

Information Security Awareness Training

Family Educational Rights and Privacy Act (FERPA)

The FERPA training packet is part of the Information Security Awareness Training that must be completed by employees. Please visit the Human Resources website at <http://www.uh.edu/admin/hr/training/UHSONline.htm> to take the full training and to receive credit.

Information Security Awareness Training

Lesson Three-The Family Educational Rights and Privacy Act (FERPA)

"The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education."

All employees are required to have training in regards to the Family Educational Rights and Privacy Act of 1974, as Amended (FERPA). Please review the following information and complete the quiz at the end of this lesson.

What is FERPA?

What is FERPA (Family Educational Rights and Privacy Act of 1974), As Amended?

- FERPA is a Federal Law
- Also known as the Buckley Amendment
- Protects the privacy of a student's educational records
- Applies to all educational agencies or institutions that receive funds under any program administered by the Secretary of Education

Directory Information

What is Directory or Public Info? “. . . information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed.” (1988 Final Regulations)

Directory Information can NEVER include:

- Social security number or
- Student identification number
- Race
- Ethnicity
- Nationality
- Gender

See Directory at University of Houston System for those items that can be released.

Can directory information be released to anyone who requests it?

- **NO** - If the student has requested that directory information be withheld, no information can be released
 - outside of UHS except as provided by law.
 - to anyone within UHS who does NOT have a need to know.
- **YES** - If the student has NOT requested that directory information be withheld.

Directory Information at UHS

University of Houston

At its discretion, the University of Houston may provide "directory information" to the general public without student consent. Directory information is defined by University of Houston as follows:

- name
- address
- telephone number
- e-mail address
- dates of attendance
- most recent previous education institution
- major and minor fields of study
- degree/awards received
- participation in officially recognized activities
- place of birth
- classification
- height/weight (athletes only)
- enrollment status
- certificates
- type of award received

University of Houston-Downtown

At its discretion, UHD may provide "directory information" to the general public without student consent. Directory information is defined by University of Houston -Downtown as follows:

- name
- address
- telephone number
- e-mail address
- dates of attendance
- most recent previous education institution attended
- major and minor fields of study
- degree/awards received

- participation in officially recognized activities

University of Houston–Clear Lake

At its discretion, UHCL may provide "directory information" to the general public without student consent. Directory information is defined by University of Houston -Clear Lake as follows:

- name
- address
- telephone number
- e-mail address
- dates of attendance
- most recent previous education institution attended
- major field of study
- degrees/awards received
- participation in officially recognized activities
- date and place of birth
- classification
- courses attended
- hours enrolled
- date of graduation

University of Houston–Victoria

At its discretion, the University of Houston-Victoria may provide "directory information" to the general public without student consent. Directory information is defined by University of Houston-Victoria as follows:

- name
- address
- telephone number
- e-mail address
- dates of attendance
- most recent previous education institution attended
- major field of study
- degrees/awards received
- date of birth
- classification
- enrollment status
- photograph
- dates and types of awards received

Education Records

- **Education records are handwriting, print, computer, videotape, audiotape, film, microfilm, microfiche, images, or E-mail of an institution that**

- Contain information directly related to the student and
- Are maintained by an agency or institution or party acting in its behalf.
- Education records do **not** include
 - Records/notes in sole possession of maker not accessible or revealed to any other person except a temporary substitute
 - Medical records
 - Employment records when employment is not contingent on being a student, provided the record is used only in relation to the individual's employment
 - Records created and maintained by a law enforcement unit used only for that purpose, is revealed only to law enforcement agencies of the same jurisdiction, and the enforcement unit does not have access to education records
 - Information on a person that was obtained when no longer a student (i.e., alumni records) and does not relate to the person as a student

Withholding Information

How can a student request that their information be withheld?

- If a student does not want "directory information" regarding him or her to be released, the student must notify the Office of Registration and Academic Records (Registrar's Office), 102 E. Cullen Building, Houston, TX 77204-2027 in writing or by completing the Request To Withhold Public Information Form, during the first week of class to ensure that information is not released by the University.
- The withhold directory flag will be put on the academic record whenever the student requests it during the semester; however, we cannot be responsible for any information released after the above timeframe but prior to receipt of the form in the Registrar's Office.
- The withhold directory flag remains in effect until the student requests in writing that it be removed.
- The Request To Withhold Public Information Form is available at the Registrar's Office or at: http://www.uh.edu/enroll/rar/public_info.pdf

Parental Rights

- **FERPA gives certain rights to parents regarding their children's educational records.**

- Rights transfer to the student
 - upon reaching 18 years of age
 - or*
 - attending any school beyond the secondary level.
- **When may a parent access a student's educational records?**
 - The law allows parental access if student is claimed as a dependent for Federal income tax purposes.
 - Access is granted to both the parent who claims the student as well as the parent who is not claiming the student.
 - Parents must complete "The appropriate form" available in the Registration and Academic Records Office each time information is requested.
- **How can a parent access student information if the student is not being claimed by either parent for Federal income tax purposes?**
 - Parent can have access only if the student is willing to release information.
 - Student must complete a Student Consent for Release of Records (available in the Registrar's Office or academic department) each time information is to be released.
- **A parent may access student information but may not act on the student's behalf except in emergency situations.**

Release Without Consent

The law allows disclosure without consent to:

- School employees who have a legitimate educational interest
- Other schools, upon request, in which a student is seeking or intending to enroll
- Accrediting organizations
- Organizations doing certain studies for or on behalf of the University
- Appropriate parties in connection with financial aid to a student to determine eligibility, amount or conditions of financial aid, or to enforce the terms and conditions of aid.
- Parents when a student over 18 is still a dependent (see additional information under parental rights)

