Post-Secondary Institution Data-Security Overview and Requirements

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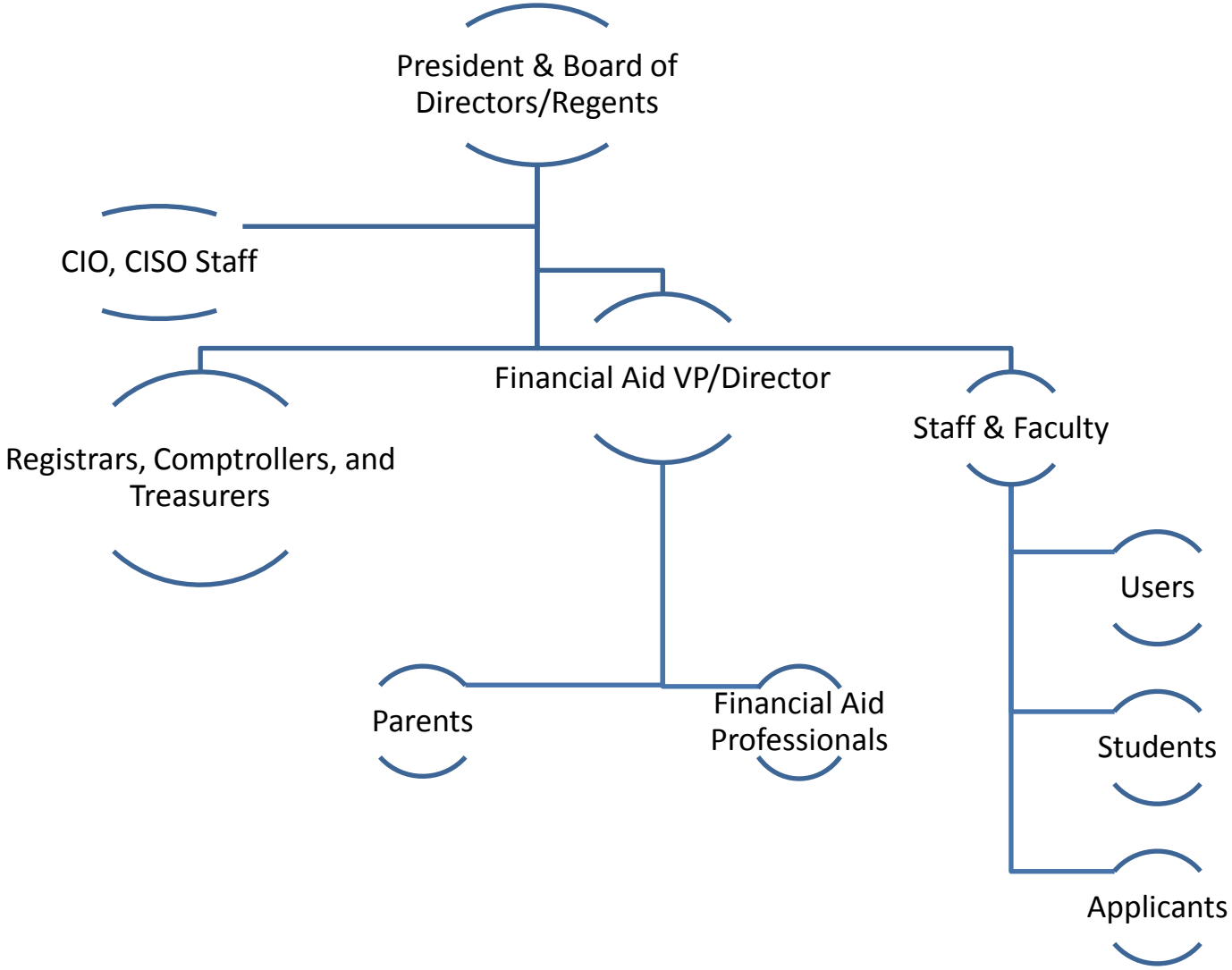
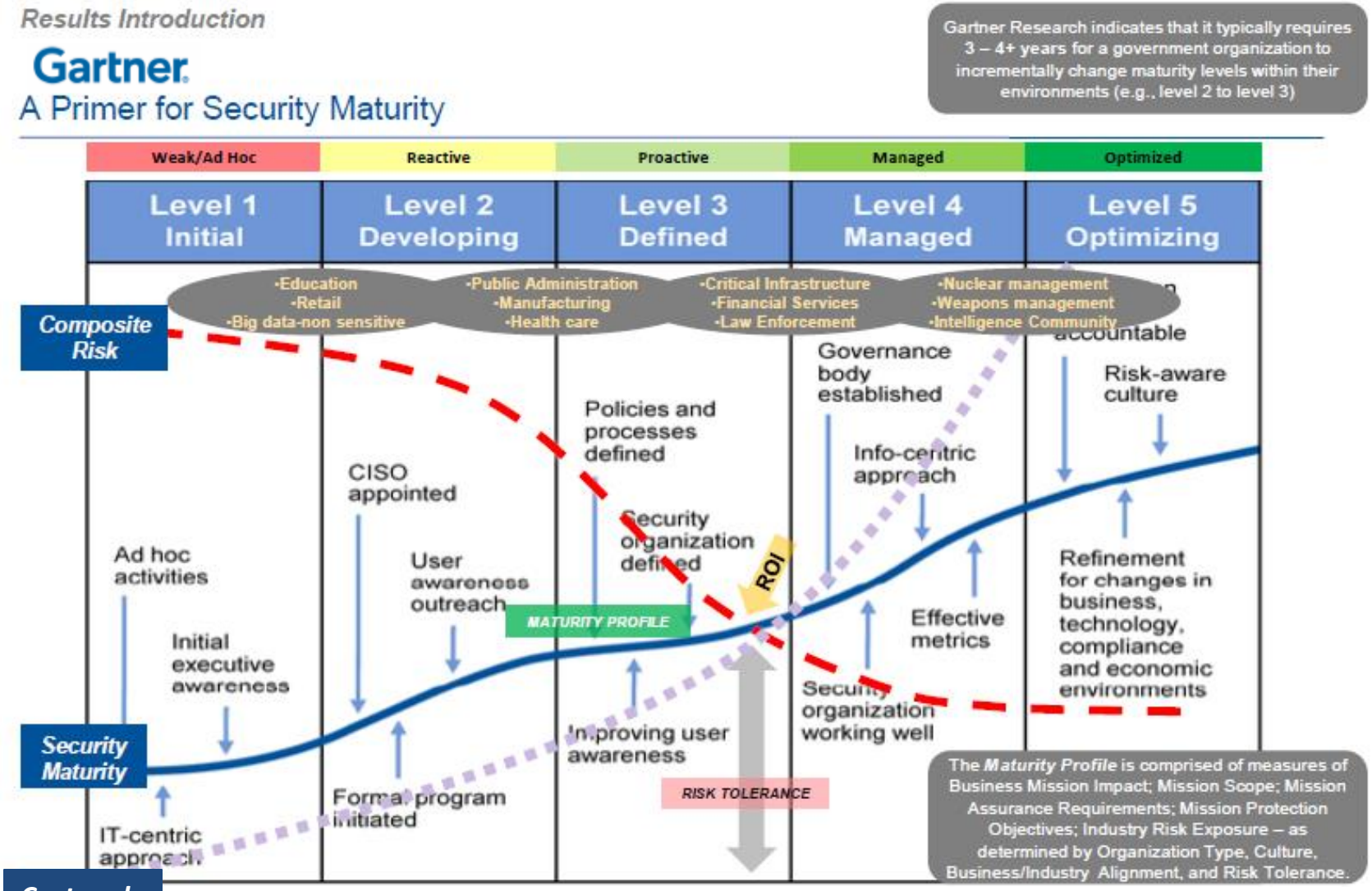
Agenda

