

# **CSCU** Data Privacy Office

**Refresher for CSCU IR Professionals**

Tuesday April, 17 2023

CSCU, DSIR, Kiehne

## Specific Questions Posed

- What can be shared?
- How can it be shared? How can it be stored?
- How to share sensitive data to others who are not equipped to receive?
- What is directory information? What can a student contact list include?
- Reminder of IR boilerplate messages regarding data privacy.
- How to report data privacy breaches.



- FERPA as a Framework
  1. What kind of data?
  2. What is the purpose for sharing?
- Answer the questions
  - How to transmit
  - How to store
  - Directory information
  - Boilerplate
  - Incident reporting



- FERPA as a Framework
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Family Education Rights and Privacy Act ([FERPA](#))

- [What is FERPA?](#)
- The Family Educational Rights and Privacy Act (FERPA) is a federal law that affords parents the right to have access to their children's education records, the right to seek to have the records amended, and the right to have some control over the **disclosure of personally identifiable information from the education records**. When a student turns 18 years old, or enters a postsecondary institution at any age, the rights under FERPA transfer from the parents to the student ("eligible student").
- *The FERPA statute is found at 20 U.S.C. § 1232g and the FERPA regulations are found at 34 CFR Part 99.*

Data Privacy Officer's personal paraphrase of FERPA:

*Education records must be protected.*

*Institution employees **cannot disclose** personally identifiable information **without consent***

*or an **exception** to needing consent.*

## What Is Personally Identifiable Information?

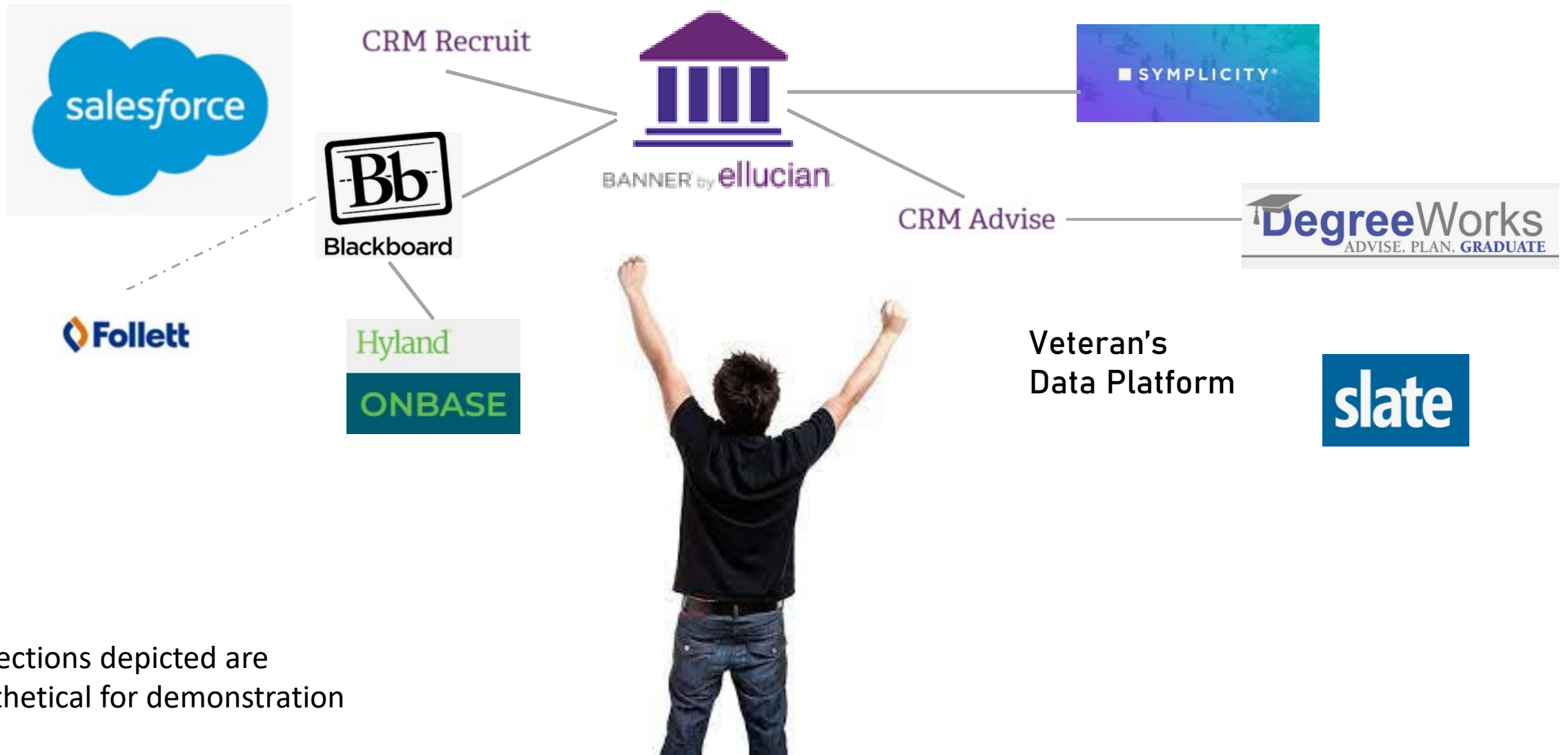
- Social Security Numbers
- First initial, last name
- Class schedule
- Race & Ethnicity
- Swipe card information without name or ID
- Zip code

