

Access, Disclosure, and Use of Federal Student Aid Data



Frequently Asked Questions for Education and Workforce Partners on FERPA, HEA, and Privacy Act Compliance

OVERVIEW

These frequently asked questions (FAQs) are designed to clarify the U.S. Department of Education's (ED) recent guidance ([GENERAL-24-129](#)) on the access, disclosure, and use of Free Application for Federal Student Aid (FAFSA) data by state grant agencies (SGAs) and institutions of higher education (IHEs). Issued to support the application, awarding, and administration of student aid programs, this guidance has raised important questions across the postsecondary, K-12, and workforce sectors.

To help address these questions, experts from the Data Integration Support Center (DISC) have analyzed the current regulations and compiled comprehensive answers to common inquiries—particularly those concerning the legal parameters of data sharing. Each FAQ is accompanied by a table that expands on the response with relevant sources and additional context.

NOTE: This document is intended for informational purposes only and does not constitute legal advice. For legal interpretation or decisions, consult your agency's legal counsel. DISC is available to meet with legal teams to provide clarification or discuss specific use cases; email info@disc.wested.org.

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QUESTION

1

What key clarifications were provided in the most recent guidance?

GENERAL-24-129 clarifies how different regulatory frameworks—specifically the Family Educational Rights and Privacy Act (FERPA) and the Higher Education Act (HEA)—apply to the use of protected information from FAFSA.

In particular, the guidance outlines the following information:

- when and how FAFSA data can be used for research and transactional purposes
- which regulatory authority (FERPA or HEA) governs specific use cases

- when written agreements are required
- when consent is necessary for data sharing
- what types of third-party uses are permissible

This clarification helps institutions and agencies better understand the legal boundaries and responsibilities involved in accessing and sharing FAFSA data.

[See Table Q1: FSA Requirements and Allowable Use Cases.](#)

QUESTION

2

How do we determine whether HEA, FERPA, or the federal Privacy Act of 1974 applies to our use case?

According to GENERAL-24-129, which privacy provision applies depends primarily on the **source of the data, how they are maintained**, and **which entity controls** the FAFSA data being accessed or disclosed:

- **HEA:** Applies to data received directly from **Federal Student Aid's (FSA) National Student Loan Data System (NSLDS)** or any federal systems, including data submitted through FAFSA and related application materials.
- **FERPA:** Generally applies to data that are **maintained by an educational institution**, including student records created or received by the institution and directly related to a student.
- **Federal Privacy Act** (5 U.S.C. § 552a): Governs personally identifiable information (PII) under direct control of federal agencies, including ED's FAFSA systems and databases such as

NSLDS. The act limits disclosure of records to scenarios outlined in "routine use" statements published in the Federal Register. It does not typically govern SGAs or IHEs directly unless they receive FAFSA data directly from ED systems.

- **Federal Tax Information (FTI):** Governed separately under the Internal Revenue Code (IRC) § 6103. FTI sharing is strictly prohibited outside of specifically authorized Internal Revenue Service (IRS)-related functions and disclosures. FTI is explicitly excluded from general FAFSA data use discussions in GENERAL-24-129. (Refer to Electronic Announcement GENERAL-23-34 for FTI details.)

[See Table Q2: FAFSA Data Use by Regulation.](#)

QUESTION
3

Can de-identified data be shared with researchers without an “appropriate use case”?

Not exactly. Properly de-identified FAFSA data (through which individual students cannot be identified) are generally not subject to HEA, FERPA, or Privacy Act disclosure restrictions, as these laws apply only to PII.

However, **creating de-identified data often requires access to identifiable information**, sometimes from multiple sources. This **initial access must comply with applicable laws**, meaning you **must have an allowable use case** to create the dataset in the first place. **The regulatory framework that applies depends on the source of the data.** The source of the original data determines which regulatory exceptions allow for the creation of the de-identified dataset. For example, if the data originate from a federal system governed by HEA, then HEA provisions must be followed during the de-identification process.

HEA explicitly allows for research use of FAFSA data to support educational outcomes under [20 U.S.C. § 1090(a)(3)(B)(ii)], which should be reviewed when considering research-related data sharing.

