

The Louisiana Department of Education is committed to continue strengthening its privacy protections as policy and technology evolve. R.S. 17:3914 restricts LEAs from sharing students’ personally identifiable information (e.g. **full name, date of birth, social security number**) with the Department after **August 1, 2015** unless it meets one of the law’s limited exceptions:

- **LEA Superintendent/Charter Leader Authorization** – A person authorized by an LEA superintendent via School Board Policy to perform his duties.
- **Parental or Legal Age of Majority Consent** – A parent gives written consent to share PII for a specific purpose.
- **Audit** - A person authorized by the state to perform audits, including enrollment counts.

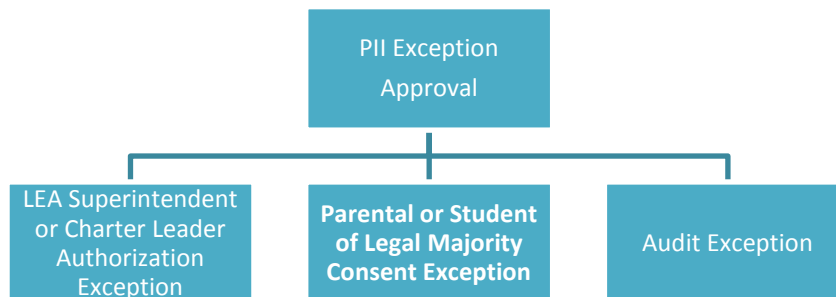
Staff should not access PII unless it meets one of the law’s exceptions. If an employee knowingly accesses PII for purposes other than those listed above, he/she is subject to criminal and financial penalties. The purpose of this document is to provide guidance to LDE staff on accessing students’ personally identifiable information as needed and prevent any personal penalties that might result from a violation of the law.

LDE STAFF ACCESS TO PII APPROVAL PROCESS

To minimize disruption and protect LDE staff, the Department has created a new process to approve access to students’ personally identifiable information. As illustrated in Figure 1, this process will include two phases:

- PII Exception approval process
- Accessing personally identifiable information as directed by each of the exceptions:
 - LEA superintendent/Charter Leader Authorization Exception
 - Parental or Student of Legal Majority Authorization Exception
 - Audit Exception

Each of these processes is described in detail below.



PII EXCEPTION APPROVAL- DETERMINE THE APPROPRIATE EXCEPTION TO ALLOW ACCESS TO PII

Step 1: Submit the need to access PII to the privacy committee for approval.

- Email LDEData@la.gov; a meeting will be established to work through the need.

Step 2: The privacy committee will work with staff to determine which PII exception is applicable.

- The appropriate PII exception will be identified.
- The privacy committee will document the PII exception approval. (See Access Tracker)
- Staff requesting access will be provided documentation for their records. (See PII Exception Authorization)

Step 3: LDE staff will access PII by following the process for the identified exception.

LEA SUPERINTENDENT OR CHARTER LEADER AUTHORIZATION EXCEPTION

Step 1: Provide LEA with the LEA Superintendent/Charter Leader Authorization Form

- Use language below and provide LEA Superintendent/Charter Leader Form.

I would be more than happy to look into your request. However, R.S. 17:3914 – Louisiana’s student privacy law – provides for limitations and prohibitions on the collection and sharing of student information as of June 1. The intent of this law is to protect student privacy, and the Department takes this responsibility seriously. The law also includes penalties for illegally accessing or disclosing students’ personally identifiable information.

*I wanted to let you know that I need authorization from your superintendent to help you **<enter purpose here; e.g. verify graduation>**, so I’ve attached a form that gives me that permission. Please complete, sign, and email it to me. Once I receive the form, I will need you to provide the student’s **<enter data elements here; e.g. first and last name>** so that I can assist.*

Step 2: Access the data.

- Once the completed form is returned, proceed to access data as documented during the PII exception approval process.

Step 3: Document the access.

- Use the “Internal Use Only” section of the LEA Superintendent/Charter Leader Authorization form to document the accessing of the data.
- Use the Accessing PII Tracker that has been adapted to your specific process during the PII exception approval process.

PARENTAL OR STUDENT OF LEGAL MAJORITY CONSENT EXCEPTION

Step 1: Provide parent or student (if over 18 years old) with the appropriate authorization document. (Parental Authorization form or the Student of Legal Majority Consent form)

- Use language below and provide the appropriate form.

I would be more than happy to look into your request. However, R.S. 17:3914 – Louisiana’s student privacy law – provides for limitations and prohibitions on the collection and sharing of student information as of June 1. The intent of this law is to protect student privacy, and the Department takes this responsibility seriously. The law also includes penalties for illegally accessing or disclosing students’ personally identifiable information.

*I wanted to let you know that I need your authorization to help you **<enter purpose here; e.g. obtain your transcript>**, so I’ve attached a form that gives me that permission. Please complete, sign, and email it to me. Once I receive the form, I will need you to provide **<enter data elements here; e.g. social security number>** so that I can assist.*

Step 2: Access the data.

- Once the completed form is returned, proceed to access data as documented during the exception approval process.

Step 3: Document the access.

- Use the “Internal Use Only” section of the form to document accessing of the data.
- Use the tracker adapted to your specific process during the exception approval process.

AUDIT EXCEPTION

Step 1: Access the data

- Access data as documented during the exception approval process.

Step 2: Document

- Use the tracker adapted to your specific process during the exception approval process.