

Office of the Registrar

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It's the Law

FERPA (Family Educational Rights and Privacy Act), also known as the Buckley Amendment, was passed by congress in 1974. It grants 4 specific rights to a post-secondary student:

- to see the record that the institution is keeping on the student
- to seek amendment to those records and in certain cases append a statement to the record
- to withhold the disclosure of a student's educational records except for situations involving legitimate educational interest or as may be required by law
- to file a complaint with the FERPA office in DC

FERPA applies to all educational agencies or institutions that receive funds under any program administered by the Secretary of Education.

FERPA governs what may be released, but does not require that any information be released.

It's Your Responsibility

You may not disclose personally identifiable information from educational records to persons other than the student in question and University officials with legitimate educational interest.

A University official has a legitimate educational interest in access to information when that information is appropriate for use in connection with: performing a task that is related to the student's education; providing a service or benefit relating to the student or student's family, such as housing, health care, counseling, job placement, or financial aid; performing a task related to the discipline of a student; maintaining the safety and security of the campus; or otherwise performing a task related to the effective functioning of the University.

You may not disclose student information in oral, written, or electronic form to anyone except LMU staff and faculty who need the information to perform their university functions.

You have a legal responsibility under FERPA to protect the privacy of the student educational records in your possession, which are classified as confidential information. You may not access educational records for personal reasons.

Student information stored in an electronic format must be secure and available only to those entitled to access that information. You may not release lists or files with student information to any third party outside of the University.

FERPA: What LMU faculty and staff members need to know

Student information should not be stored on laptops or home computers unless it is encrypted. Personal digital assistants used to read confidential data should be password protected.

Student information in paper format must be shredded before disposal or placed in a locked disposal bin.

Student Information Types

Student Educational Records include records directly related to a student and maintained by the institution or by a party acting for the institution. Examples include: exams, papers, advising notes, applications, transcripts, degree audits, and financial documents.

FERPA requires institutions to allow students to review educational records upon request.

Personal notes maintained by and for a sole individual as a memory aid and not made available to other faculty or staff members are exempted. Nevertheless such "sole possession notes" could be subject to discovery by a court subpoena.

Exclusions to student educational records include certain law enforcement records, certain treatment records, non-matriculant records, employment records, and post-graduation alumni records.

"Directory Information"...is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed." (FERPA Regulations, Code of Federal Regulations, Title 34- Part 99-3)

Information designated by the university as directory information such as email addresses, local and home addresses, telephone numbers, and enrollment status is considered public and can be released without the student's written permission. However, the student may opt to keep this information confidential.

Directory information does not include:

- ethnicity or race
- gender
- nationality
- social security number
- religious affiliation
- grades or GPA
- course enrollment or schedule