Data Retention and Destruction Policy Development Packet

Part C and Part B 619 programs collect, maintain, and use significant amounts of information to meet federal and state requirements, to provide services to eligible children and families, and to support general administration. Part C and Part B 619 governance policies must address record retention and data destruction to establish the responsibilities and timeliness for the retention and destruction of multiple types and formats of Part C and Part B 619 data, consistent with federal and state requirements. Please see the DaSy Data Governance and Management Toolkit for more information on Data Retention and Destruction Policies and other data governance policies.

How to Use This Packet

1. *Review and Complete the Considerations Worksheet for Data Retention and Destruction Policy*

The considerations include questions about general policy implementation and the procedures associated with work covered by this policy. A team knowledgeable about this content and the procedures should convene to discuss these considerations. The team assembled should, include but not necessarily be limited to relevant and knowledgeable Part C or Part B 619 staff. (Others might include, IT, broader data governance committee members, etc.)

Each lettered consideration in this worksheet references a corresponding number in Data Retention and Destruction Policy Template. Consideration-specific notes should be captured on this worksheet and be used to refine the applicable section of the Data Retention and Destruction Policy Template. After reflection and discussion by the team, a Part C or Part B 619 program may opt to exclude consideration content in their final policy.

1. *Use Responses to the Considerations to Complete the Data Retention and Destruction Policy Template*

The Data Retention and Destruction Policy Template is a fully modifiable document so that the resulting policy can be adapted to align with other states policies. Where appropriate, some basic content is included in the template; however, the content can and should be edited, added to, or deleted so the resulting policy accurately reflects the Part C or Part B data governance in this area. It may also be helpful to add links to policies referenced within the template.

The Data Retention and Destruction Policy Template has 12 sections and there are one or more considerations that relate to each section. Sections vary in their depth and complexity, but all are important to fully describe the policy and the data governance and procedures covered by the policy. Each numbered section in this template references a corresponding letter in the Considerations Worksheet for Data Retention and Destruction Policy. Once the policy is completed, there is no need to keep the lettered cross references to the associated considerations.

If you have questions about or would like assistance with this work, please contact: DaSy‑Center@sri.com

Considerations Worksheet for Data Retention and Destruction Policy

| Considerations Worksheet for Electronic Communications Policy  |
| --- |
| *Considerations* | *Template Section* | *Notes/Status* | *Draft Language* |
| 1. Which, federal laws/regulations (IDEA, FERPA, and GEPA/EDGAR/Uniform Guidance) related to data retention and destruction apply to the Part C or Part B 619 program?
 | 1.1 | *See policy template for draft language.* |  |
| 1. What, if any, additional state agency policies related to data retention and destruction apply to the Part C or Part B 619 program?
 | 1.2 |  |  |
| 1. What, if any, specific Part C or Part B 619 policies or procedures, if any, exist and apply to data retention and destruction?
 | 1.3 |  |  |
| 1. When did/does this policy take effect?
 | 2 |  |  |
| 1. Which Part C or Part B 619 role should be contacted for more information on this policy?
 | 3 |  |  |
| 1. How frequently will this policy be reviewed and, if needed, updated?
 | 4.1 |  |  |
| 1. What mechanisms will be used to collect user and other stakeholder input for consideration in the review and possible revisions to this policy?
 | 4.2 |  |  |
| 1. Where can the public access this policy?
 | 5.1 |  |  |
| 1. How will interested members of the public be informed of this policy?
 | 5.2 |  |  |
| 1. What parties (including participating agencies) will be required to follow this policy?
 | 6 |  |  |
| 1. What is the purpose of the Data Retention and Destruction Policy?
 | 7 | *See policy template for draft language.* |  |
| 1. What is the definition of data retention and destruction?
 | 8 | *See policy template for draft language.* |  |
| 1. What data and data systems are covered by this Data Retention and Destruction Policy?
 | 9 |  |  |
| 1. Which role is responsible for establishing and managing policies and procedures related to this policy?
 | 10.1 |  |  |
| 1. Which role is responsible for monitoring adherence to this policy?
 | 10.2 |  |  |
| 1. Which role is responsible for addressing questions regarding this policy?
 | 10.3 |  |  |
| 1. Which role is responsible for securing or providing training and technical assistance on data retention and destruction?
 | 10.4 |  |  |
| 1. Which role is responsible for addressing failures to adhere to this policy?
 | 10.5 |  |  |
| 1. Which role is responsible for receiving reports of violations of this policy within the agency?
 | 10.6 |  |  |
| 1. Which role is responsible for establishing retention timelines for each type of data?
 | 11.1 |  |  |
| 1. Which role is responsible for establishing policies and schedules for data storage and archiving?
 | 11.2 |  |  |
| 1. Which role is responsible for establishing destruction timelines and mechanisms for each type of data?
 | 11.3 |  |  |
| 1. Which role is responsible for establishing methods and processes for data destruction?
 | 11.4 |  |  |
| 1. Which role is responsible for establishing procedures for an external request (e.g., parents) for data destruction?
 | 11.5 |  |  |
| 1. Which role is responsible for establishing procedures to inform parents about the data retention and destruction policy?
 | 11.6 |  |  |
| 1. Which role is responsible for trainings to support data retention and destruction?
 | 12.1 |  |  |
| 1. Which role is responsible for documentation to support data retention and destruction?
 | 12.2 |  |  |
| 1. Which role is responsible for collecting user input to support data retention and destruction?
 | 12.3 |  |  |

