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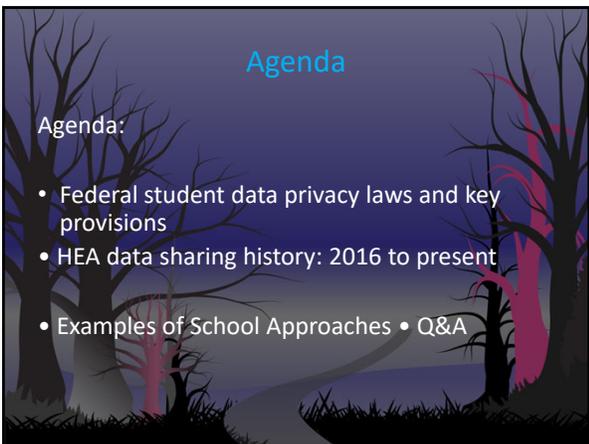
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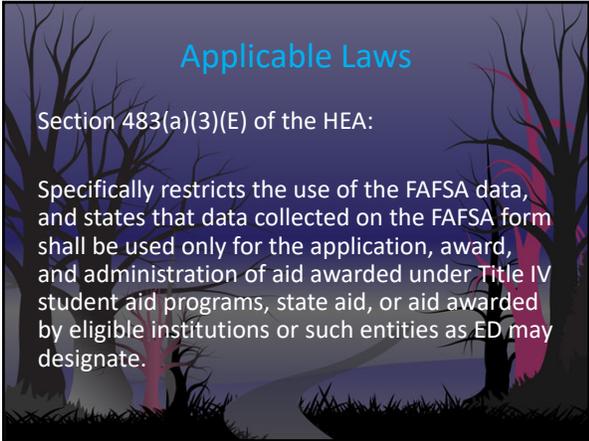
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### Applicable Laws

Section 483(a)(3)(E) of the HEA:

Specifically restricts the use of the FAFSA data, and states that data collected on the FAFSA form shall be used only for the application, award, and administration of aid awarded under Title IV student aid programs, state aid, or aid awarded by eligible institutions or such entities as ED may designate.

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### Applicable Laws

FY 2019 Labor-HHS appropriations bill:

Further expanded the HEA data sharing language to permit institutions of higher education to share FAFSA data—again, with explicit written consent from the student— with an organization assisting the applicant in applying for and receiving federal, state, local, or tribal assistance for any component of the student's cost of attendance.

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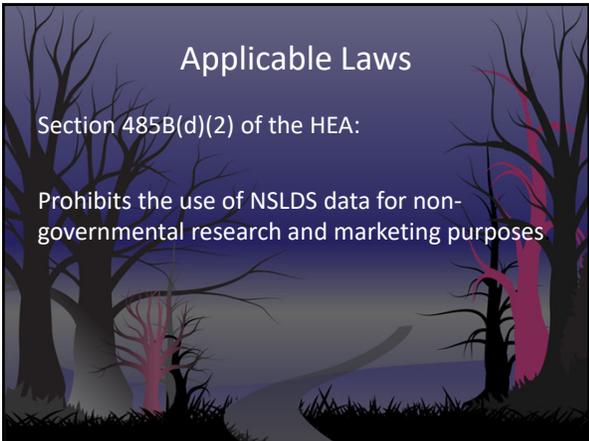
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### Applicable Laws

Section 485B(d)(2) of the HEA:

Prohibits the use of NSLDS data for non-governmental research and marketing purposes

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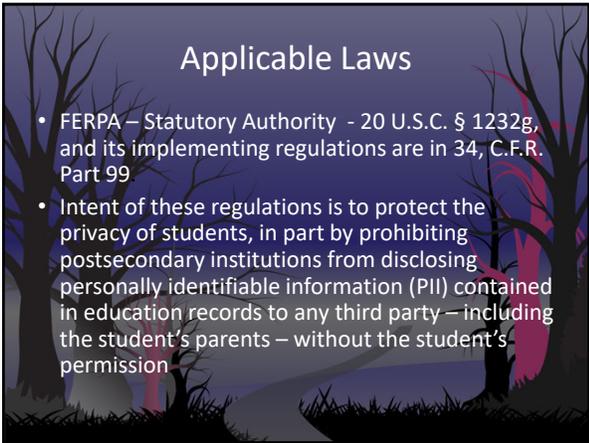
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### Applicable Laws

