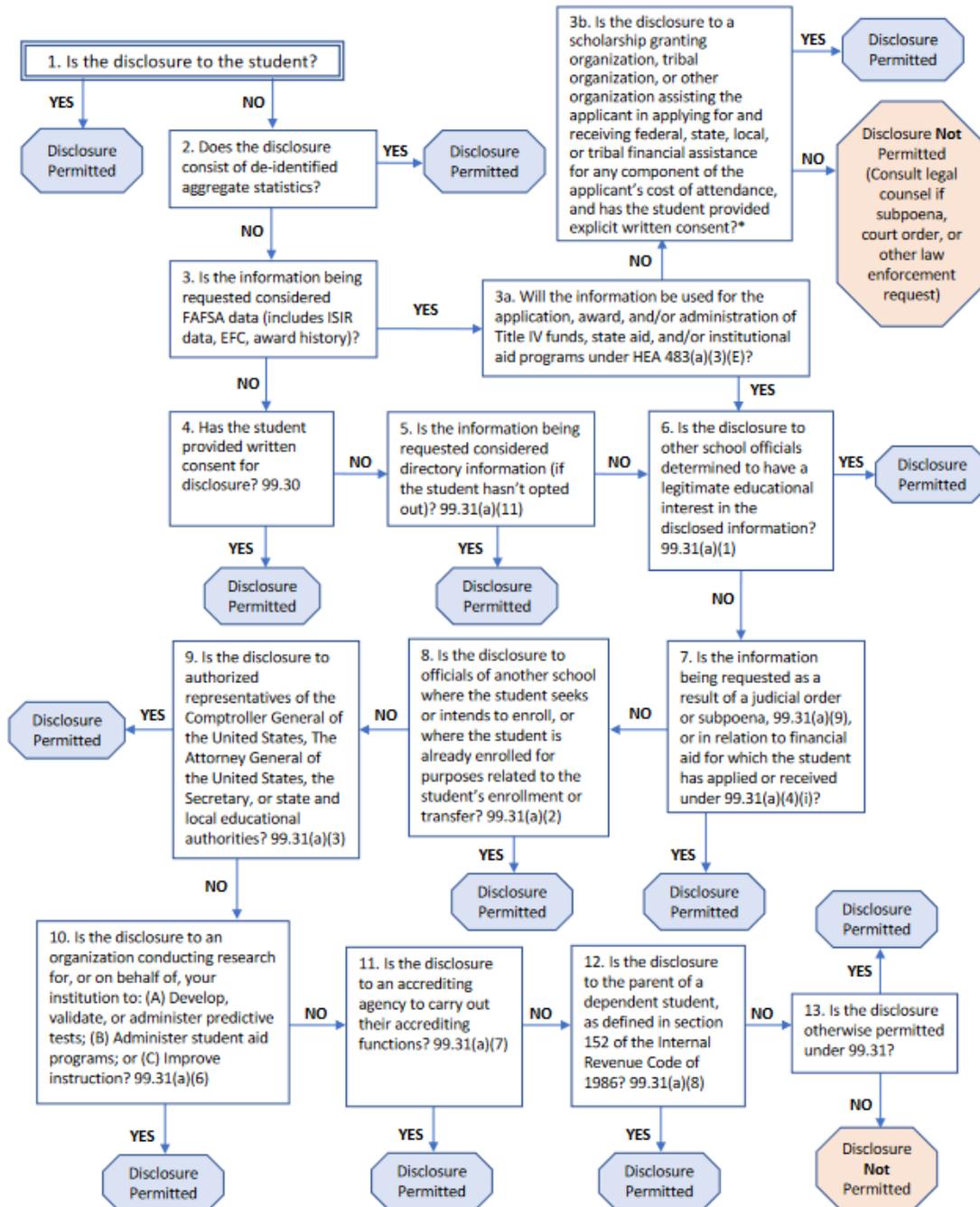


Western Michigan University's Data Sharing Policy

WMU will share student FAFSA data with outside entities in compliance with the NASFAA data sharing decision tree below:

Data Sharing Decision Tree



If information is being requested from a scholarship granting organization, tribal organization, or other organization assisting the applicant in applying for and receiving federal, state, local, or tribal financial assistance AND the student has provided explicit written consent we can release information to the organization directly (as allowed by the passage of Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019). In this case, office staff should complete the form, ensure a copy is saved in ImageNow in the student's file, and send the information directly to the requesting organization. The student should be notified of this data release with an email or system notification via ROAMESG in Banner.

If, upon review, student data cannot be released directly to a requestor we CAN and WILL release the data directly to the student. This aligns with best practices as we currently know them and is consistent with the procedures of other institutions, including KVCC.

PROCEDURE:

- 1) Complete form with requested data
- 2) Release data to the student with communication of the WMU data sharing policy (sample language below).

Letter to student (Include with information completed):

Hello,

We recently received a request from an organization for some specific financial aid data. Due to privacy laws in the Higher Education Act and the Family Educational Rights and Privacy Act, we are not able to share this information back to the organization directly. However, because we are able to disclose this information to you, the student, we have enclosed the completed form to this communication. You will want to be sure and submit this to the organization.

