

**Administrative Procedures for Policy #1740 (Administration) of the Board of Education
Regarding Ethics: Confidentiality and Privacy**

I. Definitions

- A. **Authorized agencies and individuals** – Those agencies and individuals who have been identified by Calvert County Public Schools as having a legitimate interest in receiving confidential or private information in order to serve the educational needs of Calvert County Public Schools students and/or the needs of Calvert County Public Schools employees
- B. **Confidential** – Private information regarding students, families or employees which is only to be disclosed to school officials, employees, temporary employees, and/or authorized agencies and/or individuals who have a legitimate educational interest in receiving the information. Confidential information may be in any form including written, electronic, or oral including information which is overheard or observed. Confidential information regarding students includes education records, special education records, grades, discipline information, health records, and family information. Confidential information regarding employees includes personnel records, discipline information, certain financial information and health records.
- C. **Directory Information** – Includes the following information relating to a student: the student's name, photograph, date and place of birth, major field of study, dates of attendance, grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, the most recent previous educational agency or institution attended by the student, and the student ID number, user ID, or other unique personal identifier used to communicate in electronic systems that cannot be used to access education records without a PIN, password, etc. (A student's SSN, in whole or part, cannot be used for this purpose)
- D. **Disclosure** – To release, disseminate or otherwise communicate any information orally, in writing, in electronic format or by any other means to any person or entity.
- E. **Earnings** - Salary and other compensation paid to employees.
- F. **Eligible student** - A student enrolled in a CCPS school who has reached 18 years of age
- G. **Legitimate educational interest** – requiring information to perform one's official duties in order to serve the needs of Calvert County Public Schools students and/or employees
- H. **Need-to-know** – requiring information in order to perform one's official work duties.
- I. **Parent** – includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.
- J. **Personally, identifiable information** – data or information which includes a student or employee's name, address, personal identifier (e.g. Social Security number), or a list of

personal characteristics or other information that would make the person's identity easily traceable

- K. **Salary** - Fixed compensation for services which are paid to an employee on a regular basis in accordance with the employee's annual employment contract.
- II. Additional definitions are found in Administrative Procedures 1740.1 of the Board of Education Regarding Ethics – Definitions.
- III. Statement of Philosophy
 - A. Board of Education members, school officials, employees, contract employees and, occasionally, volunteers have access to, are exposed to, and/or work with confidential information regarding Calvert County Public Schools students, families and employees. As such, it is important that the entire Calvert County Public Schools community shares a culture of respect for confidential information and works together to protect the privacy of individuals and families.
 - B. It is incumbent on each individual to distinguish between information which is public (e.g. awards received or given, contests entered, athletic statistics) and information which is confidential or privileged (e.g. grades, family situations, behavior, certain financial data, personnel issues). If an individual is unsure about whether information is public or confidential, he/she is strongly encouraged to discuss the specifics of the situation with his/her supervisor before disclosing data or information.
- IV. Application
 - A. Unless otherwise specified, all sections of this procedure apply to the Calvert County Public Schools Board of Education members, school officials, employees, contract employees, and volunteers.
- V. Collection of Confidential Information
 - A. Confidential and/or personally identifiable information should only be collected, recorded and stored when the need for it has been clearly established and it is relevant and appropriate to the purpose for which it is being collected.
- VI. Access to Confidential Information
 - A. Access to confidential information regarding students, families and employees is granted solely on a need-to-know basis. If an individual's job duties change, his/her need-to-know basis may change as well.
 - B. An individual who has authorized access to databases containing confidential information is only authorized to view and use that information which is essential to the performance of his/her job. He/she is not authorized to access information about any person, including his/her child(ren), spouse, relatives, friends, or acquaintances, when the information is not directly related to official job duties.
- VII. Unauthorized Access to Confidential Information
 - A. Access to confidential information is considered unauthorized when the information is:
 - 1. Not necessary to do one's job;

2. Given to unauthorized users, whether they are internal or external to Calvert County Public Schools;
3. In excess of what is necessary to the stated purpose of the need of the authorized user; or
4. Obtained under false pretenses.