## Personally Identifiable Information for Education Records

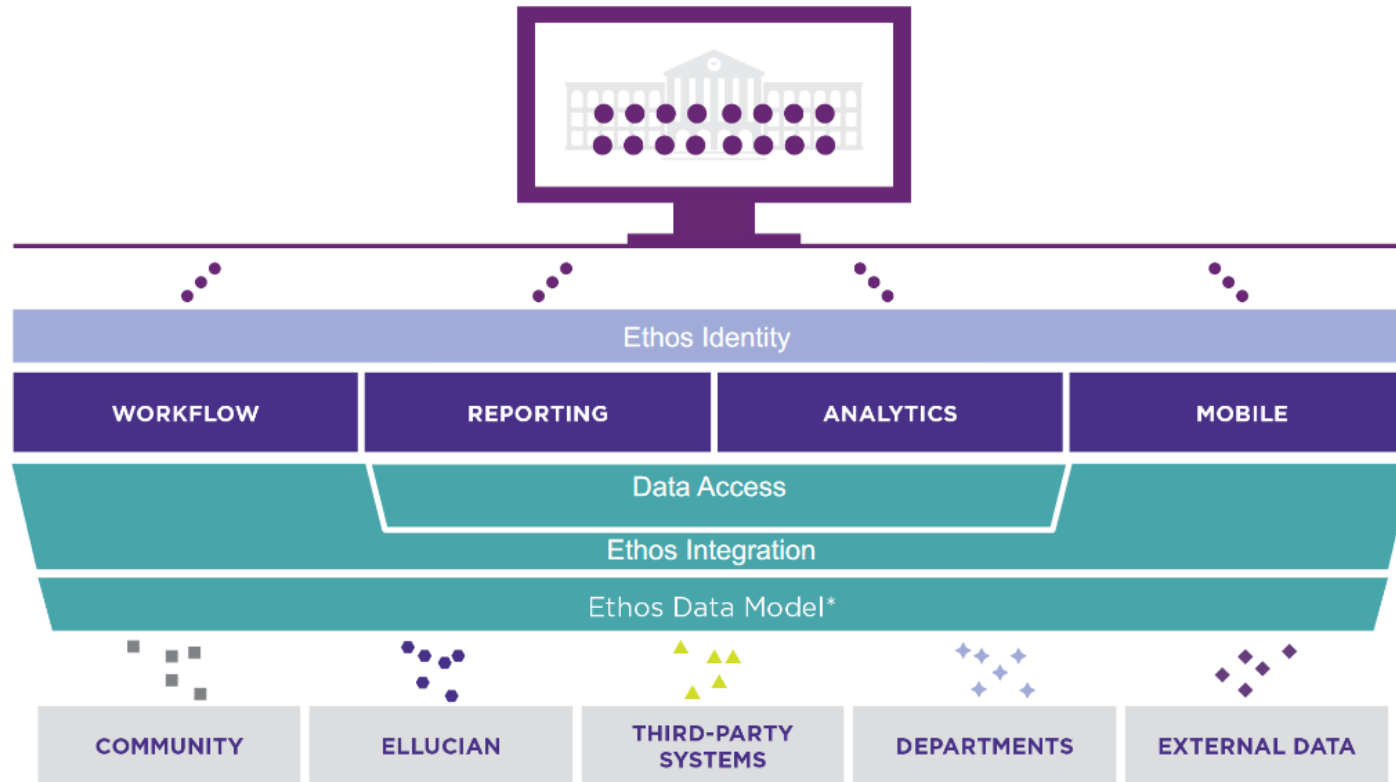
- Personally identifiable information for education records is a FERPA term referring to identifiable information that is maintained in education records and includes direct identifiers, such as a student's name or identification number, indirect identifiers, such as a student's date of birth, or *other information* which can be used to distinguish or trace an individual's identity either directly or indirectly through linkages with other information.  
(34 CFR §99.3)
- f) Other information that, alone or in combination, is **linked** or **linkable** to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty;  
<https://www.ecfr.gov/current/title-34/subtitle-A/part-99/subpart-A/section-99.3>