FTI within FAFSA data remains restricted under IRC § 6103 regardless of de-identification. Unlike other FAFSA elements, FTI cannot be used for research purposes even when all identifying information has been removed. FTI retains its protected status permanently and cannot be included in any research datasets, de-identified or otherwise, without explicit IRS authorization.

Best Practices

Best practices still apply after de-identification, including the following:

- having **written agreements** in place
- requiring **privacy and data security training**
- clearly defining the **appropriate use** of the de-identified data

See Table Q3: FAFSA De-Identified Data Use.

QUESTION
4

Our state partners with a third-party agency—such as our statewide longitudinal data system (SLDS)—to build multiagency datasets for research. What does the guidance say about this use?

GENERAL-24-129 **affirms** that **using third-party entities** such as an SLDS to support data integration and research is permissible, as long as the arrangement complies with federal privacy laws and includes **appropriate safeguards**.

SLDSs typically cannot receive or process FTI from FAFSA records. Most SLDSs are not authorized under IRC § 6103 to handle FTI, and obtaining IRS authorization for such use is exceptionally rare. States must ensure that their SLDS architectures exclude all FTI data elements—including IRS-imported income, tax filing status, and tax payments—before integrating FAFSA data into their systems.

REGULATORY INSIGHT: GENERAL-24-129 also acknowledges the evolving role of technology in state data systems. It recognizes that many states are consolidating and modernizing their infrastructure to improve data security, access controls, and interoperability—often through centralized platforms such as an SLDS.

Key Compliance Requirements

- **Written Agreements:** Written agreements must be in place and based on one or more allowable exceptions under FERPA and/or HEA.
- **Allowable Use Case:** The purpose of data sharing must be clearly documented and align with statutory exceptions under HEA and/or FERPA.
- **Privacy and Security Controls:** Agreements must include strong data protection measures, including access controls and protocols to prevent unauthorized use.
- **No Unauthorized Redisclosure or Re-Identification:** Data must not be shared beyond the terms of the agreement or used to re-identify individuals.

See Table Q4: Multiagency Use of FAFSA Data.

QUESTION
5

As a community college, can we use FAFSA data to evaluate the effectiveness of our programs in supporting employment and workforce outcomes?

Yes. According to GENERAL-24-129, community colleges as IHEs receiving Title IV funds are permitted under federal law to use FAFSA data—including **institutional student information records (ISIRs)**—to evaluate the effectiveness of their educational programs, including outcomes related to **employment and workforce participation**.

This use is permissible under **FERPA's Audit or Evaluation Exception** and supported by **HEA**, provided specific conditions are met. When these conditions are met, individual student consent is not required under FERPA.

REGULATORY INSIGHT: Evaluating program effectiveness in terms of employment and workforce outcomes is an explicitly recognized, legitimate evaluation activity covered under FERPA's Audit or Evaluation Exception.

Key Compliance Requirements

- **Written Agreements:** Align agreements with FERPA's Audit or Evaluation Exception.
- **Purpose:** Clearly define the evaluation scope, duration, and workforce outcome metrics.
- **Data Protection:** Establish safeguards to prevent unauthorized redisclosure.
- **Confidentiality:** Ensure that individual students cannot be publicly identified.
- **Data Disposition:** Arrange for the destruction or return of data after the evaluation concludes.

See Table Q5: Community College Access to Workforce Outcome Data.

QUESTION
6

Can data obtained from sources that are subject to HEA be used for research purposes?

Yes. According to GENERAL-24-129, data received directly from HEA-governed sources—such as FAFSA data provided through ISIRs or via the Student Aid Internet Gateway (SAIG)—can be used for research under HEA Section 483(a)(3)(B)(ii), as long as the research supports **college attendance, persistence, or completion.**

HEA's research authorization does **not** extend to FTI contained within FAFSA records. Even though FTI may be delivered through the same ISIR or SAIG transmission, it remains exclusively governed by IRC § 6103. FTI cannot be used for any research purposes—educational or otherwise—without separate IRS authorization, which is distinct from and not covered by HEA provisions. Institutions must exclude all FTI elements (IRS-imported income, tax filing status, tax payments, etc.) from research datasets, even when conducting HEA-authorized research.

