

**FERPA HEA Privacy Act:
Protecting Students Data**
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51st Annual MASFAA Conference
Pearl River Resort, Philadelphia,
Mississippi
June 13 – 15, 2018

Agenda

- Protecting the Release of Student Data
- Privacy and Security Responsibilities
 - Authenticating Students
 - In Person
 - Telephone
 - Email Communication
 - Prior to Releasing Data
- Institutional Changes



Statutory and Regulatory Restrictions

- DOE's Privacy and Technical Assistance Center (PTAC)
- Laws Governing the Release of Student Data
 1. Higher Education Act:
 - Section 483 (a)(3)(E) & Section 485B(d)(2)
 - Restricts the Release of Personally-Identifiable FAFSA information
 2. FERPA
 3. Privacy Act



Statutory and Regulatory Restrictions

- FAFSA data...
- "shall be used only for the application, award, and administration of aid awarded under federal student aid programs, state aid, or aid awarded by eligible institutions or such entities as the Department may designate"



Financial Aid Professionals

“Collect, manage, and have access to a vast amount of confidential student and parent data”



Data Sources

- Financial Student Data
- FAFSA Data/ISIR
- NSLDS (Financial Aid History)
- COD Data
- Tax Returns
- PJ Documents
- Student Progress Data



Statutory and Regulatory Restrictions

- **FAFSA Data**
 - Expected Family Contribution (EFC)
 - Adjusted Gross Income
 - First Generation
 - Unmet Financial Need
 - Pell Grant Eligible
 - Part-time Employment (Federal Work-Study)
 - Awards

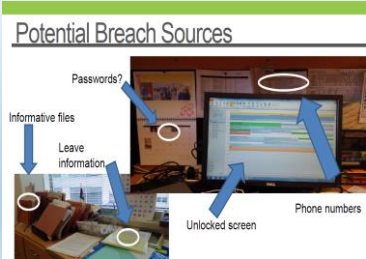


DOE Data Release Change '17

- Restricts Release of Student Information
 - Personally-Identifiable Information (PII)
 - Protect Student Information
- **External Entities**
- Internal Partners
- **Written Consent Unacceptable**
- De-identified, Aggregate, Descriptive Statistics about Program Participants is Permitted
 - Remove all PII's (name, SSN, Driver's License or State ID#, Alien Registration #, Financial Account #, Student ID#, Direct and Indirect identifiers)



DOE Data Release Change '17



Data Partners

- Disrupt Longstanding Practices
 - Schools
 - Outside Entities
- Third Party Vendors
- Institutional Offices/Departments
- Private Scholarship Providers
- Research Groups
- External Entities



DOE Updated Requirements

- Effective March 23, 2018
- "Institution may, with **explicit written consent** from the student, share FAFSA Information with scholarship-granting organizations or tribal organizations"



Funding Partners



Funding Partners (Cont.)



Data Partners/School Certifications

- Scholarships (Acceptable as of 3/2018)
- Alumni
- Say Yes
- Rental Agreements
- Social Services
- Gates Millennium



Release Student Records

- FAFSA Data & Award Information
- Written Consent Not Required
 - Independent Auditor
 - DOE
 - Accrediting Agencies
 - Other State and Local Education Agencies



Data Partners - State Agencies

- North Carolina: NCSEAA
- Tennessee State Grants
- DCTAG
- Do These Entities Qualify?
 - Veterans Affairs -
 - Vocational Rehabilitation -
 - WIA -
 - Housing Authority -



Exceptions

- Data Collected by the Institution
 - CSS Profile
 - Student Surveys
 - Institutional Forms
 - Added Pell Eligible to Graduation Application



Properly Handling Confidential Data

- Protect the Release of Private Student Data
- School Response to Third Party Requests
- School Provide Data to the Student
 - Letterhead
 - Student Portal
 - Financial Aid Notification
- Student Provide Data to the Requesting Party
- Campus Partners Submit a Data Request Form
- GRE Fee Waiver Feedback
 - Attach Business Card in lieu of School Seal
 - School Representative Sign GRE Fee Waiver



Sample Text – Third Party Entities

Due to new guidance from the Department of Education pertaining to Section 482 (a)(3)(C) of the Higher Education Act, we are no longer able to release information associated with a student's Free Application for Federal Student Aid (FAFSA), including, but not limited to, expected family contribution (EFC) and awards (Federal, state and institutional). Under this new guidance, we cannot release data even with a student's signed release; the student must release the information directly to the organization. A copy of a financial aid notification (FAN) or a university bill may be forms of documentation that a student can obtain to document financial aid data and costs with a third party.

