Access, Disclosure, and Use of Federal Student Aid

disc Data Integration Support Center WestEd

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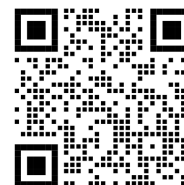Executive Director, Data Integration Support Center

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Access, Disclosure, and Use of Federal Student Aid Data

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FAQ Annotation Guide

- **Blue = Applies to my organization**
- **Yellow = Share with legal team**
- **Green = New opportunity to explore**
- **Red = Compliance activity to start doing**

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QUESTION 1 — Key Clarifications

Guidance outlines:

- Use for research and transactions
- Which law applies
- Written agreements and consent requirements
- Allowable third-party uses

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QUESTION 2 — Applicability of Laws

LAW	APPLICABILITY
HEA	FAFSA data from federal systems (ISIR, NSLDS)
FERPA	Institutional records
Privacy Act	Federal agency-held PII
FTI	Strictly regulated under IRC, excluded from FAFSA use

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QUESTION 3 — De-identified Data

De-identified FAFSA is data not subject to:

- FERPA,
- HEA, or
- the Privacy Act

Creation of de-identified data requires lawful access.

Best practices include:

- agreements,
- training,
- limits on reidentification

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Multiagency Use

QUESTION 4

SLDS and other third-party partnerships are allowed with:

- Written agreements
- Allowable use case
- Strong security controls
- No unauthorized redisclosure or re-identification

Evaluating Community College Outcomes

QUESTION 5

Community Colleges can use FAFSA/ISIR data to evaluate workforce outcomes

- Track employment rates
- Measure wage outcomes
- Evaluate program ROI

- Permissible under FERPA's Audit or Evaluation Exception
- No individual consent not required when conditions are met

HEA Research Use

QUESTION 6

HEA §483 permits FAFSA data use for:

- research on college attendance,
- persistence,
- completion.

Key Compliance Requirements:

- Strict confidentiality,
- written agreements, and
- no public PII release

Best Practices Audit Activity

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Use the reaction buttons to react to each best practice.

✅ = We do this

⚠️ = Partially doing this

❌ = Need to implement

❓ = Need clarification

- Our third-party agreements include incident response and data breach protocols.
- We annually review and update DSA's with third-parties.
- We audit our third-parties to ensure data has been deleted.
- We audit our third-parties to ensure data has not been redisclosed.
- We review research reports and other output to ensure there is no disclosure of identifiable student data.

Best Practices

QUESTION 7

Recommended best practices when managing FAFSA-related data:

- Incident response protocols with clear responsibilities in third-party agreements
- Regular review, renewal, and updating of third-party agreements
- Annual compliance reviews
- Identify and communicate prohibited uses

Can We or Can't We?

State University wants to create a de-identified dataset of FAFSA recipients' success rates by major, demographics, and income brackets to share with external researchers studying how aid correlates with workforce outcomes

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Step-by-Step Analysis

1. Initial Access Requirements
- ❏ Identify data source
- ❏ Determine applicable law
- ❏ Document allowable use case

2. De-Identification Checklist
- ❏ Remove direct identifiers (names, SSNs, IDs)
- ❏ Check for indirect identifiers
- ❏ Apply statistical disclosure controls
- ❏ Document de-identification methods

3. Sharing Protocols
- ❏ Create data use agreement
- ❏ Prohibition on re-identification
- ❏ Establish citation requirements

Common Pitfalls

Thinking de-identification bypasses all requirements (it doesn't for creation)

Too-narrow demographic categories creating identifiable combinations

Forgetting to document initial legal authority

Can We or Can't We?

The Student Aid Commission wants to compare outcomes between students eligible for state-aid only versus those receiving state AND federal aid

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Step-by-Step Analysis

QUESTION 6

1. Legal Authority
- clearly defined scope and objectives
- Defined purpose
- strict confidentiality protections

2. Required Safeguards
- Written research protocol
- Defined evaluation period
- Security protocols for combined dataset
- No public release of individual data
- Destroy linked data after analysis

Can We or Can't We?

We want to share FAFSA data with our Statewide Longitudinal Data System (SLDS) to evaluate how FAFSA completion rates, aid receipt, and college persistence correlate with workforce outcomes across different career pathways

Multiagency Data Mapping

Agency	Data Type	Governing Law	Authority
K-12 DOE	HS records, FAFSA completion	FERPA	Audit/Evaluation Exception (34 CFR § 99.31(a)(3))
Student Aid Commission	FAFSA/ISIR data	HEA, Privacy Act	Research on attendance, persistence, completion (20 U.S.C. § 1090(a)(3)(B)(ii))
University	Enrollment, grades, completion	FERPA, HEA	
SLDS	Integrated datasets	All of above	State statute authorizing C-SLDS

Multiagency Data for Research Purposes

Written agreements are in place

FERPA and/or HEA compliance maintained

Robust data security controls implemented

EXPLICIT prohibition on redisclosure and re-identification

What question isn't in our FAQ that should be?

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