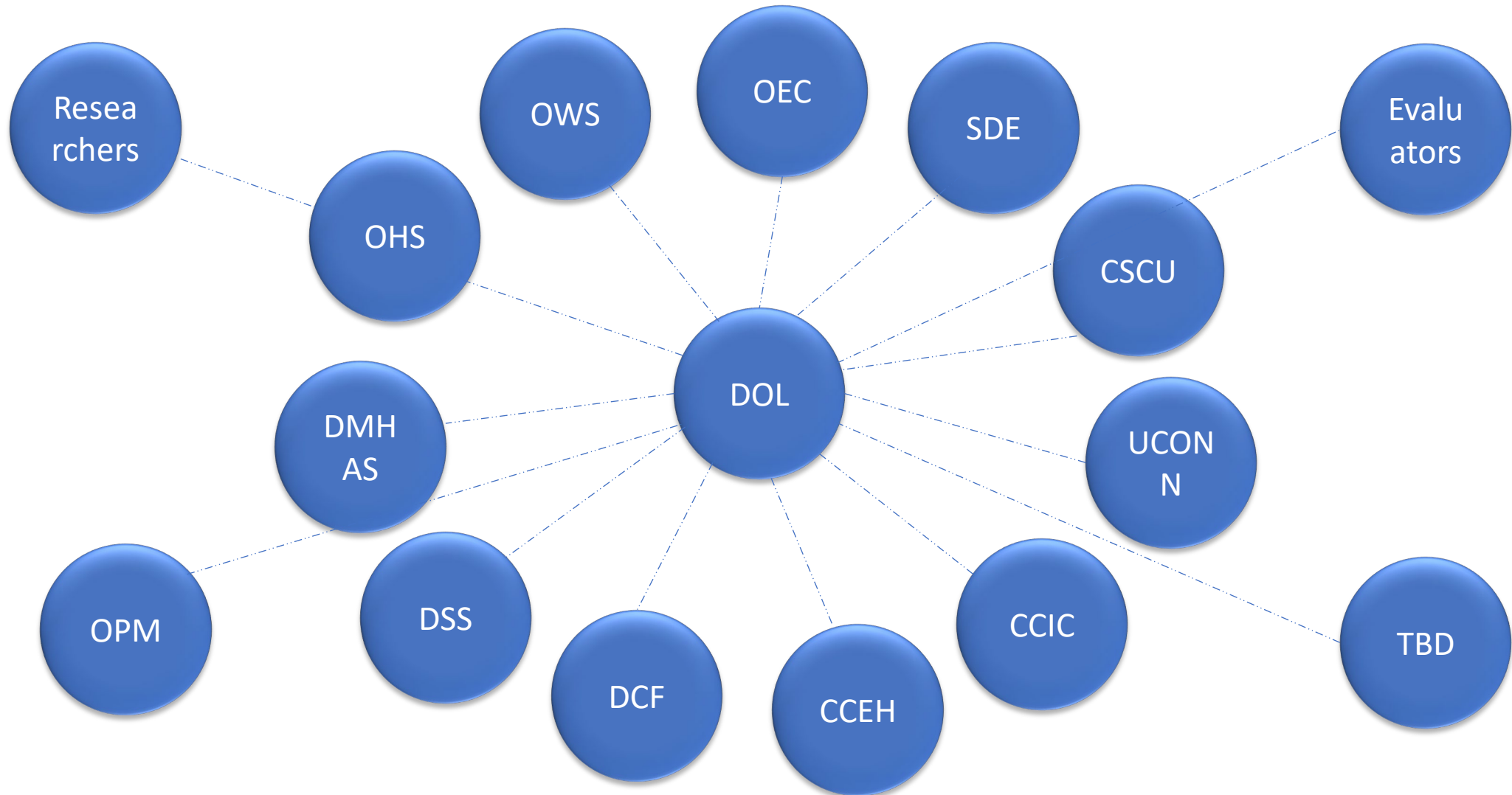
Possibility	Example
<i>To Distinguish</i>	name, passport number, social security number, or biometric data
<i>To Trace</i>	an audit log containing records of user actions could be used to trace an individual's activities
<i>Linked information</i>	two databases contain different PII elements, then someone with access to both databases may be able to link the information from the two databases and identify individuals, as well as access additional information about or relating to the individuals. If the secondary information source is present on the same system or a closely-related system and does not have security controls that effectively segregate the information sources, then the data is <b>considered linked</b> .
<i>Linkable information</i>	If the secondary information source is maintained more remotely, such as in an unrelated system within the organization, available in public records, or otherwise readily obtainable (e.g., internet search engine), then the data is <b>considered linkable</b> .