Data Retention and Destruction Policy Template for
NAME OF PART C/PART B 619 PROGRAM

1. Requirements
	1. NAME OF STATE is federally required to collect and report PART C OR PART B 619 data and collects such data through data systems noted below in section 9, Policy Application. The federal requirements (statutes/regulations/rules/policies) that apply to data retention and destruction are: (a)

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

* 1. The state requirements (statutes/regulations/rules/policies) that apply to data retention and destruction are: (b)

*(relevant state requirement)*

*(relevant state requirement)*

* 1. The PART C OR PART B 619 policies or procedures that apply to data retention and destruction are: (c)

*(relevant Part C or Part B 619 policy/procedure)*

*(relevant Part C or Part B 619 policy/procedure)*

1. Effective Policy Date

*(insert date)* (d)

1. Point of Contact

*(insert Part C or Part B 619 role or other contact as applicable)* (e)

1. Revisions

4.1 The Data Retention and Destruction Policy will be reviewed and updated as needed/or *(insert frequency).* (f)

4.2 PART C OR PART B 619 will collect users and other stakeholders’ input through the following mechanisms to review and revise data retention and destruction policies and procedures. *(insert mechanisms)* (g)

4.3 Below is a listing of all policy revisions completed to date: *(insert version number, date, and associated notes)*

1. Access

5.1 The Data Retention and Destruction Policy will be available to the public at *(insert URL).* (h)

5.2 Interested members of the public will be informed by *(insert mechanisms).* (i)

1. Relevant Parties

This Data Retention and Destruction Policy applies to *(insert name of agencies/programs)* including these mechanisms: *(insert contracts, subgrants, interagency agreements, etc.).*This policy also applies to state data-sharing and/or linking efforts (e.g., SLDS and/or ECIDS). *(insert agencies/programs associated with data-sharing and/or data linking efforts.).* (j)

1. Purpose

The purpose of this Data Retention and Destruction Policy is to establish authority, responsibilities, and timeliness for the retention and destruction of multiple types and formats of PART C OR PART B 619 data consistent with federal and state requirements. (k)

1. Definitions

For purposes of this policy, the following federal definitions are applicable. (l)

*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)]*

*Participating Agency* under Part B and Part C

1. 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)]*
2. 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)]*

*Personally identifiable information* (PII) as defined by FERPA regulations at 34 CFR 99.3 includes information that can be used to distinguish or trace an individual’s identity either [directly](https://studentprivacy.ed.gov/glossary#glossary-node-210) or [indirectly](https://studentprivacy.ed.gov/glossary#glossary-node-227) through linkages with other information (e.g., name, address, student ID, birthdate, social security number).