- Who needs to worry about data security?
- Why do I need to worry about data security?
- What are the data security requirements?
- What is a breach?
- When do I report a breach?
- How do I report a breach?
- How can you help me with data security?
- What are my next steps?

Who needs to worry about data security?



Why do I need to worry about data security?



Why do I need to worry about data security?

Educational institutions are specifically being targeted because of the current state of ad-hoc security coupled with the educational environment being a rich trove of emails, information and research.

Why do I need to worry about data security?

Starting in FY18, GLBA information security safeguards will be audited to ensure administrative capability. Draft audit language:

Audit Objectives – Determine whether the IHE designated an individual to coordinate the information security program; performed a risk assessment that addresses the three areas noted in 16 CFR 314.4 (b) and documented safeguards for identified risks.

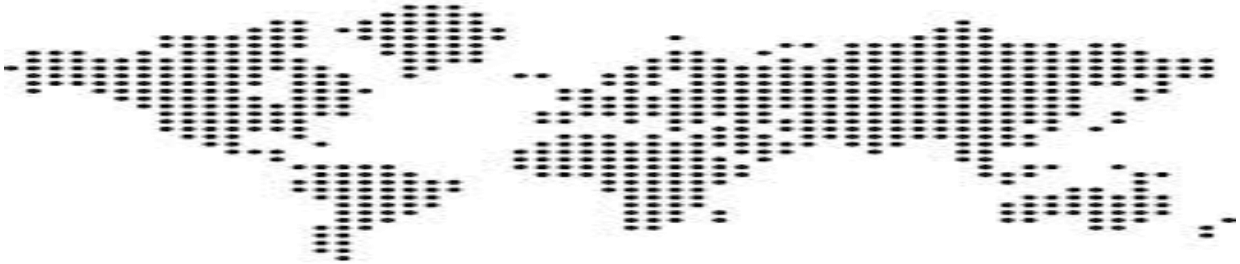
Suggested Audit Procedures

a. Verify that the IHE has designated an individual to coordinate the information security program.

b. Obtain the IHE risk assessment and verify that it addresses the three required areas noted in 16 CFR 314.4 (b).

c. Obtain the documentation created by the IHE that aligns each safeguard with each risk identified from step b above, verifying that the IHE has identified a safeguard for each risk.

What are the data security requirements?



- Title IV schools are **financial institutions** per ***Gramm-Leach-Bliley Act*** (GLBA, 2002)
- Per FSA PPA & SAIG agreements, these schools must have GLBA safeguards in place. Schools without GLBA safeguards may be found administratively incapable (unable to properly administer Title IV funds).
- GLBA Safeguards are:
  - Develop, implement, & maintain documented data security (info-sec) program
  - Designate an employee(s) to coordinate the program

What are the data security requirements? cont'd

- Identify reasonably foreseeable internal and external risks to data security via formal, documented risk assessments of:
  1) Employee training and management
  2) Information systems, including network and software design, as well as information processing, storage, transmission, and disposal
  3) Detecting, preventing and responding to attacks, intrusions, or other systems failures
- Control the risks identified, by designing and implement information safeguards and regularly test /monitor their effectiveness.

What are the data security requirements? cont'd

- Oversee service providers, by:
  1) Taking reasonable steps to select and retain service providers that are capable of maintaining appropriate safeguards for the FSA, student, & school (customer) information at issue
  2) Requiring your service providers by contract to implement and maintain such safeguards.
- Evaluate & adjust school's info-sec program in light of:
  - the results of the required testing /monitoring
  - any material changes to your operations or business arrangements;
  - any other circumstances that you know may have a material impact on your information security program.

What are the data security requirements? cont'd

- Title IV schools are subject to the requirements of the FTC ***Identity Theft Red Flags Rule*** (72 Fed. Reg. 63718) issued on November 9, 2007
- The "Red Flags Rule" requires an institution to develop and implement a written Identify Theft Prevention Program to:
  - Detect
  - Prevent
  - Respond to patterns, practices, or specific activities that may indicate *identity theft*

What is a breach?

- Per GLBA, a breach is *any unauthorized disclosure, misuse, alteration, destruction or other compromise of information.*
- Administrative, technical, and physical safeguards:
  1) ensure the security & confidentiality of customer information
  2) protect against any anticipated threats or hazards to the security or integrity of such records
  3) protect against unauthorized access to or use of such records or information which could result in substantial harm or inconvenience to any customer.

Important items to note:

- No minimum size or # of records
- Employee access is not exempt if wrong
- Not strictly digital or technology-based – **paper counts!**
- Covers data in storage, in transit or being processed

When do I report a breach?

- The Student Aid Internet Gateway (SAIG) Agreement requires that as a condition of continued participation in the federal student aid programs Title IV schools report suspected/actual data breaches
- Title IV schools must report **on the day of detection** when a data breach is even suspected
- The Department has the authority to fine institutions that do not comply with the requirement to self-report data breaches; up to **$54,789 per violation** per 34 C.F.R. § 36.2
- The Department has reminded all institutions of this requirement through Dear Colleague Letters (GEN 15-18, GEN 16-12), electronic announcements, and the annual FSA Handbook.

How do I report a data breach? (Yes, you!)

