(b)(6)

FEB 1 2 2010

Dear (b)(6)

This is in response to your December 12, 2009, letter to this Office in which you allege that (b)(6) (Institute) violated your rights under the Family Educational Rights and Privacy Act (FERPA) when it failed to provide you access to your education records in response to your requests and when it disclose information from your education records to third parties without your prior written consent. This Office administers FERPA which addresses issues that pertain to education records.

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 FEERPA fact sheet, guidance document, and complaint form.

Under FERPA, a school is required to provide a student with an opportunity to inspect and review his or her education records within 45 days of the receipt of a request. A school is required to provide a student with copies of education records, or make other arrangements, if a failure to do so would effectively prevent the student from obtaining access to the records. A case in point would be a situation in which the student does not live within commuting distance of the student's school. Based on the information in your letter, it appears that you live outside commuting distance of the Institute. Therefore, the Institute is required by FERPA to provide you with copies of the requested education records or make other arrangements for you to inspect and review them.

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's general prohibition against nonconsensual disclosure of education records. Please see page two of the guidance document for additional information on the "school official" exception.

This Office investigates those timely complaints that contain specific allegations of fact giving reasonable cause to believe that a school has violated FERPA. A timely complaint is defined as one that is submitted to this Office within 180 days of the date that the complainant knew or reasonably should have known of the alleged violation. Based on the information in your letter, it appears you knew about the alleged improper disclosure of your education records during the

time of your attendance at the Institute – September 2004 to April 2005. As such, your allegation regarding improper disclosure does not meet FERPA's threshold requirement for timeliness. Thus, there is no basis for us to further consider this allegation.

If you wish us to further consider your allegation concerning access to education records, we need to receive additional information from you. Please provide us with the name and address of the president of the Institute and the specific date or dates you requested access to your education records. Please include a copy of any dated letter you may have to the Institute requesting access to your education records. We will review the information you submit and take any appropriate action.

However, in order to exercise your rights under FERPA, I suggest you send another request to the institute for your transcripts. You should include a copy of this letter along with your request. If the institute does not comply with your request, or does not contact you within 45 days, you may write to us again. At such time, please provide us with a dated copy of your request to the Institute, any response from the Institute, and a completed copy of the enclosed complaint form. We will review the information you submit and take any appropriate action.

I trust that the above information is helpful in explaining the scope and limitations of FERPA as it relates to your concerns.

Sincerely,

Ricky C. Norment
Program Analyst
Family Policy Compliance Office

Enclosures