

# FERPA

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- Family Education Rights and Privacy Act
- This presentation is provided as a general overview of the privacy act. If you have questions regarding a specific scenario, please contact the University Registrar, Paul Simmons at 651-962-6706 or [pmsimmons@stthomas.edu](mailto:pmsimmons@stthomas.edu)
- Knowledge of the Privacy Act is required in order to receive Banner access at the University of St. Thomas.

# FERPA\* Privacy Rights

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## The two basic rules of FERPA

- The student has the right to consent prior to the disclosure of the student's education records to third parties.
- The student has the right to inspect and review all personally identifiable education records (pertaining to that student) maintained by the university.

\*FERPA is an acronym for the Family Education Rights and Privacy Act of 1974, as amended

# What is “an education record”?

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- Education records are records which:
  - Contain information that is directly related to a student (is “personally identifiable”); and
  - Are maintained by the school or party acting for the school.

# Who is a “right holder”?

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- Either parent of a student in a school which receives federal funds, except...
  - When a student reaches the age of 18 years, or attends a postsecondary institution, FERPA rights pass from the parents to the student.
  - The rights of a student begin when the student is in attendance as defined by the institution.

# Parents rights vs. student rights

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- Parents may obtain access to their child's educational records by:
  - Obtaining them from their child
  - Obtaining written consent from the child to allow the University to provide the records to their parents

# **The school must annually notify students that they have the right to--**

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- Inspect and review the student's education records;
- Seek amendment of the student's education records;
- Consent to disclosures, except to the extent that the law authorizes disclosure without consent; and
- File a complaint with the Department of Education alleging failure to comply with the requirements of the Act.

# FERPA Rules

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- The school may not disclose personally identifiable information from the student's education records without the student's written consent. Some exceptions apply....
- An educational institution *may* disclose without student consent...
  - To school officials who have been determined to have legitimate educational interests in the records.

# FERPA Rules

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- An educational institution may disclose without consent if the disclosure is:
  - to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll
  - to specified state and local authorities, or to comply with a judicial order or lawfully issued subpoena. Please refer requests for records under this provision to the registrar for an opinion before responding

# FERPA Rules

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- An educational institution may disclose without consent if :
  - The disclosure is in connection with a health or safety emergency. In such cases, a record of the disclosure should be placed in the student records, indicating who authorized the disclosure, and why.
  - The disclosure is to an alleged victim of any crime of violence, of the results of any disciplinary proceeding conducted by the school against the alleged perpetrator of that crime with respect to that crime.

# FERPA Rules

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- The school may also disclose information if the disclosure is information the school has designated as “directory information.” Exception: a student may require the institution to withhold directory information.
- Each school must define and publish its definition of “directory information.” This is typically published in the required “annual notice.”
- An educational institution may disclose directory information about former students without giving them notice, unless the former students prohibited the institution from doing so at their last opportunity as a student

# St. Thomas Directory Information

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- Student name, address, email address, telephone number, photograph, class year, major field of study, dates of attendance, degrees and awards, current membership in clubs or fraternities, participation in activities and sports with weight and height of team members, high school, other colleges attended, parent's names and address and anticipated date of graduation.

# Withholding of directory information

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- A student who wishes directory information to be withheld from third parties without his/her consent must submit a form to the University Registrar for both the placement and removal of a withholding of directory information order.
- The placement of a non-disclosure order for directory information must be made during the first few days of the fall semester or the university may publish it. The student directory is published after this deadline has passed.
- The registrar notes the order on the student information system and the notation appears on appropriate records whenever a system user accesses them.

# Withholding of directory information

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- When a directory information withholding order has been placed, it is a violation of the student's FERPA rights to even acknowledge that the student has a record in your system. The federal FERPA compliance officer suggests that when you receive a request for information about a person who has placed a full withholding order, you say "I have no information to release related to that individual."

# FERPA Rules

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- The university must comply with a proper request for access to records within 45 days after it has received the request.
- The university must respond to reasonable requests for explanations and interpretations of the records.

# Requests and disclosures recording keeping

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- The school must maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student.
- Records of requests and disclosures do not need to be maintained if the disclosure was:
  - To the student;
  - To a school official with legitimate educational interest;
  - To a party with written consent from the student;
  - Directory information; or
  - Under the terms of certain forms of subpoena.

# Questions

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- If you have any questions regarding FERPA, or are in doubt on how to handle a specific situation, please contact Paul Simmons, University Registrar at 651-962-6706 or [pmsimmons@stthomas.edu](mailto:pmsimmons@stthomas.edu)
- If you are viewing this to gain access to Banner, please continue with the online quiz.

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