HEA explicitly permits the use of non-FTI FAFSA-derived data, including **PII**, for research aimed at improving educational outcomes and evaluating student aid programs. However, there are important conditions.

Key Compliance Requirements

- **Written Agreements:** Create agreements conforming to HEA Section 483 (20 U.S.C. § 1090(a)(3)(B)(ii)) standards, which clearly define the scope, objectives, purpose, and strict confidentiality protections and explicitly exclude FTI from the research scope.
- **Research Purpose Alignment:** Ensure that the research directly supports attendance, persistence, or completion.
- **Confidentiality Protocol Implementation:** Establish strict data protection measures.
- **Public Disclosure Prevention:** Implement safeguards to ensure that the research will not publicly disclose individually identifiable student information.
- **Data Safeguard Maintenance:** Maintain robust protocols to prevent unauthorized redisclosure.
- **FTI Exclusion Verification:** Implement technical controls to ensure that no FTI fields are included in research extracts.

See Table Q6: HEA Regulatory Requirements for FAFSA Data Use.

QUESTION
7

What additional best practices should our organization follow when using protected information, such as FAFSA data?

To enhance compliance and operational effectiveness under GENERAL-24-129, organizations should adopt the following best practices when managing FAFSA-related data:

Best Practices

- **FTI Expertise Requirements:** Designate staff with specific knowledge of IRC § 6103 restrictions to review all FAFSA data projects. Organizations should ensure that at least one team member understands the distinction between FTI and other FAFSA elements, can identify FTI fields in ISIRs and other transmissions, and can implement appropriate exclusion protocols. Consider requiring IRS safeguards training for key data personnel.
- **FTI Exclusion Policies:** Develop and enforce explicit policies that
 - define all FTI fields within FAFSA data systems;
 - prohibit FTI inclusion in any research, SLDS, or third-party sharing;
 - require verification that FTI has been removed before any data transfer;
 - establish audit procedures to confirm FTI exclusion; and
 - create consequences for policy violations given criminal penalties under IRC § 6103.
- **Multiregulatory Framework Compliance:** Establish processes that address the intersection of multiple legal requirements:
 - Create decision trees that identify which law applies (FERPA, HEA, Privacy Act, or IRC § 6103).
 - Develop separate handling procedures for FTI versus other FAFSA elements.
 - Implement technical controls that automatically exclude FTI from research and cross-sector sharing.
 - Maintain documentation showing compliance with each applicable framework.
 - Ensure that legal review covers all relevant statutes, not just FERPA.
- **Incident Response and Data Breaches:** Ensure that all third-party agreements explicitly include detailed protocols and clearly defined responsibilities for handling incidents involving unauthorized disclosures or data breaches. FTI breaches require immediate IRS notification and may trigger criminal investigations, making proper incident response critical. The provisions should outline immediate response actions, reporting obligations, and strategies for preventing future breaches.

QUESTION
7
CONTINUED

- **Regular Review and Operationalizing of Written Agreements:** Establish a formal schedule for reviewing, renewing, and updating written data-sharing agreements with third-party entities. Reviews must specifically verify that FTI exclusions remain properly documented and enforced. Regular review processes help ensure continuous alignment with evolving federal regulations, maintain clarity around obligations, and promptly address any compliance gaps.
- **Compliance Reviews:** To maintain ongoing compliance and responsiveness to regulatory changes, establish and adhere to regular compliance reviews at least annually. Reviews must cover all applicable frameworks (FERPA, HEA, IRC § 6103) and verify that FTI is properly excluded from all unauthorized uses. These reviews also should involve auditing third-party agreements, verifying adherence to data protection measures, and ensuring that all relevant parties remain aware of their compliance obligations.
- **Identification of Prohibited and Noncompliant Uses:** Clearly communicate examples of prohibited or noncompliant uses of FAFSA data to help reinforce understanding and adherence. Noncompliant scenarios to identify include the following:
 - unauthorized redisclosure of FAFSA data to entities not explicitly authorized by agreements
 - use of FAFSA data for commercial, marketing, or promotional purposes unrelated to financial aid administration
 - public dissemination or sharing of identifiable student data in research outputs or reports
 - any inclusion of FTI in research, SLDSs, or cross-sector sharing regardless of purpose or de-identification status

