Student Privacy and Data Suppression Policy

Effective November 2020 | Last Updated January 27, 2022

I. Authority	The Office of the State Superintendent of Education (OSSE) collects, analyzes, stores, and reports on many public data. OSSE has the authority to adopt and implement policies that increase the security of these data. As a State Education Agency (SEA), OSSE has a responsibility to apply data suppression to remove identifiable information from data releases under the federal Family Educational Rights and Privacy Act (FERPA)[1]. As the lead state agency for early learning services, OSSE has similar responsibilities under Parts B and C of the Individuals with Disabilities Education Act (IDEA) [2]. Further, as any data release carries some level of risk of disclosure, and no method of suppression can completely eliminate risk, SEAs must assess the level of disclosure risk and evaluate that risk against FERPA's confidentiality standard. This standard prohibits the release of information that would permit a "reasonable person in the school community… to identify [an individual] within reasonable certainty."[3]
II. Applicability	This policy applies to all FERPA and IDEA protected data as well as other student data which OSSE releases publicly or to parties as requested, including instances under data sharing agreements unless otherwise negotiated. OSSE will apply this policy to data releases and data sharing agreements from the date of publication of this policy. Some though not all historical files may be updated to meet this standard. This policy will undergo periodic review to ensure all standards remain applicable to OSSE's data practices. OSSE reserves the right to update this policy based on these reviews.
III. Rationale	This policy aligns the agency with the best practices under FERPA. In doing so, this policy will strengthen OSSE's internal data protection and privacy practices by setting requirements about the methods for and full scope of verifiable data suppression for all data released by OSSE. In creating this policy, OSSE aims to balance the values of public transparency, student privacy, equity in reporting and consistency of practice throughout all data releases.

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[1] Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99)
[2] Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1400 et seq.)
[3] United States Department of Education, Office of Management letter to Louisiana Department of Education, April 2016

V. Policy	OSSE will apply consistent suppression rules to all published data files unless noted as an exception per Section VII below. The suppression rules listed below will be applied in the order listed.

1. Denominators less than 10 and their corresponding percentages shall be reported as n<10.

2. Data shall be top- and bottom-coded variably based on the denominator according to the table below. This provides the greatest amount of information while protecting personally identifiable information.

Denominator	Suppression level
10-20	<=10% and >=90%
21-100	<5% and >95%
101-1000	<1% and >99%
1001+	<.1% and >99.9%

3. In instances in which both the numerator and denominator are reported and the percentage (whether or not that percentage is reported in the file) would be top- or bottom-coded (e.g., 99.5% with a denominator of 150), OSSE shall suppress the numerator (i.e., "Dually Suppressed" (DS)), leave the denominator unsuppressed, and top- or bottom-code the related percentage. If only the denominator and percentage are reported, then data shall be top- and bottom-coded as outlined in (2) and the denominator shall not be suppressed.

4. Data shall be complementarily suppressed (denoted as "DS") in instances in which cells would be able to be identified by subtracting one or more subtotals from a total. The "DS" shall be applied to the cell with the next smallest denominator (or to multiple cells as required).

IV. Definitions	**Bottom Coding:** • Suppress with a bottom-code; is a lower limit on all published values for a variable. [4] **Complementary Suppression/Dual Suppression:** • To reach the desired protection for risky cells, it is necessary to suppress additional non-risky cells, which is called dual suppression or complementary suppression. OSSE inserts "DS" to denote any instance of this method.[5] **Data:** • Expressed information representing facts in a variety of qualitative and quantitative forms, including aggregate, individual level, and personally identifiable information. **Data Release:**

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[4] SLDS Technical Brief "Statistical methods for Protecting Personally Identifiable Information in Aggregate Reporting"
[5] PTAC "Frequently Asked Questions—Disclosure Avoidance"
https://studentprivacy.ed.gov/sites/default/files/resource_document/file/FAQs_disclosure_avoidance.pdf

	• Publication of aggregate data accessible to the public.
	
	Data Sharing Agreement:
	• Data sharing agreements are legal documents between two or more parties that codify the terms and conditions for the sharing and use of data. OSSE requires written agreements when sharing personally identifiable information from education records with third parties.
	
	Disclosure:
	• A disclosure, permitting access to or the release, transfer or other communication of personally identifiable information contained in education records by any means.[6]
	
	Minimum n size:
	• To have a minimum sample size; the minimum number (n) of students necessary to publish a student subgroup without jeopardizing privacy.[7]
	
	Personally Identifiable Information (PII):
	• PII is information that, alone or in combination with other data, can be linked to a specific student, including but not limited to:[8]
	   o Name of student, parents, or other family members;
	   o Address of student, parents, or other family members;
	   o Personal identifier, such as a Social Security Number, unique student identifier (such as OSSE's USI), or biometric record; and
	   o Indirect identifiers, such as date of birth, place of birth, or mother's maiden name.
	
	Suppression:
	• When releasing aggregate data, withholding or removing select data from a cell to prevent the identification of individuals in small counts, typically based on n-size. [9]
	
	Top Coding:
	• Suppress with a top-code for a variable; is an upper limit on all published values of that variable. [10]

VI. OSSE Expectations for Data Suppression Review	OSSE expects all publicly released data and reports to go through a thorough Quality Assurance process to ensure the data suppression applied meets the standards stated in this policy as part of the existing technical quality assurance process. This expectation applies to any third party releasing data on behalf of OSSE as well as any internal release. OSSE staff can reference internal guidance for futher information on this process.

[6] SLDS Technical Brief "Statistical Methods for Protecting Personally Identifiable Information in Aggregate Reporting"
[7] DQC "Understanding Minimum N-Size and Student Data Privacy: A Guide for Advocates"
[8] Privacy Technical Assistance Center, "Personally Identifiable Information for Education Records"
https://studentprivacy.ed.gov/glossary#glossary-node-237
[9] PTAC "Data De-identification: An Overview of Basic Terms"
https://studentprivacy.ed.gov/sites/default/files/resource_document/file/data_deidentification_terms_0.pdf
[10] SLDS Technical Brief "Statistical methods for Protecting Personally Identifiable Information in Aggregate Reporting"

VII. Exceptions	OSSE reserves the right to allow exceptions to this policy to maintain an appropriate balance of transparency and privacy in circumstances where the general policy does not do so. As a standard exception, basic school and school district enrollment counts at grade level, disaggregated by gender and race/ethnicity are excluded from this policy. Any other exceptions will be noted in OSSE Student Privacy and Data Suppression Policy Exceptions and within the data notes tab for the specific file upon publication, where applicable.
IX. Further Information	For more information on this policy, please contact OSSE.datasharing@dc.gov.