



Data Sharing, Governance, & Written Agreements

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Some Common Questions

Can I use financial aid information to:

- generate and publish aggregate, descriptive statistics?
- evaluate university policies and programs?
- recruit a student who has not yet enrolled or tried to enroll at the institution?
- determine if a student qualifies for a housing fee deferral pending financial aid disbursement?

Can I share financial aid information with:

- the university's institutional research office?
- the board of regents or State higher education commission?
- external researchers?
- third-party scholarship providers?

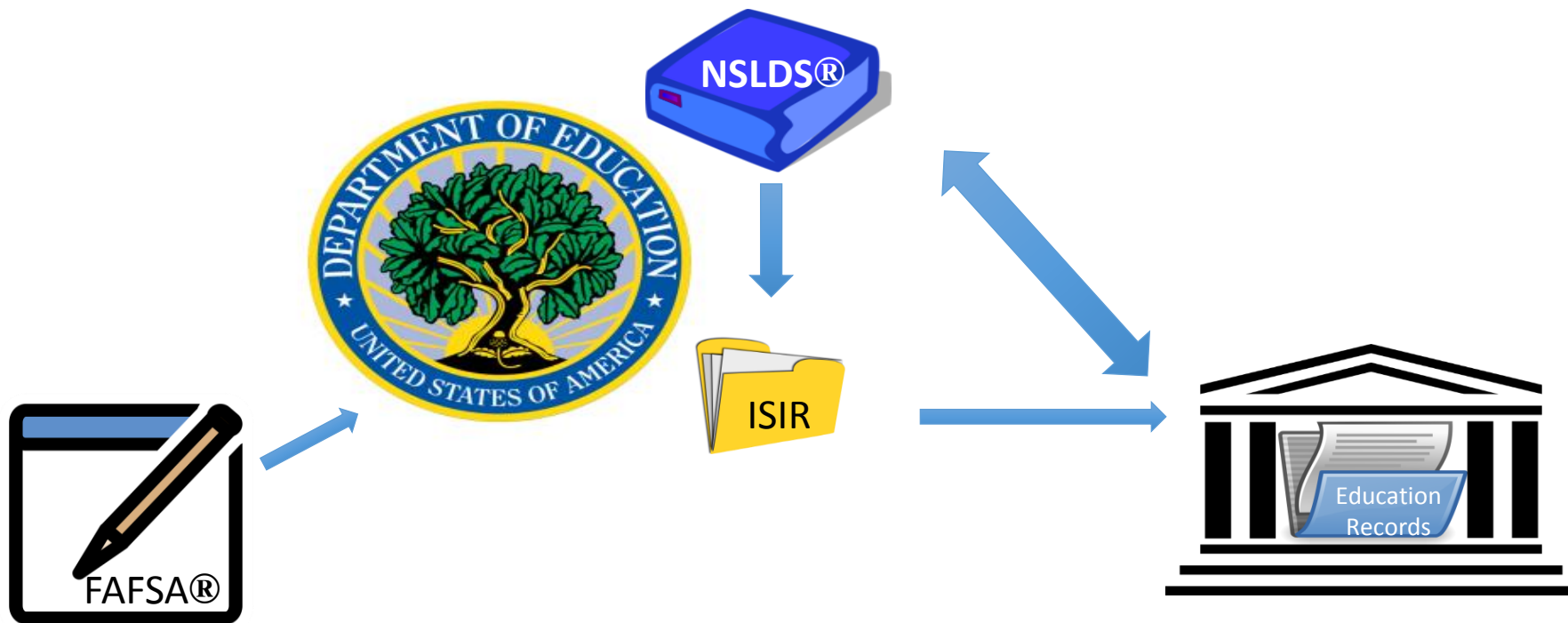
What statutes govern financial assistance data?

Federal statutes:

- FERPA – certain student records
- Graham Leach Bliley – certain financial information
- HIPAA – certain medical information
- HEA, Higher Education Act – certain financial information

But you also need to pay attention to state privacy and data security statutes because they often contains provisions dealing with SSN use and incident response.

Mapping the Flow of Financial Aid Data



Applicable Laws & Agreements

- Family Educational Rights and Privacy Act (FERPA)
- Higher Education Act (HEA)
- Privacy Act
- Student Aid Internet Gateway (SAIG) Agreement

FERPA: Financial Aid Exception

Education records may be disclosed in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:

- Determine eligibility for the aid;
- Determine the amount of the aid;
- Determine the conditions for the aid;
- Enforce the terms and conditions of the aid

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FERPA: School Official Exception

PII may only be disclosed from education records without consent to other school officials with a legitimate educational interest within the institution, or to third parties acting as school officials, if they:

- Perform an institutional service or function for which the agency or institution would otherwise use employees;
- Are under the direct control of the agency or institution with respect to the use and maintenance of education records;
- Only use PII from education records for the purposes for which the disclosure was made;
- Meet the criteria specified in the institution's annual notification of FERPA rights.

