

# American Association of Collegiate Registrars and Admissions Officers

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November 17, 2008

Assistant Inspector General for Information  
Technology Audits and Computer Crime Investigations  
Office of Inspector General  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Potomac Center Plaza, 8<sup>th</sup> Floor  
Washington, DC 20202-1510

**Re: *Federal Register* Notice of October 16, 2008  
Office of Inspector General Data Analytics System (ODAS)**

To Whom It May Concern:

On behalf of the American Association of Collegiate Registrars and Admissions Officers and the undersigned organizations, I write to respectfully submit the following comments on the Privacy Act notice published by the Office of Inspector General (OIG) in the *Federal Register* on October 16, 2008.

The notice, published in compliance with the Privacy Act of 1974, 5 U.S.C. 552a(e)(4), indicates that OIG intends to create and maintain a new system of records entitled "The Office of Inspector General Data Analytics System (ODAS)" (System Number 18-10-02). ODAS will be populated with information from some nine systems of records maintained by the Department. The stated purpose of ODAS, according to the notice, is to enable OIG to fulfill the requirements of sections (4)(a)(1) and (3) of the Inspector General Act of 1978, as amended.

As strong advocates of program integrity, the undersigned appreciate and strongly support OIG's efforts to prevent and detect waste, fraud and abuse in the Department's programs and operations. We therefore support OIG's creation and maintenance of properly configured data systems that enable it to discharge its statutory duties. We are, however, quite alarmed by the scale and scope of data collection proposed in ODAS, by OIG's apparent belief that it has an unfettered right to engage in data mining on records of individuals who have had any interaction with the Department, and worse still, OIG's apparent belief that it may disclose individually identifiable information from ODAS to various outside entities, including foreign agencies and private organizations, without the consent of the individual. These concerns are amplified by the waivers the Secretary granted ODAS from important safeguards of the Privacy Act in 34 CFR Part 5b on October 16, 2008. These include waivers from the requirement that federal systems maintain only relevant and necessary information, that they provide notification to outside parties of any corrections, disputes or amendment of records, that they provide notices on procedures for correction or amendment of records, and that they provide access to accounting of disclosures.

In addition, we doubt that populating ODAS with static snapshots of other federal systems will yield particularly good data. The process of statically capturing so much data from so many disparate—and in some cases, constantly updating—systems guarantees that a significant number of ODAS records will contain errors even when they are first imported, and the percentage of erroneous records will increase as the data age. The likelihood of very high error rates would normally be a technical matter best left to OIG to decide for itself, but the Secretarial waivers mentioned above, along with the vague and overbroad ODAS disclosure provisions make it a matter of great consequence to all Americans who will unknowingly be tracked by this system and who may be secretly and erroneously reported to various federal, non-federal, and foreign entities.

We urge OIG to better clarify the connection between the records it seeks to maintain and its specific statutory mandate. We are troubled by the Privacy Act waivers granted to ODAS, because they allow massive amounts of irrelevant, unnecessary, and erroneous information about U.S. citizens to be secretly compiled. We are even more troubled by the breathtaking disregard for privacy, due process, and sound information practices in the proposed disclosure provisions, which we believe should be significantly narrowed and clarified. We do not believe that the Inspector General Act of 1978, as amended, was ever intended by Congress to allow the creation of a Big Brother-like surveillance system by any IG, to permit any IG to set itself up as a data mart of information on U.S. citizens for domestic and foreign law enforcement agencies, or to authorize any IG to provide background checks and degree verification on U.S. citizens to private entities, with or without their permission.

We reiterate our strong support for OIG and its continuing efforts to safeguard the integrity of programs at the Department, and stand ready to work with you in implementing a record system that provides the OIG with the information it needs without violating the privacy rights of millions of Americans.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerome H. Sullivan". The signature is fluid and cursive, with a large initial "J" and "S".

Jerome H. Sullivan  
Executive Director

On behalf of the following organizations:

American Association of Collegiate Registrars and Admissions Officers (AACRAO)  
American Association of Community Colleges (AACC)  
American Association of State Colleges and Universities (AASCU)  
American Council on Education (ACE)  
Association of American Universities (AAU)  
National Association of Independent Colleges and Universities (NAICU)  
National Association of State Universities and Land-Grant Colleges (NASULGC)  
United States Student Association (USSA)