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DEC - 3 2009

Dear (b)(6)

This is to respond to your June 16, 2009, letter to this Office in which you appear to allege that College Forward, a non-profit educational program, has violated rights afforded you under the Family Educational Rights and Privacy Act (FERPA). College Forward is not an educational agency or institution subject to FERPA. This Office administers FERPA which addresses issues pertaining to education records.

FERPA is a Federal law that gives students the right to have access to their education records, the right to seek to have the records amended, and the right to have some control over the disclosure of information from the records. The term "education records" is defined as those records that are directly related to a student and which are maintained by an educational agency or institution or by a party acting for the agency or institution. Enclosed is a copy of the FERPA guidance for students.

Under FERPA, a school may not generally disclose personally identifiable information from the education records of a student to a third party unless the student has provided written consent. In the instance where a student has consented to disclosing his or her education records to a third party, a school is permitted, though not required, to provide a third party with access to his or her education records. It appears that you gave written consent for College Forward representatives to access your education records. Accordingly, your school or institution would be permitted, although not required, to disclose your education records to College Forward representatives. If you now want to withdraw your consent, you should contact the appropriate school official regarding its policy to withdraw your consent relating College Forward's access to your education records.

I trust this information is helpful to explain the scope and limitations of FERPA as it relates to your inquiry.

Sincerely,

Bernard Cieplak
Program Analyst
Family Policy Compliance Office

Enclosure