

COMMITTEE ON GOVERNMENT OPERATIONS, AND
CONSUMER PROTECTION

01/27/2022-AMENDED AND REPORTED OUT TO THE FLOOR

10/20/2021-AMENDED AND REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY

BILL NO. 34-0096

Thirty-Fourth Legislature of the Virgin Islands

August 9, 2021

An Act amending title 3 Virgin Islands Code, chapter 1 by adding a section 27j, establishing the Virgin Islands Virtual Information System; and providing for other related purposes

PROPOSED BY: Senators Janelle K. Sarauw and Donna A. Frett-Gregory
Co-sponsor: Javan E. James, Sr.

1 *Be it enacted by the Legislature of the Virgin Islands:*

2 **SECTION 1.** Title 3 Virgin Islands Code, chapter 1 is amended by adding a section 27j
3 to read as follows:

4 **“§ 27j. The Virgin Islands Virtual Information System**

5 (a) There is established within the Office of the Governor a territorial longitudinal data
6 system (“TLDS” or “the System”) known as the Virgin Islands Virtual Information System
7 (“VIVIS”). The Virgin Islands Virtual Information System contains demographic data, such as:
8 age, race, ethnicity, gender, marital status, income, education and employment, on persons being
9 served by the Virgin Islands Departments of Education, Labor, Health, Finance, Human
10 Services, and Justice; the University of the Virgin Islands and non-governmental entities that
11 are mandated by this section to provide data. The Government shall use the data obtained

1 through VIVIS to assist with evaluating the services provided by agencies and entities to
2 improve the services offered and to assist teachers, administrators, policy makers, legislators,
3 and others as a data-informed research resource.

4 (b) An Executive Director shall administer the VIVIS, who is appointed by the
5 Governor of the Virgin Islands based exclusively on merit as determined by technical training,
6 educational background; skill and professional experience; knowledge in education, health, or
7 finance; other pertinent data systems; or any other relevant qualifications.

8 (c) The Executive Director shall facilitate the development of policies and procedures
9 for VIVIS, create operational plans and systems to protect the confidentiality of data received
10 from lower-level data governance management, and provide tactical level implementation of
11 the policies from higher level data governance management, when applicable. The Executive
12 Director may hire the personnel necessary to assist the Executive Director in meeting the
13 Executive Director's responsibilities of administering the VIVIS.

14 (d) The Executive Director shall develop and maintain VIVIS so that it can be used to
15 improve the quality of life, education, health, and employment opportunities for the residents of
16 the Virgin Islands. The Executive Director shall allow stakeholders and policymakers access to
17 non-personally identifiable information data maintained in VIVIS of individuals who are
18 serviced by agencies and entities that contribute data to VIVIS, to enable stakeholders and
19 policymakers to facilitate accountability and investment decisions.

20 (e) The System must contain data to assist with the development of policies to support
21 the following objectives:

22 (1) Enabling Virgin Islands residents to secure and to retain employment and to
23 receive better pay after completing training or postsecondary degrees;

1 (2) Enabling Virgin Islands residents through training and education to meet the
2 education and job skill demands of businesses;

3 (3) Developing an early warning system that identifies at risk students, thereby,
4 allowing for early government intervention and improving high school and college
5 graduation rates;

6 (4) Identifying teaching methods and programs that lead to positive student
7 outcomes;

8 (5) Encouraging the sharing of electronic data with educational institutions
9 researchers and other entities; and

10 (6) Developing intervention measures to modify public health complications and
11 outcomes by identifying groups at higher risk of having poorer outcomes and examining
12 relationships between risk factors and outcomes.

13 (f) The Executive Director shall coordinate the sharing of data, ensure the
14 confidentiality of records and ensure that an agency or entity's data are used consistent with the
15 Family Educational Rights and Privacy Act (FERPA), the Health Insurance Portability and
16 Accountability Act (HIPAA), and other applicable federal and local laws, rules regulations,
17 policies, and procedures by ensuring the establishment of a unique identifier record code that
18 will be assigned to the birth record. The establishment of a recode code must be consistent with
19 the following:

20 (1) No information may be disclosed regarding how a record is generated and
21 assigned a record code or that allows a recipient to identify the person based on a record
22 code.

