Just in Time Research: Privacy Practices

The January 2014 edition of the ECAR Update subscriber newsletter included an informal poll on information privacy practices. The poll was intended to collect a quick snapshot of the higher education community’s thoughts on this important topic during Data Privacy Month. Results of the poll, which had 53 respondents, are presented below and will be used to inform EDUCAUSE research, programs, products, and services.

The January/February 2013 issue of EDUCAUSE Review focused on information privacy. In that issue, Michael Corn and Jane Rosenthal remarked that “privacy as an institutional concern is relatively new within colleges and universities” and that “nurturing healthy privacy, security, and compliance functions is a balancing act.” Our poll shows that institutional response to privacy issues continues to be a balancing act that is unique to each college and university.

Units Primarily Responsible for Privacy
In our poll, we asked institutions to specify the department or unit in which the institution’s primary privacy function was located. The responses showed no clear patterns of organizational responsibility for privacy (see Figure 1). Almost one-half of the respondents reported that the unit primarily responsible for information privacy practices is either information technology (28%) or information security (21%). Almost 19% of respondents said that their institution does not have a privacy function. No respondent reported that privacy is its own unit reporting directly to institutional leadership.

![Figure 1. Units Responsible for Privacy Function](image)

Official Primarily Responsible for Privacy
In addition to asking where institutional privacy functions are organizationally located, we also asked respondents to identify the title that most closely aligns with the highest-ranking person with primary responsibility for institutional information privacy. Over one-quarter (27%) of institutions reported that their institutions have not designated any individual to be primarily responsible for privacy. Of those with a designated individual or individuals, approximately one-quarter (24%) have a chief privacy officer. A larger percentage (40%) reported that individuals with other titles such as chief information security officer, information security and privacy officer, and privacy coordinator are primarily responsible for information privacy.
Privacy Laws and Compliance Responsibility
Higher education institutions are subject to a number of different laws with privacy mandates. The majority of respondents (76%) have units responsible for compliance with four or more of the eight laws in the poll. Information privacy is a complex endeavor in which responsibility for compliance with different privacy laws may span multiple units/departments. Over half of respondents (55%) reported that three or more units are responsible for compliance with the laws in our poll.

Despite the complexity, data trends show that business units and central IT tend to be the most heavily burdened with compliance responsibilities (see Figure 2). The notable exception is FERPA compliance, where academic units take on a more dominant responsibility. Included in the graphs are “no unit” and “don’t know”—these unassigned and unknown responses are interesting findings on their own.

Figure 2. Compliance Responsibility, by Unit
Privacy Practices Maturity

Finally, we asked respondents to provide an assessment of the maturity of their institution’s privacy practices. In this poll, the highest level of information privacy practice maturity is having written information security privacy practices that are consistently enforced and regularly reviewed for effectiveness. Approximately 16% of institutions reported this level of maturity. Moderate maturity of information privacy practices was much more common among respondents, with (43%) indicating that written information privacy practices exist but are inconsistently applied (see Figure 3).

![Figure 3. Maturity of Privacy Practices](image-url)
The maturity of an institution’s privacy practices varies based on institutional control (public versus private). Public institutions are much more likely than private institutions to have written privacy practices (84% of public institutions versus 60% of private ones), even if those practices are inconsistently enforced. Of those institutions with written practices, public institutions are also more likely than private institutions to have practices that are consistently enforced (48% of public institutions versus 11% of private ones; see Figure 4). There were no significant differences by Carnegie Class.

![Figure 4. Institutions with Written Practices, Public versus Private](image)

**Methodology**
Most of the responses to our poll came from four-year institutions (51% doctoral, 14% master’s, and 8% baccalaureate); 20% of the responses came from associate’s institutions. Most responses were provided by institutional IT leaders or staff (69%). Only 17% of the responses came from institutional privacy leaders or IT staff not designated as privacy staff.

The EDUCAUSE Center for Analysis and Research (ECAR) provides research and analysis about information technology in higher education for IT professionals and higher education leaders. ECAR is higher education’s only subscriber-driven research organization dedicated to understanding IT’s role in colleges and universities. Learn more at [educause.edu/ecar](http://educause.edu/ecar).

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