1. Email cpssaig@ed.gov & copy your data breach team, executives, per your policy

Data to include in the e-mail:

- Date of breach (suspected or known)
- Impact of breach (# of records, etc.)
- Method of breach (hack, accidental disclosure, etc.)
- Information Security Program Point of Contact
  - Email and phone details will be necessary
- Remediation Status (complete, in process – with detail)
- Next steps (as needed)

2. Call Education Security Operations Center (ED SOC) at 202-245-6550 with above data. ED-SOC operates 7x24.

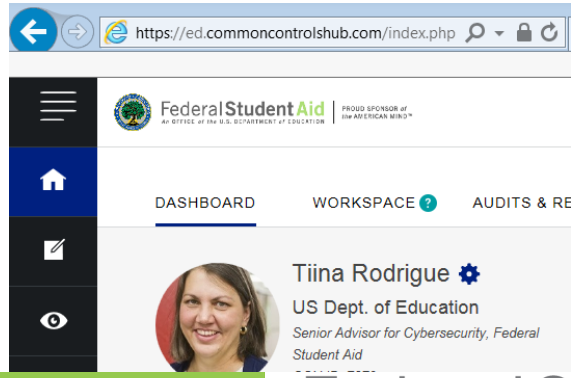
3. Call or Email Tiina Rodrigue – tiina.rodrigue@ed.gov or 202-377-3887 – if both previous methods fail.

How can you help me with data security?

- Cybersecurity Assessment Tool (CAT) - optional self-assessment electronic tool that helps establish school's current risk profile and cybersecurity maturity for executive review & prioritization:
  - Built by Federal Financial Institution Examiners' Council (FFIEC) to help financial institutions review current state
  - Education has automated it to better enable schools of all levels to review current state of risk and maturity
  - Targets specific areas to address to close the gaps from a best practice perspective while preventing waste or over-engineering
  - Covers 5 Domains in depth, with diverse areas including culture, acquisitions, 3rd-party management which aligns with GLBA requirements
  - Pertains to policy, people and process issues, too

How can you help me with data security?

- Institutions of Higher Education (IHE) Compliance Framework
  - Public-Private Partnership to reduce the burden of compliance for security **and** privacy controls for Title IV schools
  - Register for a free account to access the optional tool & data
  - Driven by the regulation on a federal and state level
  - Includes the international regulations for foreign schools
  - Consolidates all relevant laws into one compliance framework
  - Prevents duplicate effort, saving the schools money and effort



How can you help me with data security?

NIST has provided non-FISMA guidelines (800-171) that are recommended by FSA & Education in GEN 16-12 which gives specific technical standards to prove GLBA compliance:

- Access Control
- Awareness and Training
- Audit and Accountability
- Configuration Management
- Identification Authentication
- Incident Response
- Maintenance
- Media Protection
- Personnel Security
- Physical Protection
- Risk Assessment Requirements
- Security Assessment Requirements
- System and Communications Protection
- System and Information Integrity

How can you help me with data security?

As an option, you can contact Senior Advisor – Cybersecurity to:

- Ask hypothetical questions – is this an area of concern?
- Get a consultative review – policy or process (it's free!)
- Use the tools or get additional information (also free)
- Collaborate on best practices or bring ideas forward
- Review new Cybersecurity Compliance page – send input

Contact information:

- Tiina Rodrigue – tiina.rodrigue@ed.gov
  - 202-377-3887

What are my next steps?

1. Find your information security policy and program for your school - If you don't have one, develop one
2. Verify your school's information security policy and program has an individual with his/her contact information - Make sure to keep that person up to date in the policy and is actively managing the program
3. Verify that your school has information risk assessment/testing schedule in place - if you don't have one, develop one
4. Verify that your school has documented the tests and results based on that schedule - if haven't tested, have team start to follow the schedule and DOCUMENT it
5. Add your information security policy/program/schedule/contact information to your consumer information and compliance website so that you can easily find/maintain it
6. Communicate to your entire executive team so that if a breach happens, everyone is prepared to respond immediately & appropriately

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The GLBA Safeguards Rule defines the following:

- An **information security program** is defined as the administrative, technical, or physical safeguards used to access, collect, distribute, process, protect, store, use, transmit, dispose of, or otherwise handle customer information.
- **Customer information** is defined as any record containing nonpublic personal information as defined in 16 CFR 313.3(n), about a customer of a financial institution, whether in paper, electronic, or other form, that is handled or maintained by or on behalf of the financial institution or its affiliates.
- A **service provider** is defined as any person or entity that receives, maintains, processes, or otherwise is permitted access to customer information through its provision of services directly to a financial institution that is subject to the Safeguards Rule.