Connections depicted are hypothetical for demonstration



\* patent pending



- Birth certificates
- Marriage licenses
- Divorce documents
- Real estate records
- [Criminal records](#)
- [Court documents](#)
- Death certificates



Definitions for PII vary.

[According to the U.S. General Services Administration \(GSA\)](#), "The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. In performing this assessment, it is important for an agency to recognize that **non-PII can become PII whenever additional information is made publicly available -- in any medium and from any source** -- that, when combined with other available information, could be used to identify an individual."

<https://www.techtarget.com/searchsecurity/definition/personally-identifiable-information-PII>



### What Is Personally Identifiable Information?

- Social Security Numbers
- First initial, last name
- Class schedule
- Race & Ethnicity
- Swipe card information without name or ID
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**Is it aggregated or modified so there is no PII? Is it completely de-identified?**

- Look beyond cell sizes
- Tech Brief #3: Statistical Methods for Protecting Personally Identifiable Information in Aggregate Reporting,  
<https://studentprivacy.ed.gov/resources/tech-brief-3-statistical-methods-protecting-personally-identifiable-information-aggregate>



- Share publicly
- Save anywhere
- Transmit as desired



**What must a consent to disclose education records contain?**

- FERPA requires that a consent for disclosure of education records be signed and dated, specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. 34 CFR § 99.30. As such, oral consent for disclosure of information from education records would not meet FERPA's consent requirements.
  - 1) What records are to be disclosed
  - 2) To whom will they be disclosed
  - 3) Why will they be disclosed
  - 4) Approval by student with date and signature

How many exceptions to the requirement to obtain consent are there?

5

3

20

16

8



1. To other **school officials** that have “legitimate educational interests”;
  - Pursuant to an **agreement** (with FERPA obligations) to contractors, consultants, or other third parties to whom the College has outsourced services or functions that the College would otherwise use employees;
2. To officials at another ed. inst. **where the student seeks or intends to enroll** or where the student is already enrolled as long as disclosure is related to enrollment or transfer;
3. To **authorized representatives** of US Comptroller General, US Attorney General, US DOE Secretary, or State and local educational authorities; *(additional controls apply)*
  - To certain federal, state, local authorities **in connection with audit or evaluation** of federal or state supported ed. programs or compliance with federal legal requirements;
4. In **connection with financial aid** that student has applied for or received for purposes of determining eligibility;
5. In connection with the **juvenile justice system**, or other applicable statutes;
6. To organizations **conducting studies** for or on behalf of College *(study = limited in scope)*;

7. To **accrediting organizations**;
8. The disclosure is to **parents, as defined in §99.3, of a dependent student**;
9. In compliance with a **judicial order or lawfully issued subpoena**; to a court in context of a lawsuit that the student brought against the institution or that institution brought against student;
10. To appropriate parties when articulable and **significant threat to health and safety** of a student or other individuals;
11. Student information is designated as “**directory information**” in the BOR FERPA Policy;
12. To the **eligible student**;
13. To **victim of alleged perpetrator** of a crime of violence or non-forcible sex offense;
14. In connection with **disciplinary proceedings** (*additional limitations*);
15. To **parents** of a student under age 21 alcohol violation;
16. Another exception regarding sex offenders and others required to register under the Violent Crime Act and other laws.

