

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.

August 6, 1991

Ms. Louise B. Koroluk
Director of Records Regents College
The University of the State of New York
1450 Western Avenue
Albany, New York 12203

Dear Ms. Koroluk:

This is in response to your letter of January 17, 1991, and in follow up to a telephone conversation you had with a member of my staff on March 1, 1991, regarding the Family Educational Rights and Privacy Act (FERPA). This Office administers the implementing regulations for FERPA.

You inquired whether, under FERPA, Regents College would be prohibited from "displaying a student's social security number or student identification number on a mailing label addressed to the student." You stated that the number would be "embedded in a string of other numbers, so that it is not readily identifiable."

FERPA generally protects a student's privacy interest in personally identifiable information in "education records." "Education records" are defined as:

[T]hose 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). See also 34 CFR §99.3 "Education records." Clearly, a student's social security number or student identification number would be considered an "education record."

From the information you have provided, it appears that the College has taken precautions to prevent the social security number from being recognizable. While the decision with respect to whether or not students' social security numbers will be indicated on mailing labels remains with the College, the College should recognize that, notwithstanding these precautions, the potential for unauthorized disclosures exists. The magnitude of the harm which can follow the disclosure of a social security number leads us to conclude that an alternative form of identification should be found. In any event, this Office is not able to approve a practice of displaying a social security number derived from education records on a mailing label, even though it may be combined with other numbers.

I trust that this information will be helpful to you as you seek to resolve your concerns. If

you have any questions on the regulations or the Department's implementing procedures, please do not hesitate to contact this Office. The correct name and address are as follows:

Family Policy compliance Office
U.S. Department of Education
Room 3017, FB-6
400 Maryland Avenue, S.W.
Washington, D.C. 20202-4605

Enclosed for your review are a fact sheet on FERPA and a model policy for use on the university level.

Sincerely,

/s/

LeRoy S. Rooker
Director
Family Policy Compliance Office