



MLDS CENTER

Maryland Longitudinal Data System

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MEMORANDUM

TO: MLDS Governing Board
FROM: Ross Goldstein, Executive Director
DATE: May 29, 2020
SUBJECT: Proposed External Data Procedures

Purpose

The purpose of this agenda item is to seek approval for procedures for adding new external data to the Center's *Data Inventory*.

Background

Currently, all Center data is provided at regular intervals by partner agencies pursuant to an ongoing data sharing agreement. The Center has received inquiries from local school systems and researchers interested in incorporating a unique, limited set of data into the MLDS to allow for a specific study or program evaluation.

These procedures outline the legal requirements that must be met prior to accepting external data, establish a process for submitting requests, provide a review process, and describe how the Center will manage the external data. The procedures are in addition to the *Policies and Procedures for External Researcher and Grant Funded Project*. Accordingly, an external research project that proposes using external data would have to complete both review processes.

Summary of Procedures

1. Sections 1- 3 provide the purpose of the procedures, definitions, and legal requirements that must be met. The legal requirements include the following.
 - a. External data must be approved by the Governing Board and included in the Center's *Data Inventory*.
 - b. External data are subject to longitudinal data requests (Public Information Act);
 - c. External data must be education and workforce data; and
 - d. The external data provider's access to the external data is conditioned on receiving staff authorization and is limited to de-identified data only.
2. Section 4 creates an application process that establishes required information that must be provided about the data to help the Center understand its size and scope, whether personally identifiable information is included in the data that will facilitate data matching, and information to assess data quality. The application also requires the data provider to specify whether the data is intended to become a permanent or temporary part of the MLDS Data Inventory. Permanent data will be maintained in the system and will be available to the Center and other researchers for review and analysis. Permanent external data may also be updated from time to time to allow for follow-up research and analysis. Temporary external data will be maintained for the exclusive use of the external researcher and will be removed from the system when the project is complete.

3. Section 5 establishes a review process that includes an internal MLDS staff review, a review by the Data Governance Advisory Board, a review by subject matter experts and counsel at the partner agencies, and review and approval by the Governing Board.
4. Section 6 provides a set of considerations that the MLDS Center will use when reviewing an application for external data. Those considerations include the scope and complexity of the data and issues of data quality, including how it is collected and whether there are gaps in the data that impact its ability to meaningfully answer research questions.
5. Section 7 outlines the Public Information Act requirements and the fact that, while the external data are part of the MLDS data inventory, they are subject to a PIA request for a cross-sector, aggregate, de-identified data set.
6. Section 8 requires the external data provider to provide documentation of Institutional Review Board (IRB) approval for the use of the external data in the proposed study and its inclusion in the MLDS. The IRB must include an acknowledgement that MLDS staff will have full access to the data, including the personally identifiable information of its subjects and, may be subject to a PIA request.
7. Sections 9 and 10 provide procedures for managing the external data once the Governing Board has approved its inclusion in the Data Inventory. The procedures include a requirement for a Data Sharing Agreement, staff authorization for the data provider, IRB documentation, and a requirement to pay all costs incurred by the Center in connection with the data. The procedures also specify how the data will be maintained in the system and listed in the Data Inventory. Finally, the procedures specify how the data must be transferred to the Center.

Action

The Governing Board's approval of the procedures is requested.



MLDS CENTER

Maryland Longitudinal
Data System

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External Data Procedures

June 2020

Maryland Longitudinal Data System Center
550 West Baltimore Street
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Governor

James D. Fielder, Jr., Ph.D.
Secretary of Higher Education,
Chairman MLDS Governing Board

Ross Goldstein
Executive Director

If you have questions regarding this publication please contact mlds.center@maryland.gov.

1. Purpose

These procedures provide a process for adding new external data to the Center's *Data Inventory*.