1. Policy Application

The following PART C/PART B 619 PROGRAM NAME data systems are covered by this Data Retention and Destruction Policy. (m)

| Data System | Description |
| --- | --- |
| *(data system name)* | *(description)* |
| *(data system name)* | *(description)* |
| *(data system name)* | *(description)* |
| *(add data systems as needed)* | *(description)* |

1. Responsibilities

The table below outlines the specific responsibilities and roles related to data retention and destruction.

| Responsibilities | Data System | Role Responsible (by data system) |
| --- | --- | --- |
| 10.1 Establish and manage procedures related to this policy. (n) | *(data system name)**(data system name)* | *(role responsible)**(role responsible)* |
| 10.2 Monitor adherence to this policy. (o) | *(data system name)**(data system name)* | *(role responsible)**(role responsible)* |
| 10.3 Address questions regarding this policy. (p) | *(data system name)**(data system name)* | *(role responsible)**(role responsible)* |
| 10.4 Secure or provide training and technical assistance on data requests. (q) | *(data system name)**(data system name)* | *(role responsible)**(role responsible)* |
| 10.5 Address failures to adhere to this policy. (r) | *(data system name)**(data system name)* | *(role responsible)**(role responsible)* |
| 10.6 Receive reports of violations of this policy within the agency. (s) | *(data system name)**(data system name)* | *(role responsible)**(role responsible)* |
| *(add other responsibilities as needed)* | *(data system name)**(data system name)* | *(role responsible)**(role responsible)* |

1. Procedures

The table below includes the procedures used to support this Data Retention and Destruction Policy.

| Procedure | Role Responsible |
| --- | --- |
| 11.1 Establish retention timelines for each type of data: (t) *(Data type 1: Retention timeline)**(Data type 2: Retention timeline)**(Address all data types)* | *(role responsible)**(role responsible)* |
| 11.2 Establish policies and schedules for data storage and archiving: (u)*(Data type 1: Schedule)**(Data type 2: Schedule)**(Address all data types)* | *(role responsible)**(role responsible)* |
| 11.3 Establish destruction timelines and mechanisms for each type of data: (v)*(Data type 1: Destruction timeline)**(Data type 2: Destruction timeline)**(Address all data types)* | *(role responsible)**(role responsible)* |
| 11.4 Establish methods and processes for data destruction: (w)*(Data type 1: Description of destruction procedures)**(Data type 2: Description of destruction procedures)**(Address all data types)* | *(role responsible)**(role responsible)* |
| 11.5 Establish procedures for an external request for data destruction (e.g., parent request to remove PII child information from paper records and the program database): (x)*(External request type 1: Description of procedure)**(External request type 2: Description of procedure)* | *(role responsible)**(role responsible)* |
| 11.6 Establish procedure to inform parents about the agency/program data retention and destruction policy: (y)*(External request type 1: Description of procedure)* | *(role responsible)**(role responsible)* |
| *(insert additional procedures as needed)* | *(role responsible)**(role responsible)* |

1. Responsibilities for Supporting Data Retention and Destruction Policy

The table below includes the roles responsible for the tools and supports for this Data Retention and Destruction Policy.

| Tool/Support  | Role Responsible  | Location  |
| --- | --- | --- |
| 12.1 Training(s) that support this policy. (z) *(Training 1 name and description)* *(Training 2 name and description)* *(Include all trainings)*  | *(role responsible)* *(role responsible)*  | *(insert URL training location)*  |
| 12.2 Documentation that supports this policy. (aa) *(Document 1 name and description)* *(Document 2 name and description)* *(Include all documents, including any applicable forms or reports)*  | *(role responsible)* *(role responsible)*  | *(insert URL or document location)*  |
| 12.3 User input that is collected and used to support this policy. (bb) *(User input 1 description of input)* *(User input 2 description of input)* *(Include all user inputs)*  | *(role responsible)* *(role responsible)*  | *(insert URL or location with applicable content)*  |
| *(insert additional tools/supports as needed)* | *(role responsible)* | *(insert URL or location with applicable content)*  |