

NOTE: This letter was reformatted to make it more accessible on the Student Privacy Policy Office's (SPPO's) website. Please note that SPPO administers FERPA and the office's prior name was the Family Policy Compliance Office (FPCO). Some citations in this letter may not be current due to amendments of the law and regulations. SPPO has not revised the content of the original letter. Any questions about the applicability and citations of the FERPA regulations included in this letter may be directed to FERPA@ed.gov.

January 24, 1992

Ms. Carol G. Dunham
Associate Counsel
Committee of Interns and Residents
386 Park Avenue South
New York, New York 10016-8852

Dear Ms. Dunham:

This is in response to your letter dated November 26, 1991, to this Office in which you inquire whether medical residents and interns are "students" for the purposes of the Family Educational Rights and Privacy Act (FERPA). You state that the Committee of Residents and Interns, which represents residents and interns throughout New York, New Jersey, and Washington, D.C., has been denied access to information relative to a summary suspension of a resident by a hospital. Officials at the hospital claimed that the release of such information would be in violation of FERPA. This Office administers FERPA, which relates to your concerns.

FERPA generally protects a student's privacy interests in education records. "Education records" are defined as:

those records, files, documents, and other materials which (i) contain information directly related to a student; and (ii) are maintained by an educational agency or institution, or by a person acting for such agency or institution.

20 U.S.C. 1232g(a)(4).

It has long been the position of this Office that records maintained by teaching hospitals relating to interns and residents are not "education records" subject to FERPA. While a teaching hospital is an educational agency or institution subject to FERPA to the extent that it enrolls students in an educational program and receives Federal education funds, interns and residents are not students. Therefore, records relating to interns and residents that are maintained by a hospital are not "education records" subject to FERPA. As such, a hospital would not be precluded by FERPA from providing your organization information regarding an individual who is a medical resident or intern.

I trust that the above information satisfactorily responds to your inquiry.

Sincerely,

/s/

LeRoy S. Rooker

Director

Family Policy Compliance Office