

# Privacy Impact Assessments

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A Privacy Impact Assessment or PIA is required by the E-Government Act of 2002 (*Public Law 107-347 107<sup>th</sup> Congress, 2002*) which states that a PIA should analyze and describe the following when sensitive information is being managed:

- **The information to be collected**
- **Why** the information is collected, for example its eligibility
- The **intended use** of the information
- **With whom** the information is to be shared
- **How** individuals can decline to provide the information
- **How** the information will be secured

Based on these legal requirements, **the information to be collected** at Marymount is identified as follows:

1. Student grades in Colleague
2. Employee Salaries in HR
3. Leadership names and addresses
4. Budget data in Workday
5. Student mental health records in the Counselling Unit of Student Health Services

To complete the assessment for this information while complying with the aforementioned requirements of Federal Law, which address the **why's, intended use, with whom, and how's**, I recommend a 120-day assessment starting November 1, 2023. The PIA will be performed by a project manager who is able to identify privacy risks and solutions and carry out the following objectives per the project plan (*Privacy Impact Assessments, n.d.*):

- Provide a tool to make informed policy decisions based on an understanding of privacy risks and options available for mitigating these risks.
- Ensure there is accountability for the proper handling of privacy issues.
- Consistent approach for analyzing technical and legal compliance with privacy laws.
- Document the flow of personal information within systems for use and review by staff and security analysts.
- Provide the public with assurances that their personal information is protected.

To guide the process, the PIA project manager will:

- Work closely with the Marymount University Privacy Office
- Identify the risks to privacy
- Continuously monitor for risk and impact on privacy compliance

To further assist, the Higher Education Community Vendor Assessment Tool or HECVAT (*Higher Education Community Vendor Assessment Tool, n.d.*), will be used to:

- Ensure that cloud services are appropriately assessed for security and privacy needs, including some that are unique to higher education.
- Provide a consistent, easily adopted methodology for campuses wishing to reduce costs through cloud services without increasing risks.
- Reduce the burden that cloud service providers face in responding to requests for security assessments from higher education institutions.

As part of the project plan of action, the PIA project manager will consider both federal and state law, any regulations derived from such, and proceed based on the following input analysis:

- A. The Family Educational Rights and Privacy Act or FERPA protects student educational records (*FERPA Protections for Student Health Records*, 2023) which would include the Marymount student grades in Colleague and the student mental health records in the Counseling Unit of Student Health Services. The exceptions are:
  - School officials with “legitimate educational interest” in the information.
  - Court orders and subpoenas, and emergencies where the information is necessary for the protection of the student or others.
- B. From (*Understanding Institutional Finances*, n.d.), university employee salaries, leadership names and addresses, and budget data are typically part of the U.S. Department of Education Integrated Postsecondary Education Data System (IPEDS) data report annual filings. Even though private universities like Marymount have more freedom in what documents are made public, they are still required to file Form 990 with the Internal Revenue Service each year. Given Form 990 is a public document, this information can be acquired by interested parties.

## References:

*FERPA Protections for Student Health Records*. (2023, April). studentprivacy.ed.gov.

[https://studentprivacy.ed.gov/sites/default/files/resource\\_document/file/Know%20Your%20Rights%20-%20FERPA%20Protections%20for%20Student%20Health%20Records.pdf](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/Know%20Your%20Rights%20-%20FERPA%20Protections%20for%20Student%20Health%20Records.pdf)

Higher Education Community Vendor Assessment Tool. (n.d.). ren-isac.net. <https://www.ren-isac.net/public-resources/hecvat.html>

*Privacy Impact Assessments* (n.d.) www2.ed.gov. U.S. Department of Education.

<https://www2.ed.gov/notices/pia/index.html#:~:text=It%20requires%20agencies%20to%20conduct%20Privacy%20Impact%20Assessments,agencies%2C%20instrumentalities%2C%20or%20employees%20of%20the%20federal%20government%29.>

*Public Law 107-347 107<sup>th</sup> Congress* (2002, December). congress.gov.

<https://www.congress.gov/107/plaws/publ347/PLAW-107publ347.pdf>

*Understanding Institutional Finances*. (n.d.). aaup.org. <https://www.aaup.org/issues/responding-financial-crisis/understanding-institutional-finances#:~:text=You%20can%20ask%20for%20a,all%20employees%20are%20public%20information.>