

June 14, 2011

The Honorable Edward J. Markey
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515-6115

The Honorable Joe Barton
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515-6115

Re: Your letter of May 27, 2011

Dear Congressmen Markey and Barton:

We appreciate the opportunity to provide you with information about our Student Search Service[®] (SSS[®]) and to allay any concerns that may have arisen and correct any misperceptions that may have been created by the media report referenced in your letter of May 27, 2011, to Gov. Gaston Caperton, president of the College Board, regarding the College Board's collection, use and disclosure of students' personal information and our data policies, procedures and practices.

The College Board was created more than 110 years ago to expand access to higher education, and we take very seriously the trust placed in us and in our programs and services by students, parents and educators. In an era in which students conduct much of their daily social and academic activities online, we believe that protecting the privacy rights and safety of young people must always remain a paramount concern.

The College Board is a mission-driven not-for-profit organization that connects students to college success and opportunity. Each year, the College Board helps more than seven million students prepare for a successful transition to college through programs and services in college readiness and college success — including the SAT[®], the Advanced Placement Program[®] (AP[®]), the PSAT/NMSQT^{®1} and SSS. Our organization is made up of more than 5,900 of the world's leading educational institutions, and we are dedicated to promoting excellence and equity in education. The College Board serves the needs of the education community through a wide range of research, advocacy and professional development programs.

¹ PSAT/NMSQT is a registered trademark of the College Board and National Merit Scholarship Corporation.

SSS is a voluntary service that we make available completely free to students who are considering college and want to explore their options and introduce themselves to colleges and universities. Despite the efforts of organizations like the College Board, for too many students the idea of college extends no further than the borders of their hometown or, worse yet, remains an unattainable dream. It is for this very reason that SSS was created nearly 40 years ago at the request of guidance counselors who turned to the College Board for help in providing broader college access to students of all backgrounds. SSS is an access and equity program designed to help colleges, universities, nonprofit scholarship organizations and educational opportunity programs (“Education Organizations” described in more detail under “**Eligibility, Use and Accountability,**” below) connect with a larger and more diverse pool of qualified students of all backgrounds for whom college should be more than just a dream, to share with them information about educational and financial aid opportunities. Since its launch in 1972, SSS has become the single most effective method of connecting students with colleges and universities that meet their needs, align with their strengths and goals, and provide opportunities for them to explore their interests, while also connecting them with opportunities for funding their college dreams and making them a reality.

SSS was developed to work with and enhance the value to students of the SAT, PSAT/NMSQT and AP programs by creating the “connective tissue” between the unknown student and the undiscovered college. While standardized testing may be maligned from time to time by certain critics, their parochial view inverts the reality of the access that is created by use of a nationally accepted measure such as the SAT in concert with other valuable tools and resources. Year in and year out, students — including those who because of economic status or lack of familiarity or comfort with the very idea of college do not view a college education as a realistic goal — are brought to the attention of colleges and universities from across the country by their participation in SSS. Through SSS, these Education Organizations identify and reach out to students who they believe might thrive on their campuses. And when those students are contacted by interested Education Organizations, the College Board makes available to them the tools, including our industry-leading free website, www.collegeboard.org, to research the schools and make informed choices about which institutions offer the best matches for their college and career goals.²

When taken together, SSS, the SAT, PSAT/NMSQT and AP programs, and the resources of www.collegeboard.org form a powerful information and communication system that creates access and opportunities for students who do not know how to begin thinking about college or how to uncover a good “match.” Such a system helps students and schools discover a “fit”

² Through www.collegeboard.org, students have the ability to do in-depth research on more than 3,900 colleges and universities, or start their own search based upon many of the same characteristics the Education Organizations are using to identify them.

between themselves, rather than relying on a definition of “best” that is informed solely by a college’s published ranking or a definition of “good enough” that is informed solely by a student’s socio-economic pedigree. Absent such a system, the college dreams and aspirations of so many students, particularly those who do not have the advantage of high-priced college advisement resources or who are attempting to be the first in their family to attend college, might go unfulfilled.

In order to answer your questions in the most complete and readily understandable fashion, we have grouped our responses into five broad categories:

1. “Disclosure of Information About SSS, Its Optional Nature and the Collection of Data”
2. “Data Storage and Security at the College Board”
3. “Data Security by Education Organizations”
4. “Eligibility, Use and Accountability”
5. “Use of SSS Revenues in Support of the College Board’s Mission”

Disclosure of Information About SSS, Its Optional Nature and the Collection of Data

1. *What personal information about students does the College Board collect? How is it collected? When is it collected?*
2. *Does the College Board sell, rent or otherwise disclose information that it collects to entities, including entities that are affiliated with the College Board or third parties? If yes, are students informed that the information they provide will be disclosed to others? If so, how? If not, why not?*
3. *Does the College Board make students aware that sharing their personal data with the College Board is optional and will not impact admissions to college? If yes, how? If not, why not? If the College Board does provide such a disclosure, please provide the text used to inform students of the disclosure policy.*

Information Provided to Students, Parents and Educators

SSS enables eligible Education Organizations to identify qualified prospects of all backgrounds who are considering pursuing a college education. Through SSS they receive the limited right to use provided data **for the sole purpose** of contacting students who meet the criteria of their institution with information about the educational and financial aid opportunities available to them at such institution.