Thank you,

- 3) If request came directly from an organization complete the form and return directly to the student with communication of the WMU data sharing policy. ALSO communicate WMU's policy to the requesting organization (sample language below).

Letter to Organization:

Hello,

We recently received a request from your organization for some specific student financial aid data. Due to privacy laws in the Higher Education Act and the Family Educational Rights and Privacy Act, we are not able to share this information back to you directly. However, we are able to share student account information with the student if they are requesting their own information. We have notified the student of this as well.

Thank you,

Rationale for WMU's Policy

WMU's Data Sharing Policy is the University's best faith effort to comply with the NASFAA Statement of Ethical Principles which seeks to protect the privacy of financial aid applicants. To do so the University must "ensure that student and parent private information provided to the financial aid office by financial aid applicants is protected in accordance with all state and federal statutes and regulations, including **FERPA** and the **Higher Education Act**, Section 483(a)(3)(E) (20 U.S.C. 1090)" and the U.S. congressional **Privacy Act**.

FERPA

20 U.S.C. § 1232g, and its implementing regulations are at 34 C.F.R. Part 99. The Family Educational Rights and Privacy Act (FERPA) protect the privacy of students, in part by prohibiting postsecondary institutions from disclosing personally identifiable information (PII) contained in education records to any third party—including the student's parents—without the student's permission.

Records received or created and maintained by the financial aid office (regardless of the format of the documents) that directly pertain to a student qualify as education records.

- Grades
- Student course schedules
- Disciplinary records
- Financial aid applications (FAFSA application also subject to the HEA restriction)
- Financial aid history information (including transfer students)
- Cost of attendance information, including documentation relating to any adjustments
- Records relating to eligibility and disbursement of Federal student aid funds
- Satisfactory Academic Progress (SAP) documentation
- Documents used for verification of FAFSA data
- Loan entrance and exit counseling records
- Student financial records, including student account and loan repayment records

Higher Education Act

Protect the information on the FAFSA from inappropriate use by ensuring that this information is only used for the application, award, and administration of aid awarded under Title IV of the Higher Education Act, state aid, or aid awarded by eligible institutions.

Section 483(a)(3)(E) of the Higher Education Act (HEA), as amended Specifically restricts the use of the FAFSA data, and states that data collected on the FAFSA form shall be used only for the application, award, and administration (including program evaluations and audits) of aid awarded under federal student aid programs, state aid, or aid awarded by eligible institutions or such entities as the Department may designate.
UNCLEAR AT THIS TIME WHO THESE OTHER INSTITUTIONS WOULD BE

Section 485B(d)(2) of the Higher Education Act (HEA), as amended prohibits the use of NSLDS data for nongovernmental research and marketing purposes. PTAC's guidance clarifies that the HEA restriction applies broadly to FAFSA data, ISIR data, key processing results, expected family contribution, and the student's financial aid history, as reflected in NSLDS.

Privacy Act

The Privacy Act (5 U.S.C. § 552) governs the collection, maintenance, and use of records maintained by federal agencies and generally prohibits agencies from disclosing data contained in those records. Release with prior written consent is allowable

NASFAA/PTAC guidance

According to the PTAC guidance, de-identified, aggregate, descriptive statistics about program participants is a permitted use of the FAFSA/ISIR data and related award information, because it relates to the administration of the financial aid programs. If a data set subject to FERPA is properly de-identified, it may be released without student consent under the FERPA rules.

The institution may not release a student's FAFSA/ISIR data and related award information that has not been de-identified for purposes other than those prescribed in the HEA, even if the student provides a signed release. The student must provide the data directly to the requesting party.

The final fiscal year (FY) 2018 Omnibus Spending Bill, passed on March 23, 2018, allows financial aid offices to share HEA protected information with scholarship-granting organizations or tribal organizations ONLY, with explicit written authorization from the student. Any other organizations will be advised to gather information from student. This included state-agencies seeking to determine eligibility for state benefits programs.

Releasing information to other University Departments

Disclosures to other offices or departments at the institution are generally prohibited unless the institution has determined that the individual employee requesting the data has a

“legitimate educational interest” in the records (i.e. if “the official needs to review an education record in order to fulfill his or her professional responsibility.”)

Releasing information to Third Party Researchers

Any re-release of Privacy Act protected governmental data by an institution to a third-party is prohibited unless the data is de-identified and the institution and the researcher provide assurances to PTAC that the data will only be used for statistical research purposes, before the data is released. Students may not provide an authorization for the institution to release HEA-protected information to a third party.

Institutions may disclose personally identifiable student information - BUT NOT FAFSA DATA - to an organization conducting studies for, or on behalf of, educational agencies or institutions for the following purposes: to (a) develop, validate, or administer predictive tests, (b) administer student aid programs, or (c) improve instruction. In order to release identifiable student data in connection with such studies, there must be an agreement in place between the institution and the researching organization, even if that research organization is run by a state or local educational authority.

CMD contract and student data

Institutions may disclose PII from education records to a contractor, consultant, volunteer, or other third party outside the institution if the institution has outsourced institutional services or functions to that entity.

Outside Providers of Aid

Institutions may disclose student information if necessary to determine financial aid eligibility or the amount of aid, determine the conditions for the aid, or to enforce the terms and conditions of the aid.