

July 1, 2004

University Student

Dear Student:

This responds to your February 24, 2004, letter in which you asked whether you could file a complaint on the grounds that a university has refused to allow you to enroll because you would not disclose your Social Security Number (SSN).

This Office administers the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g and regulations found at 34 CFR Part 99. FERPA is a Federal law that gives parents the right to have access to their child's education records, the right to seek to have the records amended, and the right to consent to the disclosure of information from the records except in specified circumstances. (FERPA rights transfer to a student who has reached 18 years of age or is attending a postsecondary institution.) While FERPA protects against unauthorized disclosure or misuse of a student's SSN or other identification number, it does not govern the types of information educational agencies and institutions may *collect* from students or their parents. In short, FERPA does not prevent a university from requiring students to provide their SSN as a condition of enrollment and, therefore, there is no basis for you to file a complaint with this Office.

However, other federal and state requirements may apply to your situation. For example, the Taxpayer Relief Act of 1997 compels postsecondary institutions to collect and use all students' SSNs to report tuition payments to the Internal Revenue Service each year. Regulations governing the Federal student financial aid programs also require schools to collect and confirm the SSN of student borrowers and grantees prior to disbursement of funds. See 34 CFR § 668.36.

Section 7 of the Federal Privacy Act of 1974, 5 U.S.C. § 552a note, and various amendments to the Social Security Act codified at 42 U.S.C. § 405 govern the collection, use, and compelled disclosure of SSNs by certain governmental agencies, including public educational institutions. Several states have also enacted laws that restrict the use of SSNs. You may wish to consult the Social Security Administration's website at www.socialsecurity.gov or telephone them at 800-772-1213 for general inquiries about the collection of SSNs. You could also contact your local SSA office, state Attorney General, or independent legal counsel about the matter.

I trust that the above information is helpful in explaining the scope and limitations of FERPA as it relates to your concerns.

Sincerely,

/s/

LeRoy S. Rooker

Director

Family Policy Compliance Office