1 (2) A record code may not be used for any purpose other than to identify a specific
2 record and may not be used to ascertain personally identifiable information about the
3 person; and

4 (3) The record code may not be based upon a person's Social Security number or
5 any other personal information."

6 (g) Commissioners of the Virgin Islands Departments of Education, Labor, Health,
7 Finance, Human Services, and the Attorney General of the Virgin Islands, the President of the
8 University of the Virgin Islands and non-governmental entities participating in VIVIS shall
9 appoint personnel, referred to as stewards, who are responsible for providing data from within
10 their organization to the Executive Director. The identified stewards must then implement
11 strategically developed plans. As may be needed by the Executive Director, stewards shall assist
12 the Executive Director by providing input regarding best practices of the VIVIS.

13 (h) Under the guidelines adopted by the Executive Director, agencies and entities must
14 provide data regarding birth records, early childhood, kindergarten through twelfth grade,
15 postsecondary, workforce, and health to VIVIS, including, birth weight, age, school discipline,
16 school attendance, assessments, enrollment, and employment status.

17 (i) Agencies and entities participating in VIVIS shall work collaboratively to secure
18 funding through the United States Department of Education and other federal agencies, grants,
19 user fees, and contributions from the agencies and entities themselves, in order to establish and
20 to enhance the necessary technology infrastructure workforce for the purpose of developing the
21 TLDS.

22 (j) The Office of the Governor shall ensure the regulations, operating procedures and
23 policies regarding the management and operation of VIVIS are promulgated in accordance with
24 applicable local and federal laws. To the extent permissible under a grant, the Executive

1 Director may award as subgrants any grants or other funding obtained by the VIVIS to agencies
2 and the departments that are participants in the VIVIS.

3 (k) The Executive Director may charge a reasonable fee for access to the information
4 maintained in VIVIS and other associated services provided.

5 (l) An educational agency or institution may release student-level data, such as the
6 student's name, address, and age, for the purposes of educational evaluation, audits, and
7 research, by attaching a code to each record, if the following conditions are met:

8 (1) No information may be disclosed regarding how a record is generated and
9 assigned a record code or that allows a recipient to identify the person based on a record
10 code;

11 (2) A record code may not be used for any purpose other than to identify a specific
12 record and may not be used to ascertain personally identifiable information about the
13 person; and

14 (3) The record code may not be based upon the person's social security number
15 or any other personal information.

16 (m) The Executive Director shall ensure that VIVIS is maintained such that it
17 coordinates the matching and de-identification of student-level data in order to protect the
18 confidentiality and privacy of the individual person.

19 (n) The use of personally identifiable records that are matched must be limited to
20 satisfying, or contributing to the evaluation, research and reporting requirements related to
21 outcome measures that must be specified in advance and approved by the Executive Director.
22 Once matched, personal identifiers, such as identification numbers assigned by contributing
23 agencies and entities and social security numbers, must be removed to ensure the confidentiality

1 of all records. Data must be de-identified as specified in subsection (l). Once de-identified, the
2 confidentiality of the record code must be strictly adhered to.

3 (o) The Executive Director and staff, and the staff at the participating agencies and
4 entities involved in receiving, handling, transmitting, and processing data, shall execute a
5 confidentiality agreement, agreeing to maintain the confidentiality of all data that contain
6 personally identifiable information.

7 (p) The Executive Director shall maintain the confidentiality of all data shared through
8 VIVIS. To ensure the continued confidentiality and security of the data processed, stored, or
9 transmitted, the Executive Director shall establish protocol that at a minimum:

10 (1) ensures that all data are kept in secured facilities and access to such data is
11 limited to personnel who are authorized to have access to the data, by agreement or under
12 this section;

13 (2) requires the use of secured passwords to access computer databases used to
14 process, store, or transmit data;

15 (3) ensures good practices for assigning passwords that maintain the integrity of
16 the systems used to secure the computer databases used to process, store, or transmit data;

17 (4) prevents the interception, diversion, or other unauthorized access to
18 confidential data that are being processed, stored, or transmitted;

19 (5) ensures the compliance with FERPA, HIPPA, and other federal and Virgin
20 Islands laws relating to the privacy rights of records, insofar as such laws are applicable
21 to the agencies and entities; and

22 (6) provides contingencies to ensure that unauthorized access to personally
23 identifiable information is reported appropriately.”