## **#1 – School Official ([CSCU BOR Policy 2.2 BR 21-096 amendment](#))**

A “school official” is a person employed by a College or University in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the Board of Regents; an employee of the Connecticut State Colleges and Universities system office; or, a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of the College or University who performs an institutional service or function for which the College or University would otherwise use its own employees and who is under the direct control of the College or University with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the College or University.

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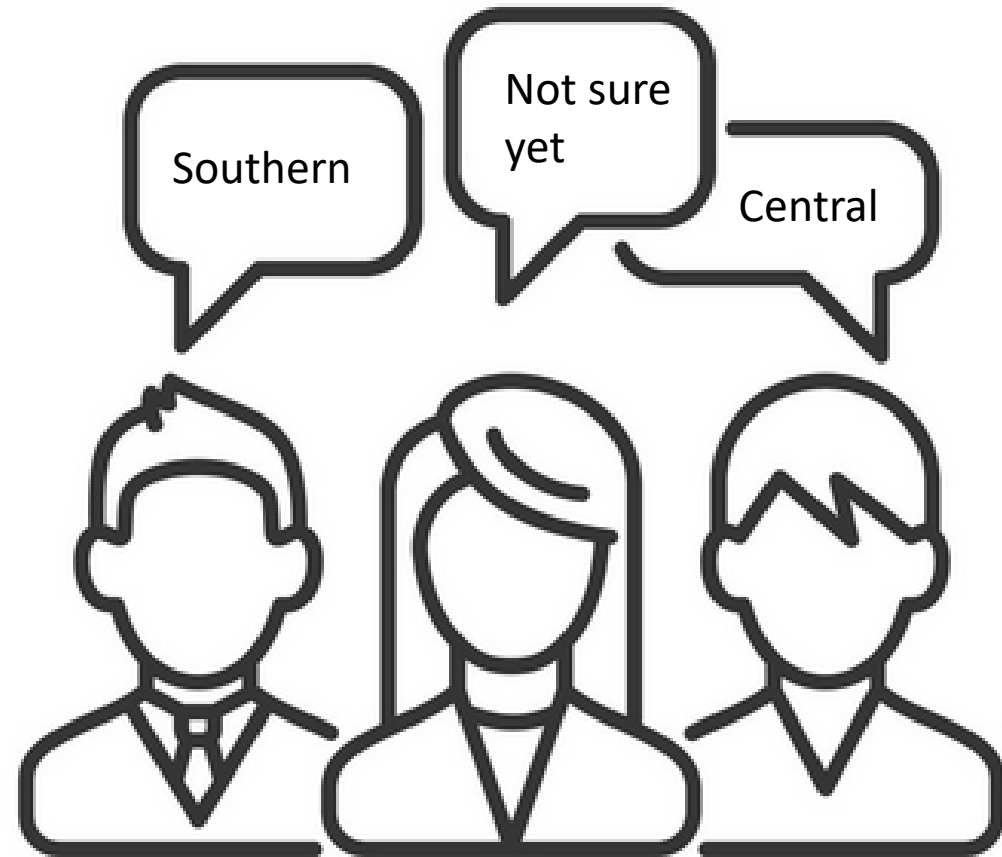
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**#2** – To officials at another ed. inst. **where the student seeks or intends to enroll** or where the student is already enrolled as long as disclosure is related to enrollment or transfer;



**#4 – In connection with financial aid** that student has applied for or received for purposes of determining eligibility for financial aid.

Specifically to

- a) determine eligibility for the aid;
- b) determine the amount of the aid;
- c) determine the conditions of the aid; or
- d) enforce the terms and conditions of the aid.

<https://studentprivacy.ed.gov/faq/may-postsecondary-institution-disclose-financial-aid-records-without-written-consent>



FAFSA data should only be used, even by a school official, for legitimate function necessary to the efficient and effective administration of student aid.

## **FAFSA data includes:**

- The fact that the FAFSA was filed in and of itself;
- **Answers to over [100 questions](#) the student and parents are required to answer on the FAFSA for the calculation of the expected family contribution (EFC);**
- Institutional Student Information Record (ISIR) and Student Aid Report (SAR) data;
- Key processing results; *(This includes Pell information, [click and see page 7](#))*
- **EFC;**
- Student's financial aid history as reflected in the National Student Loan Data System (NSLDS);
- ISIR data to determine award eligibility, and the resulting awards and disbursement data;
- Federal Work-Study (FWS) awards and pay dates;
- Information contained in the Common Origination and Disbursement (COD) System.

