

## Requesting and Sharing of Student Financial Aid Information with Baylor School Officials

### Purpose:

The purpose of this guidance is to provide the Student Financial Aid Office's (SFA) campus partners with additional information pertaining to the regulatory provisions and disclosures for sharing student financial aid data. Together, it is our responsibility to safeguard sensitive personal information and evaluate the impact that disclosure may have on students' privacy.

When a request is made to the SFAO it is reviewed with guidance from the following regulatory sources:

**Internal Revenue Code (IRC)** - IRC of 1986, as amended 6103(l)(13) restricts the use of Federal Tax Information (FTI) received by the institution via the student's FAFSA record.

**FTI Data** – Includes any Federal return information received from the IRS by The Department of Education under the FUTURE Act Matching Program. (Tax year, Tax filing status, Adjusted Gross Income (AGI), Income earned from work, Taxes paid, Educational credits, Untaxed IRS distributions, IRA deductible and payments, Tax exempt interest, Untaxed pension amounts, Schedule c net profit/loss, Indicators for schedules, IRS Response Code)

\*FTI restricted by the IRC may only be redisclosed by the Student Financial Aid Office, including discussions regarding the FTI data, with express written consent from the student/contributor and such consent may only be applied for purposes of assisting the applicant in applying for and receiving financial assistance for any component of the applicant's Cost of Attendance.

**The Higher Education Act (HEA)** - Restricts the Release of FAFSA Data.

**FAFSA Data** – Includes Applicant & contributor information provided on the FAFSA and information manually entered on the FAFSA application.

**Derived FAFSA Data** – Student Aid Index (SAI) and Federal Pell Grant Eligibility (Yes/No)

Additional FAFSA Data includes: The fact that the FAFSA was filed, Key processing results, Student's financial aid history as reflected in the National Student Loan Data System (NSLDS), Federal Work Study awards and pay dates, Information contained in the Common Origination and Disbursement (COD) System

**Family Education Rights & Privacy Act (FERPA)** – FAFSA data (EXCLUDING FTI) held within the Student Financial Aid Office is considered a part of the student's educational record as defined by FERPA.

**FERPA** - Restricts the sharing of student personally identifiable information (PII) including the student's name, address, social security number or Baylor Student ID number, as well as date of birth, place of birth and mother's maiden name. FERPA further defines institutional roles and responsibilities with protected information and limits the disclosure of student information to school officials who have a legitimate educational interest.

- **School Officials** – those individuals who engage in the instructional, advisory, administrative, governance, public safety, and support functions of the University. They do not necessarily need to be paid employees of the University.

- Legitimate Educational Interest – is when a school official requires a student’s educational record in the course of performing his or her duties for the University.

The Baylor University FERPA policy also dictates that reasonable methods be used to ensure that school officials obtain access to only those education records in which they have legitimate educational interests.

- To adhere to this policy, great consideration is given to general access of records within all Baylor student information systems and platforms.
- When access cannot be limited to only certain sets of student groups or records being requested by a school official, access will not be granted. In these situations, the SFAO will work with the office or individual to ensure that the information needed is extracted and provided in a format that complies with all data sharing guidelines.

**Privacy Act** - Applies to the Department of Education student records to prevent the improper release of government-held student PII.

### **Classifications**

To identify the most common disclosure requests, we have defined distinct classifications to establish consistent and equitable data sharing across functions within the University.

#### **Financial Aid Office**

Disclosure of a student’s FAFSA and educational records are permissible without consent so long as the information is reviewed to determine the student’s eligibility for aid; determine the amount of aid; determine the conditions for the aid; or enforcing the terms and conditions of the aid.

#### **School Official**

Disclosures to other offices or departments at the institution are generally prohibited unless the institution has determined that the school official requesting the data has a “legitimate educational interest” in the records – as defined under the Baylor FERPA policy.

The Financial Aid Office may disclose student information to internal departments at the institution if necessary to determine financial aid eligibility or amount of aid, determine the conditions for the aid, or to enforce the terms and conditions of the aid that the student has received or for which the student has applied.

#### **Audit and Evaluation**

The institution may disclose, and in some cases may be required to disclose, student records to ED, auditors, accrediting agencies, and other state and local education agencies without obtaining prior written consent in connection with an audit or evaluation of federal or state supported education programs, or for the enforcement of or compliance with legal requirements that relate to those programs.

### **Disclosure and Access of Information**

Ultimately, the SFAO wants to provide you with the data necessary to serve our students. However, we must do so in a manner that ensures compliance with all laws that protect student data. Remember as you make your request that the SFAO is a partner with limited authority to release data. It is important for all parties to remember that

release of data protected under FERPA is permissible but not required to any entity other than the student and parent of an underage student.

The release of data is not always a black-and-white issue; many factors come into play other than the authority to release the requested data. When the requested data cannot be provided for either legal or administrative reasons, the Student Financial Aid Office will work with you to identify other possible solutions.

Campus partners requesting data from the Student Financial Aid Office should submit their requests to IR following the [Guidelines for Requesting Data or Information](#) on Baylor's website. IR will consult with the SFAO on requests for any data elements that are not clearly allowed within the scope of all applicable regulations.

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