TABLE
Q1

FSA Requirements and Allowable Use Cases

FAFSA Data Definition: FAFSA data include information obtained directly from FAFSA applicants and contributors, plus ED-derived information appearing on the ISIR such as Student Aid Index, Pell Grant eligibility status, verification status, total income, adjusted available income, and discretionary net worth. This definition excludes FTI.

Applicable Legal Framework: FAFSA data use is governed by the most restrictive provisions of HEA, FERPA, and the Privacy Act. The specific framework that applies depends primarily on the source and maintenance of the data (see [Question 2](#)).

HEA Section 494 Consent Requirements: Consent must be specific, written, signed (electronic acceptable), dated, and maintained 3-plus years post-attendance. Consent is required when redisclosing FAFSA data externally (except specific statutory exemptions such as the United Negro College Fund and Hispanic College Fund).

Data Protection Standards: All entities must comply with security measures, access controls, and data handling protocols outlined in SAIG agreements and applicable privacy laws.

Use Case	Description	Requirements and Examples	Consent Required?
Permissible Use Case: Core Functions	Application, award, and administration of student aid including the administrative and business functions necessary to deliver federal, state, and institutional financial aid efficiently and effectively	<ul style="list-style-type: none"> Assisting with aid applications ISIR processing and eligibility determination Processing and disbursing aid funds Satisfactory academic progress (SAP) monitoring and enforcement 	No
Permissible Use Case: Monitoring	Academic progress monitoring and compliance activities	<ul style="list-style-type: none"> SAP monitoring Audits Program evaluations 	No
Permissible Use Case: Reporting and Statistics	Mandatory reporting obligations and statistical analysis	<ul style="list-style-type: none"> Integrated Postsecondary Education Data System (IPEDS) reporting Net price calculator disclosures Aggregate statistics production 	No
Permissible Use Case: Research and Analytics	Research to promote college attendance, persistence, and completion with protected identifiable information	<ul style="list-style-type: none"> Research under the FERPA Studies Exception (34 CFR § 99.31(a)(6)) or Audit or Evaluation Exception (34 CFR § 99.31(a)(3)) 	No
Third-Party Disclosure: Contractors	Third-party disclosure to contractors for aid-related functions requires written agreements, and contractors must act under direct institutional control.	<ul style="list-style-type: none"> FERPA School Official Exception (34 CFR § 99.31(a)(1)), compliance with SAIG agreement standards 	No
Third-Party Disclosure: External Organizations	Third-party disclosure with external entities for legitimate aid-related purposes may be allowable under specific conditions, and FERPA exceptions must apply.	<ul style="list-style-type: none"> Scholarship organizations, FERPA Financial Aid Exception (34 CFR § 99.31(a)(4)) 	Usually, Yes

