

2.6.4 Restricted-Use Data

“Restricted-Use Data is personally identifiable information requiring specific procedures to protect confidentiality.

“Public-Use Data” is data that contain no personally identifiable information requiring no specific procedures to protect confidentiality. “Merging Restricted-Use data records with Public-Use data records” means a file containing both Restricted-Use Data and Public-Use Data merged into one file or report. This file or report is considered Restricted-Use Data. Merely deleting identifying fields from a "Restricted-Use Data" file *does not* create a "Public-Use Data" file. Disaggregations of "Restricted-Use Data", even without explicit identification fields, may result in a record where the identity of the subject could be reasonably inferred.

A “Restricted Data Use Agreement” between the Department of Education and any contractor receiving Restricted-Use Data must be completed and signed by all parties prior to transferring any restricted-use data out of the Department.

The Family Education and Right to Privacy Act (FERPA), Virginia’s Government Data Collection and Dissemination and Practices Act, and other regulations may place further restrictions on the dissemination of restricted-use data. A blank Restricted Data Use Agreement and routing slip may be found on the I drive.

2.6.5 Non-Disclosure and Appropriate Use of Data Agreement

Managers are strongly encouraged to maintain signed non-disclosure agreements for all staff and contractors that may have access to confidential papers and data. A blank Non-Disclosure Agreement may be found on the I drive.

2.6.6 Publication of Sensitive Data

Sensitive data (critical, confidential, or personally-identifiable student information) may not be released in printed or electronic form or on the Department Web site without written approval by the Superintendent of Public Instruction or designee. Aggregate data may still be sensitive. The Department’s policy is to suppress counts where the student performance data are disaggregated by gender, race, or ethnicity and the number of students in the count is fewer than 10, and in certain other instances where the number is fewer than 10 and the Department has determined that the release of small numbers has the potential to permit unauthorized identification of students.