FAFSA data is protected by FERPA & the Higher Education Act (HEA)

- **FAFSA data can only be used** for awarding and administering aid.
- FAFSA data can't be used for any other purpose – even with consent or a contract.
  - Caveat: The HEA permits Colleges to share FAFSA student data with scholarship-granting organizations (Foundations), tribal organizations, or organizations assisting the student applicant in applying for and receiving federal, state, local, or tribal assistance but **ONLY** with written student consent.
- “Administration of Financial Aid” includes audits and program evaluations necessary for efficient and effective administration of student aid programs (e.g., mandatory fed reporting like IPEDS)

**Can a financial aid office share FAFSA/ISIR data, including PII about students who receive student aid, with institutional staff responsible for analyses, audits, or evaluations at the institution (e.g., an Institutional Research Office)?**

“Under some circumstances, this may be permissible. **Under FERPA’s** School Official exception, this is permissible provided that the recipient meets the criteria of a “school official with legitimate educational interest” as defined in the institution’s annual notification of FERPA rights. **Under the HEA**, this may be permissible to the extent that the Institutional Research Office, auditor, or analyst is performing a function that is necessary to the efficient and effective administration of student aid. ... Disclosure for other purposes, however, is not permitted.”

[https://studentprivacy.ed.gov/sites/default/files/resource\\_document/file/FSA\\_final.pdf](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/FSA_final.pdf), (page 9)



- National Association of Financial Aid Administrators: Financial Aid Data Sharing: [https://www.nasfaa.org/uploads/documents/June\\_2019\\_Data\\_Sharing\\_White\\_Paper.pdf](https://www.nasfaa.org/uploads/documents/June_2019_Data_Sharing_White_Paper.pdf)
- USED, Privacy Technical Assistance Center: Guidance on the Use of Financial Aid Information for Program Evaluation and Research. [https://studentprivacy.ed.gov/sites/default/files/resource\\_document/file/FSA\\_final.pdf](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/FSA_final.pdf)
- USED GEN-22-02 Use of FAFSA Data to Administer Federal Programs: <https://fsapartners.ed.gov/knowledge-center/library/dear-colleague-letters/2022-01-20/use-fafsa-data-administer-federal-programs>



**#11** – Student information is designated as “**directory information**” under the conditions described in §99.37;



Directory information are data elements about students designated as disclosable without consent

- CSCU Board decides what constitutes Directory Information
- Student’s can opt out
- Permissive, institutions *may* provide, not a requirement.

CSCU FERPA Notice and Directory Information Policy ([CSCU BOR Policy 2.2 BR 21-096 amendment](#))

CSCU's Directory Information Policy has categories

- a. For access by School Officials
- b. For military recruiters
- c. For participation in recognized activity or sports
- d. For disclosure to/ access by the general public

**What could a contact list include?** For purposes of disclosure to/access by the general public, the following is designated as Directory Information:

- **Student's preferred name**
- **Permanent mailing address**
- Photographs
- Dates of attendance
- Major, minor, concentration and/or program of study
- Degree/Certificate candidacy
- Degree(s)/Certificate(s) earned
- Academic Honors & Awards
- Full vs. Part-time status
- Anticipated graduation date
- Graduation date
- *Charter Oak State University Only – Email address*

### **Minus**

- **Fields not relevant**
- **Students who opted out**

CT STATE COMMUNITY COLLEGE General Person Identification SPAIDEN 9.3.25 (PROD)

ID: [ ] Start Over

Current Identification Alternate Identification Address Telephone **Biographical** E-mail Emergency Contact Additional Identification

▼ BIOGRAPHICAL INFORMATION [Insert] [Delete] [Copy] [Filter]

Legal Sex  Male  Female  Not Available

Gender Designation [ ] ...

Personal Pronoun [ ] ...

Birth Date [ ] [Calendar]

Age 26

SSN/SIN/TIN [ ]

Confidential

Deceased

Deceased Date [ ] [Calendar]

Citizenship Y ... Citizen

Marital Status [ ] ...

Religion [ ] ...