TABLE
Q2

FAFSA Data Use by Regulation

Regulation	Scope and Applicability	Data Types Covered	Key Provisions and Exceptions	Primary Citations
HEA	FAFSA data directly received from ED, including through ISIRs or via SAIG	FAFSA-derived information: Pell Grant eligibility status, Student Aid Index, verification status, calculated financial metrics provided by ED	<ul style="list-style-type: none"> Governs use for application, award, and administration of federal, state, and institutional student aid programs. Requires specific written consent for redisclosure outside permitted aid-administration uses. 	HEA Section 494 20 U.S.C. §1090
FERPA	Education records directly maintained by IHEs or their agents, including FAFSA data stored within institutional systems	Records directly related to students who are or have been enrolled ("eligible students") <i>Does NOT apply to FAFSA applicants who have never attended the institution.</i>	<ul style="list-style-type: none"> Under the School Official Exception (34 CFR § 99.31(a)(1)) allows disclosure to institutional personnel with legitimate educational interest. Under the Financial Aid Exception (34 CFR § 99.31(a)(4)) allows disclosures for aid eligibility, amount, conditions, or enforcement. Under the Studies Exception (34 CFR § 99.31(a)(6)) allows research for improving instruction or aid administration. Under the Audit or Evaluation Exception (34 CFR § 99.31(a)(3)) allows disclosure for audits or program evaluations. 	20 U.S.C. § 1232g 34 CFR Part 99
Privacy Act	Data under direct control of federal agencies, including ED's FAFSA systems and databases such as NSLDS	PII from federal records systems	<ul style="list-style-type: none"> Limits disclosure of PII to scenarios outlined in "routine use" statements published in the Federal Register. Does not typically govern SGAs or IHEs directly unless they receive FAFSA data directly from ED systems. 	5 U.S.C. § 552a ED's Aid Awareness and Application Process System of Records Notice 18-11-21
IRC	FTI explicitly excluded from general FAFSA data use discussions under GEN-24-129	Tax return information and tax return information derived from IRS systems	<ul style="list-style-type: none"> Strictly regulates FTI sharing. Is not permitted outside specifically authorized IRS-related functions and disclosures. 	IRC § 6103 GEN-23-34

TABLE
Q3

FAFSA De-Identified Data Use

REGULATORY INSIGHTS: GENERAL-24-129 recommends the following best practices:

- Privacy Training:** Recommended safeguards for all parties handling de-identified data. Ensure appropriate privacy training to safeguard against misuse or mitigate inadvertent re-identification risks.
- Written Agreements:** Although not legally mandated after de-identification, strongly advised. Maintain written agreements with researchers that clearly define data use and prohibitions on re-identification attempts.

Category	Key Points	Specific Provisions	Regulatory Basis
De-Identified Data	Data that do not allow individual students to be identified are exempt from privacy law restrictions.	Data no longer constitute PII, so they are exempt from statutory privacy protections under HEA, FERPA, and the Privacy Act.	GEN-24-129 clarification
Creation Requirements: Initial Data Access	To create de-identified datasets, institutions must initially access, use, and potentially link PII.	Such initial activities remain subject to FERPA, HEA, and Privacy Act requirements depending on the original data source and context.	All applicable privacy laws
Required Use Case: HEA Compliance	An appropriate use case consistent with HEA must exist to legally create a de-identified dataset.	The required use case under HEA Section 483(a) includes the "application, award, and administration of student aid."	20 U.S.C. §1090
Required Use Case: FERPA Exceptions	An applicable FERPA exception must justify initial data access for de-identification.	FERPA includes the following exceptions: <ul style="list-style-type: none"> Studies Exception: Research to improve educational instruction or student aid administration Audit or Evaluation Exception: Audits, evaluations, or enforcement related to education programs 	34 CFR § 99.31(a)(6) 34 CFR § 99.31(a)(3) 34 CFR § 99.30
ED Source Data (SAIG/ISIR)	FAFSA data directly from ED has specific research authorization.	HEA explicitly allows use for research to promote college attendance, persistence, and completion, subject to confidentiality protections to ensure that students cannot be identified.	20 U.S.C. §1090(a)(3)(B)(ii)
Institutional Data Sources	Data from educational institution records must use FERPA exceptions.	The FERPA Studies Exception or Audit or Evaluation Exception provides permissible pathways for creating de-identified datasets.	34 CFR § 99.31(a)(6) 34 CFR § 99.31(a)(3) 34 CFR § 99.30
Research Use Authorization	No additional "appropriate use case" is required once data are properly de-identified.	Sharing with researchers is permissible without consent, but creation must comply with initial access requirements.	Follows from de-identified status

