Privacy for Students: An Update

• Identity Theft
  – What, Why, How, and When
  – Types of Child Identity Theft
  – Prevention

• Privacy Initiatives
  – Background
  – FERPA
  – Privacy initiatives at ED
  – Priorities moving forward
Child Identity Theft

AN OVERVIEW
What is child identity theft?

• The misuse of a child’s personal information for financial gain or other fraudulent purpose:
  – To obtain a loan or mortgage
  – To obtain a credit card
  – To open a cell phone, utility, or other account
  – To receive government benefits, a driver’s license, or tax refund
  – To receive medical treatment
Why are children vulnerable to identity theft?

- No prior credit history
- PII widely shared:
  - Schools and libraries
  - Sports programs and other groups
  - Doctors and other health professionals
- Undetected for years
- Familial identity theft
- Foster care identity theft
How prevalent is child identity theft?

- FTC Sentinel Data Book (2011)
  - 8% of id theft complaints
- Carnegie Mello CyLab Study (2011)
  - 10.2% of U.S. children experienced SSN misuse
- ID Analytics Study (2011)
  - 330 confirmed fraud cases with children 7 times more likely to experience fraud than adults
When should parents be concerned?

• Warning signs
  – Credit card offers
  – Bank or convenience checks
  – Credit file
• Lost or stolen wallet
• Home burglary or lost documents
• Breach at school, medical office, sports club
K-12

- Theft of birth certificates
- Students hack into school systems to change grades, steal teachers’ SSNs and credit card numbers
- Accidental breaches online, via email, postal mail, or misplaced records

- Found widespread collection and use of SSNs in K-12
- 7 states require SSNs
- 26 states collected SSNs
- SSNs on enrollment applications, student profiles, graduation forms, transcripts, tests, athletic participation forms, and research data.
- Longitudinal studies use SSNs
- Recommends states stop collecting SSNs, redact existing SSNs, and, if not, have stringent security measures.
Colleges & Universities

• Current student and alumni information
• Widely distributed:
  – Admissions
  – Registrar’s office
  – College book store
• Hackers seek diverse information
• Wide range of accidental breaches
Foster Care

• More susceptible, as personal information is circulated in the foster care system

• Foster children generally don’t have “family advocates” to them or resources to get assistance

• If theft is discovered late, it can impact the child’s transition to adulthood
California Pilot Project (2011)

• Found 5% of 2,110 foster children ages 16-17 in Los Angeles County had 247 credit accounts opened in their names
  – Telephone (52)                   Government (8)
  – Medical (52)                     Education (5)
  – Cable service (42)               Loans (4)
  – Financial (38)                   Apartment (2)
  – Utility (30)                     Other (14)
• Requires child welfare agencies to determine whether foster children, ages 16 and older, have a credit file
  – Agencies must resolve any inaccuracies in the credit reports
  – Obligation continues until child is emancipated from foster care
Deceased child identity theft

- Thieves scan obituaries and other records of child deaths
- Match child with SSA Death Index to obtain child’s SSN
- File tax refunds listing deceased child as a dependent
- Parent receives IRS notice that dependent claim disallowed
Preventing child identity theft

• Do not carry child’s SSN
• Secure documents and shred old documents
• Don’t share PII unless necessary and you know who is collecting it
• Check for credit file
• Use up-to-date anti-virus software
• Speak to children about privacy and security
Steps For Schools

• Develop a data security plan
  – Inventory data in school files and computers
  – Minimize collection of PII
  – Physical security, electronic security
  – Dispose of unneeded data
  – Plan for a security breach
  – Awareness and training
QUESTIONS?
Government Resources

- [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft)
- [www.idtheft.gov/probono](http://www.idtheft.gov/probono)
- [www.youtube.com/ftcvideos](http://www.youtube.com/ftcvideos)
- [www.onguardonline.gov](http://www.onguardonline.gov)
- [www.ovc.ncjrs.gov/findvictimservices](http://www.ovc.ncjrs.gov/findvictimservices)
Other Resources

• http://www.privacy.ca.gov/res/docs/pdf/Foster_Youth_Report_FINAL.pdf
Educational Privacy Initiatives

AN UPDATE
Background on Student Privacy

- U.S. Department of Education
- Family Educational Rights and Privacy Act (FERPA), 1974
- Change is in the air: Digital information and state longitudinal databases
- 2009 Fordham report
- New risks and vulnerabilities
Breaches by Educational Institutions

