Family Educational Rights and Privacy Act

All university employees are bound by the Family Education Rights and Privacy Act (FERPA) as it relates to the collection and release of student information. Per the Registrar’s office:

The Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, is a federal law that protects the privacy and confidentiality of personally identifiable information contained within student education records. The University of Kentucky complies with FERPA's confidentiality protections and adheres to procedures dealing with student education records and directory information recommended by the American Association of Collegiate Registrars and Admissions Officers. This law applies to K-12 as well as postsecondary education and is commonly known as the Buckley Amendment.

Frequently asked questions:

- What does a privacy flag on a student’s record mean?
  - Faculty/Staff may release NO information regarding the student. Your response should be that “we have no record of an individual by that name” – even if it is parent asking or the student is a public figure (ex. star athlete, etc.).

- What can/cannot I tell a parent?
  - Nothing beyond directory information and that assumes there is no privacy flag on the student’s record. A student may provide a signed release of information that should provide the information that is permitted to be released and to whom.

- What rights do parents and/or spouses have under FERPA?
  - None, unless the student provides signed, written consent that specified information may be released to a specified individual(s).

- Minors and information release.
  - FERPA rights transfer to the student at the age of 18 or at the point of enrollment in an institution of higher education, whichever comes first.

- Can I share if I’m a student’s Academic Advisor? Or, who is their Academic Advisor?
  - No. If it is not listed as directory information or unless the student provides signed, written consent, the piece of information may not be released.

- Can I share if I have met with a student in an advising conference?
  - No, unless the student has provided signed, written consent.
• Can I share academic standing? Grades?
  o No, unless the student has provided signed, written consent.
• Can I share a student’s schedule?
  o No, unless the student has provided signed, written consent.
  o This extends beyond just privacy; it is an issue of student safety.
• Can I share if the student enrolled?
  o Yes, unless the student has a privacy flag.
• When can I share about university admissions?
  o An individual is not a student until the first day of classes for the term in which the individual is first enrolled. Depending on the time, this information can be released. However, allow the appropriate admissions office to release an individual’s admission status. You don’t want to provide incorrect information.
• Can I share information after a student is graduated?
  o No, FERPA extends for the life of the individual.
• Can I share information with faculty/staff?
  o Yes, IF the other employee has a legitimate educational interest (i.e. the information is required to perform the standard functions of their job).
• Can I give a student’s address, phone number and/or email address?
  o Directory information can be provided to anyone, if the student does not have a privacy flag.
• Who can sign a consent/release form? How is this done?
  o Only the student may sign a consent to release information form.
  o If a student would like to grant an individual(s) access to his/her academic record and progress, download the Consent for Release form, complete it and submit it to the Registrar’s Office (10 Funkhouser).
• Can I share financial information with someone who is paying the student’s bill?
  o No. This is the student’s record/account and the student has the responsibility to ensure they pay charges to their account. It matters not where the money comes from. Paying a bill does not provide a third party access to the student record.
• What can be shared in a letter of recommendation?
  o Only the information expressly stated on a request signed by the student or sent from their UK email account.

Faculty and grades

  o **DO NOT display student scores or grades publicly** in association with names, social security numbers (in whole or in part), UK student ID number, student user ID or other personally identifiable information. If scores or grades are posted, use only a coding method agreed upon
mutually by the entire class, a method which does not include personally identifiable information and is randomly generated and assigned. Only the student and instructor should know the identification code provided for each student. The list should be randomly generated, i.e., displayed in such a way that it does not appear in alphabetical order.

- **DO NOT** leave stacked graded papers, assignments or exams for students to pick up—-not even in sealed envelopes (unless you have the student’s permission to do so). Instead, return assignments and exams in class.
- **DO NOT** request from any party a student’s grade(s) for another class(es) to assist in grading for your class. This does not constitute a legitimate educational interest.
- **DO NOT** circulate a printed class list for attendance purposes if it shows names and social security numbers or ID numbers.
- **DO NOT** release a student’s class schedule to anyone. For security purposes, this information must be kept confidential.

Recommendations

- *When in doubt, don’t give it out.*

What are education records?

- Records — handwriting, print, computer, videotape, audiotape, film, microfilm, microfiche, or e-mail — of an institution that contain information directly related to the student and are maintained by an agency or institution or party acting on its behalf.

Education records do not include:

- Records/notes in sole possession of maker not accessible or revealed to any other person except a temporary substitute;
- Medical records;
- Employment records when employment is not contingent on being a student, provided the record is used only in relation to the individual's employment;
- Records created and maintained by a law enforcement unit used only for that purpose, is revealed only to law enforcement agencies of the same jurisdiction, and the enforcement unit does not have access to education records;
- Information on a person that was obtained when no longer a student (i.e., alumni records) and does not relate to the person as a student.

Consent for Release of Information on Academic Record and Progress

If students would like parents or guardians to access information about their academic record and progress, they should download the Consent for Release form, complete it and submit it to the Registrar’s Office (10 Funkhouser).
UK Directory Information includes:

- Name
- Address
- Telephone listings
- E-mail address
- Photograph
- Place of birth
- Major Field of Study
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Dates of Attendance
- Enrollment Status (full-time, part-time, etc.)
- Degrees and awards received
- Most recent previous educational institution attended by the student

Direct questions concerning this law and the University's policy concerning release of academic information to the Student Records Office: (859) 257-7157. For more information and resources please visit http://www.uky.edu/registrar/obligation-privacy.