

COMPUTER MATCHING AGREEMENT
BETWEEN
THE U.S. DEPARTMENT OF EDUCATION AND
THE DEFENSE MANPOWER DATA CENTER OF
THE U.S. DEPARTMENT OF DEFENSE

I. INTRODUCTION

This computer matching agreement (CMA) is between the U.S. Department of Education (ED) and the Defense Manpower Data Center (DMDC) of the U.S. Department of Defense (DoD) (the “Parties”) in accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100-503) and the Computer Matching and Privacy Protection Amendments of 1990 (Pub. L. 101-508) (Privacy Act); the Office of Management and Budget (OMB) Final Guidance Interpreting the Provisions of Pub. L. 100-503, the Computer Matching and Privacy Protection Act of 1988 (54 FR 25818, June 19, 1989); and OMB Circular A-108, Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act (81 FR 94424, December 23, 2016).

The Privacy Act requires that agencies involved in any matching program covered by the Privacy Act execute a written agreement specifying the terms and conditions under which matches will be conducted. The CMA must also include the procedural requirements and verification safeguards of the Privacy Act. This CMA provides for a computer match between the ED Federal Student Aid Application File and the DoD Defense Enrollment Eligibility Reporting System (DEERS) data file extracts, and the DoD Defense Manpower Data Center Data Base data file extracts.

II. PURPOSE, AUTHORITY AND DEFINITIONS

The purpose of this CMA is to fulfill the requirements of section 473(b)(3) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. §1087mm (b)(3)), which requires the Secretary of Defense to provide the Secretary of Education with information to identify children whose parent or guardian was a member of the Armed Forces of the United States (U.S.) and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001. Under the provisions of sections 473(b) and 420R of the HEA (20 U.S.C. §1070h), such persons may be eligible for increased amounts of student assistance authorized under Title IV of the HEA. DoD is the lead contact agency for information related to military service records and those records of service member dependents and as such, provides the required data to ED.

Definitions:

- A) DEERS means the Defense Enrollment Eligibility Reporting System.
- B) Dependent’s Benefit File is a data file extract from DEERS that contains the dependent’s information.

- C) DMDC means the Defense Manpower Data Center.
- D) DMDC 01 means the Defense Manpower Data Center Data Base system.
- E) DMDC 02 means the Defense Enrollment Eligibility Reporting Systems (DEERS).
- F) FSA means Federal Student Aid.
- G) Recipient Agency, as defined by the Privacy Act (5 U.S.C. 552a (a) (9)), means the agency receiving the records and actually performing the computer match; i.e., the matching agency, ED.
- H) Source Agency, as defined by the Privacy Act (5 U.S.C. 552a (a) (11)), means the agency initially disclosing the records for the purpose of the match; i.e., DoD.
- I) ED's Central Processing System (CPS) receives and stores data from students who complete the Free Application for Federal Student Aid (FAFSA) and from other Federal Student Aid systems and other Federal Agencies to determine each applicant's general eligibility for Federal Student Aid and the Federal Pell Grant.
- J) CPS DOD Database Table is the area in the CPS in which the DEERS file data is entered and stored. The Federal Student Aid Application File is matched with the table each business day to identify Federal student aid applicants who meet the qualifications for increased Federal student financial assistance pursuant to sections 473(b) and 420R of the HEA.
- K) The Federal Student Aid Application File contains applicants' FAFSA data elements which are matched against the DoD Database Table to identify Federal student aid applicants who meet the qualifications for increased Federal student financial assistance pursuant to sections 473(b) and 420R of the HEA.

III. JUSTIFICATION AND EXPECTED RESULTS

ED and DoD have determined that a computer matching program is the most efficient, expeditious, and effective means of obtaining and processing the information needed by ED to identify applicants who are children of military personnel who have died as a result of U.S. military service in Iraq or Afghanistan after September 11, 2001. DoD will provide ED, from DoD's DEERS system, with a list containing the dependent's name, Social Security number (SSN), and date of birth; as well as, from DoD's DMDC Data Base, the date of death of the parent or guardian of each child whose parent died as a result of performing military service in Iraq or Afghanistan after September 11, 2001. By matching those data with ED's Federal Student Aid Application File, ED will be able to identify Federal student aid applicants who meet the qualifications for increased Federal student financial assistance pursuant to sections 473(b) and 420R of the HEA. Because of the number of individuals who apply for Federal student financial assistance (more than 19 million annually), an automated matching program is

the only practical method to identify applicants who may be eligible for increased amounts of Federal student assistance.

