

Family Education Rights & Privacy Act (FERPA) Training

University of Kentucky
Office of the Registrar



FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974

“ A Federal Law designed to protect the privacy of **education records**, to establish the right of students to inspect and review their **education records**...”



WHAT IS AN “EDUCATION RECORD?”

- Any record, with certain exceptions
 - maintained by an institution that is directly related to a student(s) and contains personally identifiable information.
- These records include:
 - All files/docs/materials ***regardless of medium*** which contain information directly related to students and from which students can be personally (individually) identified.



“PERSONALLY IDENTIFIABLE”

Personally Identifiable means data or information which includes:

1. The name of the student, the student's parent, or other family members;
2. The student's campus, home or email address;
3. A personal identifier (such as a social security number, student number or link blue ID);
4. A list of personal characteristics or other information which would make the student's identity easily traceable.



WHAT AN EDUCATION RECORD IS NOT!

- “Sole Possession” notes – (notes for personal information that are not shared with or accessible to others) and are not included in the official student record



WHAT CAN DIRECTORY INFORMATION INCLUDE?

Directory Information at UK (see *UK Registrar's website for current info*) includes the following student info:

- Student's name
- Address – local and permanent
- Email address
- Telephone number
- Major / Fields of study
- Dates of attendance
- Current enrollment status
- Degrees and awards received
- Most recent educational institution attended
- Participation in officially recognized activities/sports
- Height/weight of athletic team members
- Photograph



WHAT CAN DIRECTORY INFORMATION *NEVER* INCLUDE?

- Race
- Gender
- Social Security Number
- Grades
- GPA
- Country of citizenship
- Religion
- Course specific enrollment



DIRECTORY INFORMATION

- If a data element isn't defined as **directory information** *it isn't* **directory information** and can only be released if the student's written permission is obtained or the release can be justified under one of the exceptions (ex. subpoena) to student's written permission found in FERPA.



FERPA/Privacy Flags

- Students have the *option* to request that **NO directory information be released**. In order to maintain directory information as confidential, a student must sign a *“Request to Prevent Disclosure of Directory Information Form”* (i.e. a *FERPA or Privacy Flag*) at the Office of the Registrar.



FERPA/Privacy Flags cont.

- FERPA/Privacy flags are prominently noted in myUK and SAP.
- Such a request renders the student anonymous outside limited offices, persons and settings (ex. classes) within the university.
- The appropriate response to any inquiry on a student with a FERPA/Privacy flag is ***“I have no record of an individual by that name.”***



“LEGITIMATE EDUCATIONAL INTEREST”

A school official has a **legitimate educational interest** *if* the official needs to review an education record in order to fulfill his or her professional responsibility.



“LEGITIMATE EDUCATIONAL INTEREST”

- Access to student records (ex. SAP, myUK) does not authorize unrestricted use of student data.
- Curiosity does not qualify as a legal right to know.
- UK monitors access to student records.



Examples of Legitimate Educational Interest:

- Registrar's request for a grade
- Request from advisor (academic or CATS-athletic) for attendance/grade information
- Dean's office request for attendance/grade info. with regard to a withdrawal request
- Info request from UK's Community of Concern



When can I release student info?

A. Institutions **may** disclose education records **without written consent** of students to the following:

- i. Student request regarding own record
- ii. Subpoena or other legal action
(immediately fwd. to Office of Legal Counsel)
- iii. Persons in an emergency, if the knowledge of information, in fact, is **necessary** to protect the health or safety of the student or other persons



WHAT ABOUT PARENTS/SPOUSES/ETC.?

- When a student reaches the age of 18 or begins attending a postsecondary institution *regardless of age*, FERPA rights transfer to the student.
- Others, *regardless of relation*, have no legal right to education records.
- It does not matter who is paying the student's bill.



Consent to Release

- Students are provided the right to consent to the release of information from their own education record to any 3rd party, but must be submitted via the student's:
 - UK email account, or
 - Signed request
- “Consent to Release” form is submitted to and maintained by the Office of the Registrar.



Things NOT to do:

- Announce student grades in class
- Leave assignments, test, etc. in a public place to pick up
- Post grades in a public place
(*w/o random identifiers and in random order*)



Things NOT to do:

- Discuss grades with parent/spouse/colleague/etc. (w/o student consent)
- Include grade/GPA information in letter of recommendation (w/o student consent)



Things to consider:

- Password protect and/or encrypt files that include student data.
- Per UK IT Security Management (July 2016):
 - Microsoft 365 and OneDrive are FERPA compliant.
 - Google Docs and Drive are NOT currently FERPA compliant.
 - DropBox is NOT currently FERPA compliant.



Things to consider (cont.):

- Place computer monitors such that others cannot view the screen, or use a screen filter to ensure privacy.
- Lock your computer and office when away from your desk.
- Keep documents with student data locked while not in use or saved securely on a university approved electronic device.



When in doubt...

- Do NOT release information.
 - Consult with the Office of the Registrar first.
- “Oops” is not acceptable as a legal defense in disclosure of education records.



Resources

- **Faculty/Staff:**
<http://www.uky.edu/registrar/content/faculty-staff>
- **Students:**
<http://www.uky.edu/registrar/FERPA-privacy>
- **Parents/Guardians:**
<http://www.uky.edu/registrar/content/ferpa-parentsguardians>



UK FERPA Policy

University of Kentucky, Office of the Registrar

<http://www.uky.edu/Registrar/>

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