

ATTACHMENT C

Confidential Information Use and Disclosure Agreement

The Parties shall maintain the confidentiality of any and all data shared under this MOU. The confidentiality requirements under this paragraph shall survive the termination or expiration of this MOU or any subsequent agreement intended to supersede this MOU. To ensure the continued confidentiality and security of the data processed, stored or transmitted under this MOU, the entities shall establish a system of safeguards that will at a minimum include the following:

- a. Procedures and systems that ensure all data are kept in secured facilities and access to such data is limited to personnel who are authorized to have access to said data under this MOU.
- b. All MOU Parties, their staff and/or faculty at the participating state agencies involved in receiving, handling, transmitting, and processing data provided under this MOU will be required to execute a confidentiality agreement requiring said personnel to maintain the confidentiality of all student and unemployment insurance data that contain personally identifiable information.
- c. Procedures and systems shall be developed and implemented and shall require the use of secured passwords to access computer databases used to process, store, or transmit student or workforce data provided under this MOU.
- d. Procedures and systems, such as good practices for assigning passwords, shall be developed and implemented to maintain the integrity of the systems used to secure computer databases used to process, store, or transmit student data provided under this MOU.
- e. Procedures and systems shall be developed and implemented that ensure that all confidential student data processed, stored, transmitted under this MOU shall be maintained in a secure manner that prevents the interception, diversion, or other unauthorized access to said student or unemployment insurance data.

Confidential Information Use and Disclosure Attachment A

Educational records include those records that are directly related to a student and are maintained by an educational agency or institution or by a party acting for the agency or institution.

Personally identifiable information (PII), as defined under the Family Educational and Privacy Rights Act [(FERPA) (34 CFR 99)], includes, but is not limited to:

- Student's name;
- Name of the student's parent or other family member;
- Address of student or student's family;
- A personal identifier, such as the student's Social Security Number, student number, or biometric

record (FERPA regulations define a biometric record as one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. Examples include fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting. For more information, see the Family Educational Rights and Privacy Act Regulations, 34 CFR §99.3) ;

- Other indirect identifiers, such as a student's date of birth, place of birth, and mother's maiden name;
- Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty;
- Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates