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## Evaluation of privacy assurance methods and guideline development: Implications for dr's higher education institutions

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**Rochester Institute of Technology**  
**B. Thomas Golisano College**  
**Of**  
**Computing and Information Sciences**  
  
**Master of Science in**  
**Networking and Systems Administration**

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**Evaluation of Privacy assurance Methods and  
Guideline development: implications for DR's Higher  
Education institutions**

**By**

**Noe Luzon**

**Thesis submitted in partial fulfillment of the requirements for the  
Degree of Master of Science in  
Networking and Systems Administration**

**Rochester Institute of Technology**

**B. Thomas Golisano College  
Of  
Computing and Information Sciences**

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## **ABSTRACT**

*This project evaluates the actual mechanism of privacy assurance in the Dominican Republic's Higher Education institutions towards a standardization process.*

*International regulations and type codes such as U.S Family Education Rights and Privacy Act (FERPA), and Spain Castilla's University de La-Mancha conduct code for personal data protection have been examined in order to obtain a ground for comparing and evaluating Dominican Republic's higher education privacy assurance methods.*

*The evaluation of the Dominican Republic's actual higher education was developed through investigation of the different processes and procedures that people who are responsible of the students personal data, follow to achieve their tasks. Interviews to those involved in the process have also been made.*

*After the evaluation process several flaws were identified and a guideline developed to assist universities and higher education institutions in managing and enhancing their privacy safe methods.*

*The creation of a good practices code for privacy assurance of student's personal data has been recommended as a Universities' self-regulated approach, which should precede a centrally regulated code or law.*



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## INTRODUCTION

### **Context:**

Every person should have the right to privacy; have a guaranty of its personal life protection, and the right to control its own personal information. Because of that any organization that handles personal information of individuals must ensure the preservation of privacy rights of the same. As a consequence organizations must evaluate and protect their different processes and information repositories, as well as to provide the necessary mechanisms to revise and request for the rectification of the same to their owners.

To accomplish the personal information privacy assurance, the organizations have had to agree to use two approaches, a centrally regulated, which is dictated from a central entity like the government or external institution, or you could embrace a form of self regulation. Both approaches require a continuous reevaluation and an authoritarian form for their application, as well as continuous monitoring and documentation to obtain the expected results.

Dominican Republic's Higher Education institutions are not actually required to comply with any information privacy law, there is no existence of any regulation of this nature. The purpose of this project is to develop a document to provide a basic guideline to help develop an information privacy policy, and in addition outline the importance of the development of a basic regulatory framework to be applied throughout the Dominican Republic.

We will discuss the reasons to standardize information privacy assurance mechanisms, aimed to supply answers to common problems related to the growth, diversification, interchanging and work in partnership programs based on the current tendencies of higher education.

## **Background**

The Dominican Republic does not have any central regulation or self-regulation that establishes basic points of security or privacy assurance levels of Information systems. The recently inclusion of an article of privacy and personal honor on the Dominican's constitution, together with a law that penalizes high-tech crimes are the only attempts to establish a data privacy principle.

It is important to mention that at the moment this project was started these articles did not exist, but we consider important to add them because it directly affects the situation we describe here, and also helps us support our correct code self-regulated suggestion, as an attempt way to regulate the education sector.

The following are extractions of the Dominican Republic's constitution and the High-Tech crimes law. First, we will take a look at the articles 44 and 70 of the actual Dominican Republic's Constitution and then to the articles 6, 10 and 17 of the Law Number 53-07 about High-Tech Crimes of the Dominican Republic.

- ***“Article 44. - Right to privacy and personal honor. Everyone has right to privacy. Is ensured the compliance and non-interference in private life, family, home and***

*correspondence of the individual. The right to honor, the good name and to own image. Any authority or individual that violates this is required to make or repair according to law. Therefore:*

*1) The home address and any private premise are inviolable person, except where they are sorted in accordance with the law, by competent judicial authority or in case of flagrant crime;*

*2) Everyone has the right to access information and data on soak it or its assets in official or private records and to know destination and the use made of the same, with the limitations set by the law. The processing of personal data and information assets must nevertheless respect the principles of quality, legality, loyalty, security and purpose. May apply to the competent judicial authority update opposition to the treatment, correction or destruction of that information illegitimately affecting his rights;*

*3) Is recognized the inviolability of correspondence, documents or messages private formats, digital, electronic or any other type. They may only be seized, intercepted or recorded in order of a judicial authority with legal procedures in the conduct of matters are aired on justice and preserving the secrecy of the private, not to save under the appropriate process. It is inviolable the secret of telegraphic communication, telephone, cable, electronics, telematics or established in another medium, except for licenses granted by a judge or competent authority in accordance with the law;*

*4) The handling, use or management of data and information officially collected by the authorities responsible for prevention, prosecution and punishment of crime, only be treated or reported to public records, since has involved an openness to trial in accordance with the law. ”*

The article 44 of the Dominican Republic's constitution, was just added January 26<sup>th</sup> of the current year, 2010, and establish established the first appearance of privacy principle on Dominican Republic's law. This article creates the privacy and personal honor right, and also introduces the access to the personal information right by its owner when it is stored on either a public or private institution.

Dominican Republic's law has just set their privacy rights with the article 44 but this does not force or encourage institutions to adopt any procedure to improve their privacy mechanism to accomplish what is settled on this article.

The article 70 of the constitution is named Habeas data and is one of the six fundamental rights and warranties of every person according to the Dominican Republic's constitution. In this article the right to a judicial action for the rectification or modification of any information about its person on any data source either public or private is established.

- *“Article 70. - Habeas data. Everyone has the right to a judicial action to know of the existence and access to data entered in her records or data banks, public or private and in case of falsity or discrimination, require the suspension, modification, maintenance*

*and confidentiality of those under the law. Will not be affected the confidentiality of sources of news reporting. ”*

The High-tech crimes law is aimed to punish individuals that commit any violation against the integrity of information systems and any of its components, the information or data contained on them or that are transmitted through them, any transaction and commercial agreements and the confidentiality of any of the mentioned before.

The following are some extractions from the articles found on the “Law Number 53-07 about High-Tech Crimes” on the Dominican Republic, where the Data privacy violation is punished.

- *“On the Chapter I, Article 6, Paragraph I. - About the Unauthorized Access and use of Data, where it establishes that: When the Unauthorized access of information results in the deletion or modification of data in the system, or the improperly disclosed or dissemination of confidential information contained in the accessed system, the penalties will rise from one year to three years imprisonment and a fine from two to four hundred times the minimum wage.*
- *Article 10. - Damage or data change. The clear fact of affect, modify, copy, maul, edit, alter or delete data and components in electronic systems, computer or telecommunications, or transmitted through one of these, for fraudulent purposes, shall be punishable with imprisonment of three months to one year imprisonment and a fine from three to five times the minimum wage.*

- *Chapter II, Article 17. - Identity Theft. The fact a person rely on an identity of others to his, through electronic, computer or telecommunications, is punishable with three months to seven years imprisonment and a fine two to two hundred times the minimum wage.”*

These are just punishments, and only apply to the violation of the data privacy, but there is no existence of any regulation that establishes any mechanism, policies or any rule to be followed or implemented by the institutions in order to provide security levels to their customers, and on our special case to students.

On the other hand, developed countries have built up regulations for almost every area that involves personal information and more specifically where the data privacy is involved. For example in the U.S the Family Education Rights and Privacy Act (FERPA), intends to prevent third party access to student's permanent files. FERPA accomplishes this goal by requiring having a privacy policy in place for allowing parents, and students over 18 years old upon written request, to have access to educational records. Europe instead of developing sectorized fair information approach for data privacy; have developed what is an Omnibus approach. Europe's Omnibus approach is designed to protect individuals with respect to processing of personal information, and to ensure the free movement of personal information within the Europe Union through the coordination of national laws. One key principle of the Europe Union Omnibus approach for data protection to be complied is not transferring any information to countries without adequate protection. Also countries such as Spain have had developed different codes to comply with international regulations and to increase the personal data protection according to

the standards. Those type codes are detailed codes that even set the different levels of security that should be followed according to the importance of the data involved. They also detail the procedures for data handle even if it is on physical or digital format, the authorization levels for the personnel that handles the same and the different periods that the information pass from its gather to the final disassociation of the same.

### **Research Focus**

As we have seen so far Dominican Republic does not have any regulations for data privacy or nothing else but a principle against the violation of the Human right of intimacy, enacted on the Human right declaration. Departing from this point, that we are advising the development of privacy policy law for Higher Education Institutions of the Dominican Republic, and that could also provide a departure point for the compliance of this kind of regulations and international standardization.

We have studied different regulations such as FERPA and type codes as the University of Castilla's conduct and personal data protection code, and also have revised the principles of privacy protection such as the SAFE HARBOR PRIVACY PRINCIPLES, in order to stay solid ground for the development of our guideline, that as well is based on the international regulations that consequently make easier the introduction to international interchange programs of Dominican Republic's higher education institutions.



The development of this guideline will cover the key principles of personal data protection needed to be followed that could serve as base for the higher education institution to preserve the intimacy rights of the student across the different universities, interchange programs and also design more auditable processes of data handle even inside the institution. This guideline should introduce the principle of notification to the involved and affected people on the different processes of data gathering and processes that until now are not even advised by local entities.

### **Overall Research Aim and individual Research Objectives**

The overall aim of this project is to set a departing point to the creation of privacy policies on the educational sector of the Dominican Republic, where privacy principles are not well defined and that are barely covered by some institutions most of the time on an empirical way, like is the case of the Pontificia Universidad Católica Madre y Maestra, that has served as scope for our study. If is true that the PUCMM has its norms and practical codes there are many subjects that are missing and needed to be covered to guaranty the privacy and intimacy principles and even more to comply with international standards.

More specifically the following are the purposes of the evaluation of the current privacy assurance methods and for the guideline development:

- **To evidence the deficiency of the different mechanism of privacy keeping in DR higher education institutions.** Is necessary to evaluate the actual mechanisms in order to set a comparison and to improve those methods on respect to internationally adopted ones.

- **To improve the privacy assurance of students records in higher education institutions in the DR.** Improving and regulating privacy assurance methods will not only have an impact on local territory but also will permit DR's higher institutions to comply with the international requirements for interchanging mutual programs between DR's and worldwide institutions.
- **To assist higher education institutions in managing and enhancing their privacy safe methods.** Dominican Republic Higher educational institutions keeps the privacy of their students record in a not standardized form, every single institution has its own rules and procedure which mean is not standardized, and also mean that there is not any good practice, regulation or any established security level for privacy keeping.
- **To form a background for privacy assurance in DR higher education institutions.**  
Is important to set a precedence or a departing point that gives DR's Higher Education institution a parameter of what needs to be cover and how to revised their data handle procedures in order to improve them. If possible this will ground the initiative for the creation of an institution dedicated to the creation, evaluation and enforcement of privacy assurance mechanism for the educational sector on the national territory.

Specifically, within the perspective of Dominican Republic higher education Institutions the objectives of the guideline development are:

- **To promote the development of privacy safeguards policies on DR's Higher Education Institutions.** With the development of a guideline legislators and involve professionals could get motivated to pursue the development of law either for privacy of students records or information privacy general.
- **To provide the guidance to DR's higher education institutions in developing their own privacy assurance regulations.** Since there is no standard regulation or procedure for private information process and management, is possible that a guideline provide a good practices code that could adopted by higher education institution in order to comply with an agreed level of privacy.
- **To advise higher education institutions, students, employer and other stakeholders about the situation.** The development of guideline may serve as aware the people involve about the local situation and also as a reference to compare and notice the way privacy is managed outside the DR territory. Advise them and make them be conscious of the repercussion the lack of interferes about the subject could mean.
- **to contribute to a regular frame of reference for the provision of higher education institutions privacy assurance of educational records within the DR and provide a departing point for a regulation that complies with the international basic requirements.** Supporting this study on international regulation and good practices would result on a reference point close to international regulations, meaning on a less challenging

process of a new regulation creation that could be implemented for the comply with the same.

## LITERATURE REVIEW

To establish a reference point and know the different components that must contain a code or policy for the protection of personal information is necessary to study the various trends in the international arena and with greater focus on those countries that are understood as parameters on this area. We have initiated for those who are to be the bases or principles of privacy in accordance with international requirements, in this respect we have reviewed the privacy principles outlined in the Safe Harbor Privacy Principles, understanding that this is a comprehensive source and a detailed general privacy principles perfectly adequate for our purposes.

The Federal Trade Commission of USA defines as Fair Information Practice Principles the following:

**Notice/Awareness:** Is a fundamental principle that states the informational commitment those entities having with the user to notify him/her about the entity's information practices. It bases that the user should be well notice to be able to make a really grounded decision of disclosing his personal information.

Some of the essential parts that should be informed before revealing personal information are: the identification of the entity requiring the data; the identification of the uses of the collected data; the nature of collecting mechanism either if is by a passively, electronically gather or actively by direct asking to provide the information; whether the requested data is required or voluntary, and the consequences of refusing to provide the requested information; the process and mechanism that collector uses to ensure the confidentiality and integrity of the provided data.

**Choice/Consent:** Meaning the options the user has about how the disclose information is going to be uses, if it will be used for internal use only for the completion of the process in case or either if the company can use the data for any other additional purpose such as promotions or the transferring to an third external party.

**Access/Participation:** this principle refers to individual's capabilities to access his/her data, and to contest the data's accuracy. By these it means that the access must be timely and inexpensive, and that the verification mechanisms used to contest the data accuracy exist.

**Integrity/Security:** Are the mechanism and different steps use by the collector to protect the data integrity by preventing the unauthorized access, destruction use or disclosure of the same. These mechanism are not only meant for the manual process but also to the technical ones, such as encryption, authentication methods and the security on server that where the data is store.

**Enforcement/Redress:** This final principle states about different ways to enforce the accomplishment and re-enforcement of the different privacy protection mechanism, either if they are self-regulated, private remedies and government enforced.

Having defined the general principles of privacy, we need to specifically set the fundamental principles for privacy assurance of academic records, for that we have identified from U.S the Family Education Rights and Privacy Act (FERPA), what is known as the Basic Principles for Student's Privacy Assurance. These principles are the following:

- **Providers of higher education have responsibility for privacy keeping and assurance of the same.** Data collector must be responsible for ensuring the privacy of the data they collect. Educational institutions must provide reasonable methods to ensure that the access to the educational record have legit educational interest no matter if the access request came from school official or any other external authority. These methods must protect the access to physical records and also the electronically against unauthorized access. The mechanisms to protect the information can include from locket filing cabinets for physical record protection to software applications, encryption methods and access control for electronic records. Finally is also suggested that the access to the records be also audit or track for the cases where info be disclose outside the institution.
- **Provide efficient and effective organizational structures within those who manage private information and academics records.** The Educational institutions must create an organizational and centralized structure for the information collection, management, storage, destruction and any other process the private data involves. Procedures for the same must be well defined and responsible for every single step need to identify. Those identified as information responsible, must be aware of the importance and the responsibilities' they have, in order to minimize the data flaws and privacy disclosure.

- **Privacy assurance.** The objective is to protect and guaranty all procedures of data management, the public rights and basic rights of people en more specifically their honor and intimacy. Is about the control the use the data and to assure that the information be use for no other purpose different from the legitimate convey at the collection.
- **Institutions should be able to demonstrate their capacity to keep privacy of student's information.** By the adoption of the regulation educational institutions be able to establish the conditions, process security rules, programs or devices, responsibilities from the personal involved in how to use and handle the personal information, ensuring the intimacy rights of people.

Each of the above principles must be applied by different rules that make up the final regulation. Having studied FERPA and the University of Castilla's conduct and personal data protection code, we have identified the most important clauses or points for shaping our guideline.

Is therefore important to clarify that our intention with these codes citations is not to re-write any of the codes but only to outline the different aspects they cover on their regulations, for more details about the same, please, refer to our references.

FERPA act establish the following themes or clauses (noticed these subject are extraction from the Family Education Rights and Privacy Act [3]):

- *“Rights of parent”*
- *“Rights of student”*
- *“Notification”*
- *“Provisions apply to records of enforcement unit”*



- *“Rights of inspection and review of Education records”*
- *“Rights exists for parent or eligible student to inspect and review ER”*
- *“Charges for copies of ER”*
- *“Limitations exist on the right to inspect and review ER”*
- *“Request for amendment of student ER”*
- *“Conditions to have a hearing”*
- *“Minimum requirements exist the conduct of a hearing”*
- *“Conditions to prior consent required to disclose information”*
- *“Conditions to prior consent not required to disclose information”*
- *“Recordkeeping requirements exist concerning request and disclosures”*
- *“Limitations apply to the re-disclosure of information”*
- *“Conditions apply to disclosure of information to other educational agencies or institutions”*
- *“Conditions apply to disclosure of information for federal or state program”*
- *“Conditions apply to disclosure of information in health and safety emergencies”*
- *“Conditions apply to disclosure of directory information”*
- *“Definitions apply to the nonconsensual disclosure of records by postsecondary educational institutions in connection with disciplinary proceedings concerning crimes of violence or non-forcible sex offenses”*

- *“Complaints : where to filed and procedures”*
- *“Content of the notice of complaint issued by the office”*
- *“Responsibilities’ of the Office in the enforcement process”*
- *“Secretary enforce decisions”*

FERPA regulation covers the privacy policy practices by establishing the rights of parents and eligible students to inspect and review the student’s educational records maintained by educational institutions. It also defines the conditions under a parent or eligible student can request for a correction of the record and also the conditions that encase to formal hearing. FERPA as well, states the conditions and requirement that need to be amend in order to school release any information from student’s educational record with or without the written permission from the parent or eligible student. The disassociation on the active record after the enroll period of the student is also defined, and the conditions for the information disclosure after that.

As we can see almost everything is covered by FERPA about rights and disclosure subjects, but we have consider that other regulation have something to add and maybe that will have a better understandable way to explain the different issues.

Codes type of some universities in Europe specifically the University of Castilla's conduct and personal data protection code establishes the following clauses under different divisions that can make it easier to apply according to the structure of the universities in the Dominican Republic (notice that the following list is an extraction of "Código de conducta de protección de datos personales en la Universidad de Castilla-La Mancha"):

- ***"About protection and people rights"***
  - *"Purpose of the gathered data"*
  - *"Data correctness"*
  - *"Consent of the affected"*
  - *"Secret"*
  - *"Data communication"*
  - *"Data communication between student and School officers"*
  - *"Data communication for investigation"*
  - *"Outsourcing"*
  - *"School as responsible of the data"*
  - *"Rights for data access"*
  - *"Rights for data rectification and canceling"*
  - *"Procedures: opposition, access, modification or cancellation"*
  - *"International data transfers"*

- ***“Personal data files”***
  - *“Procedures: creation, modification or suppression”*
  - *“Security levels”*
  - *“Security levels application”*
  - *“Security responsible”*
  - *“Temporal files”*
  - *“Security documents”*
- ***“First level security mechanism”***
  - *“Personnel obligation”*
  - *“Identification and authentication”*
  - *“Access control”*
  - *“Physical access control”*
  - *“Duty outside the premises of the location of the file”*
  - *“Management of medias and documents”*
  - *“Backup and recovery”*
  - *“Data access over communications networks”*
  - *“Incident Record”*
  - *“Audit”*

- ***“High level security mechanism”***
  - *“Management and media distribution”*
  - *“Access record”*
  - *“Documentation access”*
- ***“Code evaluation”***
  - *“Dissemination and evaluation of satisfaction”*
  - *“Application control”*
  - *“Activity Report “*

This code type has many similarities with FERPA, it complements some aspects FERPA do not clearly establishes such as the security levels that needed to be used for at least warranty some levels of minimal security and also in some cases high levels of security.

- In addition to that they also define the clauses for the revision and evaluation of the code to make sure that it can be readjusted according to the time.

## **Evaluating Dominican Republic’s Higher Education Privacy Assurance Systems Actual Situation**

First of all we need that our scope of investigation of PUCMM, be considered as a trustable reference of the situation all over the country, and also knowing that the PUCMM is one of the most interested institutions in the country on privacy assurance, clearly evidenced by their presence, collaboration and support for the adoption of the only Higher education Law the Dominican Republic has until now the “Ley 139-01”.

To effectively evaluate the privacy assurance mechanism used on local territory, we have divided and developed our evaluation based on the five principles of the Fair Information Privacy principle: **Notice/Awareness, Choice/Consent, Access/Participation, Integrity/Security, Enforcement/Redress.**

As a first resource we have investigated and gathered all the information that could be obtain from open public such as admission form, internet admission and register officer pages. We also have gathered admission forms and any other academic information that is deliver to the student during the admission process and on the first semester where the student receive all the information about the academic processes.

The second resource or instrument used was interviews with the register officials to gather information about the process and such academic record request, revision process and grades publication.

Based on the first and second principles **Notice/Awareness** and **Choice/Consent**, we have evaluated how the University advises about the purpose and use of the information gathered from the people before they be enrolled, or more precisely during the admission process. Also how they inform about the rights and limitations about their academic and directory information, and what is done with their information after they finished their studies in the center.

This principle is one of the two where more lack was evidenced, because as can be seen on the appendix 1 of this document, the admission forms either web or physical format there is no consent information about the purpose or the further use that the information gathered/provided from/by the student is going to have. This lack is not only seemed on the admission process but

on the web page and academic web application. The other official document that students received is the academics regulation and not even there is no advice about the use of information during or after the enrollment of the student on the university a neither about the cancelation of the same.

To evaluate the third principle **Access/Participation**, we have revised the mechanism offered to the student for the revision, amendment of the information that the organization holds about the student.

The registration officer has really good control of the request and the management of academic students' information. The major flaw here is that schools officials that handle the requests and manage the records receive training but only practical, there is no documented operational process for this and basically what is done is by the person in charge. This evidently could result in some missing points and also in a non standard training process. On the other hand irresponsible staff can argue that something was not clear during the training, not accepting responsibilities for any incident. As a consequence there's no guidance document that could serve as a reference just in case something the user does not know how to handle what occur.

For the evaluation of the **Integrity/Security** principle, we have conduct interviews to revise the security levels of the process and handle the information and the different technologies used to ensure the access control to the information.

The university uses several security methods for control the access the electronically record of the student. User and medium complex passwords are required to access to the web page. Also SSL certificate is used to protect credentials during the logon application. The only problem is that there is no different account for the students and they have to use their official ID to access the records and is also used as university official e-mail address, meaning is a public

information. It is a regular practice to report partial and final grades on mural using the student's ID as reference or link to the student.

The **Enforcement/Redress** principle was evaluated through the interviews to the personnel involve on the process.

The enforcement and supervision is done by the register officer in charge and again this is not documented as a regular process, but is incredibly well executed in a way that the register office has not yet reports any mayor issue of privacy flaw on all their operating years.



