



# Family Educational Rights and Privacy Act (FERPA)

An Overview

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# FERPA Overview

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# Family Educational Rights and Privacy Act of 1974

FERPA is a federal law designed to:

1. Protect the privacy of education records
2. Establish the right of students to inspect and review their education records
3. Provide guidelines for the correction of inaccurate and misleading data through informal and formal hearings

FERPA is enforced by the Family Policy Compliance Office, U.S. Department of Education, Washington, D.C.



# Key Concepts

- Students' rights to access their education records as outlined in the *Annual Notification of Student Rights under FERPA*
- *Education record* defined
- Public vs. private information
- *School official* defined
- Requirements for disclosure of student education records
- Exceptions to those requirements as described in the *Vanderbilt Student Privacy Statement*



# Annual Notification

Vanderbilt University provides the *Annual Notification of Student Rights under FERPA* to students to inform them of their right to:

- inspect review their education records (within 45 days of a request);
- request an amendment to their education records;
- request a hearing if the request for an amendment is unsatisfactory;
- request that the institution not disclose their directory information;
- file a complaint with the U.S. Department of Education.



# Annual Notification (Cont.)

Informs students of:

- what the criteria are for determining who will be considered school officials;
- what information from education records school officials within the institution can obtain *without obtaining prior written consent*;
- examples of permissible disclosure of education records without the student's consent;
- what information the institution has designated as public or directory information.



# Education Records

Education records are defined as records that contain information directly related to a student and which are maintained by Vanderbilt or its agent acting on behalf of the university.

Education records **include**: graded papers, exams, student's current class schedule, database containing uniquely identifiable student information, email containing information about a student

Education records **do not include**: peer-graded papers, online forums (e.g., Brightspace chats), student employment records, medical records



# Public vs. Private Information

**Directory/public information:** information contained in the record which would not generally be considered harmful or an invasion of privacy if disclosed.

- At Vanderbilt, this includes name, address, e-mail address, phone number, major, dates of attendance, admission or enrollment status, school, class standing, degrees and awards, activities, sports and athletic information, student ID photos, and the most recent previous educational agency.
- Disclosure of student directory information is discretionary. Institutions are not required to release directory information.



# Public vs. Private Information

**Personally identifiable/private information:** information contained in the record which would generally be considered more sensitive or an invasion of privacy if disclosed.

- At Vanderbilt, this includes information such as Social Security number, date of birth, grades, hours completed, GPA, *current class schedule*, parent name and address, gender, and country of citizenship.
- Personally identifiable information contained in the education record **may not be released without student consent.**



# Exceptions: Access to Education Records

- Legitimate educational interest/need to know
  - School officials may require the information to perform their duties.
  - Faculty are considered advisers with legitimate educational need for their enrolled students, those seeking to enroll, or those they advise.
- Lawfully issued subpoenas
- Various authorized representatives of government entities (audits or evaluation of education programs, compliance with SEVIS, Solomon Amendment, etc.)
- Parents of dependent students (as claimed with the IRS)



# School Officials

A school official is

- a person employed by the university in an administrative, supervisory, academic, research, or support position (including law enforcement personnel and health staff);
- a person or company with whom the university has contracted (attorney, auditor, collection agent, third-party vendor);
- a person serving on the Board of Trust;
- a student serving on an official committee (e.g., Honor Council, Student Conduct Council, grievance committee) or assisting a school official in completing his or her tasks;
- a student employed by the university in a position that requires access to student records.



# Restraint of Public Disclosure

- If a student does not want her or his directory information released to any person other than officials with legitimate need, she or he may complete and submit a restriction form to the Office of the University Registrar.
- To remove the restriction, the student must complete a removal form and submit it to the Office of the University Registrar.



# FERPA in YES

## Confidentiality Statement

As a school official, you are authorized to access the academic records of students for whom you have an educational need-to-know. Your use of this application should be restricted accordingly. The data you will be viewing contains information protected by the Family Educational Rights and Privacy Act (commonly known as FERPA or the Buckley Amendment). FERPA requires that you maintain the confidentiality of all student records, and that no information from the records be released to a third party without the written permission of the student. When viewing student information, be sure that no other student or outside party can view or access this information.

To prevent unauthorized use of the protected information contained in this application, it is important that you protect the security of your e-password and not share your password with anyone.

All third-party requests you receive for student enrollment verifications, degree verifications, and other student records information should be directed to the Office of the University Registrar.

By clicking Accept, you are accepting responsibility for maintaining the confidentiality of the information within this application.