We understand that it may be difficult to implement processes that align with the new guidance, and we recognize that students may need assistance to obtain the documentation needed by an organization. If a student expresses concern about finding the information you are requesting, please refer them to our office and we will be happy to assist.



Sample Letters – Third Party Entities



Data Requests–Campus Partners

- **Data Request Form**
 - Secure login-capture user
 - Department name and department contact
 - Description of data needed
 - What is the legitimate educational interest for the information requested? (department perspective)
 - How will the information be used?
 - With whom will it be shared?
 - Has the Financial Aid Office provided similar data previously?
 - Referred to the form? By whom?
 - Upload option

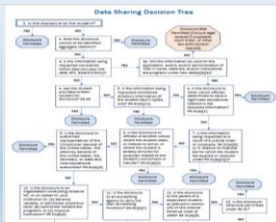


Data Requests–Campus Partners

- **Response to Campus Partner Data Request**
 - Review
 - Ask questions, if needed
 - Refer, when necessary
 - Approve or deny
 - Track-activity log
 - Release-encrypt, send secure
 - Reminders, disclaimers
 - Privacy of data
 - Protection of data
 - Properly discarding data



NASFAA Data Sharing Decision Tree



Campus Communication

- Business Office
- Bursar Office
- Student Accounting
- One-Stop Shop
- Athletics
- Departmental Scholarship Representatives
- Admissions



Campus Communication (Cont.)

- Meetings
 - Departmental
 - Deans
 - Faculty Senate
- Email Campaign
- Flyer
- Conduct on campus "INFO" Sessions
- Signage
- Website
- Campus TV Station



Authentication of Applicants

- Secure Method
 - In Person FAFSA Applicant
 - Present Unexpired Valid Government Photo ID
 - Driver's License
 - Non-Driver's Identification Card
 - Other State Issued ID
 - U. S. Passport
- Strengthen Internal Controls
- Provide Training to Staff
 - Ensure Confidential Information is not Disclosed
- Telephone Enhancement (ID & PIN)
- College/University Email Only



Office Visitors Sample Notification



Recent Regulatory Changes

- 1/4/18 - The Department of Education (ED) confirmed verbally that schools that receive **unsolicited personally identifiable information (PII)** from a student or parent through an unsecured manner, **do not currently have to report it as a data breach to ED.**
- Schools should not request or offer that students and/or families submit PII in a manner that is unsecured, such as an **unsecured email system.** Financial aid administrators should consult with their institution's data security team for assistance.



Communicate Delivery Methods for Documents

- Secured Fax, Mail, or Hand Deliver
- Secure Web Portal to Upload Data and Documents
 - FILELOCKER
 - Developed by Purdue University
- Encrypted Emails – Password Protected
- Email Signature Example:
 - Please do not email sensitive information such as tax returns, social security numbers or other personally identifiable information. Instead, mail or fax to 919-530-7959.
- Orientation
- Notify Students Who Email Documents with PII's Unencrypted to select other delivery options



Institutional Changes

- Created a Secure Environment
 - Area Restricted for Financial Aid Personnel Only
- Implemented File Locker for Students to Upload Documents
- Added Codes for Printing Documents
- Faxed Documents are in a Secure Area
- Incoming Documents are Placed in a Cabinet (not in desk tray)
- Students Must Present Valid State ID (not school ID)
- Limit Information Provided to Parents and by Telephone (Refer to Students Online Portal)

RESOURCES

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Questions & Feedback



THANK YOU!

MASFAA would like to thank our Vendors for their support!

Please be sure to visit with them and let each of them know how much we appreciate their support of MASFAA!