

**PRIVACY IMPACT STATEMENT**  
Prepared pursuant to Public Officers Law, §93  
Personal Privacy Protection Law

**Name of System of Records :**

LONGITUDINAL DATA SYSTEM (LDS) and  
ENGAGENY PORTAL (ENYP)

**1. Name of Agency / Subdivision of Agency maintaining system of records.**

New York State Education Department (NYSED)

**2. Title and business address of agency official responsible for system of records.**

Ken Wagner  
Deputy Commissioner for Curriculum, Assessment and Educational Technology  
New York State Education Department  
89 Washington Avenue, Albany, NY 12234

**3. Indicate procedures by which a data subject may gain access to personal information pertaining to such data subject in the system of records and the procedures by which a data subject may seek to amend or correct its contents (where appropriate, include legal reference to procedures and attached procedures as appendix).**

NYSED's procedures for access to agency records are documented in 8 NYCRR Part 187. Section 187.5 applies specifically to PPPL requests, and incorporates the procedures for submitting FOIL requests to the extent that they are not specifically superseded in §187.5 for PPPL requests. An email address is also provided for submission of emailed FOIL requests (and thus PPPL requests, as this procedure is not superseded by §187.5) on NYSED's webpage, at <http://www.oms.nysed.gov/foil/>. This page also includes links to the Committee on Open Government's website for further information about FOIL and PPPL.

**4. Identify categories of persons on whom records will be maintained in the system of records.**

The LDS and ENYP contain data on school children who attended or are currently attending public schools (including charter schools) in the State of New York; some assessment data about students attending (or who attended) non-public schools in New York; parent or guardian data such as certain identifying and contact information about public school children's parents or persons in parental relation; and educator data.

The ENYP data system utilizes only a subset of the data elements that are maintained in the statewide data warehouse and which comprise the LDS, but includes the same categories of persons as listed above for the LDS. This subset of data elements is posted on NYSED's web page at <http://usny.nysed.gov/rttt/data/engageny-portal-data-dictionary.pdf>.

**5. Provide approximate number of persons about whom records will be maintained in the system of records.**

There are approximately 1.3mm student records collected each year. Student data have been collected in the LDS since 2004.

There are approximately 200,000 educator records collected each year. Educator data have been collected in the LDS since 2011.

**6. Describe or provide legal reference to policies governing retention and timely disposal of information within the system of records in accordance with law:**

Data will be maintained in the ENYP data system only during the period of student enrollment in a K-12 program. Under the regulations implementing the Family Educational Rights and Privacy Act (20 USC §1232g), where education records are disclosed to an authorized representative of a State educational authority or agency for an audit or evaluation of federal or state supported education programs or for the enforcement of or compliance with Federal legal requirements that relate to those programs, the authorized representative must destroy personally identifiable information from such education records when the information is no longer needed for the purpose specified (34 CFR §99.35[a][3][iii]). The purposes of the data maintained in the ENYP are relevant only during the period that students are enrolled in a K-12 program, so data regarding students who are no longer enrolled will be deleted from the ENYP at least twice annually (i.e., at the end of each semester). Each refreshing of data to the ENYP overwrites or appends any previously held data, thus automatically deleting or updating any obsolete data that NYSED has removed from the ENYP transfer. Deletion of obsolete data from the ENYP is also consistent with New York's federal Race to the Top grant award and responsibility for provision of data portal services, and with the Commissioner of Education's authority to accept the conditions of the federal grant pursuant to Education Law §3713, as well as the prohibition in the PPPL of the "unwarranted" invasion of personal privacy.

Data will be maintained in the LDS data system at least for the period of a student's preschool through high school graduation (P-12), post-secondary education (P-16), and entry into the workforce (P-20), per the requirements of the America COMPETES Act (see 20 USC §9871). Although the America COMPETES Act does not contain a defined retention period, the data collected must be used to:

- (i) identify factors that correlate to students' ability to successfully engage in and complete postsecondary-level general education coursework without the need for prior developmental coursework;

- (ii) identify factors to increase the percentage of low-income and minority students who are academically prepared to enter and successfully complete postsecondary-level general education coursework; and
- (iii) use the data in the system to otherwise inform education policy and practice in order to better align State academic content standards, and curricula, with the demands of postsecondary education, the 21st century workforce, and the Armed Forces.

Therefore, the retention period contemplated by this statute is necessarily defined by the discretion of NYSED as the State Educational Agency to determine what length of data retention is reasonable and necessary to meet the requirements of the Act. In 2008, the New York State Archives, which is authorized under Arts and Cultural Affairs Law §57.05 and 8 NYCRR Part 188 to review agency records management plans regarding records retention and disposition, conducted a technical appraisal of the statewide data warehouse (the data elements that are maintained in the statewide data warehouse comprise the LDS). In December 2013, the State Archives conducted a content appraisal. Based on these appraisals and in consultation with the State Archives, a proposed retention schedule has been drafted that would require retention for at least 8 years following a student's graduation from high school. The proposed retention schedule has been submitted to the Office of the State Comptroller and the Office of the Attorney General for review and approval and will thereafter be submitted to the State Archivist for review and approval pursuant to 8 NYCRR §§188.7 and 188.8.

**7. The system of records will be maintained (mark with "X"):**

  X   manually,   X   by automated data system

**8. List below as indicated (include appendix if necessary):**


- in column (a), the categories of information which will be collected and maintained in the system of records;
- in column (b), the purposes for which each category of information within the system of records will be collected and maintained;
- in column (c), the general or specific statutory authority for the collection, maintenance and disclosure of each category of information within the system of records;
- in column (d), each and every source for each category of information within the system;
- in column (e), the disclosures of personal information within the system of records that the agency will regularly make for each category of information;
- in column (f), the authority for regular disclosures identified in column (e).

See attached Appendices (Excel spreadsheet including columns (a) through (f) and a Word document listing code options for row 129 [program service codes]). Please note that, in addition to the statutory authorities listed in column (c), the Commissioner of Education has

general supervisory powers over schools and school districts in New York State pursuant to Education Law §305(1) and (2), the authority to accept the conditions of federal law pursuant to Education Law §3713, and general authority for certain data collection and reporting activities pursuant to Education Law §§215, 305(22) and 305(40).

DATED: Albany, New York  
December 16, 2013

BY:

  
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Ken Wagner  
Deputy Commissioner, Office of Curriculum, Assessment and Educational  
Technology