January 30, 2018

The Honorable Elizabeth Warren United States Senate Washington, DC 20510

Dear Senator Warren:

I am writing in response to your January 2, 2018 letter requesting that we examine whether the Department of Education (ED) violated its information exchange agreement¹ with the Social Security Administration (SSA).

In response to your letter, we obtained a copy of the agreement. Under the terms of the agreement, SSA provides ED aggregate earnings information in a form that cannot be associated with, or otherwise identify, a particular individual.

- The <u>Purpose</u> section of the agreement states that ED will use the aggregated earnings information "...to assist them in evaluating institutions that participate in the federal student aid programs authorized under Title IV of the *Higher Education Act of 1965*, as amended (HEA), and programs at those institutions that enroll students who receive HEA funds."
- The <u>Responsibilities of the Parties</u> section of the agreement allows ED to request, and SSA to provide, aggregated earnings information for "...students who were enrolled in, or graduated from educational institutions that participate in the federal student aid programs."

At this time, we do not know whether ED has used SSA aggregate earnings data in its planned program related to borrower relief. However, since the new ED program did not exist when this agreement was established in May 2013, this use of SSA's data could not have been foreseen at the time the agreement was established. This agreement expires in May 2018, so it must be renegotiated soon between SSA and ED to continue the exchange.

Oversight of such agreements falls under the authority of SSA's Data Integrity Board, which has responsibility over all matching programs in which SSA participates, either as a source or recipient agency, as well as any alleged violation of such agreements. SSA's Data Integrity Board is also responsible for approving any renewal, suspension, or termination of new or existing electronic information exchange and matching programs. Further, the Data Integrity

¹ Information Exchange Agreement Between the Department of Education and the Social Security Administration for Aggregate Earnings Data (ED Agreement No. 10012 SSA IEA No. 325).

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Board Chair serves as the focal point for the Congress on all matters pertaining to SSA's electronic information exchange and computer matching programs.

We believe SSA's Data Integrity Board is the appropriate party to review the information provided in your letter; therefore, we have referred your letter to that entity for appropriate action and response. We have asked the Data Integrity Board Chair for a copy of its response to you. Once the Data Integrity Board reviews the existing agreement in light of your concerns, we will be able to determine if further action on our part is warranted.

If you have any questions, please call me, or have your staff contact Walter Bayer, Congressional and Intragovernmental Liaison, at (202) 358-6319.

Sincerely,

Jal Salingh Stry Gale Stallworth Stone Acting Inspector General