(b)(6)

FEB 1 2 2010

Dear (b)(6)

This is in response to your October 3 and November 14, 2009, letters to this Office in which you express concerns regarding certain actions taken by the (b)(6) (College) relative to the Family Educational Rights and Privacy Act (FERPA). You raise concerns regarding an official in the admissions and records office at the College obtaining access to your transcript and changing your name on your transcript from John to Jack. You also raise concern because the College could not readily locate your 1972 degree. This Office administers FERPA which addresses issues that pertain to education records. The other issues raised in your letter do not appear to be addressed by FERPA and will not be discussed in this letter.

FERPA is a Federal law that gives eligible 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" means those records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution. Enclosed for your information are a FERPA fact sheet, guidance document, and complaint form.

Under FERPA, a school may not generally disclose personally identifiable information from an eligible student's education records to a third party unless the student has provided written consent. However, there are several exceptions to FERPA general prohibition against nonconsensual disclosure of education records.

Once such exception permits nonconsensual disclosure of information from education records to "school officials" when such officials have a "legitimate educational interest." Please see page two of the guidance document for a discussion of the school official exception. Based on the information in your letter, it appears that (b)(6) dean of matriculation, admissions and records for the College, asked a member of the admissions staff to change the name on your transcript from (b)(6) to (b)(6) It appears that (b)(6) and the member of the admissions staff would be school officials with a legitimate educational interest in obtaining access to your transcript.

Please see page two of the guidance document for a discussion of the FERPA amendment procedure. As you know, the reason (b)(6) directed the member of the admissions staff to change the name on your transcript from (b)(6) to (b)(6) is because you recently registered in the

College's automated system as (b)(6) instead of (b)(6) It is not unreasonable for (b)(6) to have concluded that you now want your records to include the name (b)(6) instead of (b)(6) You may seek to amend the name on your transcript under FERPA's amendment procedure. However, I suggest another course of action in the last paragraph below.

Under FERPA, a school is not generally required to maintain particular education records or education records that contain specific information. Rather, FERPA requires that a school apply certain privacy protections to those records that it selects to maintain. Thus, the school would not be required by FERPA to maintain your 1972 degree.

In a September 18, 2009, letter to you (b)(6) an official at the school states:

> . . . According to my conversation with (b)(6) when she originally did the research on you she used the wrong name of (b)(6) and didn't find that you were a previous student. I shared with her the date of your degree and then she found your 1988 degree. She couldn't find your 1972 degree because of a conversion from one computer system to another computer system. She said that she would go back in the records and find that information. So at this point if you would please contact me at . . . or (b)(6) (b)(6) at . . . we should be able to reach a solution to this problem.

I suggest you contact (b)(6) or (b)(6) at one of the e-mail addresses or phone numbers provided by to discuss your concerns regarding the name change and the 1972 degree. Then you may subsequently want to submit a dated written request to the College for an opportunity to inspect and review your transcript and your degrees.

I trust that the above information is helpful in explaining the scope and limitation of FERPA as it relates to your concern. If you have any questions you may contact me at 202-260-3887.

Sincerely,

Ricky C. Norment
Program Analyst
Family Policy Compliance Office

Enclosures