

# Cradle-to-Career System

## Legal Agreements Content

This document summarizes the topics covered in each of the primary legal agreements for California's Cradle-to-Career System regarding the analytical data set.

### Participation Agreement

This agreement is between the data providers and the entity hosting the data system, to establish the specific contexts in which the host may access and use the data.

#### **General requirements**

- Purpose, intent, structure, enforcement, and termination of the agreement
- Definition of parties and terminology used in the agreement
- General provisions and specific terms
- Adding additional parties
- Controlling laws, rules, and regulations

#### **Roles and responsibilities**

- Roles and responsibilities of the managing entity and data providers
- Ownership
- Funding, including third party data request fees
- Administrative contacts

#### **Data and security requirements**

- List of data points each data provider will submit
- Data security, disclosures, and destruction

#### **Redisclosure**

- Redisclosure and nondisclosure agreements

#### **Liability and indemnification**

- Indemnification, liability, and security incident reporting protocol
- Security breach notification and responsibility

#### **Termination**

- Severability
- Modification/termination

## **Specific addendums**

- Business Associate Addendum
- FERPA Addendum

## **Data Exchange Agreements**

This agreement is between the data providers, in cases where they seek to use data for purposes not specific to implementing the Cradle-to-Career system, such as for a joint research project. The agreement includes a master agreement that sets general terms and conditions for data sharing that only needs to be signed once, and a business use case proposal that will be filled in for each approved project.

### **Master Data Exchange Agreement**

#### **General requirements**

- Parties to the agreement
- Purpose and intent
- Special compliance provisions for the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Family Educational Rights and Privacy Act (FERPA), and the Higher Education Act (HEA)
- Definitions

#### **General provisions**

- Right to deny requests
- Description of the Business Use Case Proposal components
- Authorized users, information security, and improper use
- Subcontractor and employee access
- Applicable laws
- Managing source data systems
- Modifying data
- Removing access to data, destruction of data, and security attestation

#### **Roles and responsibilities**

- Terms for data recipients including training on use of confidential data, disclosures, and differences in data definitions

#### **Security incident notification**

- Notification to consumers and the state Attorney General

## **Liability and indemnification**

- No warranties
- Indemnification
- Security
- Controlling laws, rules, and regulations
- Disclaimers

## **Termination**

- Severability
- Modification/termination
- Additional Signatories

## **Business Use Case Proposal**

- Business use case for the data
- Specific data elements requested
- Identification of data users
- Data transfer/management requirements
- Legal authority
- Transfer of funds
- Identification of possible alternatives to the data being requested
- Critical dates
- Redisclosure requirements
- Specialized privacy/security requirements
- Destruction/return requirements

## **Agreements with Entities that Are Not Data Providers**

The data request process allows for approved third parties to access anonymized individual-level data in a secure data enclave—for example so researchers can conduct studies or perform evaluations of programs. To streamline the process of establishing legal agreements with authorized entities, each data provider will have a single template that allows access to the information they have submitted to the Cradle-to-Career system. The third party will then sign the agreements only with the relevant agencies, based on the specific data points they are authorized to access. By using templates, a consistent set of standards will be applied for all third parties, while enabling the legal process to be implemented in an expeditious manner.