

# TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION

## Embargoed Data Procedures

1004

The purpose of this document is to provide information regarding procedures for authorized charter schools and district personnel regarding the use, transfer, storage, and analysis of preliminary data provided by the Tennessee Department of Education (TDOE) to the Commission before the data is deemed final and released publicly (Embargoed Data).<sup>1</sup> These procedures cover:

- [Security Protocols](#)
- [Data Release Incidents](#)

### **Security Protocols**

The Commission and its authorized charter schools shall observe the following security protocols when using, transferring, storing, and analyzing Embargoed Data. These provisions ensure that the disclosure embargo is always maintained during the preliminary data review period, and there is no unauthorized public release of data that has not been checked for accuracy and finalized.

### **Storage and Transfer.**

- Prior to receiving access to Embargoed Data from TDOE, each authorized charter school will make the Executive Director or his/her designee aware of up to three (3) internal designees who are approved to receive files. School leaders will receive a form and instructions prior to release. Data files will be released to approved individuals only, through a secure Microsoft Teams Channel created and maintained by the Commission. The Executive Director or designee will remind schools of these Embargoed Data procedures, and the limits on dissemination internally.
- Embargoed Data files must remain secure throughout the duration of the preliminary data review period.
- Embargoed Data must be stored where only the Executive Director or designee, their named internal designee(s), and Authorized Individuals have access. Authorized Individuals include the following: Executive Director or designee and his/her designee(s), School Principal, School Executive Director and his/her designee(s). Only when designated by school leaders, should Embargoed Data be shared with anyone below the level of the School Assistant Principal(s).
- If copies of Embargoed Data are made, the location of all copies of Embargoed Data must be carefully tracked. An Embargoed Data Access Log must be established by the Commission and the charter school to track individuals who are accessing Embargoed Data. The Data Access Log shall be monitored for activity in violation of these assurances.
- Embargoed Data shall not be transferred via unsecure email or other means. All copied Embargoed Data files may be stored in a secured location with access limited to district and school administrators, Director of Schools, and Authorized Individuals.

### **Usage.**

- Embargoed Data may be accessed only by Authorized Individuals.
- Embargoed Data shall not be shared with any other individuals outside Authorized Individuals.
- Publicly available discussions, presentations and reports based upon Embargoed Data may not occur during the review period where the data is under an active disclosure embargo.

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- All internal LEA and school-based discussions and reports shall protect the privacy, anonymity and confidentiality of all Embargoed Data in compliance with the Family Rights and Privacy Act (FERPA) and the Tennessee Data Transparency and Accountability Act. The handling of all Embargoed Data will, at all times, adhere to FERPA and the Tennessee Data Transparency and Accountability Act.

### **Data Release Incidents**

“Data Release Incident” means any release of data covered by the embargo, whether intentional or unintentional, beyond those parties who have been designated as Authorized Individuals.

- Any Data Release Incident that comes to the attention of an authorized charter school shall be immediately reported to the Commission. The Commission must report such incidents to the TDOE immediately but no later than twenty-four (24) hours of discovery by the authorized charter school.
- Authorized Individuals who are responsible for a Data Release Incident, whether through negligence or intent, may be subject to permanent loss of access to Embargoed Data during future review periods.

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<sup>1</sup> Tennessee Department of Education, [Assurances Document for Embargoed Data](#)