

What is the Family Educational Rights and Privacy Act?

The Family Educational Rights and Privacy Act (FERPA) (20 USC §1232g, 34 CFR Part 99) is a federal U.S. law that protects the privacy of student education records.

Who is affected?

FERPA applies to all U.S. educational agencies and institutions that receive funding under any program administered by the U.S. Department of Education.

What does FERPA have to do with information management?

FERPA regulates access to and disclosure of student education records. It give students and parents the right to inspect and review the students' education records maintained at the institution, and request corrections if they believe the records are inaccurate or misleading. If the school decides not to amend the record as requested, the parent or student has a right to a formal hearing. If the student's record is not amended as requested after the hearing, the parent or student may place a statement in the student's record reflecting his or her position with respect to the contested information.

Another important FERPA obligation is that the school must obtain a signed and dated written consent from a parent or student before personally identifiable information is disclosed, unless certain limited exceptions apply. The school must also keep a record of each disclosure of personally-identifiable information from student records. These obligations are set out in 34 CFR §99.30 through §99.39.

Improper disposal of student records may constitute an unauthorized disclosure under FERPA – the school does not have consent for such disclosure, and will not have a record that any disclosure was made.

What do companies have to do to comply with FERPA?

As noted above, except in very specific cases, schools must provide access to student records and must obtain the consent of parents/students before releasing personally identifiable information. Schools must also obtain consent before disclosing student records and must keep records of all disclosures. In order to avoid inadvertent unauthorized disclosures, schools should ensure that student records are disposed of securely. If a school does not comply with FERPA, 34 CFR §99.67(a) states that the government may:

- 1) Withhold further payments under any applicable programs;*
- 2) Issue a complaint to compel compliance through a cease-and-desist order; or*
- 3) Terminate eligibility to receive funding under any applicable program.*

How can we help?

Improper disposal of a student's records may constitute an unauthorized disclosure under FERPA. Securit's document destruction technology assures schools that student records are destroyed in a secure manner. Employees place materials to be shredded in locked consoles which are picked up and shredded on site. The Securit Certificate of Destruction is an educational institution's record of the secure destruction process. For peace of mind, contact Securit today at 1 800 697-4733.

For more information:

U.S. Department of Education –

<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

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