

CONFIDENTIALITY OF STUDENT RECORDS

The Federal Family Educational Rights and Privacy Act (FERPA (<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/>)) is a federal regulation enacted in 1974 that protects the privacy and confidentiality of student education records. Under FERPA, institutions may not release a student's education record without prior consent of the student, except in limited circumstances. FERPA applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

At Penn State, educational records are kept by University offices to facilitate the educational development of students. Faculty and staff members may also keep informal records relating to their functional responsibilities with individual students.

Student Rights under FERPA

FERPA (<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/>) affords students certain rights with respect to their educational records (<https://policy.psu.edu/policies/AD11/#C>). These rights include:

- The right to inspect and review the student's educational records. A student should submit to the University Registrar a written request that identifies the record(s) the student wishes to inspect. The University Registrar will make arrangements for access and notify the student of the time and place where the records may be inspected.

If the records are not maintained by the University Registrar, the University Registrar will advise the student of the correct official to whom the request should be addressed.

- The right to request the amendment of the student's educational records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask the University to amend a record should write the University official responsible for the record, clearly identify the part of the record the student wants to be changed, and specify why it should be changed.

If the University decides not to amend the record as requested, the University will notify the student in writing of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

- The right to provide written consent before the University discloses personally identifiable information from the student's educational records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent, is the disclosure to University officials with legitimate educational interests. University officials (<https://policy.psu.edu/policies/AD11/#B>) 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. Legitimate educational interests (<https://policy.psu.edu/policies/AD11/#B>) are defined as interests that are essential to the general process of higher education prescribed by the body of policy adopted by the governing board.

OTHER EXCEPTIONS (<https://www.registrar.psu.edu/confidentiality/other-exceptions-prior-written-consent.cfm>)

The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901

Parents Rights Relating to Educational Records

When a student reaches the age of 18 or begins attending a postsecondary institution, regardless of age, FERPA (<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/>) rights transfer from the parent to the student. This means that parents may not obtain any of their student's education records without the written consent of the student.

Since student grades are part of the education record, they are protected under FERPA (<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/>) and, therefore, may not be released to parents. Students may provide consent for their parent to view grades and other portions of their education record by setting up LionPATH Delegated Access (<https://www.registrar.psu.edu/confidentiality/parent-rights.cfm>).

It is important to note that Penn State does not have a means for students to unilaterally waive their FERPA rights. Penn State's procedure requires each release of any portion of the student's education record to a person or entity outside of the University to be individually approved by the student by working with the releasing department.

MORE INFORMATION ABOUT CONFIDENTIALITY FROM THE OFFICE OF THE UNIVERSITY REGISTRAR (<https://www.registrar.psu.edu/confidentiality/>)

READ POLICY AD 11: UNIVERSITY POLICY ON CONFIDENTIALITY OF STUDENT RECORDS (<https://policy.psu.edu/policies/ad11/>)