This CMA will allow both ED and DoD to accomplish their statutory mandates under the HEA. There are no other data sources available with the information needed to comply with the legal requirements. The use of computer technology to transfer data between DoD and ED is faster and more efficient than the use of any manual process.

Attached is a cost-benefit analysis for the 2015-16 academic year, demonstrating the benefit of using the computer matching program. The cost of running the computer matching program was \$15,678, but the total quantifiable benefit to recipients is estimated to be \$459,539 (See Appendix A: Cost-Benefit Analysis).

IV. RECORDS DESCRIPTION

A. Records that will be matched:

(1) ED System of Records: Federal Student Aid Application File (18-11-01) (ED system of records notice was last published in the *Federal Register* on August 3, 2011 (76 FR 46774). Routine Uses 1, 2, and 3 primarily apply to this computer matching agreement. (See Appendix B.)

(2) DoD Systems of Records:

(a) DMDC 01, Defense Manpower Data Center Data Base, last published in the *Federal Register* on November 23, 2011, 76 FR 72391. Routine use “15” applies to this CMA. (See Appendix C.)

(b) DMDC 02 DoD, Defense Enrollment Eligibility Reporting System (DEERS), (July 27, 2016, 81 FR 49210). Routine use “7, c.” applies to this CMA. (See Appendix D.)

B. DoD will identify from the DMDC 01 system deceased service members who meet the definition in sections 473(b) and 420R of the HEA. DoD will then match those records against the DMDC 02 system to obtain the data on the children of those deceased military sponsors for submission to ED.

To identify financial aid applicants who may be eligible for increased amounts of Federal student aid, ED will match the names and SSNs received from DoD with information contained within the Federal Student Aid Application File system using IBM's Transmission Communication Protocol/Internet Protocol (TCP/IP) capabilities via File Transfer Protocol (FTP) using the FIPS-197 publications standards at a minimum of the 128 Advanced Encryption Standard (AES) level.

C. Data elements contained within the DoD database to be provided to ED as a result of the matching program:

DoD data elements:

- (1) Dependent's Name – extracted from DEERS;
- (2) Dependent's Date of Birth – extracted from DEERS;
- (3) Dependent's SSN - extracted from DEERS;
- (4) Parent or Guardian's Date of Death – extracted from DMDC Data Base.

D. Number of records that will be matched: DoD reports that about 6,251 children of deceased military sponsors are on the file as of January 1, 2017, and thus would be included in the files sent to ED. As new children are added to the DEERS system, those additional records will be included under this CMA.

E. Duration of the CMA: This matching agreement may remain in effect for a period not to exceed eighteen (18) months commencing as stated in section XII, Effective Date. The Parties may renew this CMA for no more than one additional year.

V. NOTICE PROCEDURES

ED agrees to publish in the *Federal Register* a notice of this computer matching program, as specified in the Privacy Act and OMB Circular A-108. If neither agency wishes to extend this CMA, it should notify the other of its intention at least 90 days before the expiration of the CMA. It will be the responsibility of ED as the matching agency to draft the renewal. The parties may modify this CMA at any time with the consent of each agency. All such modifications must be in writing, satisfy the requirements of the Privacy Act, and must be approved by each agency's respective Data Integrity Board (DIB).

VI. VERIFICATION OF MATCH INFORMATION

A. Verification of Match Procedures

The OMB Final Guidelines for the Privacy Act (Final Guidance Interpreting the Provisions of Pub. L. 100-503, the Computer Matching and Privacy Protection Act of 1988, 54 FR 25818, June 19, 1989) states that the type of verification procedures used for a particular matching program depend upon the purpose of that program. This match will identify the Title IV, HEA applicants who are eligible for increased amounts of Federal student assistance because they are dependents of military personnel who died as a result of performing military service in Iraq or Afghanistan after September 11, 2001. ED and DoD will ensure that they develop verification procedures that yield confirmatory data and provide ED with a reasonable basis for taking positive action. This includes full updates to the file provided which helps capture deaths that were erroneously classified as either performing or not performing military service in Iraq or Afghanistan, as well as DoD providing record-level lookup assistance when needed by ED to determine the validity of a dependent's claim.

