

Congress of the United States

Washington, D.C. 20515

May 10, 2022

Delivered via E-Mail

The Honorable Miguel Cardona
Secretary
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202

Dear Secretary Cardona:

Once again, the Biden administration is attempting to evade Congressional oversight while it willfully violates the privacy of millions of students around the country.

On April 28, 2022, it was reported that the Department was using—or allowed the use of—the “Meta Pixel” to collect data from individuals completing their Free Application for Student Aid (FAFSA) and directly sharing it with Facebook. The “Meta Pixel” is an analytical code which collects information from users of a website with the embedded code and directly sends the information to Facebook. Facebook was allegedly receiving, at a minimum, the first and last name, phone number, email addresses, and ZIP codes of students who logged on to the FAFSA website.¹ As your agency failed to provide a briefing to date on the extent of the data collected, we do not know the extent of the information shared, including whether income and social security numbers were shared. This data collection and sharing happened without the consent or knowledge of individuals or their parents, and Facebook received the data regardless of whether an individual had a Facebook account.

Your department seems to have very little interest in protecting student data privacy. This unprecedented breach, seemingly perpetrated by the Department, will likely increase the discomfort already felt by many parents who are asked to provide sensitive financial information to the Department. When you were first asked about the existence of the code, your Department denied it. It wasn't until the story was published by *The Markup* that the code was turned off and Federal Student Aid Chief Operating Officer, Richard Cordray, stated that this information was “inadvertently” shared after FSA engaged in an advertising campaign.² However, the article notes that the existence of the Pixel code predates that advertising campaign, thereby leading us to believe your staff is either obfuscating the truth or completely disregarding its responsibility to protect personal information.

¹ <https://themarkup.org/pixel-hunt/2022/04/28/applied-for-student-aid-online-facebook-saw-you>

² Id.

The importance of protecting student's information cannot be understated. To ensure student data privacy, our offices requested a briefing with the Department to better understand the extent of the information given to Facebook and what was being done to remedy the situation. That request has been denied. On two separate occasions, the Department told our staff that it needs to do more "research" before sharing information with us. Why is your Department more willing to share information with Facebook than with Congress?

It is unclear exactly what the Department needs to research. If this data sharing was "inadvertent," as Mr. Cordray said to the press, you've already done a sufficient investigation to make such a determination. This was either an intentional use of the code or it was embedded without the Department's consent. In either circumstance, the Department has failed to protect the privacy of individuals seeking to further their education.

The FAFSA is used to distribute more than \$100 billion in aid to help students attain a postsecondary education. For many of these students, federal financial assistance is the only path to a postsecondary education, and the FAFSA is the only way to apply for this aid. Using this process to enable predatory data collection by Facebook is completely inappropriate.

It is essential that you cooperate with Congressional oversight on this issue. Congressional oversight exists for exactly these instances and is not optional. It is Congress' responsibility to ensure that you and your agency are held accountable to the American people.

The Department's continued failure to be transparent harms FAFSA applicants and their trust in our institutions. It also harms Congress' ability to trust you and your agency. We request that you publicly release answers to the following questions by Tuesday, May 17:

1. What are the exact dates you allowed Facebook to access student data via the FAFSA website?
2. What information did Facebook collect?
3. Did the Department intentionally add the Meta Pixel, or allow the Meta Pixel to be added to the FAFSA website?
4. Did the Department have an agreement with Facebook about what this information could be used for, how long the information could be held, and who else could access the information?
5. What notices are provided to individuals clicking on links to fill out the FAFSA?
6. What is the number of individuals whose information was shared with Facebook?
7. Have these individuals been notified that their information was shared with Facebook?
8. Has the Department taken steps to request that Facebook dispose of the data collected without consent of users?
9. How did the Department verify the code was "turned off" or removed?
10. What advertising campaign from the Department has the Meta Pixel, or any other tracking code, attached to it? Were other codes attached to other ad campaigns?

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11. Who signed off on allowing the Meta Pixel to be attached to the FAFSA application website or who missed understanding it was attached?
12. What consequences will the employee or contractor who did this face?
13. Was the Secretary informed of this action, and was he aware of this risk?

To gain back the trust from students and parents, the Department must be as transparent as possible. We look forward to your response explaining to the American people exactly what happened with this breach of trust.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to be "Richard Burr".

Richard Burr
Ranking Member
U.S. Senate Committee on Health, Education,
Labor and Pensions

A handwritten signature in blue ink, appearing to be "Virginia Foxx".

Virginia Foxx
Ranking Member
U.S. House Committee on
Education and Labor