**Data Retention and Destruction Policy for NAME OF PART C OR PART B 619 PROGRAM**

# PURPOSE

The purpose of this policy is to establish the authority, responsibilities, and timelines for the retention and destruction of multiple types and formats of Part C or Part B 619 data consistent with federal and state requirements.

# AUTHORITY

Various federal (AND POTENTIALLY NAME OF STATE) requirements (statutes/regulations/rules/policies) apply to this data retention and destruction policy.

Federal regulations are:

* IDEA Part B at 34 CFR 300
* IDEA Part C at 34 CFR 303
* EDGAR at 34 CFR 76
* Uniform Guidance at 34 CFR 200
* FERPA at 34 CFR 99

The NAME OF STATE statute, regulations, and current policies that address data retention and destruction are:

* RELEVANT STATE STATUTE
* RELEVANT STATE REGULATIONS/RULES
* RELEVANT STATE POLICIES

# APPLICABILITY

This policy applies to those who collect, maintain, use, manage, operate, or are otherwise active in the control of data regardless of format. This includes staff from NAME OF LOCAL PROGRAMS/AGENCIES directly associated with NAME OF PARTICIPATING AGENCY(IES). All local programs, agencies, contractors, and staff identified in this policy must adhere to this policy. These entities and the mechanism (regulation/contract/interagency agreement) that make this policy applicable to each program/agency are listed in the table below.

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| Entities Covered by Policy | Mechanism |
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# TYPES OF DATA

This data retention and destruction policy applies to PART C OR Part B 619 PROGRAM NAME data types as follows:

* Personally identifiable information (PII)
	+ See definition at the end of this section.
* Non-personally identifiable information
	+ Fiscal information
	+ Local agency/program information
	+ Correspondence
	+ Federal and state applications
	+ Minutes of advisory groups
	+ Monitoring results
	+ Other (Specify)

This policy covers data that are maintained in both paper and electronic format either at the state or local level. These data are collected, maintained, used, managed, organized or otherwise controlled by PART C OR PART B 619 PROGRAM NAME.

# RESPONSIBILITY

NAME, ROLE, OF RESPONSIBLE PARTY(IES) is responsible for informing the public about this policy.

This policy will be disseminated to the public under the following mechanisms: NAME THE MECHANISMS. This policy is included in the agency’s privacy statement located at LINK TO THE WEBSITE WHERE THE PRIVACY STATEMENT IS LOCATED.

NAME, ROLE, OF RESPONSIBLE PARTY(IES) should be contacted with questions about this policy.

NAME, ROLE, OF AGENCY/PROGRAM is responsible for ensuring adherence to this policy.

NAME, ROLE, OF AGENCY/PROGRAM is responsible for monitoring adherence to this policy, and the monitoring will be conducted as follows: INSERT MONITORING PROCEDURES.

NAME, ROLE, OF AGENCY/PROGRAM is responsible for managing the implementation of this policy, including the provision of training and technical assistance.

NAME, ROLE, OF PROGRAM/AGENCY/PARTY(IES) oversees that data destruction is executed as required.

Sanctions will be applied when this policy is not followed as indicated here.

NAME PROCESS FOR DETERMINING THE SANCTIONS TO BE APPLIED AND UNDER WHAT CIRCUMSTANCES AND/OR THE SANCTIONS.

NAME, ROLE, OF PROGRAM/AGENCY/PARTY(IES) receives requests for data destruction (e.g., parent request to remove PII child information from paper records and the program database). These requests are INSERT PROCEDURES FOR CONSIDERING SUCH REQUESTS AND FOR INFORMING PARENTS REGARDING THE DECISION TO DESTROY THEIR PII DATA.

# TYPE OF DATA/RESPONSIBILITY/SCHEDULE/PROCEDURES/ DESTRUCTION

The table below provides information on responsibility, archiving schedule and procedures, retention, and destruction for each type of data as indicated.

NOTE: For each type of data, the duration of retention should consider all relevant federal and state requirements, as well as plans over time for the data to be used in a state longitudinal data sharing or linking effort such as State Longitudinal Data Systems (SLDS) and/or Early Childhood Integrated Data Systems (ECIDS). If necessary, create additional rows for a specific type of data to indicate state vs local and/or paper vs electronic.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Type of Data | Responsible Entity for This Type of Data | Schedule/Procedures for Archiving/Storage  | Retention Duration Before Destruction  | Type of Destruction Based on Data Sensitivity |
| TYPE OF DATA  |  |  |  |  |
| TYPE OF DATA  |  |  |  |  |
| TYPE OF DATA  |  |  |  |  |
| TYPE OF DATA  |  |  |  |  |
| TYPE OF DATA  |  |  |  |  |
| NAME OF DATA  |  |  |  |  |
| NAME OF DATA  |  |  |  |  |
| NAME OF DATA  |  |  |  |  |

# DEFINITIONS

For purposes of this policy, the following federal definitions are applicable. States may want to add additional state-specific definitions.

* Destruction - Part B of the IDEA defines the term “destruction” as the “physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.” *[34 CFR § 300.611(a)]*
* PII - As defined in FERPA, PII includes, but is not limited to:

1) a student’s name;

2) the name of the student’s parent or other family members;

3) the address of the student or student’s family;

4) a personal identifier, such as the student’s Social Security Number, student number, or biometric record;

5) other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name;

6) other [information](http://dasyglossary.org/olms2/output/listtoolitem.php?id=655437&item=937104) 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; and

7) 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. *[34 CFR § 99.3]*

* Participating agency under Part B and Part C
	+ Part B defines participating agency as “any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the Act [IDEA].” *[34 CFR § 300.611(c)]*
	+ Part C defines participating agency as “any individual, agency, entity, or institution that collects, maintains, or uses personally identifiable information to implement the requirements in part C of the Act and the regulations in this part with respect to a particular child. A participating agency includes the lead agency and EIS providers and any individual or entity that provides any part C services (including service coordination, evaluations and assessments, and other part C services), but does not include primary referral sources, or public agencies (such as the State Medicaid or CHIP program) or private entities (such as private insurance companies) that act solely as funding sources for part C services.” *[34 CFR § 303.403(c)]*

# ADDITIONAL STATE DEFINITIONS

This policy is effective as of INSERT DATE and will be reviewed for necessary revisions no later than INSERT DATE.