Legacy N ... DNUse No, not first generation

Ethnicity [ ] ...

New Ethnicity Not Hispanic or Latino

Ethnicity and Race Confirmed

Ethnicity and Race 05/21/2015 [Calendar]

Confirmed Date

Veteran File Number [ ]

Veteran Not a Veteran

Classification

Date of Discharge [ ] [Calendar]

Armed Forces Service Medal Indicator

Disabled Veteran

▼ RACE INFORMATION [Settings] [Insert] [Delete] [Copy] [Filter]

➤ Spbpers.spbpers\_confid\_ind & in the F05 Banner Extract

Is Date of Birth Directory information for the public?

Is e-mail address Directory information for the public?

Is phone number information for the public?



- What can be shared?
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- Reminder of IR boilerplate messages regarding data privacy.
- How to report data privacy breaches.



Level	CSCU Data Classification Levels	Examples
<b>DCL3</b>	DCL3 is protected confidential data, which comprises identity and financial data that, if improperly disclosed, could be used for identity theft or to cause financial harm to an individual or CSCU. <b>Security at this level is very high (highest required).</b>	<ul style="list-style-type: none"><li>• SSN</li><li>• Bank account or debit card info.</li><li>• Credit card number &amp; card holder info</li><li>• Student loan data</li></ul>
<b>DCL2</b>	DCL2 is restricted data that is available for disclosure, but only under strictly controlled circumstances. Such information must typically be restricted due to proprietary, ethical or privacy considerations. An example of such restrictions is the FERPA guidelines that govern publication and disclosure of student information. <b>Security at this level is high.</b>	<ul style="list-style-type: none"><li>• Birth date</li><li>• Mother's maiden</li><li>• Academic records (e.g., grades, test scores, courses taken</li><li>• Student records (e.g, advising, disc.)</li><li>• Employee Records</li></ul>
<b>DCL1</b>	DCL1 is internal data that has not been approved for general circulation outside CSCU where its disclosure would inconvenience CSCU, but is unlikely to result in financial loss or serious damage to credibility. <b>Security at this level is controlled but normal.</b>	<ul style="list-style-type: none"><li>• Internal memos</li><li>• Meeting minutes</li><li>• Internal project reports</li></ul>
<b>DCL0</b>	DCL0 is public data that is not classified as DCL1 through DCL3 and is approved for distribution to the public. Disclosure of public data requires no authorization and may be freely disseminated without potential harm to CSCU. Any data that does not have a classification listed above can be considered DCL0. <b>Security at this level is minimal.</b>	<ul style="list-style-type: none"><li>• Advertising</li><li>• Public Directory Information</li><li>• Press releases</li><li>• Job postings</li><li>• Campus maps</li></ul> <p><a href="#">Link to Data Classifications</a></p>



Higher security



- Share within the institution's Protective Enclave (DCL3)
- Share with in a secure Microsoft Team with limited access (e.g., anything less than DCL3)
- Share via e-mail where the content has been password protected and the message has been encrypted. (e.g. anything less than DCL3)

**Institutional Research Privacy Reminder Letter**

[https://www.ct.edu/files/pdfs/IR Privacy CoverLetter 2022-10 Final.pdf](https://www.ct.edu/files/pdfs/IR_Privacy_CoverLetter_2022-10_Final.pdf)



## **Save education records to secure and authorized locations**

- Within the security controls of your institution
- Not to your personal equipment
- Not to Google or other storage outside of CSCU's control

**Keep business work on CSCU authorized systems/technology**

If you save information pertaining to CSCU business to your personal device or equipment, then that information, on your personal device, becomes subject to FOIA.



Send an e-mail to: [security@ct.edu](mailto:security@ct.edu)

Should be a link on-line [ct.edu/security](http://ct.edu/security) soon

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## **Jan R. Kiehne**

Sr. Associate for Decision Support Services & Data Privacy Officer

Office of Decision Support and Institutional Research

Connecticut State Colleges & Universities

61 Woodland Street, Hartford CT 06105

860-723-0236; [kiehnej@ct.edu](mailto:kiehnej@ct.edu)

[Office of Decision Support & Institutional Research](#)

[Office of Data Privacy](#)

[Request Data](#)

*Leveraging data thoughtfully and ethically for the benefit of all students.*

# **CSCU** Data Privacy Office



Your questions are welcome