SIIA Email

June 20, 2023

Vanessa Wrenn
Chief Information Officer
Technology Services and Digital Learning
North Carolina Department of Public Instruction

Via email and online form

Dear Ms. Wrenn,

We write today regarding the process for Public-School Unit (PSU) data integration set to go into effect August 1, 2023. Our members appreciate and support the work of the staff and leadership at the Department of Public Instruction (DPI) to protect the privacy and security of student data. We understand that the DPI is holding an informational session this week. Our letter outlines some additional questions from the educational technology ("ed tech") industry for consideration prior to that call.

By way of background, SIIA is the principal trade association for the software and digital content industry. Our members serve customers in North Carolina and include the nation's leading publishers and innovative developers of digital products and services for K-20 education, including digital instructional materials, education software and applications, online educational programs, professional development and related technologies and services for use in education.

The effective date of these new requirements is fast approaching. We are concerned that the requirements are somewhat vague and some of our members have not yet received adequate response to questions or additional guidance. Compliance will take staff time and financial investment. We appreciate additional clarity from DPI on the following issues and others brought forth by the community:

- Will vendors be required to comply with laws and regulations that do not apply to them (FOIA, NARA, etc.)?
- Will all ed tech companies need to comply with the standards or just those that integrate with a learning management system or other school system?
- How will the vendor security and system architecture information be protected by DPI to avoid the risk of these roadmaps getting accessed by bad actors?
- Will there be any efforts to streamline this reporting so each vendor does not need to do the same thing for each PSU?
- Does the DPI Frequently Asked Questions: Third Party Vendor Data Integration, #4, mean that new or renewal contracts signed before August 1, 2023 (even if the contract goes into effect on or after August 1, 2023) are not impacted by the new DPI process?
- We kindly note that it would be operationally difficult, if not impossible, for software vendors to comply with certain Service Agreement provisions as written (e.g., vendor to request PSU's advance written approval of subcontractor and purpose of disclosure prior to sharing Shared Data with any subcontractors). Will DPI and/or PSUs be permitted to negotiate the Service Agreement?
- May a vendor provide either a VRAR or a third-party conducted assessment report?
- FIPS 140-2/-3 is referenced in the "Vendor Readiness Assessment Report (VRAR) for Solutions Not Hosted on State Infrastructure" document. Is FIPS 140-2/-3 certification a requirement or is it acceptable for cryptography practices that are aligned with FIPS 140-2/-3 sufficient?

We expect there may be additional questions from the vendor community in the upcoming session. Thank you for your time and attention to responding to these and other questions from the vendor and school community in the upcoming webinar.

Regards,

Sara Kloek
Vice President, Education and Children's Policy
Software & Information Industry Association (SIIA)