VIII. Disclosure of Confidential Information

A. Student Information

1. Without written permission, personally identifiable information and other confidential information may be disclosed:
 - a. To the parent of a student who is not an eligible student or to the student;
 - b. If the information is deemed “directory information,” unless the parent or eligible student has designated in writing that the information may not be released;
 - c. To those authorized individuals or entities that have a need-to-know. While an individual may be authorized to receive confidential information in some situations, he/she may not have a need-to-know in others. Individuals who have questions about the interpretation of need-to-know in relation to a specific situation are encouraged to speak with their supervisor; and/or
 - d. If it is in compliance with any part of CCPS policy 1920 – Records Retention and Disposition.
2. Personally, identifiable information and other confidential information may be disclosed with the written permission of the parent or eligible student as outlined in the Family Educational Rights and Privacy Act of 1974 § 99.30.
 - a. The written consent must specify the record(s) that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made.
 - b. When the disclosure is made:
 - 1) If the parent or eligible student so requests, CCPS shall provide him/her with a copy of the records disclosed; and
 - 2) If the parent of a student who is not an eligible student so requests, CCPS shall provide the student with a copy of the records disclosed.

B. Employee Information

1. Personnel Records
 - a. Information entrusted to the custody of the Human Resources Department for any employee is considered confidential with the following exceptions: employee’s name, credential and certification

information, current assignment, dates of employment and current salary.

- b. Any employee may have access to his or her own personnel file. Former employees have no inherent right to view their personnel files. However, retirees will be deemed employees for the purposes of this policy.
- c. An employee may schedule an appointment with the Human Resources Department to review his or her personnel file. Confidential information such as employment references and interview rating sheets will be excluded from the review of the personnel file. Personnel files must be reviewed in the Human Resources Department and a representative of the department must be present when an employee is reviewing his or her personnel file.
- d. An administrator, supervisor, or other authorized individual may access an employee's personnel file on a need-to-know basis as it applies to his or her area of responsibility. Personnel files must be reviewed in the Human Resources Department and a representative of the department must be present. The file may not be removed from the Human Resources Department without authorization.
- e. Absent a court order, third parties may not access information contained in the employee's personnel file which is considered confidential, without prior consent of the employee. Spouses and relatives are considered third parties unless in possession of a valid power of attorney for the employee. An employee's legal representative is also considered a third party. Exceptions will be made for survivorship activities associated with decedents' estates.

2. Financial Records

- a. Any current or former employee is permitted to obtain copies of financial documents or reports that are in the possession of the Department of Finance.
- b. Information regarding an employee's earnings, leave, and employment history are considered confidential and may only be disclosed:
 - 1) To the Internal Revenue Service pursuant to a tax levy on the employee's wages;
 - 2) To a court, attorney, or other entity pursuant to a wage garnish;
 - 3) To an entity designated by a court order; and/or
 - 4) To a third party for whom the employee has given prior written consent. The employee must complete a release of information authorization form in person in the Department of Finance annually (defined as July 1 through June 30).

- c. An administrator, supervisor, or other authorized agency or individual may obtain an employee's financial or absence records on a need-to-know basis as it applies to his or her area of responsibility.
- C. An employee may not share confidential and personally identifiable information about another individual with that employee's family, friends, relatives or anyone else except as required to perform official duties.
- D. Authorized individuals should carefully guard against carelessly disclosing confidential or personally identifiable information. Individuals may NOT:
 - 1. Discuss confidential information in open areas where they can be easily overheard by individuals who do not have a legitimate educational interest;
 - 2. Share passwords (See Policy #2718 – Acceptable Use of Computer Systems);
 - 3. Share student records with a student's parent/guardian or an authorized user that contains information about another student;
 - 4. Fail to protect confidential information displayed on computer monitors (See Policy #2718 – Acceptable Use of Computer Systems);
 - 5. Fail to take care when transmitting confidential information in electronic format (See Policy #2718 – Acceptable Use of Computer Systems);
 - 6. Fail to dispose of confidential information in an appropriate, secure manner;
or
 - 7. Leave confidential information in open areas where it can be easily accessed or viewed by unauthorized users.

IX. Sanctions

- A. If an individual is found to be in violation of this procedure, he/she will be subject to appropriate disciplinary measures. In addition, depending on the nature and severity of the breach, civil or criminal penalties may be pursued