

The University of Texas at Dallas Education Research Center Terms and Conditions for Using Confidential Data

January, 2009

Data files at the University of Texas at Dallas Education Research Center (UTD-ERC) contain personal information about individuals. This information is protected by the Federal law known as the Family Educational Rights and Privacy Act of 1974 (FERPA). This document describes procedures for protecting confidentiality which must be followed by everyone using UTD-ERC data.

1. A Confidentiality Agreement must be signed before you may have access to the ERC data. By signing the Confidentiality Agreement, you acknowledge that you have read and understand it, and that you have received a copy of – (i) the “Interagency Cooperation Contract” between the University of Texas at Dallas, the Texas Education Agency, and the Texas Higher Education Coordinating Board, and (ii) “UTD-ERC Terms and Conditions for Using Confidential Data” and that you have read and understand both these documents. You must comply with the terms of both these documents when using UTD-ERC data. Any questions are to be directed to the Director of the UTD-ERC (the Director) for clarification.
2. UTD-ERC data may be used only for research projects that have been specifically approved by the Joint Advisory Board for use of this data.
3. Research results must be reported in a manner that does not enable readers to learn about individual persons in the data; for example, statistical summaries of groups of at least five persons (see the “Interagency Cooperation Contract”).
4. You will receive permission to use UTD-ERC data for a fixed amount of time (e.g., one year.) Permission may be renewed as needed at the discretion of the Director. In most cases, permission expires on Aug. 31 of each year, but the Director may revoke permission at any time. In particular, significant risk of unauthorized disclosure of confidential information or violation of security guidelines will result in immediate termination of access.
5. UTD-ERC data files or individual records must not be removed from the UTD-ERC in any form, including printed copies. A major way in which we protect data is to keep all files physically within the UTD-ERC.
6. Each Principal Investigator granted access to the UTD-ERC will be assigned a project directory. All researchers working on the project must store all work in this directory, organizing it as you wish including the creation of subdirectories.
7. You must provide ERC with regular updates regarding your research project/projects. This includes, but is not limited to any changes in, or extensions to, the research

hypotheses and project personnel changes. Any extension of research that can be reasonably interpreted as a new research project requires prior approval from the Joint Advisory Board (JAB) and a new Confidentiality Agreement.

8. All research products (papers, PowerPoint presentations, proposals, etc.) that use ERC data must be FERPA compliant (see addendum). It is mandatory that you submit all such products to UTD-ERC with sufficient lead time to allow the ERC to confirm such compliance. Failure to do so can result in immediate termination of access.
9. Unless waived jointly by TEA and THECB, all research products must contain the following disclaimer: The conclusions of this research do not necessarily reflect the opinions or official position of the Texas Education Agency, the Texas Higher Education Coordinating Board, or the State of Texas.
10. To fulfill its responsibilities, the ERC may periodically ask for information related to your research. To maintain data access it is important that you respond to these requests in a timely manner.

If you have any doubts at all regarding procedures to be followed to ensure FERPA compliance, consult with the Director of the UTD-ERC. Err on the side of caution. Please let us know of any problems or potential problems as early as possible.

ADDENDUM

PROTOCOL FOR PRE-RELEASE REVIEW OF RESEARCH PRODUCTS USING UTD-ERC DATA TO CONFIRM FERPA COMPLIANCE

I. DEFINITIONS.

In the context of UTD-ERC, the following definitions apply –

Research Product: Any document, small or large, that displays information (text or numbers) derived from confidential UTD-ERC data. Research products include, but are not limited to, the following:

- Abstracts/Manuscripts/Reviews for publication
- Abstracts/Papers for conferences/seminars/workshops/meetings
- Posters for display
- Write-ups for a website
- Any research output (drafts of working papers, print-out of log files, tables, graphs, etc.) meant to be viewed by an individual/individuals not authorized to access the UTD-ERC data
- Dissertations
- Term Papers
- Hand-outs
- PowerPoint presentations
- Research Proposals
- Chapters for books

Release: Release of a research document includes, but is not limited to, the following –

- Submission to a journal
- Publication in a journal
- Submission for funding
- Submission to a conference/workshop/seminar/meeting
- Presentation in a conference/workshop/seminar/meeting
- Classroom presentation
- Sharing of results with any individual/individuals not authorized to access the UTD-ERC data (drafts of working papers, term papers, dissertation chapters, book chapters, log files, tables, graphs, any research findings, etc.)

II. PROCEDURE

To ensure that all research products that use UTD-ERC data are FERPA compliant prior to their release, UTD-ERC has the following procedures in place –

1. It requires that all research products using UTD-ERC data be submitted to UTD-ERC for FERPA compliance review prior to their release. All such products must be submitted to UTD-ERC with at least one week notice to confirm FERPA compliance. However, larger documents will need additional time and in such cases the researcher should contact UTD-ERC to get a better estimate of time.
2. To confirm that a research product submitted to UTD-ERC is FERPA compliant, i.e., does not contain information that can be used to identify an individual, UTD-ERC uses the following criteria –
 - It reviews the research product to confirm that the research product contains no cell sizes below 5.
 - It requires that the researcher/researchers making the submission certify in writing (either via a signed letter/fax or an e-mail send from an institutional address) that – (i) none of the information included in the research product is derived from cell sizes below 5, and (ii) there is no possibility of identifying individual students by using or manipulating the information provided in the research product.