

# DATA PRIVACY:

Your responsibilities as a state employee

A Tutorial

Provided by the

Office of the Attorney General

**PROTECT OUR STUDENTS**

**Protect Ourselves**

To be allowed access to student records, you must carefully review the material presented in this tutorial.

Maintaining the privacy of student records is everyone's responsibility whether you are faculty, staff or student.

## WHY?

BECAUSE IT IS THE RIGHT THING TO DO

BECAUSE THE GOVERNMENT REQUIRES US TO DO SO

This tutorial is designed to give you a base level knowledge of the rules governing release of student information.

There are two laws that protect student educational records and grant specific rights to the adult student.

State law:

- Minnesota Government Data Practices Act
- “MGDPA”

Federal law:

- Family Educational Record and Privacy Act
- “FERPA”

The laws have many elements in common.

## A student has a right to:

- See the information the institution is keeping on the student;
- Seek amendment of those records and, in certain cases, append a statement to the record;
- Consent to the release of his/her records; and
- File a complaint with the FERPA office in Washington.

## What is a student educational record?

- Just about any information provided by a student to the college for use in the educational process is considered a student educational record:
  - personal information
  - enrollment records
  - grades
  - schedules

The storage media does not matter.

A student education record may be:

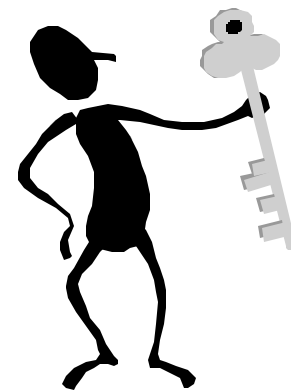
- a document in the registrar's office
- a computer printout in your office
- a class list on your desktop
- a computer display screen
- notes you have taken during an advisement session

There are four basic rules.



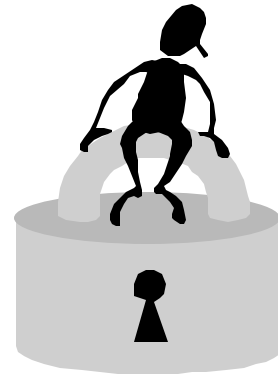
Rule 1:

Student educational records are considered private and may not be released without the written consent of the student.

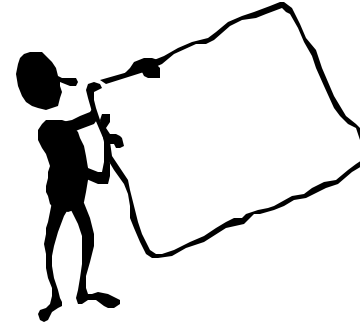


## Rule 2:

As a faculty or staff member, you have a responsibility to protect educational records in your possession.



## Rule 3:



Some information is considered public (sometimes called “Directory Information”). This info can be released without the student’s written permission.

However, the student may opt to consider this information confidential as well by filling out a Non-Disclosure form at the Registrar’s Office.

At XYZ Community College, public information on students includes:

- Name
- Enrollment status
- Dates of attendance
- Degrees and honors received
- Current academic standing
- Most recent prior educational institution attended
- Major or program
- Participation in officially recognized activities including sporting event roster information

## Rule 4:

You have access to information only for legitimate use in completion of your responsibilities as a university employee. “Need to know” is the basic principle.



For a better understanding of student data privacy law,  
please take the following QUIZ.

If a student's parent calls asking how a student is doing in a class, can you give out that information?

† No. Even though the person may be a parent, the student is entitled to privacy. You cannot give out that grade or any other personal information.

# GENERAL RULE

- † You must assume the student is entitled to privacy even from parents. The Parents may see records if a student has signed a written authorization form.



Is it wrong for professors to leave exams, papers, etc. outside their office for students to pick up?

† Yes. That is a violation of the privacy rule because it is inappropriate for students to have access to other students' information.

# GENERAL RULE

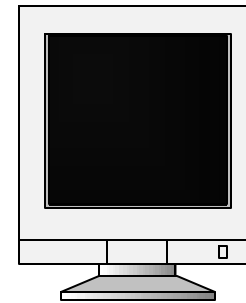
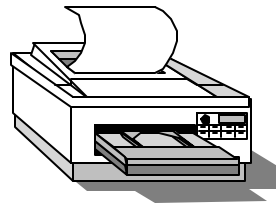
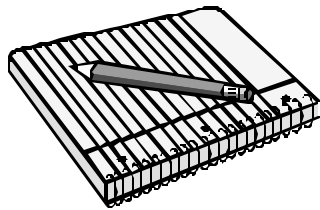
† You cannot leave identifiable materials in a public place.

An unauthorized person retrieves information from a computer screen that was left unattended. Under the law, is the institution responsible?

† Yes. Information on a computer screen should be treated the same as printed reports.

# GENERAL RULE

† The medium in which the information is held is unimportant. No information should be left assessable or unattended, including computer displays.



You receive a call from a recruiting firm asking for the names and address of students with a GPA of 4.0 or better. They say that have good job information for these students. Can you help these students get jobs by giving out this information?

† No. While we all want to help students to get good jobs, that request should be sent to the appropriate office.

# GENERAL RULE

- † Do not give out student records to anyone without the prior written consent of the student. In this case you should send this request to the campus placement office or provide these students with the contact name and the request.

A person comes up to you with a letter containing a signature that gives consent to the release of the transcript of a student. Do you give the transcript to them?

† No. It is the responsibility of the Registrar's office to provide this service.

# GENERAL RULE

- † In almost all cases, unless it is your job function, do not give out any records to a third party. You should refer the request to the Registrar's office.



You receive a phone call from the local police department indicating that they are trying to determine whether a particular student was in attendance on a specific day. Since they are in the middle of an investigation, are you allowed to give them this information?

† No. There must be a subpoena presented to you to access this information. FERPA requires notification of the student of the time of compliance with the subpoena, unless it is specifically stated on the subpoena that the student must not be notified.

# GENERAL RULE

† There must be prior written consent by the student to release the requested information or a legally binding subpoena. **SHOULD YOU BE SERVED WITH A SUBPOENA, CONTACT THE ATTORNEY GENERAL IMMEDIATELY.**

You get a frantic phone call from an individual who says that he is a student's father and must get in touch with her immediately because of a family emergency. Can you tell him when and where her next class is today?

† For the safety of the student, you cannot tell another person where a student is at any time.

# GENERAL RULE

- † When this situation arises, refer the caller to a senior administrator. The administrator may take a message and notify the student.

When in doubt,  
don't give it out.

Call the Registrar.