TABLE
Q3
CONTINUED

Key Statutory and Regulatory Citations Summary

Data Source	Authorization for De-Identification	Citation
ED Direct (SAIG/ISIR)	HEA Research Provision—research to promote college attendance, persistence, and completion	20 U.S.C. § 1090(a)(3)(B)(ii)
Institutional Records	FERPA Studies Exception—studies to improve educational instruction or student aid administration	34 CFR § 99.31(a)(6)
Institutional Records	FERPA Audit or Evaluation Exception—audits, evaluations, or enforcement of federal or state-supported educational programs	34 CFR § 99.31(a)(3) 34 CFR § 99.30
Any Source	HEA Student Aid Administration—application, award, and administration of student aid	HEA Section 483(a) 20 U.S.C. § 1090

**TABLE
Q4**

Multiagency Use of FAFSA Data

Requirement Category	Specific Requirements	Implementation Details	Regulatory Basis
Written Agreements: Mandatory	Must be completed for all third-party entities.	<ul style="list-style-type: none"> Must clearly specify the scope, purpose, limitations, and confidentiality safeguards related to FAFSA data usage. 	GEN-24-129 requirement
Agreement Compliance Standards	Must explicitly conform to FERPA and HEA conditions.	<ul style="list-style-type: none"> Must ensure compliance with statutory confidentiality and use requirements under both FERPA exceptions and HEA provisions. 	34 CFR § 99.31(a)(6)(iii) 34 CFR § 99.31(a)(3) 20 U.S.C. § 1090(a)(3)(B)(ii)
FERPA Studies Exception	Allows disclosure without prior written consent for educational research.	<ul style="list-style-type: none"> Covers third-party agencies conducting research to improve education outcomes, instruction methods, or student aid program administration. Must be explicitly documented in a written agreement. 	34 CFR § 99.31(a)(6)
FERPA Audit or Evaluation Exception	Permits disclosure for compliance and evaluation activities.	<ul style="list-style-type: none"> Covers third-party entities acting as authorized representatives of state and local educational authorities to conduct audits, evaluations, or compliance activities for federal or state-supported education programs. 	34 CFR § 99.31(a)(3) 34 CFR § 99.30
HEA Research Authorization	Authorizes research-related disclosure without consent.	<ul style="list-style-type: none"> Covers research by third parties engaged by SGAs or IHEs to support college attendance, persistence, and completion initiatives. Must prevent public disclosure of individually identifiable data and maintain rigorous security protocols. 	20 U.S.C. § 1090(a)(3)(B)(ii)
Third-Party Entities (SLDSs, Technology Partners, Data Warehouses)	Must ensure robust data security controls and compliant data usage.	<ul style="list-style-type: none"> GEN-24-129 supports development of consolidated SLDSs as part of states' modernization and integration initiatives. Must ensure compliance with FERPA, HEA, and Privacy Act requirements. Explicitly prohibits unauthorized redisclosure or re-identification of data. 	GEN-24-129 recognition 34 CFR § 99.31 20 U.S.C. § 1090
Multiagency Research Purposes	Are permissible for research, analysis, and data consolidation.	<ul style="list-style-type: none"> Includes educational outcome studies, program effectiveness analysis, student success initiatives, and integrated data analytics across agencies. 	Combined FERPA/HEA authority

**TABLE
Q4**
CONTINUED

Key Statutory and Regulatory Citations Summary

Provision	Allowable Use Case	Citation
FERPA Studies Exception	Studies to improve educational instruction or student aid administration	34 CFR § 99.31(a)(6)(iii)
FERPA Audit or Evaluation Exception	Audits, evaluations, or enforcement of federal or state-supported educational programs	34 CFR § 99.31(a)(3) 34 CFR § 99.30
HEA Research Authorization	Research to promote college attendance, persistence, and completion	20 U.S.C. § 1090(a)(3)(B)(ii)

**TABLE
Q5**

Community College Access to Workforce Outcome Data

REGULATORY INSIGHT: Community colleges (as Title IV-receiving IHEs) can use FAFSA data, including ISIR data, for evaluating educational program effectiveness tied to employment and workforce participation outcomes.

