

 <p>Category: Legal and Compliance</p> <p>Responsible Office: University Counsel</p>	<p>Other Requirement Title: Social Security Numbers, Use of</p> <p>Document Number: 6604</p> <p>Effective Date: July 01, 2001</p> <p>This procedure item applies to: Community Colleges State-Operated Campuses</p>
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Summary

NYS Education Law §2-b limits the use of student social security numbers by all levels of both public and private educational institutions. The State University of New York concludes that the general intent of the legislation is to bar an educational institution from making a student's social security number publicly available, and thus potentially available for misuse, when it is not necessary to the educational or other legitimate functions of the institution to do so. The University assumes the prohibition applies to such listings, rosters, lists and directories whether the same are available in printed or electronic media. It is not the intent of the legislation to interfere with essential functions of colleges and universities and the uses of a student's social security number as required or permitted by law.

Requirement

NYS Education Law §2-b limits the use of student social security numbers by all levels of both public and private educational institutions.

The University concludes that the general intent of the legislation is to bar an educational institution from making a student's social security number publicly available, and thus potentially available for misuse, when it is not necessary to the educational or other legitimate functions of the institution to do so.

The legislation specifically bars the display of a student's social security number in a posting or public listing of grades, on class rosters or other lists provided to teachers, on student identification cards, and in student directories or similar listings. The University assumes the prohibition applies to such listings, rosters, lists and directories whether the same are available in printed or electronic media.

In sum, this legislation specifically bars the use of a student's social security number in specific instances, and it is not the intent of the legislation to interfere with essential functions of colleges and universities and the uses of a student's social security number as required or permitted by law.

Guidelines

Social Security Numbers should not appear in:

- Hard-copy public postings of grades;
- Electronic listings of grades which are available to students, teachers or members of the public, other

than administrative staff who have access to such listings for legitimate educational purposes as permitted by the Family Educational Rights and Privacy Act (FERPA);

- Class rosters;
- Any lists, whether in hard-copy or electronic media, provided to teachers; and
- Student directories or similar listings, whether in hard-copy or electronic media, which are available to students, teachers or members of the public, other than administrative staff who have access to such directories or similar listings for legitimate educational purposes as permitted by FERPA or other state or federal law.

With respect to student identification cards, do not publicly display the student social security number on the card. The student social security number may be coded on the magnetic stripe or chip in the card if the intended use of the social security number is permitted or required by state or federal law or rule, including FERPA.

Except as specifically barred, NYS Education Law §2-b allows the use and display of a student's social security number where permitted or required by state or federal law, regulations and case law.

Like our private counterparts, many components of the University, including the state-operated campuses, the statutory or contract colleges, system administration, and community colleges under the jurisdiction of the University, routinely use student social security numbers, as permitted or required by law, in connection with a variety of activities, including the admission and transfer of students, student employment, and the administration of student financial aid.

[FERPA, 20 USC § 1232g](#), is one of many laws which allow or require an educational institution to disclose a student's social security number in the course of the educational or other legitimate functions of the institution. For example, FERPA allows disclosure of education records of a student, including the social security number, without the student's consent, to administrators of the institution who have legitimate educational interest; to officials of other educational institutions in which the student seeks to enroll; in connection with the student's application for or receipt of financial aid; to organizations conducting studies for the purpose of developing predictive tests, administering student aid programs and improving instruction, under conditions which restrict unnecessary access to and disclosure of the education records; to accrediting organizations; to appropriate persons in connection with a health or safety emergency; pursuant to court order; and to representatives of the United States comptroller general, the United States secretary of education or state educational authorities as necessary in connection with the audit and evaluation of Federally-supported education programs, under conditions which restrict unnecessary access to and disclosure of the education records.

Pursuant to [42 USC §405\(c\)](#), social security numbers are used in connection with the employment of students to document and report wages and withholdings.

Pursuant to [20 USC §§1090\(a\)](#) and [1091\(a\)\(4\)\(B\)](#), the standard and widely-used federal application form used to determine federal and state student financial aid, the [Free Application for Federal Student Aid](#) (FAFSA) is required to include the social security number of the student applicant. Pursuant to [20 USC § 1090\(a\)\(3\)](#), the federal government makes data collected on the FAFSA available to colleges and universities "for the purposes of processing loan applications and determining need and eligibility for institutional and state financial aid awards". Federal regulations require higher education institutions to maintain administrative and fiscal procedures and records to adequately administer federal student aid programs ([34 CFR §§668.14](#) and [668.16](#)).

The University concurs with the general intent of the legislation, to eliminate the unnecessary use and publication of student social security numbers so as to reduce the potential for misuse. Accordingly, any unnecessary use of student social security numbers, which it is practical to eliminate and at reasonable cost to the campus or office, should be eliminated.

When analyzing particular uses of student social security numbers, campus offices should determine if it is a use which NYS Education Law §2-b specifically prohibits. If not, the use for which the data is collected, recorded and displayed needs to be identified. The use of the social security number must be permitted or required by a state or federal law or rule, and only those administrators who have legitimate educational use for the data should have access to it.

Definitions

There are no special definitions relevant to this requirement.

Related Procedures

There is no related procedures relevant to this requirement.

Forms

[Free Application for Federal Student Aid \("FAFSA"\)](#)

Other Related Information

[42 USC §405\(c\)](#) (Wage Records)

[20 USC §§1090\(a\)](#) and [1091\(a\) \(4\)\(B\)](#) (Forms and Relations) and (Student Eligibility)

[20 USC §1232g \(Family Education and Privacy Act\)](#)

34 CFR §§668.14 and [668.16](#) (Program participation agreement) and (Student Assistance)

Gramm Leach Bliley Act/FTC Safeguarding Rule Compliance (protecting student/customer information)

The following link to FindLaw's [New York State Laws](#) is provided for users' convenience; it is not the official site for the State of New York laws.

[NYS Education Law §2-b](#) (Restricted use of student social security numbers)

In case of questions, readers are advised to refer to the New York State Legislature site for the menu of [New York State Consolidated](#).

Appendices

There are no appendices relevant to this requirement.