- Certain government officials of the U. S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with an audit, authorized representatives of the U. S. Attorney General for law enforcement purposes or state or federally supported education programs
- Individuals who have obtained a judicial order or subpoena
- School officials who have a need to know concerning disciplinary action taken against a student
- Appropriate parties who need to know in cases of health and safety emergencies when necessary to protect the health and safety of the student and/or others
- State and local authorities, within the juvenile justice system, pursuant to specific state law
- Alleged victim of a crime of violence the results of a disciplinary proceeding with respect to that crime
- Parent or legal guardian of a student under the age of 21, information regarding any violation of university policy or state, federal or local law, governing the use or possession of alcohol or a controlled substance
- Those requesting directory information on a student provided the student has not requested his or her information be withheld

Information Students Can't See

- Financial information submitted by parents
- Confidential letters and recommendations placed in student's file before 1/1/75
- Confidential letters, etc., associated with admissions, employment, job placement, or honors to which a student has waived rights of inspection and review
- Educational records containing non-directory information about other students such as
 - Grades
 - Test scores, etc

Compliance with the Law

What are the 2 basic steps that UHS must follow to be in compliance with FERPA?

1) Notify current students annually in writing of their rights under FERPA.

- Right to seek amendment or correction of educational records
- Right to have some control over the disclosure of information from education records except when release is permitted by law
- Right to file complaints with the Family Policy Compliance Office, United States Department of Education, within 180 days of alleged violation
- Since UHS has a policy of disclosing personally identifiable information to school officials:
 - The criteria for determining school officials
 - A description of what constitutes legitimate educational interest
- Student rights are published the Web site for each semester under the Family Educational Rights and Privacy Act.

2) Grant access by students or parents, if applicable, to education records.

- Students and former students have the right to inspect and review their education records through established procedures.
 - Within a maximum of 45 days after written request is received.
- Institution or agency is not required to provide a copy of the education record unless failure to do so would deny access.
 - Records cannot be destroyed if request is pending.
 - Fee can be charged unless cost prohibits access.
- Students and former students have the right to review records of requests for disclosure of their personally identifiable information.
 - Institution needs to maintain records of requests and make them available to students.

Not following the Law

What can happen if we fail to follow the law?

- Lawsuit
- Loss of Federal funding
- Conviction of a misdemeanor under the Public Information Act

- Confinement in the county jail not to exceed 6 months or
- Fine not to exceed \$1,000 or
- Both

Questions on FERPA

If you have any questions on what you can or cannot release, check with your supervisor, the Office of General Counsel, or the Registrar's Office.

Remember . . .

When in doubt, don't give it out!

FERPA Quiz

1. Students under the age of 18 do not have privacy rights.
 - True
 - False
2. The FBI can get a student's schedule by simply calling the University president and demanding the records.
 - True
 - False
3. The following persons can always look at a student's educational records. The student, the student's parent(s), or the student's spouse.
 - True
 - False
4. If a student's parent calls asking how a student is doing in class, you can give out that information.
 - True
 - False
5. A student's father comes to the University and presents a piece of paper signed by the student that states: "I consent to the disclosure of my education records to my father." The paper is signed and dated. The father proves to you that he is the father of the student in question. Does this constitute sufficient written consent under the Family Educational Rights and Privacy Act (FERPA)?
 - True
 - False
6. An unauthorized person retrieves information from a computer screen that was left unattended. Under the Family Educational Rights and Privacy Act (FERPA), the institution is responsible.
 - True
 - False
7. It is appropriate for professors to leave exams, papers, etc. outside their offices for students to pick up.
 - True
 - False
8. You serve as chair of undergraduate Admissions Committee. A freshman student who was admitted under special conditions requests the opportunity to review his admission

file. He insists on reviewing these materials no later than the close of the business the following day. The Family Educational Rights and Privacy Act (FERPA) requires you to respond to his request by allowing him to review the records when he wants to.

- True
- False

9. You receive a frantic phone call from an individual who says he is a student's father and must get in touch with her immediately because of a family emergency. You must tell him when and where her next class is today.

- True
- False

10. FERPA stands for the Family Educational Rights for Parent Act.

- True
- False

Answers

1. The correct answer is **false**. Students who are attending an institution of post secondary education (regardless of age) and former students have FERPA rights.
2. The correct answer is **false**. The FBI could subpoena the student's schedule. However, FERPA requires notification of the student, unless it specifically stated on the subpoena that the student must be notified. Subpoenas should be immediately sent to the Office of the General Counsel.
3. The correct answer is **false**. Only the student can always review his/her educational record.
4. The correct answer is **false**. You must assume that the student is an adult who is entitled to privacy, even from parents. Parents may assert their rights to the records if the student is a dependent according to the tax code.
5. The correct answer is **false**. The consent does not specify the records to be disclosed, the identity of the person whom they are disclosed, or the purpose of the disclosure. Specific information concerning the records, the name of the person to whom the disclosure is made and the purpose of the disclosure must be presented in writing.
6. The correct answer is **true**. The medium in which the information is held is unimportant. No information should be left accessible or unattended, including computer displays.
7. The correct answer is **false**. It is inappropriate for students to have access to other student's information. You may not leave personally identifiable materials in a public place.
8. The correct answer is **false**. The University must grant the request within a reasonable time but in no case more than 45 days after the request is received. It is likely not reasonable to have to respond to a request within 24 hours.
9. The correct answer is **false**. For the safety of the student you cannot tell another person where a student is at any time. Inform the caller that they should contact the University's Police Department or the Office of the Registrar for more information.
10. The correct answer is **false**. FERPA stands for the Family Educational Rights and Privacy Act. FERPA sets forth requirements regarding privacy of student records.