Authorization Category	Specific Provisions	Implementation Requirements	Regulatory Basis
Institutional Eligibility	Community colleges as IHEs receiving Title IV funds	IHEs must have active Title IV participation to access FAFSA data for workforce outcome evaluation.	Title IV eligibility requirements
Data Sources Permitted	FAFSA data including ISIR data	ISIR data maintained as part of educational records can be used for program evaluation purposes.	GEN-24-129 clarification
FERPA Audit or Evaluation Exception	Permits nonconsensual disclosure for evaluation of federal or state-supported education programs.	Evaluation of program effectiveness in employment and workforce outcomes is explicitly recognized as a legitimate evaluation activity.	34 CFR § 99.31(a)(3) 34 CFR § 99.30
Program Evaluation Scope	Includes evaluations of the effectiveness of educational programs.	Uses include outcomes tied to employment and workforce participation and assessments of program success in preparing students for employment.	34 CFR § 99.31(a)(3) 34 CFR § 99.30
Compliance Enforcement	Can use data to enforce compliance with federal legal requirements.	Uses must be related to federal or state-supported education programs and compliance monitoring.	34 CFR § 99.31(a)(3) 34 CFR § 99.30
Consent Requirements	Does not require individual student consent.	When the FERPA Audit or Evaluation Exception is correctly applied with required written agreements, individual consent is not required.	34 CFR § 99.31(a)(3) 34 CFR § 99.30
Written Agreements: Mandatory	Are required under the FERPA Audit or Evaluation Exception.	The agreements must clearly specify the purpose, scope, duration, and data protections. They also must prevent unauthorized redisclosure and ensure the destruction or return of data after evaluation completion.	34 CFR § 99.35
HEA Research Compliance	Must comply with HEA research authorization provisions.	Confidentiality must be rigorously maintained, and individual students cannot be publicly identified.	20 U.S.C. § 1090(a)(3)(B)(ii)
Data Protection Requirements	Must prevent unauthorized redisclosure.	Data must be protected from unauthorized sharing or disclosure, and agreements must specify data handling and security requirements.	34 CFR § 99.35
Data Disposition	Requires data destruction or return after evaluation completion.	Written agreements must ensure proper disposal of data once the evaluation is complete.	34 CFR § 99.35

**TABLE
Q5**
CONTINUED**Key Statutory and Regulatory Citations Summary**

Provision	Allowable Use Case	Citation
FERPA Audit or Evaluation Exception	Audits, evaluations, or enforcement of federal or state-supported educational programs including workforce outcomes	34 CFR § 99.31(a)(3) 34 CFR § 99.30 34 CFR § 99.35
HEA Research Provision	Research to promote college attendance, persistence, and completion	20 U.S.C. § 1090(a)(3)(B)(ii)

TABLE
Q6

HEA Regulatory Requirements for FAFSA Data Use

REGULATORY INSIGHTS

HEA Section 483(a)(3)(B)(ii) Authorization: FAFSA data from HEA-governed sources (ISIR/SAIG) can be used for research supporting college attendance, persistence, and completion.

Internal Use vs. Public Disclosure

- **Permitted:** Internal use of PII is allowed **when necessary** to conduct authorized educational research.
- **Prohibited:** Public release or disclosure of **individually identifiable information** from research findings is strictly prohibited.

