



Acknowledgement of Contractor Responsibilities under FERPA’s Audit or Evaluation Exception

This document is intended for state educational agencies (SEAs) and/or their contracted companies to use to inform the contractors’ staff about their responsibilities to protect students’ personally identifiable information acquired under FERPA’s audit or evaluation exception. For detailed information about FERPA and the audit or evaluation exception, please visit <http://ptac.ed.gov>.

Introduction

Your organization has been hired by the state educational agency (SEA) for the state of [_____] to perform audit or evaluation services that require you to access and use personally identifiable information (PII) from students’ education records. Your access and use of the PII is governed by the Family Educational Rights and Privacy Act (FERPA). FERPA requires the SEA to use reasonable methods to ensure that you and your organization comply with FERPA and its regulations. If you have any questions about information in this document, they should be directed to your contract manager or SEA point of contact. Additional information can be found in [FERPA Exceptions – Summary](#).

Your organization has a written agreement with the SEA detailing several points, including

- the PII that is shared with (disclosed to) your organization;
- a description of the audit or evaluation, including the methodology and the reason why PII is required;
- a plan, including a timetable, for destroying the PII once the information is no longer needed; and
- policies and procedures to protect PII from unauthorized disclosure, access, or use.

What are my responsibilities regarding students’ PII under FERPA?

You must make sure the students’ PII is:

- Adequately protected once it is under your control. Comprehensive security standards should protect your electronic data systems. Standardized policies and procedures, including role-based access controls, should be in place to mitigate data security risks.
- Not disclosed to another party (except back to the SEA). Data must not be shared with unauthorized users, and must be safe from inadvertent disclosure due to careless handling.
- Protected in public reporting. Appropriate disclosure avoidance techniques must be applied.
- Not used for other purposes. The PII has been provided only to perform the audit or evaluation in the contract. It must not be used for other purposes.
- Destroyed by the agreed-upon date. FERPA’s audit or evaluation exception requires that data be destroyed when no longer needed for the specific purpose for which it was disclosed.

I acknowledge that I have read the above information and will uphold all responsibilities outlined in the Contractor Responsibilities under FERPA’s Audit or Evaluation Exception.

Name (Printed)

Name of Company

Signature

Date

The U.S. Department of Education established the Privacy Technical Assistance Center (PTAC) as a “one-stop” resource for education stakeholders to learn about data privacy, confidentiality, and security practices related to student-level longitudinal data systems and other uses of student data. More PTAC information is available at <http://ptac.ed.gov>.