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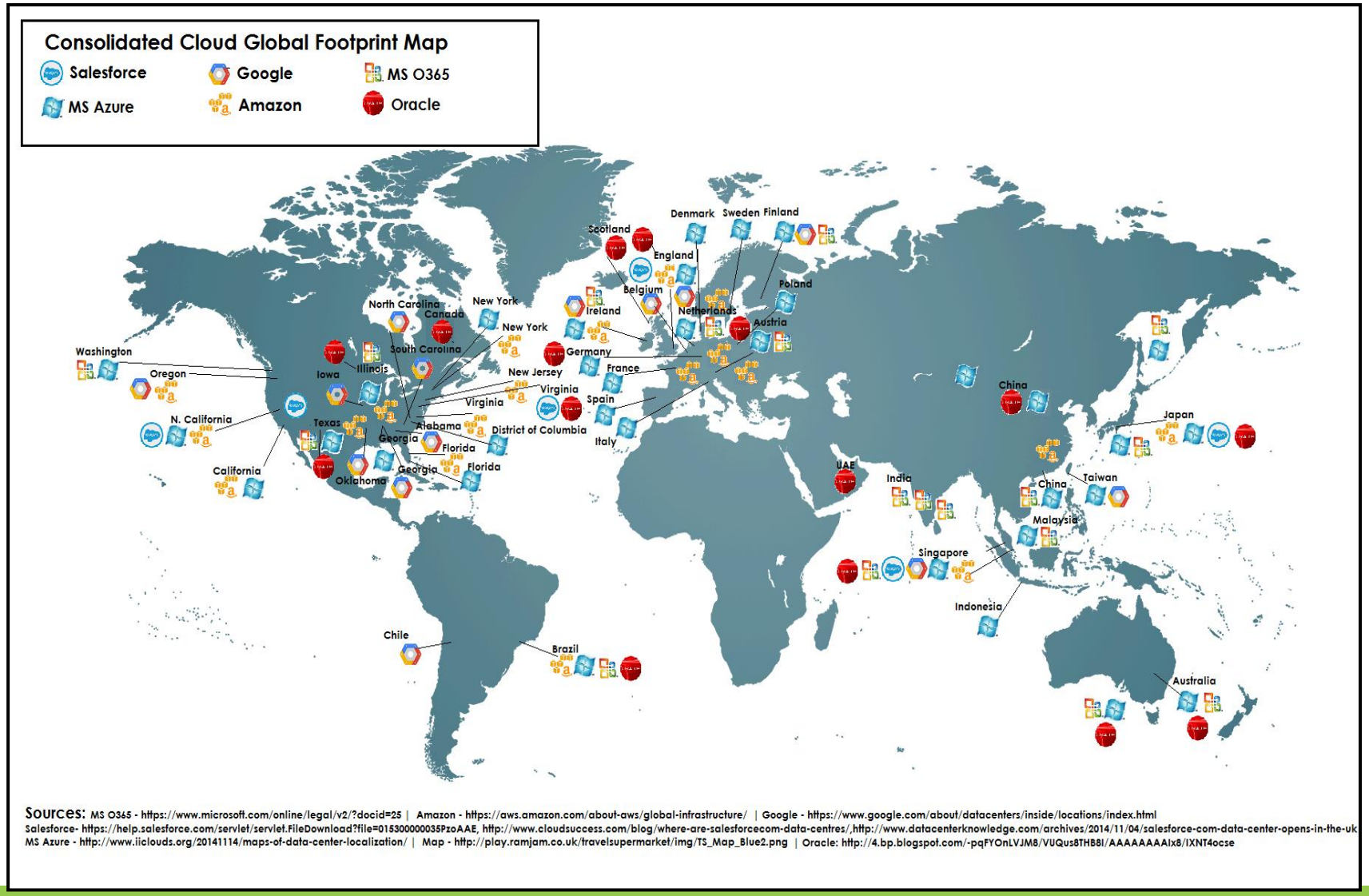

Sources: MS O365 - https://www.microsoft.com/online/legal/v2/?docid=25 | Amazon - https://aws.amazon.com/about-aws/global-infrastructure/ | Google - https://www.google.com/about/datacenters/inside/locations/index.html
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