FERPA: Audit and Evaluation Exception

Federal, State, and local officials listed under § 99.31(a)(3), or their authorized representatives, may have access to education records –

- in connection with an audit or evaluation of Federal or State supported education programs, or
- for the enforcement of or compliance with Federal legal requirements which relate to those programs.

FERPA: Studies Exception

PII from education records may be disclosed in connection with certain studies conducted “for or on behalf of” schools, school districts, or postsecondary institutions

- Studies must be for the purpose
 - Developing, validating, or administering predictive tests;
 - **Administering student aid programs;** or
 - Improving instruction

Higher Education Act

- The HEA authorizes numerous federal aid programs that provide support to both individuals pursuing a postsecondary education and institutions of higher education.
- The HEA applies to both NSLDS® data and FAFSA®/ISIR data, but places additional provisions on NSLDS® data.

Higher Education Act

FAFSA®/ISIR data, and any data derived from FAFSA®/ISIR data (including data in the NSLDS®) may only be used for the application and **administration of aid** awarded under Title IV aid programs, state aid, or aid awarded by eligible institutions or such entities as the Department may designate.

ED considers “**administration of aid**” to include audits and program evaluations necessary for the efficient and effective administration of those aid programs.



Higher Education Act

The HEA also applies the following provisions to **National Student Loan Data System (NSLDS®) data**

- Prohibits nongovernmental researchers and policy analysts from accessing personally identifiable information
- Prohibits use of NSLDS® data for marketing purposes

Privacy Act

Prohibits Federal agencies from disclosing records from systems of records unless (among other exceptions) the disclosure is for a specified routine use, or:

- to a recipient who has provided written assurance that the record will be used solely as a statistical research or reporting record and the record is to be transferred in a form that is not individually identifiable (5 USC §552a(b)(5))

SAIG Agreement

Under the SAIG Agreement, access, disclosure and use of data is limited to “authorized personnel”

The Department interprets “authorized personnel” to include individuals in your own institution, but also, when appropriate, individuals outside your institution who are permitted access to the information under all applicable statutes and regulations.



Remember...

In instances where more than one law/regulation applies, the most restrictive provisions from each law will jointly apply.

Scenario 1

Can an institution generate and publish de-identified, aggregate statistics using FAFSA®/ISIR data about students receiving financial aid?

PTAC "[Guidance on the Use of Financial Aid Information for Program Evaluation and Research](#)" – page 8

Scenario 2

Can a financial aid office share FAFSA®/ISIR data with institutional staff responsible for analyses, audits, or evaluations at the institution (e.g., an Institutional Research Office)?

PTAC "[Guidance on the Use of Financial Aid Information for Program Evaluation and Research](#)" – page 9

Scenario 3

Can an institution that is part of a public system of postsecondary institutions provide ISIR data to their administrative central system-wide office or governing board for an evaluation of tuition and financial aid programs?

PTAC "[Guidance on the Use of Financial Aid Information for Program Evaluation and Research](#)" – page 8

Scenario 4

Can an institution use financial aid information provided by a student on the (FAFSA®) to recruit a student who has not yet enrolled or tried to enroll at the institution?

PTAC "[Guidance on the Use of Financial Aid Information for Program Evaluation and Research](#)" – page 9

Scenario 5

Can an institution's housing office obtain FAFSA®/ISIR data to determine if a student qualifies for a housing fee deferral pending financial aid disbursement?

PTAC "[Guidance on the Use of Financial Aid Information for Program Evaluation and Research](#)" – page 9

Scenario 6

Can an institution provide de-identified student financial aid data obtained directly from NSLDS® to a researcher not affiliated with the institution?

PTAC "[Guidance on the Use of Financial Aid Information for Program Evaluation and Research](#)" – page 8

Scenario 7

Can an institution provide FAFSA®/ISIR data to third-parties (e.g., scholarship organizations or State assistance agencies)?

Think Twice Before Sharing

Even when permissible under applicable Federal laws, institutions should consider whether each proposed use of PII is consistent with institutional values, as well as State and local law.

New Language from Congress! (2018 Appropriation)

“SEC. 313. (a) Notwithstanding the limitations on sharing data described in paragraph (3)(E) of section 483(a) of the HEA, an institution of higher education may, with explicit written consent of an applicant who has completed a FAFSA under such section 483(a), provide such information collected from the applicant’s FAFSA as is necessary to a scholarship granting organization, including a tribal organization (defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), designated by the applicant to assist the applicant in applying for and receiving financial assistance for the applicant’s cost of attendance (defined in section 472 of the HEA) at that institution.

- (b) An organization that receives information pursuant to subsection (a) shall not sell or otherwise share such information.
- (c) This section shall be in effect until title IV of the HEA is reauthorized.”

PTAC Resources

- [Guidance on the Use of Financial Aid Information for Program Evaluation and Research \(January 2017\)](#)
- [OCPO Letter to Suffolk University](#)
- [OCPO Letter to the University of North Carolina](#)
- [Disclosure Avoidance & De-identification Guidance](#)
- [Dear Colleague Letter: SAIG](#)
- [Dear Colleague Letter: FAFSA Completion](#)



CONTACT INFORMATION

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