## METHODOLOGY

This project main objective is to contribute for creation of regular frame of reference for the provision of higher education institutions privacy assurance of educational records within the DR and provide a departing point for a regulation that complies with the international basic requirements, for this task we have gone through the following phases:

- The **Identification** of the different components that a code or policy must contain for the protection and assurance of personal information, for these was necessary to study the various trends in the international arena.
- We have also **Evaluated** Dominican Republic Higher education institutions actual situation on the subject of privacy assurance, delimitating our job on the PUCMM systems.
- And finally we have **Formulate** a guideline that server as a reference for the creation of either a centrally regulated privacy policy or a self-regulated privacy code.

The data gathered for this project was the result of two parts: first by **investigating** and **analyzing** the supporting principles required for the development of an information privacy regulation.

The second part have been the result of **evaluation** the actual data privacy mechanisms at the Dominican Republic (limited to the Pontificia Universidad Católica Madre y Maestra). To accomplish this, interviews for data collection made to people involve on the processes of data gathering and processing student's records. We **interviewed** the register office general processes supervisor and the person in charge of the academic record maintenance and handle.

We have also **interview** one lawyer the actual PUCMM student's dean, who is an authority on digital rights and crimes. This person is also really familiarized with international privacy mechanism since he make his master degree on Europe, specifically on Spain and he got really close to the subject while being attending classes. Our purpose with this final interview was for know about the constraints involve with the creation of a higher Education privacy assurance regulation for the Dominican Republic and also asked him for his personal recommendations.

The final phase of the project was the **analysis** of the information gather from the preview interviews to generate conclusions of the same about how well structure they are and to denote its strong and weak points, to the posterior **development of guideline** of privacy protection for the local higher education institutions.

The research strategy used was basically **investigative research**, because we have examined every single aspect mention before, analyzed them and finally take our results from the gathered information.

As consequence of the type of research done we have developed and **qualitative research** since all the documentation, about Privacy assurance from other countries, we found was used to frame the settled problem, and also we used it as comparing basis to contrast our local findings.

We recognize the fact of **limiting** our interviews to the PUCMM officials, could have gave us a modest perspective, but we consider that the impression gathered from the PUCMM processes is provably higher than the observed on other Universities, understanding the high level of responsibility the PUCMM denotes on every aspect.

## RESULTS & CONCLUSIONS

The most important result of this research work is the guideline that would serve as a reference for the educational institution that is interested in creating a code for the personal data privacy assurance, and also to any legislator interested in promoting the creation of a privacy policy.

Next, we are presenting a list of the most important points we considered that should be present for a feasible personal information privacy protection code:

### **Guideline for the Creation of Personal Information Privacy Protection for Higher Education Institutions**

The following terms should be included on the code as **semantic control** of different aspects defined on the code (based on FERPA and the University of Castilla's conduct and personal data protection code):

- Attendance
- Former student
- Directory Information
- Electronic personal Identifiers
- Disclosure
- Educational or academic record
- Grading procedure
- Post-enrollment records
- Personally identifiable information
- School Officials

- Outsourcing
- Controlling access to education records to school officials
- Student's new School
- De-identification of information
- Recordkeeping requirements
- Health and safety emergencies
- Data process
- Prior consent
- Non-related data
- Personal data
- Health related personal data
- Process Responsible
- Record
- Identifiable person
- Dissociation process
- Record responsible
- International data transfer
- Data treatment
- Granted access
- Access control
- Authentication
- Backup information
- Document

- Temporal files
- Identification
- User profile
- Resource
- Security responsible
- Information System

The following are the clauses based on FERPA and the University of Castilla's conduct and personal data protection code that should include on the code and also should clearly define:

- **About the Rights:**
  - Rights of parent
  - Rights of student
  - Rights of inspection and review of Education records
  - Rights exits for parent or eligible student to inspect and review educational record
  - Rights for data access
  - Rights for data rectification and canceling
  - Consent of the affected
- **About Notification**
  - Notification of rights
  - Notification of the Purpose of the data
  - Notification of incidents

- **About Data protection**

- Data correctness
- Secret
- Data communication
- Data communication between student and School officers
- Data communication for investigation
- Outsourcing
- School as responsible of the data
- Procedures: opposition, access, modification or cancellation
- International data transfers

- **About data Disclosure**

- Conditions to prior consent required to disclose information
- Conditions to prior consent not required to disclose information
- Recordkeeping requirements exist concerning request and disclosures
- Limitations apply to the re-disclosure of information
- Conditions apply to disclosure of information to other educational agencies or institutions
- Conditions apply to disclosure of information for state program
- Conditions apply to disclosure of information in health and safety emergencies

- Conditions apply to disclosure of directory information
- **About data handle and security**
  - Provisions apply to records of enforcement unit
  - Procedures: creation, modification or suppression
  - Security levels
  - Security levels application
  - Security responsible
  - Temporal files
  - Security documents
  - Personnel obligation
  - Identification and authentication
  - Access control
  - Physical access control
  - Duty outside the premises of the location of the file
  - Management of medias and documents
  - Backup and recovery
  - Data access over communications networks
  - Incident Record
  - Audit

- Access record
- Documentation access
- **About Limitations and Complaints**
  - Limitations exist on the right to inspect and review Educational Record
  - Request for amendment of student Educational Record
  - Conditions to have a hearing
  - Minimum requirements exist the conduct of a hearing
  - Complaints : where to filed and procedures
  - Content of the notice of complaint issued by the office
- **About enforcement and code evaluation**
  - Dissemination and evaluation of satisfaction
  - Application control
  - Activity Report
  - Enforcement

## **Conclusions**

Regarding to promotion of this guide for its adoption, we have been advised, by the lawyer we interviewed, to promote it as a good practice code, and maybe after its evaluation and implementation by PUCMM authorities, we could suggest the resulting code to other Universities and help them implement it, by an advice process.