All varieties: hacking, loss of portable device, unintentional, insider breach, etc.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Breaches</th>
<th>Number of Records</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>64</td>
<td>1,886,841</td>
</tr>
<tr>
<td>2006</td>
<td>103</td>
<td>2,019,119</td>
</tr>
<tr>
<td>2007</td>
<td>107</td>
<td>791,938</td>
</tr>
<tr>
<td>2008</td>
<td>103</td>
<td>1,107,001</td>
</tr>
<tr>
<td>2009</td>
<td>71</td>
<td>1,062,275</td>
</tr>
<tr>
<td>2010</td>
<td>73</td>
<td>1,575,698</td>
</tr>
<tr>
<td>2011</td>
<td>57</td>
<td>394,008</td>
</tr>
</tbody>
</table>

Source: Privacy Rights Clearinghouse
Our Favorite FERPA Quote

Received in an email:

“You know how sometimes FERPA can tie your brain in a knot trying to think through it all?”
FERPA Basics

- 20 U.S.C. § 1232g
- 34 CFR Part 99
- “Education records” are confidential
- Provides access and correction rights
- “Directory Information”
- Disclosure without consent
2011 Amendments to FERPA Regulations

- Effective January 3, 2012
- The new regulations serve to:
  - Strengthen enforcement
  - Help ensure student privacy
  - Improve program effectiveness
Data Sharing Provisions

• New definitions:
  – “Authorized Representative”
  – “Education Program”

• New requirement to use reasonable methods

• Explicit requirement to use written agreements

• “Guidance on Reasonable Methods and Written Agreements”
New Definitions

• Authorized Representative
  – Any entity or individual designated by a State or local educational authority or an agency headed by an official... to conduct—with respect to Federal- or State-supported education programs—any audit or evaluation, or any compliance or enforcement activity in connection with Federal legal requirements that relate to these programs (FERPA regulations, § 99.3).

• Education Program
  – Any program principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by an educational agency or institution (FERPA regulations § 99.3).
FERPA Regulatory Changes – Directory Information

• ID badges and “opting out”
• Directory Information can now make distinctions.
FERPA Regulatory Changes - Enforcement

• New powers to enforce FERPA against entities without students
• 5 year ban
ED Privacy Initiatives

• Internal focus → External focus
• Establishing CPO position
• Privacy Technical Assistance Center (PTAC)
• FERPA regulation changes
• Guidance to the field
Priorities for 2012

• The Year of Guidance
• Focus on best practices, not just FERPA compliance
  – Transparency as a key best practice
• Training – webinars, etc.
• Inter-agency collaboration
• Data release policy
• Modernizing FPCO
Data Release Policy

• Requirements to publish student data
• Utility vs. privacy in data tables
• Disclosure avoidance in an information-rich world
• A need for more uniformity and rigor
• Strong public interest
• Policy under development
## Example: School Performance Data

Sunshine Elementary 3\textsuperscript{rd} Grade Class (Anywhere, U.S.A.)

<table>
<thead>
<tr>
<th></th>
<th># Tested</th>
<th>Good (and above)</th>
<th>Better (and above)</th>
<th>Best</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>37</td>
<td>100%</td>
<td>59%</td>
<td>5%</td>
</tr>
<tr>
<td>Female</td>
<td>38</td>
<td>92%</td>
<td>66%</td>
<td>11%</td>
</tr>
<tr>
<td>AIAN</td>
<td>1</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Black</td>
<td>37</td>
<td>92%</td>
<td>43%</td>
<td>5%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>12</td>
<td>100%</td>
<td>75%</td>
<td>8%</td>
</tr>
<tr>
<td>Asian</td>
<td>4</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>White</td>
<td>21</td>
<td>100%</td>
<td>81%</td>
<td>5%</td>
</tr>
<tr>
<td>All Students</td>
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For each subgroup (row) multiply the percent by the # Tested to get the number of students in that category.
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Calculate the suppressed subgroups by subtracting the remaining subgroup totals from the “All Students” totals.
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Sunshine Elementary 3rd Grade Class (Anywhere, U.S.A.)

<table>
<thead>
<tr>
<th></th>
<th># Tested</th>
<th>Failed</th>
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<th>Better (and above)</th>
<th>Best</th>
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</thead>
<tbody>
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<td>Male</td>
<td>37</td>
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</tr>
<tr>
<td>Female</td>
<td>38</td>
<td>3</td>
<td>(35) 92%</td>
<td>(25) 66%</td>
<td>(4) 11%</td>
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<tr>
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Calculate the unreported outcome by subtracting the “Good” totals from the # Tested
Modernizing FPCO

• Hiring a Director
• Investigations w/o a complaint
• Improving FPCO complaint and customer service operations
• De-mystifying the requirements
Prioritizing Future Guidance

- Video Recordings
- Email
- Foster Children
- Free and Reduced Price Lunch Data
QUESTIONS?
Available Resources

• FPCO Website: Non-regulatory FERPA Guidance

• PTAC Website: Best practices on data stewardship, data security, and governance
Contact Information

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