

FERPA and Your Privacy

What is FERPA? To whom does it apply? The Family Educational Rights and Privacy Act of 1974 (“FERPA”) is a federal law governing the privacy of educational records. The law, also known as the Buckley Amendment, applies to all educational agencies or institutions that receive funds under any program administered by the US Department of Education. Go to www.ed.gov/policy/gen/guid/fpco to learn more.

FERPA applies to personally identifiable information in educational records. This includes items such as the student’s name, addresses, personal identifiers such as social security numbers, and personal characteristics or other information that make the student’s identity easily traceable.

What are educational records? Educational records are all records that contain information directly related to a student and are maintained by an educational agency or institution, or by a party acting on its behalf. A record means any information recorded in any way, including handwriting, print, tape, film, microfilm, microfiche, and digital images.

Educational records do not include the following:

- Sole possession record-records kept in the sole possession of the maker which are used only as a personal memory aid and are not accessible or reviewed by any other person except a temporary substitute for the maker of the record;
- Medical or psychological treatment records that include those maintained by physicians, psychiatrists, and psychologists;
- Employment records, provided that employment is not contingent upon being a student;
- Law enforcement records; and
- Records collected about an individual after that person is no longer a student at the University of North Alabama.

Does FERPA apply to everyone? At the University of North Alabama, FERPA rights apply to all students. A student is a person who is or has been in attendance at the institution, regardless of the person's age.

What are a student's rights under FERPA? Under FERPA, a student has a right to

- Inspect and review his or her educational records;
- Request to amend his or her educational records;
- Have some control over the disclosure of information from his or her educational records.

The university notifies students annually of their FERPA rights via the Digest, the university notification system. If a student believes that such rights have been violated, he/she may contact the Family Policy Compliance Office at the Department of Education, 400 Maryland Ave SW, Washington DC 2002-4605. Additional information is available at www.ed.gov/policy/gen/guid/fpco.

Do students have a right to see and change their educational records? Upon written request, the university shall provide a student access to his or her educational records except for financial records of the student's parents or guardian; and confidential letters of recommendation where the student has signed a waiver of right of access. If the records contain information on more than one student, the requesting student may inspect, review, or be informed on only the specific information about his or her own records. A student may obtain copies of his or her educational records. Educational records covered by FERPA normally will be made available within **45 days** of

the request. The contents of a student's educational records may be challenged by the student on the grounds that they are inaccurate, misleading, or otherwise in violation of the privacy rights of the student by submitting a written statement to the custodian of records. The registrar is the official custodian of records at the University.

Is there some way that I can block my information? A currently-enrolled student may restrict access to their directory information, or may remove their information from public directories. Students who wish to restrict the release of directory information should complete a “Non-Disclosure of Directory Information” form, available on the [Registrar's website](#). The completed form can be submitted in person or via your UNA email account to the Registrar's office at registrar@una.edu

Students who wish to restrict directory information should realize that their names will not appear in the commencement program and other university publications. Also, employers, loan agencies, scholarship committees, etc. will be denied the student's directory information as well.

Requests for confidentiality are permanent until the student requests the restriction be removed. Request should be submitted to the Registrar's email, registrar@una.edu.

What is directory information? Directory Information is information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory Information may be released without prior consent. UNA defines directory information as the following:

- Name
- Permanent and Local Addresses
- Telephone Listing
- Email Addresses
- Degree Program(s)/Major(s)
- Dates of Attendance
- Enrollment Status
- Degree(s)/Honor(s)/Award(s) Received and Date(s)
- High School(s) and Other Colleges and Universities Attended
- Date and Place of Birth
- Participation in Officially Recognized Organizations, Activities and Sports
- Weight/Height of Members of Athletic Teams
- Photographs and Digital Imaging

Is the University required to release a student's directory information? **No.** The only required disclosure of education records is to the student. All other disclosures, including those with the student consent and disclosures of directory information are at the discretion of UNA.

Are there any conditions under which student education records may be disclosed without the student's consent? Yes, FERPA does contain some exceptions to the written consent rule. The following exceptions allow disclosure without consent:

- To University officials (including third parties under contract) with legitimate educational interests
- To comply with a judicial order or lawfully issued subpoena
- To appropriate parties in a health or safety emergency in order to protect the student or others

- To parents in cases of drug or alcohol violation when the student is under the age of 21
- To the provider or creator of a record to verify the validity of that record (e.g. in cases of suspected fraud)
- To organizations conducting research studies on behalf of the University, provided there is a written agreement between the University and the research organization
- To officials at an institution in which the student seeks or intends to enroll or is currently enrolled

Who are "University officials"? "University officials" are University employees with general or specific responsibility for promoting the educational objectives of the University or third parties under contract with the University to provide professional, business and similar administrative services related to the University's educational mission.

Individuals whose responsibilities place them within this category include instructors; faculty advisers; admissions counselors; academic advisers; counselors; employment placement personnel; deans, department chairpersons, directors, and other administrative officials responsible for some part of the academic enterprise or one of the supporting activities; University Police personnel; health staff; development officers; staff in Alumni Relations; administrative and faculty sponsors of officially recognized clubs, organizations, etc.; members, including students and alumni, of official college (or University) committees; staff personnel employed to assist University officials in discharging professional responsibilities; and persons or entities under contract to the University to provide a specific task or service related to the University's educational mission.

What constitutes "legitimate educational interest"? FERPA permits university employees to have access to student education records in which they have "legitimate educational interest." Such access does not require prior written consent of the student.

But what constitutes "legitimate educational interest"? "Legitimate educational interests" include performing a task or engaging in an activity related to (i) one's regular duties or professional responsibilities, (ii) a student's education, (iii) the discipline of a student, (iv) a service to or benefit for a student, (v) measures to support student success, and (vi) the safety and security of the campus.

It is important to understand several points related to "legitimate educational interest:"

- Curiosity is not a legitimate educational interest. Just because you have access to Banner and are able to view the record of your neighbor's son, does not mean that you have a legitimate educational interest in his grades and cumulative GPA.
- Simply the fact that you are a university employee does not constitute legitimate educational interest. Your need to know must be related to your job responsibilities in support of the university's educational mission. In other words, records should be used only in the context of official business in conjunction with the educational success of the student.
- Your legitimate educational interest is limited. While you may have a need to access education records for students in your college, you do not necessarily have a similar need to view records of students outside your college. In other words, access to information does not authorize unrestricted use.

When do FERPA rights begin? A person becomes a student for purposes of FERPA when they are "in attendance" at an institution. This includes attendance in person or remotely by videoconference, satellite, Internet, or other electronic and telecommunications technologies.

When do FERPA rights end? FERPA rights continue to exist after the student's graduation and expire only upon either the destruction of the relevant records or the student's death.

Do University employees have to obtain the student's permission before reviewing a student's education record? "University officials" are permitted access to student education records without student consent as long as those officials have a "legitimate educational interest" in that student's record. The student's permission is not required.

Where can I find a consent form/FERPA release? Students may complete a FERPA release by logging into their [UNA portal](#). Select **ACADEMICS**, look on the left side of the screen all the way to the bottom and you will find **FERPA, Records Release**. Click on Records Release and follow the prompt to add your parents, parent or guardian. Once submitted, your request will be sent to the Office of the Registrar for processing.

Whom should I contact with questions or concerns? Direct all questions to the Office of the Registrar, registrar@una.edu or phone, 265-765-4319. A FERPA release is required before we can discuss a student's educational records.