



A4L-PESC Sessions

Welcome to the A4L-PESC Sessions....

Like cookies & milk, mac n'cheese or PB&J...A4L & PESC are better together!



AGENDA

2:15PM - 3:15PM

National Data Privacy Agreement (NDPA) for Higher Education

3:15PM - 3:30PM

Refreshment break

3:30PM - 5:00PM

Data Standards United (DSU): Digital Freeway Project

- Use Cases
- Current Status / Updated
- Joint Venture Agreement (JVA) moving forward....

National Data Privacy Agreement (NDPA) for Higher Education

SESSION PRESENTER



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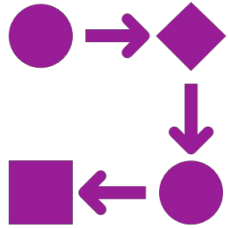
Starting Down the Road:

Creating a Higher Education DPA

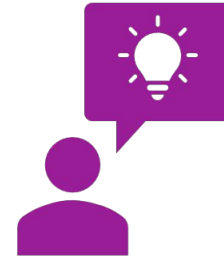
Agenda

- Process
- Basic Template Assumptions
- Scope of the Agreement
- External Architecture
- Unique Higher Education Experience
- Unique Higher Education Experience
- Internal Architecture
- New Topics
- How to proceed

Process



How will the next steps in the drafting process commence?



Brainstorming

Basic Template Assumptions

Basic Structure tracks the existing SSDPA Agreement

Advantage: Administrative and Reader Consistency

Do we want all of the Exhibits? Exhibit “A” (product description) Exhibit B, (data elements), Exhibit “E” “contract piggybacking? State variations?

Scope of the Agreement

External Architecture

- Please Note the Title: It states, “Data Privacy and Services Agreement”
- Why? It seeks to address topics that are related to privacy, but often not found in many traditional privacy agreements.
- ADA (Section 5.0).
- Insurance (5.4.1).
- Attorneys Fees (Standard Clause).
- Employee inclusion (section 4.9 and placeholder).
- Provisions also not found or are imperfectly expressed in Terms of Service.
- “Gap Filler” function.

Unique Higher Education Experience



Graham Leach Bliley (Section 5.3).



PCI-SS Standards (Section 5.3).



GDPR Requirements. Not expressed in the Agreement, do we want an Exhibit or should it be interwoven into the main text?



Professorial Autonomy: Should there be a “Field Agreement” or “Field Student Consent”?



Instruction sheet for instructors and/or students? What is feasible?



What are other things that are unique to higher education and should be expressed in the Agreement?



Let's brainstorm!

Internal Architecture

- Expanded Data Breach Sections.
- FTC Notification: 5.4.(1) (h).
- Specific Data Response and Notification Plan- Specific requirement 5.4.(3).
- Data Breach Damages 5.4. (6).
- Indemnification 5.4. (7).
- Data Breach Insurance 5.4.1.

New Topics

Artificial Intelligence (AI)



Only placeholders in current draft.



Need to cover both generative AI and consequential decision-making.



Parallel effort underway with K-12.

HECVAT Alignment

What sections need to be modified to achieve HECVAT alignment?

How to proceed



Explanation of the SSDPA process



To what extent do we want to emulate it?



Questions?

Thank you!

Information in this presentation, including but not limited to presenters' comments, is summary only and not legal advice. We advise you to consult with legal counsel to determine how this information may apply to your specific facts and circumstances.

For more information, please contact:



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