



PURCHASING AND SUPPLY SERVICES

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Instructions for Completing Appendices M and N PGCPS Data Privacy and Security Agreement (DPSA) and Exhibit A-B

Required for all digital tools (as identified in Appendix L - Page 1)

The **Data Privacy and Security Agreement (DPSA)** is broken down into two main sections: the main agreement and the Exhibits.

- The main agreement of the **DPSA** is divided into 7 sections which are not to be modified, except through the use of the **Exhibit F**.
- The Exhibits provide space for PGCPS and Vendors to add their specific requirements to the DPSA.
 - **Exhibits A and B** are provided as a separate document which will be incorporated into the PDF before final signatures. (Alternatively, Exhibit B may be edited directly in the DPSA.)

Both the [DPSA \(PDF\)](#) and [Exhibits A and B](#) (Excel) must be submitted for review and approval.

Main Agreement Overview

| Section | Description/Instruction |
|------------------|---|
| 1 | Includes the defined terms used in the DPSA. Each defined term is noted as a capitalized word throughout the DPSA. |
| 2 | Describes the length of time that this DPSA will remain in effect between the parties. The term of the DPSA is intended to mirror the same length of time of the services agreement between the parties. It also describes the methods the parties may use to terminate the DPSA. |
| 3 | Describes the obligations for data use, and ownership between the parties. |
| 4 | Describes the specific obligations binding on the Vendor. |
| 5 | Describes the specific obligations binding on the Institution. |
| 6 | Incorporates Exhibit E which contains the Institution required insurance provisions. |
| 7 | Contains the boilerplate legal language for the DPSA. Section 7.5 should be completed by the Institution and the Vendor with their respective legal and security contact information. |
| Signature Blocks | The parties should ensure that they complete their entity name and address in addition to authorized signatures. |



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Exhibit Overview

| Exhibit | Guidance |
|-----------------------------|--|
| Exhibit A | <p>Exhibit A is an Excel file that includes the Data Schedule and the Vendor Security Standards</p> <p>It should be completed and returned for review before being incorporated into the final PDF version of the DPSA.</p> |
| <p>Exhibit A Part 1</p> | <p>Data Schedule</p> <p>That Data Schedule is an inventory of the data fields the vendor will store, process, access, or use in providing their services to the Institution. The exhibit should include:</p> <ol style="list-style-type: none"> 1. The name of the vendor and product or service at the top of the exhibit. 2. For each data element listed, the vendor must indicate if the data element is “required” or “optional” to operate their services or if it is “not used”. 3. For each required or optional data element, provide the specific legitimate educational or system security function for its use. <p><i>PGCPS operates under Maryland Education Code § 4-131, which imposes strict bans on profiling students for non-educational purposes. Generic "commercial" privacy language is frequently rejected. The purpose must describe how the data supports student learning or system integrity.</i></p> <p><i>If you mark fields such as Application Technology Metadata, Services Usage Statistics, Device Identifiers, or Cookies as "Required" or "Optional," you must confirm they will be used for Authorized for 'School Purposes' only and not used for profiling for any non-educational purpose, nor used for targeted advertising. If this data persists beyond the session, it must be de-identified.</i></p> <p>NOTE to vendors with multiple products:</p> <ul style="list-style-type: none"> • If all the products have the same data schedule and are subject to the same security standards, they may all be listed on the same Exhibit A. The specific titles should be listed in the “Product” section at the top of the page, each separated by a comma. • If the products use different data fields, have different purposes for those fields or are subject to different security practices, individual Exhibit As are required. |



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| Exhibit | Guidance |
|--|--|
| Exhibit A Part 2 | <p>Vendor Security Standards</p> <p>The vendor will describe their internal security practices. Detailed responses should be provided for each row and should be entered directly into the spreadsheet.</p> <p>If a SOC 2 Type 2 report will be provided, responses can refer to the report instead.</p> <p style="text-align: center;">-----</p> <p><i>This exhibit is provided to the Vendor as a spreadsheet for easier completion and feedback from PGCPS, available at: bit.ly/PGCPS_DPSAExhibitA.</i></p> <p><i>The final, agreed-upon version will be incorporated into the official Data Privacy and Security Agreement before the signature request.</i></p> |
| Exhibit A Third Party Security Verification | <p>SOC 2 Type 2 Audit Report or ISO 27001 Certificate with Statement of Applicability (SoA)</p> <p>PGCPS requests that all vendors who process PII or institutional data provide a current copy (within 18 months) of one of the following:</p> <ul style="list-style-type: none"> ● SOC 2 Type 2 Audit Report (<i>Type 1 will be accepted in limited circumstances</i>) ● ISO 27001 Certificate with Statement of Applicability (SoA) ● Letter of Engagement - may be submitted when the initial audit is underway. <p>If one of the above is not available, the scope and scale of data being processed will be taken into account.</p> <p>If an NDA is needed, please send it to meghen.ehrich@pgcps.org.</p> |



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| Exhibit | Guidance |
|-----------|---|
| Exhibit B | <p>This exhibit should be completed by the Vendor. List each Subprocessor used in their services. Please note, the term “Subprocessor” is defined in Section 1 of the DPSA.</p> <p>Responses may be entered directly into the PDF or on the Exhibit B tab of the spreadsheet used for Exhibit A.</p> <p>For each subprocessor, provide:</p> <ol style="list-style-type: none"> 4. The Subprocessor company name (e.g., Amazon Web Services). 5. The Subprocessor’s address (e.g., 123 Main Street). 6. A description of the “Processing Activities” of the Subprocessor. These activities should describe how the Subprocessor is processing any Institution Data (e.g., “Cloud- based hosting services for our software”). 7. An explicit list of the Institution Data elements that the Subprocessor is using, storing, or processing (e.g., name, email address, IP address, student generated content). 8. The geographic location where <i>the Institution Data</i> is being stored or processed (e.g., USA, or Mexico). |
| Exhibit C | <p>This exhibit is a template that can be used by the parties. This exhibit can be used by the Vendor to fulfill their certification obligations under Section 4.9(c) of the DPSA.</p> |
| Exhibit D | <p>This exhibit includes changes/ additions made to the main body of the DPSA by PGCPS.</p> |
| Exhibit E | <p>This exhibit is used to describe the insurance requirements to be fulfilled by the Vendor.</p> <p>Any requested change to the standard amount must be reviewed and approved by the Director of Risk Management. Scale, scope, and sensitivity of data will be considered.</p> |
| Exhibit F | <p>This exhibit is intended to be used for any agreed upon modifications of the DPSA the parties negotiated during the contracting process.</p> <p>This section should include the original text as it appears in the main body (or Exhibit D) of the document and the requested/approved modifications.</p> |