

Protecting Privacy and Information Security in a Federal Postsecondary Student Data System

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EXECUTIVE SUMMARY

The 2019 College Transparency Act envisions the creation and deployment of a federal postsecondary student-level data network (SLDN), developed and maintained within the National Center for Education Statistics (NCES). Overturning a decade-long prohibition on the creation of a student data system, once implemented, the postsecondary SLDN would provide students, parents, institutions, and policy makers with a full and complete picture of college access and outcomes measures.

Despite the benefits of providing access to accurate, timely, and high-quality aggregate information about student outcomes, ensuring the adequate security of such a system and protecting the privacy of individuals who have contributed identifiable data to that system have raised ongoing questions. The 2019 College Transparency Act specifically responds to these questions by directing the NCES to develop and maintain a security- and privacy-protected student data network consistent with federal privacy and information security laws governing federal information technology systems and data collections.

Understanding the information security and privacy protections provided by U.S. federal laws is complicated because no one law governs these topics. Instead, a

number of laws work together to provide a framework to safeguard federal information technology systems and data collections. These laws include:

- The Privacy Act of 1974,
- The E-Government Act of 2002,
- The Confidential Information Protection and Statistical Efficiency Act of 2002,
- The Federal Information Security Management Act of 2002, and
- OMB Breach Notification Requirements.

This paper briefly reviews the federal privacy and information security laws that pertain to federal information systems like the SLDN contemplated by the 2019 College Transparency Act. The purpose of the paper is to provide readers with a general familiarity with the regulatory framework. It does not provide technical detail on how regulatory requirements should be specifically implemented in the data network contemplated by the 2019 College Transparency Act.