

FERPA and Requests for Student Data

Overview: Frequently there are requests for student, non-directory information to be used for research by various entities within and from outside of the University. It is important that when responding to these requests we adhere to the limitations of the Family Rights and Privacy Act, as well as any other applicable laws, such as the State and Federal open records/ "sunshine" laws, the Solomon Amendment, etc.

Purpose: The purpose of this document is to provide easily-understood guidance to managing requests and quickly processing them in a consistent manner within the limitations of the law and university policies.

Data Request Types and Responses:

- Requests from outside of the university or from another campus:
 - Unit data including lists, as well as aggregated reports (Name, addresses, etc.) - Refer inquirer to <http://www.umsystem.edu/ums/gc/faqs#h2>, which includes FAQs and instructions on making a data request
 - All requests in this category need to be reviewed by the Custodian of Records at the University of Missouri System
- Requests from inside the campus:
 - *Directory Information:*
 - Directory information, unless restricted by the student, MAY be released, but we are not REQUIRED to release it.
 - Students may change their restriction on release of directory information at any time, so check each and every time information is requested
 - Students may delegate access to some third parties. That is not covered in this document as it does not relate to research requests or requests for lists of student information
 - Directory information at MU/ UM includes:
 - name
 - address
 - telephone listing
 - e-mail address
 - major or field of study
 - dates of attendance
 - student level
 - degrees and awards received
 - enrollment status in any past or present semester (i.e. full/part time)
 - the most recent education agency or institution attended
 - participation in officially recognized activities and sports

- *Non-Directory Information** may be provided for research under the following circumstances:
 - *Studies by the institution or for the institution:*
 - Study is being done by those within the institution with an educational need to know or by an organization contracted to provide the study
 - Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;
 - Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests; and
 - Requires the organization to destroy or return to the educational agency or institution all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be returned or destroyed.
 - **Steps to validate request before agreeing to provide information/ data:**
 - Ask for documentation of sponsorship
 - Ask for purpose of study to determine intent to improve the institution as primary purpose. (Results may be published, but that can not be the primary reason if data is obtained under this exception.)
 - Ask for list of data and determine if it will be aggregate or if it must be unit (individual) data
 - Ask for documentation of how data will be secured
 - Ask for documentation to prove that data will be destroyed in five years
 - Data may not be released to students, as they are not a school official as defined by FERPA. Even if they are a staff member, if the data is for research related to a degree, then the data must be released to the faculty member who is the PI for the research.
 - *Studies by independent researchers within the institution/ campus, from other UM campuses or from other entities:*
 - Requires documented, written consent from the students
 - Researcher must provide copies of the release forms
 - Template/ example of release is available from the Office of the University Registrar
 - Document must be signed or meet the appropriate legal standard if it is to be “electronically” signed.

- Release is needed even if the data will be “aggregated” or “blinded” by another party within the university since the student has to agree to be part of the study.
- Students can not be obligated to participate and must have the ability to opt out at any point and have request honored
- **Steps to validate request before agreeing to provide information/ data:**
 - Using the template, design a release form appropriate to the study being proposed.
 - If the data is to be “de-identified,” confirm that resources have been identified to do that. (For instance MU SIS may or may not be able to take on the work.)
 - Obtain copies of the data releases before providing the information.
 - Data MAY be released to students, if they are specifically named in the release and adhere to all the previously specified standards.
 - Contact the Office of the University Registrar, 125 Jesse Hall, MU Univ Registrar WebReg umcunivregistrarwr@missouri.edu for more information.

Studies by the institution or for the institution:

*From the Federal Government’s

website: <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
 - School officials with legitimate educational interest;
 - Other schools to which a student is transferring;
 - Specified officials for audit or evaluation purposes;
 - Appropriate parties in connection with financial aid to a student;
 - Organizations conducting certain studies for or on behalf of the school;
 - Accrediting organizations;
 - To comply with a judicial order or lawfully issued subpoena;
 - Appropriate officials in cases of health and safety emergencies; and
 - State and local authorities, within a juvenile justice system, pursuant to specific State law.

Here’s the section of the law that relates to research:

(ii) An educational agency or institution may disclose information under paragraph (a)(6)(i) of this section only if--

(A) The study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information;

(B) The information is destroyed when no longer needed for the purposes for which the study was conducted; and

(C) The educational agency or institution enters into a written agreement with the organization that--

(1) Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;

(2) Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;

(3) Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests; and

(4) Requires the organization to destroy or return to the educational agency or institution all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be returned or destroyed.