

Family Educational Rights and Privacy Act (FERPA)

An Overview

Presbyterian College

FERPA Overview

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Family Educational Rights and Privacy Act of 1974

- FERPA is a federal law designed to:
 1. Protect the privacy of education records
 2. Establish the right of students to inspect and review their education records
 3. Provide guidelines for the correction of inaccurate and misleading data through informal and formal hearings

FERPA rights for students under the age of eighteen, or for students at institutions lower than the postsecondary level are granted to the students' parents. Students over the age of eighteen, or who are enrolled at a postsecondary institution are referred to as "eligible students" and are granted the right to make their own decisions about their education records. While there are several exceptions to the requirements of FERPA, in general, a student's education records may not be disclosed to third parties without consent of the eligible student or parent.

- FERPA is enforced by the Family Policy Compliance Office, U.S. Department of Education, Washington, D.C.

Key Concepts

- Students' right to access their education records as outlined in the *Annual Notification of Student Rights under FERPA*
- *Education record* defined
- Public vs. private information
- *School Official* defined
- Requirements for disclosure of student education records

Annual Notification

Presbyterian College provides an annual notification of student rights under FERPA to students to inform them of their right to inspect and review their education records, with at least 24 hour notice.

- notification is found in the Academic Catalog, as well as the Registrar page of the PC website
- students may request changes to their record if not satisfied with the review
- requested changes would be reviewed and approved/denied by the Provost
- if still not satisfied, the student may file a complaint with the U.S. Department of Education.

Annual Notification (Cont.)

Informs students of:

- what information from education records school officials within the institution can obtain *without obtaining prior written consent*;
- what information the institution has designated as public or directory information.

Education Records

Education records are defined as records that contain information directly related to a student and which are maintained by Presbyterian College or its agent acting on behalf of the university.

Education records include:

- graded papers
- exams
- transcripts
- class list on your desktop
- student's current class schedule
- computer screen displaying student information
- database containing uniquely identifiable student record
- email containing information about a student

Education records *do not* include:

- sole possession records
- peer graded papers
- online forums (e.g., Moodle chats)
- law enforcement unit records
- employment records (unless employment is based on student status)
- medical records
- alumni records

Public vs. Private Information

Directory/public information: information contained in the record which would not generally be considered harmful or an invasion of privacy if disclosed.

- Presbyterian College identifies the following as Directory Information:
 - Student's Full Name
 - Addresses (campus, permanent, email)
 - Telephone numbers
 - Major/field of study
 - Photograph
 - Participation in officially recognized activities/sports
 - Weight and height (athletes)
 - Dates of attendance
 - Classification
 - Degree(s) and awards/honors received
- Disclosure of student directory information is discretionary. *Institutions are not required to release directory information (with the exception of to the military).*

Public vs. Private Information

Personally identifiable/private information: information contained in the record which would generally be considered more sensitive or an invasion of privacy if disclosed.

- At PC, this includes Social Security number, grades, hours completed, GPA, *current class schedule*, parent name and address, race/ethnicity, gender, and country of citizenship.
- *Personally identifiable information contained in the education record may not be released without student consent.*

Exceptions: Access to Education Records

- Legitimate educational interest/need to know
 - School officials may require the information to perform their duties.
 - Faculty are considered advisers with legitimate educational need for their enrolled students, those seeking to enroll, or those they advise.
- Lawfully issued subpoenas
- Various authorized representatives of government entities (audits or evaluation of education programs, compliance with SEVIS, Solomon Amendment, etc.)
- Parents of dependent students (as claimed with the IRS)
 - Do NOT assume that a student is a dependent.
 - Check with the Registrar's Office to determine if a FERPA waiver is on file.
- You should NEVER give personally identifiable information out over the phone.

School Officials

A school official is

- a person employed by the college in an administrative, supervisory, academic, research, or support position (including law enforcement personnel and health staff);
- a person or company with whom the college has contracted (attorney, auditor, collection agent, third-party vendor);
- a person serving on the Board of Trust;
- a student serving on an official committee (e.g., Honor Council, Student Conduct Council, a grievance committee) or assisting a school official in completing his or her tasks;
- a student employed by the college in a position that requires access to student records.

Restriction of Public Disclosure

- If a student does not want their directory information released to any person other than officials with legitimate need, they may complete and submit a restriction form to the Registrar's Office.
- This restriction will also block information being sent to local newspapers regarding Dean's Lists, enrollment verifications to prospective employers, etc.
- To remove the restriction, the student must notify the Registrar's Office in writing of their desire to have the restriction removed.

Letters of Recommendation

- Statements made from personal observation or knowledge do not require written consent from the student.
- If personally identifiable information is included in the letter of recommendation (e.g. grades, GPA), the writer is required to obtain written consent from the student specifying:
 1. That the personally identifiable information may be disclosed
 2. The purpose of the disclosure
 3. To whom the disclosure may be made

FERPA and Access

- Access to student records at PC is based on the school official's "legitimate need to know."
- Technical measures are used to restrict data based on legitimate need.
- Access to the Banner platform (Banner, BannerWeb, DegreeWorks, etc.) is assigned based on job role (faculty, adviser, administrator, technical/systems).

Your Role as a Data Manager

If you handle student information, you have a data management role.

- Do you share student information with internal or external individuals on behalf of the college?
 - Is the recipient of that information aware of student privacy laws?
 - Is the recipient a school official, and do they have a legitimate need to access the information?
 - Are safe data-handling practices in place when sharing the information?
- Do you manage a department system containing student information?
 - Are users aware of student privacy laws?
 - Does their training include safe practices for handling data?

Points of Interest

- Directory exclusions do not give students the right to remain anonymous in class or impede class communication.
- Institutions are now required to use “reasonable methods” to ensure that school officials (including outside service providers) obtain access to only those education records – paper and electronic – in which they have legitimate educational interests (role-based security).
- Institutions may release student information when there are health and safety concerns. Exceptions for health concerns include serious communicable diseases, serious infectious diseases, and suicidal ideation. Information released should be documented.
- FERPA prohibits the use of the Social Security number as an identification element when disclosing or confirming directory information.

Best Practices

- Use secure tools (BannerWeb, Moodle, DegreeWorks, PC email) provided by the college.
- Do not send restricted information via email (grades, SSN, etc.)
- Do not store student education data on personal computers
- Use VPN for secure remote access
- Access only the information needed to do your job
- Ask questions.

Err on the Side of Caution

- If you are unsure...
- ... *Don't do it!*