The qualifying deceased service member's record in the DMDC 01 system and the corresponding qualified dependent's record in the DMDC 02 system will be reviewed and approved by DoD before the record is sent to ED.

For each financial aid applicant for whom a match occurs, ED will inform the schools listed on the student's financial aid application, that the applicant is eligible to receive additional Title IV, HEA assistance due to the circumstance of his or her parent's or guardian's death as a result of performing military service in Iraq or Afghanistan after September 11, 2001.

B. Notice and Opportunity to Contest

This CMA identifies students who are eligible for the benefit of increased Federal student aid and not a denial of benefits. As stated earlier, DoD is the source agency for the information required to identify individuals who are eligible. Therefore, the only possible contestant of this match would be a student who claims he or she meets the eligibility criteria under section 473(b) or 420R of the HEA, but is not on the DoD file. A non-matched student who believes that he or she meets the criteria for increased amounts of aid must so inform his or her school, and the school must refer the case to ED no later than the end of the relevant award year.

If the applicant makes an inquiry, within the specified timeframe, regarding a non-match, ED will obtain DoD's assistance to determine if the student's circumstances meet the statutory requirements. ED will inform the student of the results of the DoD determination.

If the applicant does not make an inquiry to ED, within the specified time, regarding his or her eligibility, ED's initial finding will be upheld as final.

VII. DISPOSITION OF MATCHED ITEMS

ED will retain all matched records received from the DoD data file(s) with identifying information in accordance with the requirements of the Department of Education Comprehensive Records Retention and Disposition Schedule, 072 FSA Application, Origination, and Disbursement Records (DAA-0441-2013-0002) (ED 072). ED is currently in the process of preparing, and submitting for the national Archives and Records Administration's (NARA) review, amendments to ED 072. ED will not destroy the aforementioned records until such time as NARA approves these amendments.

VIII. SECURITY AND PRIVACY SAFEGUARDS

ED and DoD will comply with all Federal requirements relating to information security, information systems security, and privacy, including the Federal Information Security Modernization Act of 2014 (FISMA), the E-Government Act of 2002, OMB memoranda related to privacy, and National Institute of Standards and Technology (NIST) directives in the Special Publications (SP) 800 series (e.g., NIST SP 800-53, Rev. 4, and NIST SP 800-37, Rev. 1). Specific security requirements include, but are not limited to, the following:

- A. Data must be protected at the Moderate system certification criticality level according to Federal Information Processing Standards (FIPS) Publication 199, Standards for Security Categorization of Federal Information and Information Systems.
- B. ED and DoD must have completed the Security Assessment and Authorization (SA&A) process (formerly called certification and accreditation) within the last three years, using the required NIST guidance, and have an Authorization to Operate (ATO) with the appropriate signatures.
- C. Electronic files are encrypted using the FIPS 140-2 standard and are interoperable with ED's personal identity verification logical access control card (PIV LAC) for government employees and support contractors authorized to have an HSPD-12 card (HSPD-12= Homeland Security Presidential Directive #12).
- D. Electronic files are encrypted while in transit, with the use of FIPS 140-2 product(s) that provide a secure tunnel between DoD and FSA sites.
- E. DoD and ED information systems reside behind a Trusted Internet Connection (TIC).

FISMA requirements apply to all Federal contractors, organizations, or entities that possess or use Federal information, or that operate, use, or have access to Federal information systems on behalf of an agency. ED and DoD agree that they are responsible for oversight and compliance of their own contractors and agents. ED and DoD each reserve the right to conduct onsite inspections of any contractor or agent who has access to matched data in order to monitor compliance with FISMA regulations during the lifetime of this CMA.

ED and DoD will also comply with the personally identifiable information (PII) breach reporting and security requirements as required by M-17-12, "Preparing for and Responding to a Breach of Personally Identifiable Information (PII)." ED and DoD also agree to report information security incidents, where the confidentiality, integrity, or availability of a federal information system of a civilian, Executive Branch agency is potentially compromised, to the NCCIC/US-CERT with the required data elements, as well as any other available information, within one hour of being identified by the agency's top-level Computer Security Incident Response Team (CSIRT), Security Operations Center (SOC), or information technology department.

