

At the October 21<sup>st</sup> CEP hearing, Emmet McGroarty of the American Principles Project was the only testimony at the hearing opposing the continuation or increase of federal collection of individual student data. Mr. McGroarty is not the only man or woman in America that opposes the federal unit record system of student data. Grassroots organizations, made up of highly skilled, organized and well-researched individuals are also fighting to protect our children and grandchildren. The pushback on data collection is vigorous and we won't stop until we have a victory.

Numerous experts are seeking to repeal the prohibition in the current Higher Ed Act Section 134 against a federal student-unit record system that would collect personally identifiable information on higher education students and link education data to workforce data. I stand with Mr. McGroarty in asking that the protective barrier to government intrusion into citizen's private lives remain intact.

This United Commission report to the President and Congress required by the law, is considering how the integration of data "might lead to the intentional or unintentional access/breach, or release of personally identifiable information or records." This is a very serious question for the Commission to answer. The Commission is also faced with the question of whether the government even has the right to collect such personal data.

States were incentivized to create massive databases in 2002, allowing more than just the collection of academic performance and biographical information on individual students in K-12, as well as higher education. Prior to this, the law prohibited the collection of PII such as disciplinary history, social emotional development and extra curricular activities of individual students at the federal level. However, Obama's gutting of FERPA in 2012 now means that government education officials now have the freedom to disclose a student's PII without parental consent.

Mr. McGroarty also presented this profound statement to the Commission on Evidence Based Policymaking: *"Such databases make freeborn American citizens objects of research and study. It assumes that the goal of benefiting others in society justifies the powerful federal government collecting and disseminating millions of data points on individuals often without their expressed consent. This fundamentally changes the relationship between the individual and government. Our republic rests on the idea that the citizens control the government. That cannot truly happen when government sits in the position of intimidation over the individual."*

Having the government know the state of your social and emotional development, along with data from other data sets, like medical records that the Commission is considering, is very disturbing. The Commission is focused on the

collection of data from higher education for consumer benefit and workforce planning. It would be one thing for colleges and universities to voluntarily create a private association that collected the kind of data the feds are considering in order to provide them with the data to back their marketing claims. However, the Commission is looking at having the data collected by the government.

The very thought of such data collection reveals the current state of affairs for higher education. The image of the modern university is rapidly declining from one where people with intellectual ability go to pursue an even more learned understanding of a subject, towards one of a business in competition with other businesses offering an ever-expanding menu to try to eek out additional market share. According to the government, the consumer (student) could use such data collected by a private association, policed by industry competitors to make sure it is accurate, to choose which business (university) to attend or not attend if they did not wish to be part of such data collection. The act of collecting this data by government order takes that choice away from students and can use the coercive power of law to force them to provide their PII to an entity which is not even part of this business sector.

I ask the Commission to consider whether the government can create a data clearinghouse and whether it can be self-funding. I am urging the following if such a clearinghouse is created:

1. The government must collect only aggregate data, not personally identifiable information.
2. Parents and students must have the ability to review and correct records and notice as to who can see those records.
3. If such a database is created, it should be funded through the general treasury, because this gets at the heart of the decay existent in public private partnerships.

The law only considers the cost of the work of maintaining such a database and looks for a return of investment. Such a data system will have the intimidating power of government behind it. The creation of self-funded enterprises removes an important check that the congress provides. Checks and balances are so critical when it comes to the collection of data.

I urge the Commission to resist the effort to collect and share personal family and student data. I also recommend that any such information that is collected be excluded from any recommended clearing house and that such a clearing house be subject to all the checks and balances that is provided by our Constitution. In addition to whether the government should have records in the first place, I propose that parents and students have a means to review and correct their records and determine who may see them.