Accept

Decline



# Complete Restriction as Viewed in YES

**Ima Student**  ! Do Not Release Any Information

|   |                   |                  |                                |                     |  |
|---|-------------------|------------------|--------------------------------|---------------------|--|
|  | <b>DOB</b> Jul 01 | <b>Alias(es)</b> |                                |                     |  |
| <b>Source</b>   | <b>Class</b>      | <b>School(s)</b> | <b>Major(s)</b>                | <b>Deg Exp Term</b> |  |
| Peoplesoft  | PM                | PeabdyCol        | Leadship&Organizational Perfor | 2015 Fall           |  |

 [Academic Record](#)  [Address Change](#)  [Advising Snapshot](#)  [Degree Audit](#) 



# No Parental Release as Viewed in YES

**Ima Student**

| Student ID | Date of Birth | Campus Housing | Incoming Student | VUnetID    |
|------------|---------------|----------------|------------------|------------|
| 000123456  | July 01       | No             | No               | imastudent |

**Student Addresses**

**Emergency Addresses**

**Parental Addresses**

*You have submitted a FERPA Release form indicating that you have not given the university permission to release information from your academic record without your written request.*



# Parental Release as Viewed in YES

**Ima Student**

|                   |                      |                       |                         |                |
|-------------------|----------------------|-----------------------|-------------------------|----------------|
| <b>Student ID</b> | <b>Date of Birth</b> | <b>Campus Housing</b> | <b>Incoming Student</b> | <b>VUNetID</b> |
| 000123456         | July 01              | No                    | No                      | imastudent     |

*You have submitted a FERPA Release form indicating that you permit the release of academic information to the following individuals:*

|                    |            |        |              |               |
|--------------------|------------|--------|--------------|---------------|
| <b>Parent 1</b>    | Ima Parent | Father | 615/555-1111 | Nashville, TN |
| <b>Step-Mother</b> | Ima Parent |        | 615/555-2222 | Nashville, TN |

**Student Addresses**    **Emergency Addresses**    **Parental Addresses**

*You have submitted a FERPA Release form indicating that you permit the release of academic information to the following individuals:*

Parent, Ima  
Parent, Ima



# Letters of Recommendation

- Statements made from personal observation or knowledge do not require written consent from the student.
- If personally identifiable information is included in the letter of recommendation (e.g., grades, GPA), the writer is required to obtain written consent from the student specifying:
  1. That the personally identifiable information may be disclosed
  2. The purpose of the disclosure
  3. To whom the disclosure may be made



# FERPA and Access

- Access to student records at Vanderbilt is based on the school official's "legitimate need to know."
- Access to applications in the student records environment requires successful completion of the FERPA tutorial and is assigned based on job role (faculty, adviser, administrator, technical/systems).



# Your Role as a Data Manager

If you handle student information, you have a data management role.

- Do you share information with internal or external individuals on behalf of the university?
  - Is the recipient of that information aware of student privacy laws?
  - Is the recipient a school official, and do they have a legitimate need to access the information?
  - Are safe data-handling practices in place when sharing the information?
- Do you manage a department system containing student information?
  - Are users aware of student privacy laws?
  - Have users taken the FERPA tutorial?
  - Does their training include safe practices for handling data?



# Health and Safety Emergencies

Institutions may release student information when there are health and safety concerns. Exceptions for health concerns include serious communicable/infectious diseases and suicidal ideation.

Information released should be documented.



# FERPA and AI

- Information that is restricted by law (FERPA, HIPAA, etc.), by contract, or by other agreements should not be entered into generative AI tools.
- There is no guarantee that information entered into AI tools will remain confidential. Sensitive information should not be shared.
- Exception for Vanderbilt's AI tool, Amplify.
- Be sure to stay abreast of the latest policy guidance from the university related to AI and Vanderbilt data.



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## Cybersecurity

|                | Non-sensitive                                | Sensitive  |   |  |
|----------------|--|--|---|--|
| Classification | Level 1 Public                               | Level 2 Institutional Use Only   | Level 3 Restricted  | Level 4 Critical   |
| Description    | Intended for public release or distribution. | Private to VU and should not be available to non-VU individuals without permission.                    | Confidential by law or contract, or should not be shared with unauthorized persons. | Confidential by law or contract <i>and</i> requires bespoke security requirements.                 |
| Risk Exposure  | Little or no risk                            | Heightened level of risk<br><br>(e.g., would result in diminished competitive advantage or reputation) | Significant level of risk<br><br>(e.g., has increased legal implication)            | Severe level of risk<br><br>(e.g., cost-restrictive security implementation and heavy legal fines) |

Data Classification Guidance: <https://www.vanderbilt.edu/cybersecurity/guidelines/data-classification/>



# Points of Interest

- Directory exclusions do not give students the right to remain anonymous in class or impede class communication.
- Institutions are now required to use “reasonable methods” to ensure that school officials (including outside service providers) obtain access to only those education records – paper and electronic – in which they have legitimate educational interests (role-based security).
- Biometric records have been added to the list of personal identifiers.
- FERPA prohibits the use of the Social Security number as an identification element when disclosing or confirming directory information.



# Best Practices

- Use secure tools (YES, YES Message Center, Brightspace, OneDrive, Online Grading, etc.) provided by the university
- Do not send restricted information via email (grades, SSN, etc.)
- Do not store student education data on personal computers or flash drives
- Use VPN for secure remote access
- Access only the information needed to do your job
- Ask questions



# Err on the Side of Caution

**If you are unsure . . .**

***. . . Don't do it!***



# Tools and Resources

- FERPA Information:  
<https://registrar.vanderbilt.edu/ferpa/>
- Information Security at Vanderbilt:  
<https://it.vanderbilt.edu/product-services/accounts-and-access-management/>
- OneDrive:  
<https://it.vanderbilt.edu/product-services/communication-and-collaboration/>
- Virtual Private Network (VPN) Information:  
<https://www.vanderbilt.edu/cybersecurity/services/remote-access-ssl-vpn/>