- FERPA – Statutory Authority - 20 U.S.C. § 1232g, and its implementing regulations are in 34, C.F.R. Part 99
- Intent of these regulations is to protect the privacy of students, in part by prohibiting postsecondary institutions from disclosing personally identifiable information (PII) contained in education records to any third party – including the student’s parents – without the student’s permission

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### Applicable Laws

Privacy Act (5 U.S.C. § 552)

- Governs the collection, maintenance, and use of records maintained by federal agencies and generally prohibits agencies from disclosing data contained in those records

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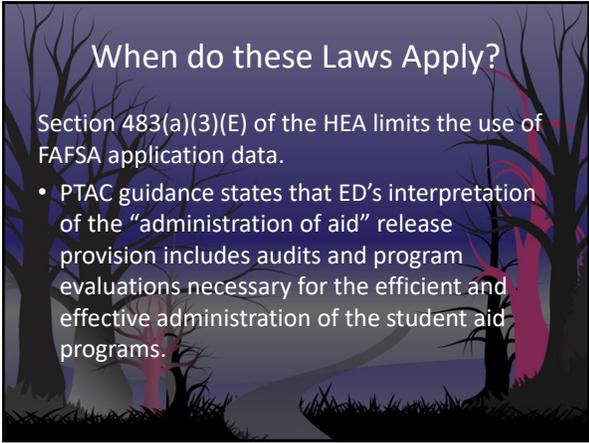
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### When do these Laws Apply?

Section 483(a)(3)(E) of the HEA limits the use of FAFSA application data.

- PTAC guidance states that ED’s interpretation of the “administration of aid” release provision includes audits and program evaluations necessary for the efficient and effective administration of the student aid programs.

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### FAFSA Data – Continued

- PTAC’s guidance clarifies that the HEA restriction applies broadly to FAFSA data, ISIR data, key processing results, expected family contribution, awards, and the student’s financial aid history, as reflected in NSLDS
- Information comprises answers to the 100+ questions on the FAFSA form as well as EFC, awards and the student’s financial aid history, as reflected in NSLDS

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### HEA Restriction on Releasing NSLDS Data

- Section 485B(d)(2) of the HEA contains a provision that specifically prohibits the release of PII from NSLDS to non-governmental researchers and policy analysts and also prohibits use of NSLDS data for marketing purposes. These restrictions also apply to NSLDS data on the student’s ISIR.

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### FERPA

- Prohibits institutions receiving federal funds from disclosing personally identifiable information contained in education records without the express written consent of the student
- Name, SSN, Address, Student ID, Date of Birth, Place of Birth, Mother’s Maiden Name
- Also includes Grades, Course Schedule, Disciplinary records, Financial Aid applications & History, COA, SAP Docs., Entrance/Exit, Student Financial Records

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### Privacy Act

- ED is prohibited from releasing student records from their systems without prior written consent from the individual to whom the record pertains. However, the Privacy Act allows for the release of data to institutions for the “routine use” for which the data was collected.

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### Permissible Use of FAFSA Data

- Used for the application, award and administration of federal, state and institutional aid programs
- With student consent, assisting the applicant in applying for local or tribal financial assistance for any component of the student’s COA.

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### Permissible Use of FAFSA Data

- PTAC guidance suggests de-identified, aggregate, descriptive statistics about program participants is a permitted use of FAFSA data because it relates to Financial Aid Administration of programs. – Very prescriptive on how that should be done

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### Permissible Use of Educational Records

- Disclosures to other offices or departments at the institution are generally prohibited unless the institution has determined that the school official requesting the data has a "legitimate educational interest" in the records.
- According to the U.S. Department of Education's Family Policy Compliance Office 2011 publication, *The Family Education Rights and Privacy Act, Guidance for Eligible Students*, an educational interest is legitimate if "the official needs to review an education record in order to fulfill his or her professional responsibility."

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### Permissible Use of Educational Records

- An institution that discloses information under this exception must specify in its annual notification of FERPA rights the criteria it uses to determine who constitutes a school official and what constitutes legitimate educational interest.

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### Let's here from Panelists

Questions ???

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