

Dr. Evangelos J. Gizis  
Interim President  
Hunter College of the  
City University of New York  
695 Park Avenue  
New York, New York 10021

Complaint No.  
Family Educational Rights  
and Privacy Act

Dear Dr. Gizis:

This is to advise you of the finding in the complaint filed with this Office by [Student] who alleged that Hunter College of the City University of New York (College) violated his rights under the Family Educational Rights and Privacy Act (FERPA). Specifically, the Student alleged that Mr. Cullen Schaffer, a computer science professor, posted his exam and final grade on a web page along with the last four digits of his social security number.

This Office advised you of the allegation by letter dated August 21, 2000, and you responded on behalf of the College by letter dated September 25, 2000. You state in your letter that many College professors do post grades by the last four digits of a student's social security number. You state that "no student names are listed" and that this "enables students to easily identify their own grades, yet remain unable to identify any other student's identities." You also state that the College does "not consider this practice to be in violation of FERPA or any other applicable laws."

FERPA protects privacy interests of parents in their children's "education records," and generally prohibits the disclosure of personally identifiable information from education records without the consent of the parent. The term "education records" is broadly defined as all records, files, documents and other materials which:

contain information directly related to a student; and are maintained by the educational agency or institution or by a person acting for such agency or institution.

20 U.S.C. § 1232g(a)(4)(A); 34 CFR § 99.3 "Education records." When a student reaches the age of 18 or attends an institution of postsecondary education, the student is considered an "eligible student" under FERPA and all of the rights afforded by FERPA transfer from the parents to the student.

Under FERPA an eligible student must provide his or her prior written consent before an educational agency or institution discloses personally identifiable information from his or her education records. 20 U.S.C. § 1232g(b); 34 CFR § 99.30. Section 99.3 of the regulations defines the "Personally identifiable information" as information that includes but is not limited to:

- (a) the student's name;
- (b) the name of the student's parent or other family member;
- (c) the address of the student or the student's family;
- (d) a personal identifier, such as the student's social security number or student number;
- (e) a list of personal characteristics that would make the student's identity easily traceable; or
- (f) other information that would make the student's identity easily traceable.

34 CFR § 99.3 "Personally identifiable information." (Emphasis added.) A student's social security number is, by definition, "personally identifiable information" under FERPA, and may not be disclosed without consent in any form.

FERPA provides that educational agencies and institutions may not disclose personally identifiable, non-directory information from education records unless a parent or eligible student has provided a signed and dated written consent in accordance with the requirements of § 99.30 of the FERPA regulations. While there are certain exceptions to this general prohibition, none permit an educational agency or institution to publicly disclose personally identifiable information, including the student's grades and portions of the student's social security number, from the education records of students.

In this case, the Student's grades were publicly disclosed along with the last four digits of his social security number absent his consent when they were posted on a web page. Because a social security number, or portions thereof, are by definition "personally identifiable information" under FERPA, this Office finds that the College violated the Student's rights under FERPA as alleged. The Student will be advised of this finding by copy of this letter.

We note that FERPA does not prevent an educational agency or institution from posting the grades of students without written consent when it is not done in a personally identifiable manner. Thus, while FERPA precludes a school from posting grades by social security numbers,

student ID numbers, or by names because these types of information are personally identifiable or easily traceable to the students, nothing in FERPA would preclude a school from assigning individual numbers to students for the purpose of posting grades as long as those numbers are known only to the student and the school officials who assigned them.

We will close the investigation of the complaint upon receipt of assurance that the College has taken appropriate steps to come into compliance with FERPA. Specifically, please provide this Office with assurance that: 1) The College has taken appropriate steps to revise its policy on posting grades in accordance with the provisions of FERPA as set forth in this letter of finding and 2) appropriate College officials have been advised of FERPA's prohibition on posting grades in personally identifiable form, and that using a student's social security number, or a portion of that number, means a disclosure in personally identifiable form under FERPA. At a minimum, the College should provide a memorandum to all appropriate staff outlining the above requirements of FERPA and provide this Office of such once it has been distributed.

Thank you for your cooperation in the investigation of this complaint. Please provide the requested assurances within two weeks of your receipt of this letter.

Sincerely,

LeRoy S. Rooker  
Director  
Family Policy Compliance Office

cc: Student