2. Definitions

- a. Applicant - the individual or entity requesting the inclusion and use of external data for a report or research project.
- b. Center Data - data provided through ongoing data sharing agreements with partner agencies (MSDE, MHEC, DoL, DJS, and MVA). Center data are provided at regular intervals for all students and/or workers available in the data set.
- c. Data Governance Advisory Board (Data GAB) - an advisory board that includes a data steward from each partner agency and the MLDS Executive Director and branch directors. The Data GAB reviews data inventory and collection schedules, monitors data quality, identifies data gaps, reviews security measures, and ensures data are used and maintained consistent with State and federal laws.
- d. External Data
 - i. External Data means data that are not part of the Center data and are being provided for a unique study or program evaluation. External data are student or worker unit record data as defined by Education Article § 24-701(f) and (g), Annotated Code of Maryland.
 - ii. External data does not include aggregate (non-individual) level data that are used in conjunction with Center data (i.e. IPEDS data or school climate reports are not external data).

3. Legal Requirements

External data:

- a. Must be approved by the MLDS Governing Board and added to the *MLDS Data Inventory*;
- b. Are subject to a PIA request while part of the *MLDS Data Inventory* (See # 7 below);
- c. Must be education and workforce data as defined by Education Article § 24-701(f) and (g), Annotated Code of Maryland;
- d. Once matched with existing MLDS data, the external data provider will only have access to de-identified unit record data; and
- e. A researcher using the external data must be staff of the Center and remain in full compliance with the Center's Rules of Security Behavior and requirements of the Data Security and Safeguarding Plan.

4. Request for Inclusion of External Data

An applicant must provide a description of the data including:

- a. How the data meets the definition of student or workforce data under Education Article § 24-701(f) and (g), Annotated Code of Maryland;
- b. A detailed description of the data, including:

- i. The size of the population;
 - ii. Data timeframes, including the years of the collection and the interval of the collection;
 - iii. MLDS data needed, including sector, years, and data elements;
 - iv. The primary reason the data are collected and the intended use;
 - v. The personally identifiable information included in the data that will facilitate data matching (i.e. name, date-of-birth, SSN, SASID);
 - vi. The number of data fields;
 - vii. Any changes in the data collection, such as new or removed data elements; and
 - viii. The method by which the external data is collected and validated.
- c. Project timeline;
- d. Whether the data are intended to be a permanent or temporary addition to the MLDS Data Inventory as follows:
 - i. Permanent data will be maintained in the system and will be available to the Center and other external researchers for review and analysis; and
 - ii. Except in the case of a PIA request (see #7 below), temporary data will be maintained for the exclusive use of the external researcher or project and will be removed from the system as specified in the data sharing agreement when the project is complete; and
- e. For permanent external data analytic sets, whether a second submission of the external data may be requested to facilitate a follow-up study. Center may request that the data be updated periodically
- f. Permanent external analytic data set of temporary data are subject to PIA requests.

5. Review and Approval Process

- a. The applicant must provide the information required in #4 above to the MLDS Center's Data Management Coordinator.
- b. The Data Management Coordinator will review the application, consult with Center data analysts, and gather any additional information deemed necessary.
- c. Once the Data Management Coordinator's review is complete, the request will be forwarded to the MLDS Management team for review and comment. The management team will make a recommendation to the Executive Director on whether to proceed or decline the external data.
- d. If the Executive Director continues with the application, the application will be referred to:
 - i. Partner agency counsels and subject matter experts for review and comment; and
 - ii. The Data Governance Advisory Board (Data GAB) for review at its next scheduled meeting that is at least one week from the date the proposal is sent to Data GAB members.
- e. After input from partner agency counsels, subject matter experts, and Data GAB, the Executive Director will make a determination whether to continue with the application and seek Governing Board approval at its next scheduled meeting.
- f. If the Executive Director continues with the application, the data will be presented to the Governing Board for its determination whether to include the data in the MLDS

6. Considerations

The MLDS Center will consider the following factors when reviewing an application for external data:

- a. The scope and complexity of the data to be added, including:
 - i. The level of staff effort to match data and develop the analytic data set;
 - ii. Whether the PII information available in the external data set will allow the Center to match the external data with a high level of accuracy to support the intended work; and
 - iii. Agency workload and availability to undertake the project; and
- b. Data quality, including understanding:
 - i. How the data are collected; and
 - ii. Whether there are gaps in the data that would impact the ability to meaningfully answer the research questions.

