FERPA GUIDELINES
College/Department Offices

FERPA
The Family Educational Rights and Privacy Act of 1974 is commonly known as FERPA. The essence of FERPA are: 1) Students must be permitted to inspect their own education records and 2) School officials may not disclose personally identifiable information, nor permit inspection of their records, without written permission unless such action is covered by exceptions permitted by the Act.

SOCIAL SECURITY NUMBERS
Students may have a social security number (SSN) recorded in their school record. The SSN may not be used as a primary identifier. Additionally, the SSN should not be maintained in your college/department record unless required by law.

CREATION AND MAINTENANCE
Colleges/Departments may create and maintain education records for students.

Education Record
The education record is defined as records that are directly related to students and are maintained by an educational agency or institution or by a party acting for the agency or institution.

The following information is not considered part of the education record. As such, it should be maintained separately from the education record. FERPA does not apply to these records.

- Sole possession records created and maintained by an individual that is not shared or accessible by any other person. * Use caution. Any record seen by anyone else is no longer sole possession.*
- Records maintained by law enforcement unit (i.e. campus security) for the purpose of law enforcement.
- Records relating to the employment of an individual. Note: Records of individuals employed based on their status as a student (e.g. teaching assistants) are considered education records.
- Records created after a student is no longer in attendance (i.e. alumni information).

The education record may contain letters of recommendation. The student has a right to view these letters unless they have waived their right to do so. The waiver must be in writing. Additionally, the waiver of this right must not be required.
ACCESS TO INFORMATION
Under FERPA, students are required to be granted access to their education record. The following summarizes who may have access to the education record:

- Parents – No. Regardless of the student's age, parents may not have access to the student's record.
- Spouses – No.
- Children – No.
- Power of Attorney – Possible. The original document must be reviewed to determine the scope of the power granted to the bearer.
- Deceased – Possible. Although the student's FERPA rights expire with the death of the student, the institution may elect to withhold student information. In these cases, please contact Admissions and Records for assistance.
- University Official – Possible. Access to the education record is limited to the needs based on the person's official duties and the existence of a legitimate educational interest. Access to the education record for purposes outside of these two conditions is prohibited. University officials may include but, are not limited to administrators, instructional faculty, staff and student assistants.
- Law Enforcement (i.e. police, etc) – Possible. In most cases a subpoena is required. You may wish to consult with Admissions and Records or Legal Counsel before releasing any information.

FERPA does allow for the release of information if the student has authorized the release in writing. The authorization must indicate the party to receive the information along with the information to be released. A record of the release is to be maintained in the student's education record.

RIGHT TO NON-DISCLOSURE
Students may request to limit the disclosure of personally identifiable information. Students who have requested this are identified as "confidential" on Banner. Although departments should not disclose any information to third parties, the normal response to inquiries related to these students is, "We have no information that may be released in regards to this person." Please note that student is identified as a person rather than a student. Using the word "student" would imply that the person is indeed registered at UHM.

RETENTION
Departments should develop a schedule outlining the duration for which a record should be maintained along with a timetable for destruction of records. When developing the schedule, each department will need to identify the custodian of each item. Only items maintained by the custodian must be retained for the minimum retention period. Therefore, departments do not need...
to maintain records such as the application or the final grades. Departments should use caution if maintaining a record beyond the minimum retention period, especially if they are not the custodian.

Schedule

- For students who apply but do not enroll, the minimum recommended retention period is one year after the application term.
  - Note: Records for applicants who do not enter are not covered by FERPA but, are covered by institutional policy.

- For students who enroll, the minimum recommended retention period is five years after the date of graduation or date of last attendance.
  - Note: Letters of recommendation should be destroyed upon enrollment unless accompanied by a waiver revoking a student's right to access. Otherwise, students must be granted access to the letter.

- FERPA Data/Documents
  Documentation of FERPA related matters must be retained permanently. This includes:
  - Requests for formal hearings
  - Requests and disclosures of personally identifiable information
  - Student requests for non-disclosure of directory information
  - Student statements on content of records regarding hearing panel decisions
  - Student's written consent for records disclosure
  - Waivers for rights of access
  - Written decisions of hearing panels

  Note: The retention period of the FERPA document is based on the length of retention time for the record to which it pertains.

DESTRUCTION

Records should be destroyed in accordance with the established schedule. Maintaining the records beyond the scheduled destruction date should be avoided to minimize risk for the institution. The methods used to destroy confidential information must render the media unreadable.

RELEASE OF INFORMATION

General Comments

Students may request an academic transcript if they want to retain a copy for themselves or to send to another party. Please note that students may be barred from receiving a transcript if they have financial obligations to the University of Hawaii system or may be otherwise prohibited from receiving a transcript.

Validation of Identity
Before discussing confidential student information with the student, you will need to confirm the student's identity. Students may present a valid photo ID (i.e. UH ID, state drivers license, passport). An expired ID should not be accepted.

**Third Parties**
Information may not be released to third parties without the prior written consent of the student. In addition to this restriction, a student’s academic transcript should not be released by the college or department. Students may have financial obligations or other sanctions which may prevent the release of the academic record. Colleges or departments may not circumvent these sanctions.

**Other Issues**
The University may be required to respond to ex parte orders, subpoenas and court orders. Please contact Admissions and Records for assistance with these requests.

**STUDENT RIGHTS**

Request to inspect
Students may request, in writing, to inspect the contents of their academic record. These requests must be complied with within 45 days of the request. The education record may not be destroyed while there is an open request to inspect the education record. General comments about the right to inspect:

- Information identifying another student must be redacted from the documents.
- The University is not required to provide copies. The University may release copies of documents but, may not release copies of other schools transcripts.
- If the student is unable to be physically present to inspect, copies may be provided. If health and safety or geographical issues exist, then consider making copies for the student.
- Staff should be present to prevent the destruction or tampering of the file if original documents are provided.
- You may elect to provide the student with copies of their documents rather than the originals in order to protect the integrity of the data maintained by the University.

Amendment
Students may request amendment of their education record. All requests for amendment must be submitted in writing. If the request for amendment is denied, please contact Admissions and Records for assistance.

**REFERENCE**
AACRAO 2006 FERPA GUIDE