

	<p>POLICY # 13-03</p>	<p>STATUS:</p>	<p>ISSUED: October 2013</p>	<p>LAST REVISED:</p>	<p>PAGE: 1 of 2</p>
	<p>Office of Data & Analysis, Research</p>				
<p>RHODE ISLAND DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION</p>		<p>TITLE: Data Access and Management Policy: Certified Personnel Data</p>			

This policy is adopted pursuant to the statutory duty of the Commissioner of Elementary and Secondary Education as set forth at R.I.G.L.16-60-6(1), *inter alia*:

To develop and implement a systematic program of information gathering, processing, and analysis addressed to every aspect of elementary and secondary education in the state, especially as that information relates to current and future educational needs.

1.0 Purpose:

The Rhode Island Department of Elementary and Secondary Education (RIDE) is committed to ensuring that personnel data is collected and maintained in accordance with state and federal laws and regulations governing privacy and access to personnel data. This policy statement contains information about the procedures that will be used to ensure the confidentiality of personnel records maintained in RIDE’s data repositories. It does not control data stored in data repositories not maintained by RIDE.

2.0 Objectives:

Access by RIDE Staff for Data Management Purposes: As with any confidential information in the custody of RIDE, the Department will authorize certain personnel to have access to the data repositories in accordance with current Department policy and practice, and state and federal laws only if those personnel have a legitimate need to access that information to fulfill their duties as agents of the Commissioner and the Department. Authorizations for access by RIDE personnel and their supervisors shall include approval by the appropriate Division Chief upon recommendation by the employee’s supervising Director, which shall then require a signed confidentiality agreement from each authorized employee. In addition, authorized users of the data repositories may be required to participate in user training.

Duties of RIDE’s Director of Data, Analysis, and Research. The RIDE Director of Data, Analysis, and Research is the designated authority to establish and maintain a system of data protections for RIDE’s data repositories in accordance with applicable state and Federal laws governing personnel data and data security. It is the policy of RIDE to ensure that all personnel data in its data repositories are securely maintained; to provide safeguards for all personally identifiable information; and, to ensure that data is not used for impermissible purposes.

Policy on the Disclosure of Certified Educator Evaluations. The Commissioner

hereby determines that in almost all cases the disclosure of personally identifiable data, evaluations and evaluation results, and similar personally identifiable data for individuals possessing a certificate issued in accordance with Chapter 11 of Title 16, would constitute a clearly unwarranted invasion of personal privacy and shall therefore not be deemed public, in accordance with the provisions of Rhode Island's Access to Public Records Act. (R.I.G.L.38-2-1(A)(1)(b)).

The Commissioner further finds that the effectiveness of state and local efforts to improve educator performance through a system of professional evaluations may be made subject to effective public comment and evaluation through disclosure of aggregated evaluation records and associated data in a form that will not lead to the identification of the performance evaluations of individual educators. The Rhode Island Department of Elementary and Secondary Education will therefore take the position in any legal proceeding concerning the disclosure of personally identifiable evaluations and associated data that such personally identifiable information and associated data may be properly withheld from disclosure under Rhode Island's Access to Public Records Act.