

March 12, 1999

Mr. Thomas W. McElvain
Registrar
The University of Michigan
1524 L.S. & A. Building
Ann Arbor, Michigan 48109

Dear Mr. McElvain:

This is in response to your January 25, 1999, letter to this Office regarding the Family Educational Rights and Privacy Act (FERPA). You attached a copy of a letter that The University of Michigan (University) received from the Canadian International Tax Directorate in Ottawa asking for certain information from student education records. Specifically, the Tax Directorate seeks a complete list of Canadian students who have attended the University over the past 10 years including the name, address, Canadian social security number (if available), and years of attendance. You ask whether the University can provide the requested information.

FERPA generally protects a student's privacy interests with regard to "education records." "Education records" are records which contain information directly related to a student and which are maintained by an educational agency or institution or by a party acting for such agency or institution. FERPA generally prohibits the nonconsensual disclosure of education records, or personally identifiable information from education records, except in certain specified circumstances, such as when the educational agency or institution has appropriately designated the information to be disclosed as "directory information." 34 CFS § 99.31(a)(11). A school may disclose directory information if it has given public notice of the types of information which it has designated as "directory information," the student's right to restrict the disclosure of such information, and the period of time within which a student has to notify the school in writing that he or she does not want any or all of those types of information designated as "directory information." 34 CFR § 99.37(a).

FERPA defines "directory information" as information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. 34 CFR § 99.3 "Directory information." Directory information could include information such as name, address, telephone number, date and place of birth, participation in officially recognized activities and sports, and dates of attendance.

We have recently received inquiries from various postsecondary institutions on this issue. We have determined that "directory information" under FERPA may be disclosed to the Canadian government in order to meet their request. Of course, this information may not include social security numbers because this type of information may not be designated as "directory information." While a country of origin cannot be designated as directory information, it is

usually implied in the home address of the student. Therefore, if the University wishes to disclose a student's name and (Canadian home) address to the Canadian government, FERPA would permit the disclosure, as long as the University has followed the procedures outlined in § 99.37 of the FERPA regulations regarding the designation of such information as directory information. Furthermore, as indicated in FERPA's definition of directory information, the University can designate dates of attendance, major field of study, and degree received as directory information. Enclosed for your review is a copy of the FERPA regulations.

I trust that the above information is helpful to you. Should you have additional questions regarding this matter or FERPA in general, please do not hesitate to contact this Office again.

Sincerely,

/s/

LeRoy S. Rooker

Director

Family Policy Compliance Office

Enclosure