In addition, the agency experiencing the loss of PII will notify the other agency's Systems Security Contact named in section XIII of this CMA. If ED is unable to speak with the DoD Systems Security Contact within one hour or if for some other reason notifying the DoD Systems Security Contact is not practicable (e.g., it is outside of the normal business hours), ED will contact the DoD/DMDC Security Incident Response Team. If DoD is unable to speak with ED's Systems Security Contact within one hour, DoD will contact the Department of Education Security Operations Center (EDSOC).

Using established criteria, if the agency that experienced the breach of PII determines that the risk of harm to affected individuals or to the agency requires notification to affected individuals and/or other remedies, that agency will carry out these remedies without cost to the other agency.

IX. RECORDS USE, DUPLICATION, AND REDISCLOSURE RESTRICTIONS

ED agrees not to use or disclose any records received from DoD pursuant to this CMA, except as required by law or essential to the conduct of the matching program. However, the information may be used for necessary follow-up action as well as to support criminal investigations, prosecutions, or other law enforcement activity, if the match uncovers activity that warrants such a result.

- A) The matching file exchanged under this CMA remains the property of the Source Agency and will be destroyed after match activity involving the files has been completed under this program as provided above in section VII.
- B) The data exchanged under this CMA will be used and accessed only for the purpose of determining eligibility for Title IV, HEA program assistance, except as required by law.
- C) Neither DoD nor ED will extract information from the electronic data files concerning the individuals that are described therein for any purpose not stated in this CMA.
- D) Except as provided in this CMA, neither DMDC nor ED will duplicate or disseminate the data produced without other agency's permission. Neither agency shall give such permission unless the re-disclosure is required by law or essential to the conduct of the matching program. In such cases, DMDC and ED will specify in writing which records are being disclosed and to whom and the reasons that justify such re-disclosure.

X. RECORDS ACCURACY ASSESSMENT

DoD data is obtained directly from military personnel or from the Service system from which the sponsor is affiliated. The data is reviewed for accuracy prior to inclusion in the DMDC Data Base (DMDC 01) and DEERS (DMDC 02) systems. DoD currently estimates that the information within the Dependent's Benefits File, a file that contains the data elements specified in section IV.C.(1) through IV.C.(4) of this CMA, is 99% accurate.

The personal identification data (SSN, name, and date of birth) contained in ED's Federal Student Aid Application File (18-11-01), the system of records being used in this matching program, are provided to ED by applicants for Title IV, HEA program assistance and verified with the Social Security Administration. It is estimated that the identifier information is virtually 100% accurate.

ED and DoD have reviewed the records subject to this CMA and concluded that the records are being maintained to a standard of accuracy that ensures fairness in any eligibility determination made on the basis of this record.

XI. COMPTROLLER GENERAL

The Government Accountability Office (Comptroller General) may have access to all ED and DoD records as necessary in order to verify compliance with this CMA.

XII. EFFECTIVE DATE

The life of this CMA is estimated to cover the 18-month period from June 14, 2018 through December 13, 2019. However, the effective date of this CMA and the date when the match may begin shall be whichever date is the latest of the following three dates: (1) the date of the last signatory to this CMA as set forth in Article XIX, below; (2) at the expiration of the 30-day public comment period following ED's publication of notice of this matching program in the *Federal Register*, assuming that ED receives no public comments or receives public comments but makes no changes to the Matching Notice as a result of the public comments, or 30 days from the date on which ED publishes a Revised Matching Notice in the *Federal Register*, assuming that ED receives public comments and revises the Matching Program Notice as a result of public comments; or (3) at the expiration of the 60-day period following ED's transmittal of a report concerning the matching program to OMB and to the appropriate Congressional Committees, along with a copy of this agreement, unless OMB waives any days of the 60-day review period for compelling reasons, in which case, 60 days minus the number of days waived by OMB from the date of ED's transmittal of the report of the matching program.

Termination and Modification of Agreement

This CMA may be terminated by either party upon written notice to the other party. The termination shall be effective 90 days after the date of such notice, or a later date specified in the notice, so long as such later date does not exceed the original completion date or, if extended, the extended completion date of the match. This CMA may be terminated at any time with the consent of both parties.

The CMA may be amended at any time by a written modification that satisfies both parties, is approved by the Data Integrity Boards, and, if necessary, is properly published in the *Federal Register*, with copies having been provided to Congress and OMB at least 40 days before its implementation.