(b)(6)

DEC - 8 2009

Dear (b)(6)

This is to respond to your letter to this Office in which you allege that the University of (b)(6) (b)(6) (University) violated rights afforded you under the Family Educational Rights and Privacy Act (FERPA) when it disclosed your education records to third parties. Specifically, you state that (b)(6), registrar at the University, sent a copy of a letter to (b)(6) (b)(6) and (b)(6), legal counsel at the University. 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 directly related to a student and 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 document.

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. FERPA specifically exempts from the prior written consent requirement those disclosures of education records that are made to other school officials within the educational agency or institution whom the agency or institution has determined to have a legitimate educational interest. A school official is a person employed by the school or institution such as an administrator, supervisor, instructor, support staff, legal counsel, or board member. A school official generally has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. In the instance that you identify, FERPA permitted (b)(6) to nonconsensually disclose your education records to the University's counsel as discussed above. Accordingly, no basis exists for this Office to investigate your allegation.

I trust this addresses the scope and limitations of FERPA as it relates to your allegation.

Sincerely,

Paul Gammill
Director
Family Policy Compliance Office

Enclosure