



THE COLLEGE TRANSPARENCY ACT MUST BE REJECTED

“Transparency” is the new excuse for creating Orwellian tracking and surveillance systems. The federal government first takes over a function for which it has no constitutional authority – such as student loans – and then claims it must gather almost unlimited data on the citizens affected by that program to see how it’s working. The College Transparency Act (CTA) operates in this mold and must be rejected.

- CTA would overturn the Higher Education Act’s ban on a student unit-record system, establishing a federal data system containing **personally identifiable information (PII)** about behavior in postsecondary education (enrollment patterns, progression, completion), post-collegiate outcomes (employment and earnings), and financial aid. This means that simply by enrolling in higher education, a student would be submitting – **without notice or consent** – to lifetime government tracking of his or her college, career, and financial trajectory.
- CTA would require **sharing of private student data among multiple federal agencies**, including the U.S. Department of Education’s Office of Federal Student Aid; the Departments of Treasury, Defense, and Veterans Affairs; the Social Security Administration; and the Census Bureau. (More may be added.) So an individual’s PII can be linked to his tax information, his military information, his Social Security records, and everything the Census knows about him. **There are no limits on the purposes for which this data-matching can be used.** The Administrative State will be able to compile a massive dossier on every American who enrolls in college.
- Although collection of some sensitive data is currently prohibited, the Commissioner of Education Statistics is required to periodically review data elements and empowered to add more. Also, there is **no specific prohibition against the collection of social emotional data.**
- This federal treasure trove of PII would be **housed in a centralized database and routinely updated, throughout each subject’s life.**
- **CTA violates many of the widely accepted Fair Information Practice Principles¹:** It takes data without subjects’ knowledge and consent; it contains no right to opt out, or to inspect or correct the data; it includes no mandate for data-minimization; and it has no limits on data-retention.
- Although CTA requires that data given to researchers be de-identified, **re-identification is far too simple** when there are so many data points in the system.²
- CTA mentions data security but **requires no security audits, encryption, or protocols for detection and notification of breaches.** And federal agencies have been notorious for data breaches.
- **CTA is unnecessary.** Information about postsecondary outcomes can be compiled from student and alumni surveys,³ and any legitimate institution of higher education is happy to share its statistics with the public.

¹ See <http://www.lawpublish.com/ftc-fair-information-practice-principles.html>.

² See <https://www.wired.com/2012/06/wmw-arvind-narayanan/>.

³ See <https://www.insidehighered.com/news/2017/10/12/new-federal-higher-ed-outcome-measures-count-part-time-adult-students>.