



THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

MEMORANDUM

TO: Director of Student Privacy Policy Office
Office of Planning, Evaluation and Policy Development

FROM: The Secretary

SUBJECT: Designation of the Senior Agency Official for Privacy (SAOP) and Delegation of the Responsibilities of the SAOP

DELEGATION

Under the authority vested in me by section 412 of the Department of Education Organization Act, 20 U.S.C. § 3472, and pursuant to the Office of Management and Budget (OMB) Memorandum M-16-24, I hereby designate you, your successor in function, or anyone serving for you in an acting capacity or delegated the authority to perform the functions and duties of your position, as the SAOP with the delegated authority to perform the following responsibilities:

- A. To have a central role in overseeing, coordinating, and facilitating the Department's privacy compliance efforts. In this role, the SAOP shall ensure that the Department complies with applicable privacy requirements in law, regulation, and policy. Relevant authorities include, but are not limited to, the Privacy Act of 1974, as amended (Privacy Act); Section 208 of the E-Government Act of 2002; the privacy responsibilities in 44 U.S.C. 3506(g); the Social Security Number Fraud Prevention Act of 2017, Pub. L. 115-59; OMB Circular A-130; Privacy Act Implementation: Guidelines and Responsibilities; OMB Circular A-108; OMB's Final Guidance Interpreting the Provisions of Public Law 100-503, the Computer Matching and Privacy Protection Act of 1988; OMB M-17-12 "Preparing for and Responding to a Breach of Personally Identifiable Information"; and OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002;
- B. To issue decisions on administrative appeals filed in accordance with the Privacy Act and the Departmental regulations implementing the Privacy Act;
- C. To ensure that the Department considers and addresses the privacy implications of all Department regulations and policies; to have a central policymaking role in the Department's development and evaluation of legislative, regulatory, and other policy proposals that have privacy implications; and to lead the Department's evaluation of the privacy implications of legislative proposals, congressional testimony, and other materials pursuant to OMB Circular No. A-19;

- D. To oversee and manage the operations of privacy-related boards and groups (*e.g.*, the Disclosure Review Board, the Data Integrity Board, and the Privacy Incident Response Team); and
- E. To manage privacy risks associated with any Department activities that involve the creation, collection, use, processing, storage, maintenance, dissemination, disclosure, and disposal of Personally Identifiable Information by programs and information systems.

Unless otherwise specified in future delegations of authority, amendments to the authorities delegated herein are included within the scope of this delegation.

RESERVATIONS

Unless otherwise noted in existing or future delegations of authority, the following are not delegated:

The authority to make written requests to another agency or any instrumentality of the U.S. Government for records for a legally authorized Office of Inspector General civil or criminal law enforcement activity, pursuant to 5 U.S.C. § 552a (b)(7);

The authority to approve and sign certain documents for publication in the Federal Register; and

The authority to make decisions regarding budgeting and allocation of resources.

REDELEGATIONS

The following authority may be re-delegated to an officer on your staff, although no further re-delegation is authorized:

The authority under the Privacy Act to make final decisions regarding appeals of refusals to correct or amend records.

Except as noted above and subject to the reservations contained herein, you may re-delegate, consistent with applicable law, the other authorities delegated to you herein and authorize further re-delegations, but you will retain the original delegated authority for and are accountable for any and all duties that you re-delegate pursuant to this delegation. Any re-delegation of authority must be in accordance with the ACS Departmental Directive entitled “Delegations of Authority,” OM: 1-102 or any updated directive.

CERTIFICATION AND EFFECTIVE DATE

This delegation is effective upon certification by the Department's Principal Delegations Control Officer, and it supersedes all previous delegations and re-delegations of these authorities, including, but not limited to, delegation EA/EI/18 certified on March 26, 2019.

I ratify actions within the scope of this delegation taken by you prior to the date of certification.

Betsy DeVos (s)

OGC Clearance & Date:

Michael S. Taylor; 8/12/2020

Date Certified: 8/13/2020

Departmental Delegations Control Officer: Jim Clemmens

Control Number: EA/EDS/15

Date Certified: 8/13/2020

Departmental Delegations Control Officer _____ -

Control Number: EA/EDS/15