The implementation of privacy code needs to be done with the assistance of an authority on the subject; otherwise it could lead to mayor flaws, and probably on abuses to the rights of people.



## **FUTURE RESEARCH**

There are two main subjects that have not been fully exploited on this project, the technological constraints involved with the audit of the systems, policies that need to be followed for real encourage of the same, and the legal procedure to promote this work as legislation.

The full coverage of these two subjects deserves the exclusive attention of a professional investigator on each area.

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## **APENDIX 1**

Register officer interview:

### **1. How can academics records be obtained?**

- By the direct request of the student.
- By the direct request of a parent.
- By the request from another legally recognized institution (university, Secretary of State of education, scholarship institution).

### **2. Who or whom is responsible for providing the academic records?**

- The register Office.

### **3. Which is the process to obtain a record?**

- If it is the very same student or his/her parent that is requesting for the record, after verifying its authenticity, this goes to treasury department and pays a feed, after that he/she deposits the receipt into the register officer in charged, the officer will issued and proof ticket that will be needed to claim the record.

On the other hand if the person that request the record is neither the very same student nor parent, this must fulfill a form [See Attachment #XX], and present and written authorization properly sign by the owner of the record to claim the record.

When a record is requested by another institutions the procedure is managed from entity-to-entity among them defined procedure.

**a. How much time does it take?**

- One week.

**b. Which formats can be obtained**

- If the request is for a certified educational record it can only be obtained on hard copy format. On the other hand the student can also review its record through the Web SISE (SISE stand for “Sistema Integrado de Servicios Estudiantiles”).

**4. What happens if the students have to move and needs it records to be transferred to another campus or university?**

- The university manage those procedure directly either campus-to-campus or entity-to-entity. It is important to clarify that the Secretary of State of Education states by law that any record that need to be transfer from Institution to institution must be certify by them or if is from another country by the local government authority of the same.

**5. Which information can be obtained by phone call?**

- Only the information about the process for requesting the record, nothing else.

**6. Which notification is given to the student about the use of its own records?**

- None.

**7. Under which circumstances can the record be share without the prior consent of the student?**

- Only if its authorize by the Vicerrectoria Académica, and it is requested by the Secretary of State of Education, an Embassy or any other Legally recognized institution or disciplinary entity.

**8. Can the records be share to the family of the students without the prior consent of the same?**

- Only parents can.

-

**9. Is there any regulation from the central government about the proper management of citizen's private info?**

- The Secretary of State of Education enacted the Higher Education Law, but it only states for the certification of the Educational records when those are going to be share from institutions, It does not state for the internal procedure or management of the records.

All the controls mention before are self regulated.

**10. Which resources do the student has if he/she understands that his/her privacy has been violated?**

- There is not standard procedure defined.

-

**a. Is there any registered case about it?**

- There is not registered case about it.

**11. Which trained does the people who manage the information received?**

- They are aware about the procedures and the mechanism, steps and more on a verbal form, but there is any written procedure or regulation itself.

## **APENDIX 2**

Interview gathered info.

**Knowing the situation about privacy assurance on countries like US and Spain, with legislations like FERPA, and the different type codes used on Europe, do you think is possible to get to something similar here at the Dominican Republic?**

Answer - US right are made by acts, and tribunal determines what's to be done. Ours is made from was written on the constitution. Now days we recently approved a new constitution, and the article 44, that sets a parameter for privacy keeping.

- Those rights need to be applying trough a tribunal order.

**In case we want to promote centrally administered regulation for Higher education personal information privacy assurance, how and what need to be done?**

- The constitution will be your ground, the mechanism is voluntary the constitution tells you to do it but does not force you to.

**Which entity will support me?**

- The secretary of higher education, maybe they could adjust some type of an ethic code, or the PUCMM should adopt and ethic code that could be adopted by other institutions or advise as good practice.
- After this code is created the PUCMM could also suggest the adoption of the code.
- Another could be that you should provide some advisory to every institution.



- We have just set grounding with the constitution.
- There is also the Habeas data (article 70 of our constitution) to be able to demand the right. This is a protection to support your rights.

Habeas data and the privacy are you're found. A good practice will be your departing point.

## APENDIX3



# PUCMM

Pontificia Universidad Católica  
Madre y Maestra

## Solicitud de Admisión • Carreras de Grado • Campus Santiago

### LEA CON MUCHA ATENCIÓN LAS SIGUIENTES INSTRUCCIONES

- Llene esta solicitud con letra muy clara. En los apartados que tienen cuadritos, escriba con letra de molde. Después de cada palabra deje un cuadrito en blanco.
- Su nombre y apellido deberán aparecer en el orden solicitado y según consta en su acta de nacimiento.
- Asegúrese de decir la verdad en todo lo que escriba. Cualquier error o distorsión de los datos podría traerle dificultades o ser motivo para rechazar su solicitud.
- De las carreras que se ofrecen y aparecen a continuación, favor marcar con una X la que desea estudiar.

