

CYBER SECURITY

newsletter

FERPA

Problem

The Family Educational Rights and Privacy Act, known as FERPA, is a Federal law that protects the privacy of student education records. Since all school faculty, staff, contractors and student employees are considered school officials you are required by FERPA and school policy to maintain the confidentiality of student educational records. The purpose of this newsletter is to explain what student education records are and the rules we must follow to protect them.

Solutions

Educational records are official records directly related to a student that are maintained by our school or by a party acting for the school such as grades, Social Security Number, or account balance. In addition, FERPA applies to any student record regardless if the information is in oral, written or digital format.

1. Legitimate Educational Interest: All school officials must have a legitimate educational interest in order to access a student's education record. You should not discuss student educational information with other faculty or staff members unless their official responsibilities identify a legitimate educational interest. Neither curiosity nor personal interest is a "legitimate educational need to know".

For example, if a student asks you to write a letter of recommendation for them you may review their records, as this is a legitimate educational interest. However if a former student has applied for a position in your department, you may not view their education records as this is for non-educational purposes. If you are not sure what constitutes as legitimate need to know, please contact your supervisor.



Protecting Student Records

Technology is enabling more and more of us to work away from the office, either from home or while on the road. This gives you tremendous flexibility, but also has certain risks.



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Student Record Examples

At times you may be confused as to what constitutes a student record. A student record is any information that identifies a specific individual and contains sensitive, personal or confidential educational information. Below is an example of a student record. If you are not sure if information you are working with is a student education record, ask your supervisor. If you are not able to get an answer, a good rule of thumb is assume that the information is an official student education record and protect it according to the FERPA guidelines. Notice how in the information below the student record identifies a specific individual and contains educational information that is not publicly released.

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2. Parents: Students may have access to their own records. In addition, parents may have access to their children's' education records, however only as long as the student is under the age of 18 and in high school or lower. Once a student is 18 years of age or older, or once they enroll in a school above high school level, students are considered an eligible student. At this point parents may no longer have access to their child's records; the student must give the school written consent for their parents to access their records.

3. Exceptions: There are several unique situations where school officials are authorized to release student education records without written student approval. If you are not sure if the information you are working with falls under one of these exceptions, ask your supervisor first.

1. School officials with legitimate educational interest;
2. Other schools to which a student is transferring;
3. Specified officials for audit or evaluation purposes;

4. Appropriate parties in connection with financial aid to a student;
5. Organizations conducting certain studies for or on behalf of the school;
6. Accrediting organizations;
7. To comply with a judicial order or lawfully issued subpoena;
8. Appropriate officials in cases of health and safety emergencies; and
9. State and local authorities, within a juvenile justice system, pursuant to specific State law.

Finally you may disclose, without consent, "directory" information, which is not considered to be harmful or an invasion of privacy when disclosed. Directory information is any common information you would find in public resources such as an annual year book, honor roll list, school play, or graduation list. Directory information can include student's name, address, honors and degrees, dates of attendance, and other related information.