FERPA Compliance

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Fall 2012

What is FERPA?
The Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, is a federal law that sets forth requirements regarding the privacy of student records.

FERPA Grants Specific Rights to the Student
- To review and inspect their educational records
- To have their educational records amended or corrected
- To limit disclosure of some portions of their educational records
- To file a complaint with the U.S. Department of Education concerning alleged failures by institutions to comply with the Act
What are Education Records?

Under FERPA, education records are defined as any personally identifiable information that is directly related to a student and maintained by an educational agency, institution, or party acting for the agency or institution.

Education records can exist in any medium, including, but not limited to, typewritten, hand-written, computer generated, videotape, audiotape, film, microfilm, microfiche, and/or email.

When Do FERPA Rights Begin?

Once a student reaches 18 years of age or attends a postsecondary institution, he or she becomes and “eligible student,” and all rights formally given to parents under FERPA transfer to the student.

At KSU, FERPA rights begin at the point of acceptance to the University.

Disclosure of Education Records

Under FERPA, a school may not generally disclose personally identifiable information from an eligible student’s education records to a third party unless the eligible student has provided written consent.

There are a number of exceptions to FERPA where schools are permitted to disclose personally identifiable information from education records without consent.
Exceptions—Disclosure without Consent

- School officials with legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

Exception—Disclosure without Consent

- Disclosure to the parents of a “dependent student” as defined in Section 152 of the Internal Revenue Code
- When information has been designated as directory information

Directory Information at KSU

- Name
- Field of Study (Major)
- Advisor
- Dates of Attendance
- Degrees Awarded
- Participation in Officially Recognized Activities or Sports
- Weight and Height of Athletic Participants
Exception Disclosure without Consent

- Allows school officials within a school to obtain access to personally identifiable information contained in education records provided the school has determined that they have a "legitimate educational interest" in the information.

- Amended regulations require schools to use "reasonable methods" to ensure an official is given access to only those education records in which the official has a legitimate educational interest.

FERPA Compliance

- FERPA Compliance among all digitally connected users

- Data Security – Data Loss Prevention
  Ensuring that a school official is given access to only those educational records in which the official has a legitimate educational interest

- Data Security and Confidentiality with third party hosted software solutions

Online FERPA Tutorial

- FERPA Full Online Tutorial

- FERPA Certificate
Data Security - Data Loss Prevention

Institutions must ensure a school official is given access to only those education records in which the official has a “legitimate educational interest”.

- Educate Staff on Laws, Regulations and Policies
- Restrict Access through system security
- Use Audit Trails to Record Data and Time of Access
- Record intended Use of Data

Data Loss Prevention Tools

- **Identity Protector**
  - Helps prevent data leakage and protect sensitive information. Searches and secures confidential data-at-rest and prevents data breaches at the source.
  - Desktop computer
  - Laptop
  - Scans Public Web Space

Data Security and Confidentiality - Third Party Hosted Software Solutions

- Office of Legal Affairs and IT Data Security Team prior to signing software contract.
- “Data Confidentiality Addendum” is added to all third party hosted software contracts that contain education record data.
- Terms of contract are reviewed and verified on an annual basis.
FERPA Awareness at KSU

• University-wide campaign supported by our President and Chief Information Officer

• April is designated FERPA Awareness Month. Mr. LeRoy Rooker, Nation's FERPA Expert, actively involved to launch the campaign

• Additional FERPA Compliance Workshops conducted during the month

• ITS “Data Security and You” Workshops

Thank you.