.imglobal.org/certifications?refinementList%5Bproduct_attributes%5D%5B0%5D=Vetted)

LearnPlatform

<https://learnplatform.com/>

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# Privacy Tip #1

*You can never get “too good” at the fundamentals:*

1. *Map your data*
2. *Classify your data*
3. *Map your systems*
4. *Review access controls*
5. *Review security protocols*
6. *Update vetting procedures*
7. *Update policies*
8. *Reread your data protection agreement*
9. *Test your incident response procedure*
10. *Test your backup plan*
11. *Refresh training*
12. *Review parent communications*

*Linnette Attai*

## Privacy Tip #2

*Your vendor diligence matters:*

- 1. Establish your required privacy and security standards.*
- 2. Review (or establish your diligence process).*
- 3. Partner with your procurement and curriculum teams.*
- 4. Review the data protection agreement.*

*Linnette Attai*