The College Board makes information about a student's opportunity to participate in SSS and the role SSS can play in the college planning process available not only to students, but also to their parents, teachers and guidance counselors in numerous publications and in a wide variety of media. Each of these communications makes very clear that colleges, universities, scholarship programs and nonprofit education organizations may request information the student supplies in order to provide the student with materials about educational opportunities and financial aid; that is, in fact, the very reason that students choose to participate in the program. The College Board believes that the process of college planning should be thoughtful, information-driven and as collaborative as possible, and we provide this information to students, parents, teachers and guidance counselors to encourage the discussion of options with the student, including whether or not to participate in a service such as SSS. Just some of the key information sources about SSS made available **prior to any opt-in decision** are:

- *The Paper Registration Guide for the SAT and SAT Subject Tests™* (Exhibit A-1)
- *Official Student Guide to the PSAT/NMSQT* (Exhibit A-2)
- in the Students (Exhibits A-3, A-4, and A-5), Parents (Exhibit A-6), Guidance Counselors and Educators (Exhibit A-7) sections of our free website, collegeboard.org;
- in printed materials for educators describing College Board programs and initiatives, including
 - the *Official Educator Guide to the PSAT/NMSQT* (Exhibit A-8);
 - SSS Fact Sheet (Exhibit A-9); and
 - PSAT/NMSQT Fact Sheets (Exhibits A-10, A-11, A-12 and A-13);
- at free workshops for counselors (Exhibit A-14) — every year the College Board offers about 180 face-to-face Counselor Workshops and a dozen virtual workshops, bringing together over 10,000 educators across the country;

- in the College Board’s general privacy policy, available online at www.collegeboard.org/privacy-policy (Exhibit A-15); and
- in *The Official SAT Study Guide*™ (Exhibit A-16).

Samples of the information provided (including highlighted excerpts) are attached in Exhibit A.

Because of the broad, deep and far reach of the communications described above, it is highly unlikely that a student is presented with the choice of whether or not to participate in the program without prior exposure to information about its existence, its purpose or its optional nature; in fact, we believe students will typically be exposed to information about SSS at least twice, and often as many as five or more times, before they make their decision about participating. However, in order to ensure that each and every student is receiving the same information, a final additional disclosure about the nature of the service and the ways in which the recipients may use their information is provided to students again via the *Paper Registration Guide*, the answer sheet and online (for SAT takers), and by the test proctor (for AP and PSAT test-takers), **immediately before they are given the opportunity to opt in.**

See the following documentation, attached as Exhibit B.

- SAT Online Registration Opt-In Function (Exhibit B-1)
- SAT Paper Registration Opt-In (Exhibit B-2)
- PSAT/NMSQT Answer Sheet Opt-In (Exhibit B-3) and PSAT/NMSQT proctor script as spelled out in the *PSAT/NMSQT Supervisor’s Manual* (Exhibit B-4)
- AP Answer Sheet Opt-In (Exhibit B-5)

Optional Nature of SSS. An important policy and design feature of SSS is that participation is optional. Those students who choose to participate must “opt in” rather than having that option preselected for them and being faced with a decision of whether or not to “opt out,” which could arguably be confusing or intimidating. In addition, each time a student takes a College Board test, the student is presented anew with the choice of whether or not to opt in. If a student initially opted in by answering “Yes,” and then prior to taking a subsequent test either opts out by answering “No” or does not answer the question (no answer selected), the student is opted out and all of his or her information is removed from SSS. In other words, the default setting in SSS is nonparticipation. A student must consciously choose to take part in SSS prior to each College Board test.

Published background information about SSS geared toward students and their parents very clearly lets them know that participation in SSS is their choice and voluntary. We take great care in all of our communications to not unintentionally leave students with the impression that colleges may use the information for admission decisions and, in fact, make clear that the student's test scores — an important part of the admission process — will **not** be provided as a part of participation in SSS. Moreover, our Student Data Usage Agreement requires Education Organizations to **not use** the information in connection with individual admission decisions. Failure to comply can result in immediate dismissal from the program (see “**Eligibility, Use and Accountability,**” below.)

See Exhibit C for relevant excerpts from documents included as parts of Exhibits A and B.