| CLAVES                        | CARRERA                        | CLAVES                        | CARRERA  |
|-------------------------------|--------------------------------|-------------------------------|--|
| <input type="checkbox"/> ADHA | Administración Hotelera        | <input type="checkbox"/> ISC  | Ingeniería de Sistemas y Computación               |
| <input type="checkbox"/> ADHM | - Alimentos y Bebidas          | <input type="checkbox"/> ITE  | Ingeniería Electrónica                             |
| <input type="checkbox"/> ADM  | Administración Hotelera        | <input type="checkbox"/> ITT  | Ingeniería Telemática                              |
| <input type="checkbox"/> ARQ  | - Mercadeo Hotelero            | <input type="checkbox"/> MED  | Medicina   |
| <input type="checkbox"/> COM  | Administración de Empresa      | <input type="checkbox"/> MCT  | Mercadotecnia                                      |
| <input type="checkbox"/> DER  | Arquitectura                   | <input type="checkbox"/> PSIC | Psicología   |
| <input type="checkbox"/> EDB  | Comunicación Social            | <input type="checkbox"/> TF   | Terapia Física                                     |
| <input type="checkbox"/> ENF  | Derecho                        | <input type="checkbox"/> TADM | Tecnología en Administración de Empresa            |
| <input type="checkbox"/> ENFT | Educación                      | <input type="checkbox"/> TIE  | Tecnología en Ingeniería Eléctrica                 |
| <input type="checkbox"/> EST  | Enfermería                     | <input type="checkbox"/> TIEM | Tecnología en Ingeniería Mecánica                  |
| <input type="checkbox"/> GFA  | Tecnología en Enfermería       | <input type="checkbox"/> TII  | Tecnología en Ingeniería Industrial                |
| <input type="checkbox"/> IC   | Estomatología                  | <input type="checkbox"/> TISC | Tecnología en Ingeniería de Sistemas y Computación |
| <input type="checkbox"/> IEME | Gestión Financiera y Auditoría | <input type="checkbox"/> TITE | Tecnología en Ingeniería Electrónica               |
| <input type="checkbox"/> IEMM | Ingeniería Civil               | <input type="checkbox"/> TITT | Tecnología en Ingeniería Telemática                |
| <input type="checkbox"/> II   | Ingeniería Electromecánica     | <input type="checkbox"/>      | Otra _____   |
|                               | - Eléctrica                    |                               |  |
|                               | Ingeniería Electromecánica     |                               |  |
|                               | - Mecánica                     |                               |  |
|                               | Ingeniería Industrial          |                               |  |





### III. DATOS EDUCACIONALES

#### A. Estudios Secundarios

¿En qué tipo de institución se graduó/graduará?

☐

Pública

☐

Privada

Año de graduación

¿Ha cursado sus estudios primarios y/o secundarios en otro idioma?

☐

Sí

☐

No

Nombre de la institución

Dirección

Ciudad

Provincia

País

Teléfono

#### B. Estudios Universitarios

| Fecha Mes y Año | Nombre de la Institución | Ciudad/País donde está | Carrera que estudiaba | No. Cred. Aprob. | Grado Obtenido |
|-----------------|--------------------------|------------------------|-----------------------|------------------|----------------|
| Desde           |                          |                        |                       |                  |                |
| Hasta           |                          |                        |                       |                  |                |
| Desde           |                          |                        |                       |                  |                |
| Hasta           |                          |                        |                       |                  |                |
| Desde           |                          |                        |                       |                  |                |
| Hasta           |                          |                        |                       |                  |                |

### IV. DATOS DEL TUTOR (A)

Primer Nombre

Segundo Nombre

Primer Apellido

Segundo Apellido

Dirección

Parentesco con su Tutor(a)

☐

Padre

☐

Madre

☐

Cónyuge

☐

Otro

Teléfono

Si es extranjero: Años de Residencia en el País

Nacionalidad

## NATURALEZA DE LA PUCMM

De acuerdo a los Estatutos de la PUCMM, el estudiante debe observar los siguientes artículos:

Artículo 7. Por la naturaleza de la Pontificia Universidad Católica Madre y Maestra, sus fines sólo pueden lograrse si se respetan las ideas ajenas y hay libre discusión.

- a) Por consiguiente, queda prohibida toda actividad y proselitismo político dentro de la Universidad, y se rechaza cuanto tienda a convertirla en una institución al servicio de una ideología o régimen político específico, cualesquiera que sean.
- b) Quedan proscritas todas aquellas actividades que constituyan un medio para llegar a influenciar, dentro de la Universidad, con el fin de utilizar la Institución con propósitos políticos o ajenos a la naturaleza y fines de la Universidad.

Artículo 33. Para ser estudiante de la Pontificia Universidad Católica Madre y Maestra se requiere:

- a) Mantener un elevado espíritu de disciplina, ser tolerante en el libre intercambio de ideas y respetuoso con todos los miembros de la familia universitaria.
- b) Guardar en las palabras y en los actos, el decoro y la dignidad que deben prevalecer entre los miembros de esta Universidad, en virtud de la naturaleza y del espíritu de la misma.
- c) Tener capacidad intelectual y dedicación al estudio y a las demás actividades formativas de la Universidad.
- d) Los estudiantes de la Pontificia Universidad Católica Madre y Maestra tienen derecho a participar en ciertos organismos, en la forma que lo estipulen los reglamentos pertinentes.

**DESPUÉS DE LEER LO ANTERIOR, DE LO CUAL ME DOY POR ENTERADO, ACEPTO Y RATIFICO MI SOLICITUD PARA SER ADMITIDO COMO ESTUDIANTE DE LA PONTIFICIA UNIVERSIDAD CATÓLICA MADRE Y MAESTRA.**

## ADVERTENCIAS

1. Después de haber llenado este formulario de solicitud de admisión a la PUCMM, repase los datos suministrados para cerciorarse de que estén completos y correctos.
2. Presente este formulario al Departamento de Admisiones, junto a los demás requisitos.
3. Inmediatamente usted formalice su inscripción, toda la documentación depositada pasará a ser propiedad de la PUCMM, por tanto, no se devuelve.
4. La presente solicitud sólo es válida por un semestre.
5. Si no ingresa en el período para el cual solicita, deberá renovar la solicitud de admisión por lo menos con un mes de anticipación a la inscripción.

A CONTINUACIÓN, ESCRIBA CON SU PROPIA LETRA LAS RAZONES QUE LE MOTIVEN A ESTUDIAR EN ESTA UNIVERSIDAD, DÍGALO CON SINCERIDAD. SI LO DESEA PUEDE HACER LAS SUGERENCIAS QUE CONSIDERE OPORTUNAS, ASÍ COMO EXPRESAR SUS INQUIETUDES O CUALQUIER OPINIÓN.