7. Public Information Act Requests

- a. Requirements
 - i. Education Article, § 24-703(f)(7), Annotated Code of Maryland, requires the Center to fulfill approved Public Information Act requests.
 - ii. The information that the Center provides must comply with:
 - The requirements of Education Article, §24-703(g)(2) and (3), Annotated Code of Maryland to provide only aggregate, de-identified data;
 - The privacy and confidentiality provisions of the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, as amended, and its accompanying regulations, located at 34 CFR §99, as amended;
 - The Federal-State Unemployment Compensation Program (UC), 20 CFR part 603, and Labor and Employment Article, §8-625, Annotated Code of Maryland; and
 - Any other applicable State or federal data privacy or confidentiality provisions.
- b. The Center will deny a data request if:
 - i. The data provided may be identifiable based on the size or uniqueness of the population under consideration, as required under Education Article, §24-703(a)(4), and Labor and Employment Article, §8-625, Annotated Code of Maryland, and 20 CFR Part 603.
 - ii. The request is for a data set belonging solely to one data partner, in which case the Center will refer the requestor to the appropriate agency or source that provided the requested data (See COMAR 14.36.04.07)
- c. Implications for External Data
 - i. For the duration of time that external data are part of the MLDS Data Inventory, the external data are subject to a PIA Request, for a cross-sector, aggregate, de-identified data set.
 - ii. If external data are removed from the Data Inventory, but remain in the system

as part of an analytic data set, the Center shall respond to a PIA request with external data if the request can be fulfilled with the limited data in the analytic data set.

- iii. Consistent with COMAR 14.36.04.07, the Center will deny a request if the request is for the external data only, and refer the requestor back to the original data source of the external data.

8. Institutional Review Board

- a. Prior to the Center receiving the external data, the researcher must provide documentation of Institutional Review Board approval for the use of the external data in the proposed study and its inclusion in the MLDS.
- b. The researcher must acknowledge that the IRB was fully informed of the fact that:
 - i. MLDS staff will have full access to the data, including the PII of its subjects; and
 - ii. As explained in section 7 above, the data may be subject to a Public Information Act request for aggregate, de-identified data.
- c. For permanent external data, the MLDS Center Research Branch Director shall add the new data elements to the MLDS IRB.

9. Post Approval

After the external data have been approved by the Governing Board, but prior to the transmission of the external data to the MLDS, the applicant must complete the following:

- a. Data Sharing Agreement - The Center and the applicant supplying the external data must enter into the MLDS Center's standard Data Sharing Agreement.
- b. The applicant must agree to pay the Center's estimated costs, including:
 - i. All aspects of managing the external data; and
 - ii. Services necessary to facilitate the research.
- c. Staff Authorization and Access Form
- d. IRB Documentation (see #8 above).

10. Data Management

- a. Data Structure
 - i. Permanent external data will be fully integrated into the system's data structure.
 - ii. Temporary external data will be kept separate and used for a one-time match, followed by the creation of a data set.
 - Data loaded to MDM/ODS and data is matched and an analytic data file is created.
 - PII data can then be removed from system
 - Only the analytic data file is maintained on researcher's virtual machine
 - Data Inventory - will reflect "*Temporary - until mm/dd/yyyy*".
- b. Data Transmission
 - i. External data should be sent by the data owner/steward.
 - ii. Data shall be in a file format specified by MLDS Center.

- iii. Data must be transmitted pursuant to MLDS Center data transmission protocols.
- c. Researcher Access
 - i. Once the external data are transmitted to the MLDS, Center staff will be responsible for loading it into the system and matching the individuals in the external data with existing student or worker data.
 - ii. Center staff will provide an initial analysis of the number of external data identities that are matched with a Center student or worker.
 - iii. Once data matching is complete, Center staff will build an analytic data set that incorporates the external data.
 - The analytic data file will not include any personally identifiable information.
 - Date-of-birth will be limited to month and year.
 - iv. Reporting
 - Data tables must be aggregated and data that may be identifiable based on the size or uniqueness of the population under consideration must be suppressed.
 - Data tables may only be removed from the Center's network after the Centers Director has reviewed the file and authorized removal.