

**NORTH DAKOTA  
STATE BOARD OF HIGHER EDUCATION  
Policy Manual**

**Policy:** 503.2 – Student Data Privacy and Security Bill of Rights

**Effective:** May 29, 2020

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The SBHE, the NDUS, and NDUS institutions are committed to responsibly collecting, storing, and using the Personally Identifiable Information (PII) of students, while protecting student PII from unauthorized access or disclosure. This Policy reflects the reality that students are the owners of their PII and should control access to and distribution of their PII to the greatest extent possible, but many NDUS programs and technologies require student PII to function for the students' benefit. This Policy outlines student rights related to the privacy and security of their educational and personal data.

1. Students have the right to know what types of PII are collected by the NDUS, including its institutions, along with general information regarding how such information is stored and used. The NDUS and NDUS institutions shall, to the greatest extent possible in light of existing systems and processes, make information available concerning what types of student PII is provided to NDUS's vendors and contractors, and may provide more detailed information when a requested by an individual student, if available.
2. The NDUS and NDUS institutions shall adhere to the requirements of the Federal Education Rights and Privacy Act (FERPA). As part of this compliance, NDUS and its institutions designate certain PII as "directory information," as set forth in NDUS Procedure 1912.2. This directory information constitutes a public record under N.D.C.C. § 44-04-17.1, *et seq.* Students may, at any time, request that their directory information not be disclosed (and thereby not be treated as a public record), but understand that such requests may limit the ability of institutions to provide services to students in certain circumstances.
3. Pursuant to FERPA and this Policy, students shall have the right to inspect and review the contents of their educational record maintained at any applicable NDUS institution by filing a written request to the institution in question. The NDUS institution may place limitations on the means of access to the educational record to ensure the security of such educational record.
4. Pursuant to FERPA and this Policy, students shall have the right to challenge the accuracy and completeness of the student educational record information collected and maintained by filing a written request through the process established by the NDUS institution in question.
5. Neither NDUS nor any NDUS institution shall sell, release, or otherwise disclose non-directory information student PII for commercial or advertisement purposes.
6. The NDUS and NDUS institutions shall responsibly engage with third-party providers of educational services and vendors to ensure that student PII disclosed to those providers and vendors is protected as per industry standards and best practices as part of any contracts executed with such providers and vendors, and shall as a business practice ensure that only the

PII required for the product in question is disclosed. At all times the NDUS and NDUS institutions should weigh the value of a product to the NDUS or institution against the risks of disclosure to protect the best interests of students.

7. Students shall not be required to disclose their PII to a third-party service provider as a course requirement unless the terms and conditions of that disclosure have been reviewed and approved (or negotiated) by NDUS Core Technology Services or an institution's administration, in consultation with NDUS or institution legal counsel. If a faculty member seeks to use a software product that does not meet the terms of this section, such as a free smartphone application, in a course, an alternative must be provided which does not require students to disclose their data, at the student's request, at no additional cost to the student. Students shall be protected from punitive educational consequences for their refusal to disclose PII in compliance with this section. This section does not apply to open educational resources, online course materials, or other substantive educational materials (e.g. online supplements to textbooks, Lexis-Nexis, etc.) or to services which require disclosure of only name and state-provided email address.
8. While the NDUS and NDUS institutions may utilize student educational data for research purposes, to inform assessment, accreditation, and accountability, or to shape policies at the institution or program levels, students shall not experience punitive educational consequences as a result of findings from such assessment or educational research. Nothing in this Policy shall prohibit the NDUS or any NDUS institution from offering students, generally or individually, additional services or resources based on such assessment or research.
9. When student data is included in published or publicly-presented reports, NDUS and NDUS institutions shall use appropriate safeguards to prevent the identification of students through the use of PII, including adhering to research best practices with respect to deidentifying data, minimum cell sizes, and other prudent steps as recommended by applicable Institutional Review Boards, and the NDUS Institutional Research office.
10. The NDUS and NDUS Institutions are committed to implementing data security safeguards meeting or exceeding industry standards and best practices under state and federal laws to protect student PII. General information on the types of safeguards employed shall be made available to students on written request.
11. Students shall have the right to file complaints about violations of this Policy or other possible breaches of student data, and to have those claims addressed in a fair, reasonable, and appropriate manner. The Chancellor shall establish a process to address complaints directed to the NDUS or NDUS Core Technology Services. Student complaints regarding NDUS institutions should be directed to the institutional grievance process.

References: 20 U.S.C. 1232g; 34 C.F.R. Part 99; N.D.C.C. § 44-04-18.1 *et seq.* NDUS Procedure 1912.2.