Requirement Category	Specific HEA Requirements	Implementation Details	Regulatory Basis
Applicable Data Sources	Data received directly from HEA-governed sources	FAFSA data are provided through ISIRs or via SAIG.	20 U.S.C. § 1090(a)(3)(B)(ii)
Authorized Research Purposes	Research directly supporting educational outcomes	Research related to college attendance, persistence, and completion, including evaluating the effectiveness of student aid programs, is authorized.	20 U.S.C. § 1090(a)(3)(B)(ii)
Permitted Educational Outcomes	Specific research areas explicitly authorized	Student enrollment research, retention studies, completion rate analysis, and student aid program effectiveness evaluation are permitted.	HEA Section 483(a)(3)(B)(ii)
Written Agreements: Mandatory	Written agreements required for all HEA-governed research	Agreements must clearly define the scope, objectives, purpose, and strict confidentiality protections and must conform specifically to HEA Section 483 standards.	20 U.S.C. § 1090(a)(3)(B)(ii)
Confidentiality Requirements	Strict confidentiality protections mandated	A written agreement must ensure that the research will not publicly disclose individually identifiable student information.	20 U.S.C. § 1090(a)(3)(B)(ii)
PII Use During Research	Internal use of PII permitted during the research process	HEA does not prohibit internal use of PII during research, provided it is necessary for authorized educational research.	GEN-24-129 clarification
Public Disclosure Prohibition	Public release of individually identifiable information strictly prohibited	Although internal PII use is permitted, any public release or disclosure of individually identifiable student information from research results is forbidden.	20 U.S.C. § 1090(a)(3)(B)(ii)
Data Safeguards	Proper data safeguards required to prevent unauthorized redisclosure	The research process must include robust data protection protocols and safeguards to prevent unauthorized sharing or redisclosure.	HEA compliance requirement
Institutional Eligibility	SGAs and IHEs authorized to conduct HEA-governed research	SGAs and IHEs are explicitly permitted to use HEA-governed FAFSA data for authorized research purposes.	GEN-24-129 clarification
Research Scope Limitations	Research required to directly support specified educational outcomes	Research purposes must be directly tied to college attendance, persistence, completion, or student aid program effectiveness, and the data cannot be used for unrelated research.	20 U.S.C. § 1090(a)(3)(B)(ii)

TABLE
Q6
CONTINUED

Key Statutory and Regulatory Citations Summary

Provision	Authorized Use	Citation
HEA Research Authorization	<ul style="list-style-type: none"> Research to promote college attendance, persistence, and completion Internal use of PII permitted during the research process, but public release of individually identifiable information prohibited 	20 U.S.C. §1090(a)(3)(B)(ii)

Simplified
Applicability
Matrix

NOTE: The applicable privacy provision depends primarily on the source, nature, and control of the FAFSA data being accessed or disclosed.

Data Source or Type	Governing Law	Citation
FAFSA Data Directly From ED (Via ISIR/SAIG/NSLDS)	HEA and Privacy Act	GEN-24-129 HEA Section 483 20 U.S.C. §1090 5 U.S.C. §552a
Data Maintained by IHE	FERPA	20 U.S.C. §1232g 34 CFR §99.3 34 CFR §99.31
FTI	IRC	IRC Section 6103 GEN-23-34

Regulatory
Citations

- [Electronic Announcement GENERAL-24-129](#), Updated September 30, 2025
- [Electronic Announcement GENERAL-25-08](#), September 30, 2025
- **HEA General Provisions, 20 U.S.C. §1090**
 - HEA Section 494(a)(17), [20 U.S.C. §1094\(a\)\(17\)](#), IPEDS reporting
 - HEA Section 1015a(k), [20 U.S.C. §1015a\(k\)](#), net price calculator disclosures
 - HEA Section 483(a)(3)(B)(ii), [20 U.S.C. §1090](#), research authorization for FAFSA data use
- **FERPA, 20 U.S.C. §1232g**
 - FERPA Regulations, [34 CFR Part 99](#)
 - FERPA Audit or Evaluation Exception, [34 CFR §99.31\(a\)\(3\)](#)
 - FERPA Studies Exception, [34 CFR §99.31\(a\)\(6\)](#)
 - FERPA School Official Exception, [34 CFR §99.31\(a\)\(1\)](#)
 - FERPA Financial Aid Exception, [34 CFR §99.31\(a\)\(4\)](#)
- **Privacy Act of 1974, 5 U.S.C. §552a**

Acronyms

DISC: Data Integration Support Center

ED: U.S. Department of Education

FAFSA: Free Application for Federal Student Aid

FAQ: Frequently asked question

FERPA: Family Educational Rights and Privacy Act

FSA: Federal Student Aid

FTI: Federal tax information

HEA: Higher Education Act

IHE: Institution of higher education

IPEDS: Integrated Postsecondary Education Data System

IRC: Internal Revenue Code

IRS: Internal Revenue Service

ISIR: Institutional student information record

NSLDS: National Student Loan Data System

PII: Personally identifiable information

SAIG: Student Aid Internet Gateway

SAP: Satisfactory academic progress

SGA: State grant agency

SLDS: Statewide longitudinal data system