(b)(6)

DEC - 8 2009

Dear (b)(6):

This is to respond to your September 22, 2009, letter to this Office in which you state that certain institutions to which you have applied disclosed information from your admissions applications during the admissions process. You state that the disclosure of such information included in the applications violated your rights under the Family Educational Rights and Privacy Act (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 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.

As stated above, FERPA affords rights to "students." FERPA generally defines a student as any individual who is or has been in attendance at an educational agency or institution and regarding whom the agency or institution maintains education records. Since you were not a student at the time when information from your admission applications may have been disclosed to third parties, FERPA does not apply in this instance. Accordingly, no basis exists for this Office to take any further action regarding your inquiry.

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

Sincerely,

Paul Gammill
Director
Family Policy Compliance Office

Enclosure