

Students are asked to take on tens of thousands of dollars in student loans, with little confidence whether the program they attend will position them to pay off that debt. By following privacy and security guidelines, student data can safely be used to empower our nation's students to reach their highest potential, in college and beyond. A Student-Level Data Network (SLDN) would connect information already collected by colleges, governments, and employers, to answer critical questions about how different students fare at different programs. Bipartisan and bicameral legislation like the College Transparency Act would create such a network and begin to answer these questions.

Most states have been collecting this information for years, but their independent efforts have fallen short of a system that is of practical use to students. Each state has its own system, operating independent of each other and any federal systems. This causes problems: states cannot measure the success of their students who move across state borders, for example. While there is currently a ban on a federal student-level data collection, Congress could overturn this ban and create an SLDN that links together the information necessary to empower students to make more informed college decisions. They have a right to know before they attend.

When outside entities hold and use records with personal information, particularly about sensitive matters like education or employment, concerns undoubtedly rise. But for every concern, there is a practical and proactive solution.

Concerns & Solutions regarding SLDN Privacy

Concern: <i>Too much sensitive data will be collected.</i>	Solution: Privacy best practices call for only collecting the data that is needed and policymakers can determine precisely what information is needed to fill critical information gaps. Following data-minimization principles, an SLDN should collect only the data it needs to collect to answer specific student questions, like “do students like me succeed at a particular college?” The College Transparency Act explicitly prohibits the collection of students’ health, religion, or discipline records. Additionally, a public comment period and/or regulatory process, like the one proposed in the College Transparency Act, could be required before new data are added so students, institutions, and privacy experts have an opportunity to weigh in.
Concern: <i>Collecting more data and giving it to the federal government will lead to data breaches.</i>	Solution: Most of the data in an SLDN are already being collected by the federal government. Risk of breaches of these new connections can be reduced by limiting data access to approved, vetted individuals and enforcing existing rules about data privacy and security. Congress should set strict penalties for data breaches; and anyone who collects, organizes, and analyzes the data should go through rigorous training and understand the consequences of such a breach. While any system is vulnerable to attack, systems like the National Center for Education Statistics’ sample survey database and the IRS have strong records of protection. The College Transparency Act, in addition to continuing coverage of all applicable federal laws and security standards, requires that federal linkages with other agencies be secure and to report back only aggregated data, and requires regular updated guidance and audits of data security, privacy, and access controls.
Concern: <i>New data could be used to exploit or persecute vulnerable populations.</i>	Solution: Student information collected in an SLDN should not be used to penalize students. This improper use can be prevented by enumerating how the data can and cannot be used in federal laws and regulations, and having in place strict penalties for anyone who disobeys those laws. The College Transparency Act explicitly prohibits using data for any law enforcement purpose, or allowing any other federal agency to use the data for any purpose outside those stated in the bill.
Concern: <i>Including students not receiving federal funds is a violation of their privacy.</i>	Solution: The government has a justifiable use case collecting information about students not receiving Title IV aid for accountability and consumer information purposes. The federal government subsidizes higher education through the tax code, not just through student aid. In fact, tax expenditures totalling \$34.5 billion eclipsed Pell spending in 2014 ¹ . Furthermore, all students deserve quality comprehensive information about colleges regardless if they receive a federal aid.

Futher Precautionary Measures:

An SLDN should adopt a set of security and privacy standards based on models already in use. For example, the Fair Information Practice Principles (FIPP) in the Privacy Act of 1974 provide a good foundation from which to expand. FIPPs spell out the importance of many of the solutions listed above for ensuring privacy, including minimization of data collected and limiting data purpose and use, ensuring the quality and accuracy of data, preventing unauthorized access, transparency about collection activities, allowing individuals to access their data, and accountability for those responsible for utilizing the data.

The National Institute for Standards and Technology (NIST), housed within the Department of Commerce, also provides guidance on security control for agencies that should be adopted by a SLDN. The College Transparency Act specifically references the NIST standards among other required privacy and security protections for any student-level data collection under the bill.

References:

¹ Student Right to Know Before You Go Act; College Transparency Act.