See Exhibit D Data Usage Agreement.

(http://www.collegeboard.com/sss/repository/Search%20Use%20AgreementRev_Feb2010.pdf)

Data Collection. Participation in SSS requires only the provision of the following information: name, mailing address, gender, and birth date. (Although an email address is not required for SAT paper registration or registration for the PSAT/NMSQT or AP Exams, students who register online for the SAT do provide their email address as a part of that process.)

While not a required SSS data element, students may provide their Social Security number when they register for a College Board test; Social Security numbers are used only to ensure the most reliable internal data matching (ensuring that students with the same first and last names are not confused), but they are **not provided to Education Organizations as a part of their participation in SSS.**

There are two data collection methods:

- SAT: Students taking the SAT register and pay for the test in advance of the test. The student provides and confirms the information noted above and is presented with the opportunity to opt in to SSS. As previously stated, the default is that the student is opted out.
- AP and PSAT/NMSQT: Students taking the PSAT/NMSQT or an AP Exam register the day of the test by filling out an answer sheet with the help of school-appointed test proctors. The students are presented with the opportunity to opt in to SSS when they fill out this answer sheet. As previously stated, if a student does not explicitly answer “Yes,” the student is opted out. Please refer to Exhibit C6 for the scripts read by the proctors explaining the nature of SSS to students.

The College Board includes students who opted in to SSS in the service only after the students have taken the test and their test has been scored. Students who did not opt in, or who opted in but did not take the test, do not participate in the service. Finally, **students under the age of 13 or not yet in high school are not eligible to participate in SSS.**

For all three tests, a student may **at his or her choosing** supply additional general (non-personally identifiable) categories of information about him or herself. Education Organizations use this information to identify groups of prospective students whom they believe may be a good fit for their institution and who could succeed and thrive in the social, residential and academic environment they provide. This general information can include: high school attended, graduation year, GPA, class rank, high school courses/activities/sports, desired college characteristics, educational aspirations, intended college major(s), participation in the PSAT/NMSQT and/or AP, intention to apply for financial aid, college living preferences, ethnic identification, citizenship, religious preference. Students may provide as much, or as little, of this information as they choose, or they may elect to provide none of this additional information at all. (See, for example, Exhibit A-1, page 28.)

Data Storage and Security at the College Board

4. *How is the student data collected by the College Board stored? What methods are used to protect information? Is the information encrypted?*
5. *Has information collected by the College Board ever been breached by authorized individuals, either from within the College Board or by others unaffiliated with it? If yes, please provide details.*

Data Security at the College Board. The security and privacy of personal information is of vital importance to the College Board. Our Corporate Information Security program is designed to be proactive and uses industry guidance such as the Payment Card Industry (PCI) Data Security Standards and ISO27001 information security standard to ensure PII is protected at all times. Strong protocols are in place today:

- The SSS data resides in a database located in a high- security data zone of our network, protected by multiple layers of security controls.
- Within our organization, access to personally identifying information (PII) within the SSS database is only granted to personnel who have been authorized to handle such

information.³ The College Board also has an employee background screening process in place and physical access to information processing facilities is strictly controlled and monitored for unauthorized entry.

- The SSS data repository is *never* directly exposed to or communicated with by Education Organizations. Rather, our online system makes output data files available for Education Organizations to download from a secure site. An industry standard encryption protocol (Hypertext Transfer Protocol Secure – https) is used for file downloading.
- As a part of our ongoing effort to preserve our strong organizational information and network security posture, and also as part of our PCI Data Security Standards compliance program, we continually assess our current level of information security controls and, through the use of updated technology tools, implement processes to enhance the protection of personal information within the College Board system.

In addition to current measures, the College Board has an ongoing project to extend data encryption technology across the organization. While a number of data fields in the SSS database are already encrypted, the College Board has identified a new set of data in the SSS database that will be encrypted by the end of this year; at that point all PII and other key data fields within the SSS database will be encrypted.

No Breach of SSS Environment. The information collected by the College Board through SSS is stored within the College Board within the secure environment described above. There has never been a breach of this secure environment.

As has been widely reported recently, earlier this year the email service provider Epsilon experienced an unauthorized access of the databases of a number of their email services clients. The College Board currently uses Epsilon to send bulk emails on our behalf to our constituents. In April of this year, Epsilon notified us that the names and email addresses of certain College Board constituents, including some SSS participants, may have been exposed. The College Board acted quickly and took all necessary and appropriate steps to notify our potentially affected constituents and to provide them with information and resources to guard against any attempt at inappropriate use of their email address by a third party. Epsilon does not manage the SSS database and does not have a copy of or access to such database. Consequently, the SSS database was not breached and its contents were not accessed.

³ Currently, out of 1,200+ College Board employees, only 15 employees can access the SSS database.