Firma del Solicitante

Fecha:

Día

Mes

Año

## APENDIX 3

PONTIFICIA UNIVERSIDAD CATÓLICA MADRE Y MAESTRA  
OFICINA DE ADMISIONES

CALENDARIO DE EXÁMENES DE ADMISIÓN  
Para ingresar en Agosto de 2010

| <i>Fecha límite para depositar documentos</i> | <i>Fecha del examen de Admisión</i> |
|---|-------------------------------------|
| 12 de marzo de 2010                           | 20 de marzo de 2010                 |
| 09 de abril de 2010                           | 17 de abril de 2010                 |
| 14 de mayo de 2010                            | 22 de mayo de 2010                  |

### REQUISITOS DE ADMISIÓN

- A. Ser graduado de la Escuela Secundaria o su equivalente.  
☞ Depositar en la Oficina de Admisiones los siguientes documentos:
- ♦ Formulario de solicitud de admisión
  - ♦ Acta de nacimiento certificada
  - ♦ Certificación médica oficial debidamente firmado y sellado
  - ♦ Dos (2) fotografías 2x2
  - ♦ Copia de la cédula de identidad y electoral
  - ♦ Certificado de conclusión de estudios secundarios
  - ♦ Récord de notas de los estudios secundarios
  - ♦ Recibo de pago por trámites de admisión

- B. Aprobar el Examen de Admisión.

### OBSERVACIÓN:

- 1) Todos los documentos deben ser en original.
- 2) Todo estudiante que haya cursado estudios en el extranjero deberá realizar la Homologación de los certificados y récord de estudios exigidos por la Secretaría de Estado de Educación.

### ESTUDIANTES EXTRANJEROS

Además de los requisitos antes mencionados deberán depositar:

- ♦ Formulario Especial para Extranjeros.
- ♦ Copia del Pasaporte
- ♦ Acta de Nacimiento con Apostille de su país de origen.
- ♦ Si los documentos están en otro idioma deberán estar traducidos al español por un intérprete público autorizado.
- ♦ Los certificados y récord de estudios deben estar con apostille del país de procedencia del Centro Educativo.
- ♦ Si el español no es su lengua materna, o ha cursado total o parcialmente sus estudios en otro idioma, deberá tomar un examen que determinará sus habilidades lingüísticas en español y lo ubicará en el nivel correspondiente.

La fecha en que se impartirá este examen será:

- DÍA: 08 de de Julio de 2010 HORA: 2:30 p.m.



## APENDIX 4

FORM-AD-4



# Pontificia Universidad Católica Madre y Maestra

Excelencia y Desarrollo

## Oficina de Admisiones

Santiago de los Caballeros, República Dominicana

### SOLICITUD DE READMISIÓN

MATRÍCULA

#### DATOS GENERALES

1. NOMBRES  1er. APELLIDO  2do. APELLIDO  NOMBRES

2. DIRECCIÓN PERMANENTE  CALLE  NÚMERO

SECCIÓN O BARRIO  CIUDAD  PROVINCIA  PAÍS

CÉDULA  TELÉFONO

CELULAR  E-MAIL

3. SI TRABAJA, INDIQUE EL NOMBRE DE LA EMPRESA

TELÉFONO

4. SEXO: MASCULINO ☐ FEMENINO ☐ 5. ESTADO CIVIL: CASADO (A) ☐ SOLTERO (A) ☐

6. CARRERA QUE ESTUDIABA EN LA PUCMM:

7. CAMPUS DONDE ESTUDIABA: SANTIAGO ☐ SANTO DOMINGO ☐ PUERTO PLATA ☐

8. ¿USTED FINALIZÓ SUS ESTUDIOS? SI ☐ NO ☐ ¿POR GRADUACIÓN? SI ☐ NO ☐

SEÑALE LA RAZÓN POR LA QUE DESCONTINUÓ SUS ESTUDIOS:

☐ SITUACIÓN FINANCIERA ☐ CAMBIO DE RESIDENCIA ☐ ÍNDICE ACADÉMICO

☐ PROBLEMAS DE SALUD ☐ SELECCIÓN INADECUADA ☐ OTRA (ESPECIFIQUE)

9. ¿ESTUDIÓ EN OTRA UNIVERSIDAD, DESPUÉS QUE DESCONTINUÓ O TERMINÓ SUS ESTUDIOS EN LA PUCMM? SI ☐ NO ☐

EN CASO AFIRMATIVO:

A) ¿EN CUÁL?  C) ¿CUÁNTOS CRÉDITOS APROBÓ?  E) ¿SE GRADUÓ?

B) ¿QUÉ CARRERA ESTUDIÓ?  D) ¿CUÁNTAS ASIGNATURAS APROBÓ?  F) ¿TÍTULO?

10. ¿PARA QUÉ PERÍODO ACADÉMICO DESEA SOLICITAR READMISIÓN?

11. ¿EN QUÉ CAMPUS ESTUDIARÁ? SANTIAGO ☐ PUERTO PLATA ☐

12. EN ESTA OPORTUNIDAD, ¿QUÉ CARRERA DESEA ESTUDIAR EN LA PUCMM?

FECHA

FIRMA DEL SOLICITANTE

NOTA: LA OFICINA DE ADMISIONES SE COMUNICARÁ CON USTED A TRAVÉS DE UNA CORRESPONDENCIA. POR FAVOR, NO ESCRIBIR DEBAJO DE ESTA LÍNEA.

1. READMITIDO SI ☐ NO ☐

2. ESTUDIOS VÁLIDOS SI ☐ NO ☐

3. OBSERVACIONES

DEPARTAMENTO

ADMISIONES

COPIA PARA