

## **The Family Educational Rights and Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act of 1974 is a Federal law designed to protect the privacy of education records. The Act provides students the right to inspect and review their education records; the right to seek to amend those records on the grounds that they are inaccurate or misleading; and to have some control over disclosure of information from the records. The educational records of currently enrolled and formerly enrolled students are protected under FERPA, unless the student is deceased. For purposes of FERPA, a student is defined as a person who has applied, has been admitted and has enrolled in classes. A student has the right to file complaints with the Family Policy Compliance Office, in the Department of Education, for failure of Walsh to comply with FERPA.

At its discretion, Walsh may provide “directory information”, should that information not be considered harmful to the student or an invasion of privacy if disclosed, in accordance with the provisions of FERPA. Walsh defines the following items as “directory information” and may permit disclosure without written consent of the student:

- Name
- Home address
- Phone numbers
- Current or past enrollment status
- Academic program/degree
- Honors recognition/awards
- Participation in officially recognized activities
- Graduation information including degree earned, major, specialization, certification, honors, and awards received and/or date of graduation
- Dates of attendance
- Photographs
- Walsh email address

Current or former students may request that Walsh not release any directory information. The request must be made in writing to the Registrar and Director of Records and Registration. Except to the extent that FERPA authorizes disclosure without consent, personally identifiable information contained in the student’s educational record not listed as “directory information” may be disclosed to third parties only with the prior written consent of the student. This written authorization must identify the individual or agency’s name and address and phone number, and specify the records to be released.

FERPA authorizes disclosure of educational records without the consent of the student under certain circumstances, including but not limited to:

- School officials with legitimate educational interest. A school official is a person employed by Walsh in an administrative, supervisory, academic, research, or support staff position; contractors, consultants, volunteers and other non-employees performing institutional services and functions or outsourced services (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks
- A vendor or outsourced service provider may be considered a school official as long as they perform an institutional function for which Walsh would otherwise use employees, is under direct control of Walsh, and is subject to the requirements of CFR 99.31(a) governing the use and re-disclosure [CFR 99.33(a)(1)] of personally identifiable information from education records. The person or company with whom Walsh has contracted is limited to only the specific student information needed to fulfill their contract
- Officials of other schools in which the student seeks or intends to enroll;

- Federal, state, and local authorities involved in an audit or evaluation of federal legal requirements for compliance with education programs;
- Veterans Administration officials;
- Persons or organizations providing financial aid to students if the information is necessary to determine eligibility for an amount of aid, conditions of aid, and to enforce the terms and conditions of aid;
- Organizations conducting studies for or on behalf of educational agencies or institutions
- Accrediting organizations carrying out accreditation functions;
- Parents of dependent students according to the Internal Revenue Code of 1986;
- Comply with federal law (e.g. the U.S. Patriot Act), a judicial order or a lawfully issued subpoena;
- Persons in an emergency if the information is necessary to protect the health or safety of students or other persons;
- A victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, the institution may disclose the final results of the disciplinary proceeding;
- Interested individuals in connection with the final results of an institutional disciplinary proceeding to include only the name of the student, the violation committed and any sanction imposed by the institution;
- The parent of a student under 21 if the institution determines that the student has committed a disciplinary violation of its drug or alcohol rules or policies or violation of any federal, state, or local law.

A school official has legitimate educational interest in the protected education records if the official is:

- Performing a task that is specified in the official's position description or contract agreement; related to a student's education; or related to the discipline of a student;
- Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid;
- Maintaining the safety and security of the location;
- Legitimate educational interest does not include having a curiosity about the academic record or disciplinary proceedings with regard to a student without some legitimate academic reason;
- All records of all students are not open to all faculty or staff at Walsh regardless of access;
- Consult with the Records and Registration office if you have any question about whether a legitimate educational interest exists in connection with a request for student data.