



Slide 4

### Code versus the statement

| Code of Conduct   | Statement of Ethical Principles  |
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| <ul style="list-style-type: none"><li>▶ Code of Conduct is prescriptive: rules of conduct.</li><li>▶ NASFAA members must comply with the Code of Conduct.</li><li>▶ There are enforcement procedures tied to the items in the Code.</li></ul> | <ul style="list-style-type: none"><li>▶ Aspirational</li><li>▶ NASFAA members should strive to meet these goals.</li><li>▶ No process for enforcement.</li></ul> |

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Slide 5

### So what about data requests?

- ▶ This lives in the Statement of Ethical Principles.
- ▶ "Ensure that student and parent private information provided to the financial aid office by applicants is protected in accordance with all state and federal statutes and regulations, including FERPA and the Higher Education Act."
- ▶ Protect the information on the FAFSA from inappropriate use by ensuring that this information is only used for the application, award and administration of aid awarded until Title IV . . ."

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Slide 6



Why isn't this in the code of conduct?

Because it is hard.

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Slide 7

**Primary Resources for Answers**

- ▶ NASFAA's publication, July 2016 "Financial Aid Data Sharing".
- ▶ DOE's publication, January 2017, "Guidance on the Use of Financial Aid Information for Program Evaluation and Research."

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Slide 8

**Applicable Laws**

- ▶ Higher Education Act - 483(a)(3)(E) - use of the FAFSA data and 485B(d)(2) prohibition on use of NSLDS.
- ▶ FERPA - protection of students educational record.
- ▶ Privacy Act - governs the collection, maintenance and use of records by federal agencies.

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Slide 9



**Personally identifiable information**

Per FERPA, information that alone or in combination is linked or linkable to a specific student that would allow a reasonable person in the school community to identify the student with reasonable certainty.  
If PII is removed from the data, it is de-identified. De-identified data may be disclosed without the individual's consent.

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Slide 10

### Educational Record

- ▶ Any record that directly relates to the student and is maintained by or on behalf of, an educational agency or institution or a party acting for a the educational agency or institution.
- ▶ This includes information from the FAFSA and the ISIR as well as information we receive from NSLDS and COD and any other information from a schools own financial aid systems and databases.

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Slide 11

### HEA 483 & 485

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| <b>483(a)(3)(E)</b> <ul style="list-style-type: none"><li>▶ Limits the use of FAFSA application data to the awarding and administration of Title IV funds and other aid programs.</li><li>▶ FAFSA data is personally identifiable (PII).</li></ul> | <b>485B(d)(2) &amp; 485B(d)(5)(B)</b> <ul style="list-style-type: none"><li>▶ Prohibits nongovernmental researchers or policy analysts from accessing PII from NSLDS.</li><li>▶ Prohibits the use of NSLDS data for marketing purposes.</li><li>▶ These prohibitions are applicable to all NSLDS data, including NSLDS data received by institutions via the ISIR.</li></ul> |
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Slide 12

### FERPA

- ▶ Federal law that protects the privacy of students education records.
- ▶ Applies to all educational agencies and institutions receiving funds under a program administered by the Department.
- ▶ Provides the student with the right to exercise some control over the disclosure of his/her educational record, even to parents.
- ▶ Affords the student certain rights relating to records.



"Before you make do the least, I'll need to know how you're planning to use that data."

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Slide 13

### FERPA Exceptions

- Financial Aid Exception - education records may be disclosed without written consent to determine aid eligibility. Ex: SAP
- School Official Exception - educational records may be disclosed to others within the institution who need to know (legitimate education interest) and who are under the direct control of the institution.
- Audit & Evaluation Exception - educational records may be disclosed without written consent to state and local educational authorities (i.e. NE -CCPE).
- Studies Exception - educational records may be disclosed to a third party conducting a study for or on behalf of the institution for the purposes of developing, validating or administering predictive tests; administering student aid or improving instructions. There must be written agreement between the institution and the third party that includes specific provisions.

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Slide 14

### Privacy Act

Governs the collection, maintenance, use and disclosure by federal agencies of records contained in the agencies systems of records.

- ▶ Student Aid Internet Gateway - vehicle that allows the exchange of data electronically with the DOE.
- ▶ SAIG agreement dictates the conditions under which the DOE will provide to schools certain data received or generated by FAFSA applicants and/or other data providers.
- ▶ Authorized personnel

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Slide 15

### Case Studies

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Slide 16

How to Navigate common data requests.

The first question you have to ask yourself is what law applies? It may be more than one.

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Slide 17

“ The Director of your ir office comes to you asking for a list of enrolled students who filed the faysa with their adjusted gross income and number in family and number in college. ”

What to do?

- What law/s apply?
- What is your answer?
- Do you need more information? If so, what do you need to know?

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Slide 18

You receive isirs from students who have not applied for admission to your institution. Can you share the students contact information with your admissions office?

- What law/s apply?
- What would you do and why?

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Slide 19

A private outside scholarship provider requests PII (name and address) as well as adjusted gross income and efc from the FAFSA for recipients of its scholarship at your institution.

- What law/s apply?
- What do you do?
- Do you need more information?

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Slide 20

Institutions have the responsibility to safeguard the sensitive personal information entrusted to them, and compliance with the law is only the beginning of that process.

Minimize Disclosure: <http://ptac.ed.gov/toolkit>

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