
Section 1: GENERAL HIPAA AND PRIVACY RULES

1.10 FERPA and the Protection of Student Records

POLICY

1. The University of Florida (UF) safeguards the confidentiality of student records in accordance with the provisions of various federal, state, and university regulations, including the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended.
2. All student records including but not limited to academic records, counseling records, and disciplinary records are confidential and cannot be released without the student's consent unless specifically permitted under FERPA, except *directory information* which may be released without the consent of the student as described further below.

DEFINITIONS

1. **Education Record:** An education record is any record directly related to a student that is maintained by an educational agency or institution, or by a party acting for the agency or institution. Examples of an education records include, but are not limited to:
 - Biographical information including date and place of birth, gender, nationality, information about race and ethnicity, and identification photographs
 - Grades, test scores, evaluations, courses taken, academic specialization and activities, and official communications regarding your status
 - Coursework including papers and exams, class schedules, as well as written email or recorded communications that are part of the academic process
 - Disciplinary records
 - Financial aid and financial aid records
 - Internship program records

Education records do not include:

- Sole possession records that are used only as memory aids and not shared with others
- Law enforcement unit records
- Employment records, unless the employment is dependent on the employee's status as a student (such as evaluations of graduate assistants)
- Medical records
- Records that only contain information about an individual after he or she is no longer a student at that agency or institution.

FERPA RIGHTS

1. Access
 - a. Under FERPA, UF must provide an eligible student with an opportunity to inspect and review his or her education records within 45 days following its receipt of a request.
 - b. The student should submit to the Registrar, Dean, chair of the department, or other appropriate UF official a written request that identifies the record(s) the student wishes to inspect. UF will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the UF official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

2. Amendment

- a. Under FERPA, an eligible student has the right to request that inaccurate or misleading information in his or her education records be amended.
- b. While UF is not required to amend education records in accordance with a student's request, UF is required to consider the request. If UF decides not to amend a record, UF shall inform the student of his or her right to a hearing on the matter.
- c. The FERPA amendment procedure may not be used to challenge a grade, an opinion, or a substantive decision made by UF about an eligible student.

3. Complaints

- a. The right to file a complaint with the U.S. Department of Education concerning alleged failures by UF University to comply with the requirements of FERPA.
- b. Students who suspect that a FERPA violation has occurred should contact the Vice President for Student Affairs, or the University Privacy Office, or they can contact the Family Policy Compliance Office within the U.S. Department of Education.
- c. The office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4605.

4. Consent for Disclosure of Education Records

- a. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent
- b. Under FERPA, UF may not generally disclose personally identifiable information (PII) from an eligible student's education records to a third party unless the eligible student has provided written consent.
- c. However, there are a number of exceptions. The following is general information regarding some of these exceptions.
 - FERPA allows "school officials," including teachers, within UF to obtain access to education records provided UF determined that they have "legitimate educational interest" in the information.
 - UF may disclose education records without consent to another school in which the student seeks or intends to enroll.
 - UF may disclose education records without consent when the disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes.
 - UF may disclose education records without consent when the disclosure is to the parents of a "dependent student" where either parent claimed the student as a dependent
 - UF may disclose information from education records without consent, to appropriate parties, including parents of an eligible student, in connection with a health or safety emergency.
 - For students under 21, UF may disclose information from education records without consent when the disclosure is to the parents regarding the student's violation of any Federal, State, or local law, or of any UF policy regarding use or possession of alcohol or a controlled substance.

- UF may disclose information from a student's education records when such information has been appropriately designated as directory information.
- UF must provide records in response to a lawfully issued subpoena or similar legal process.

DIRECTORY INFORMATION

1. Directory information is the information available about a student that is not considered harmful or an invasion of privacy if disclosed. Directory information is not treated as confidential and may be disclosed by the university without student consent unless the student requests a privacy hold (see definition below).
2. At UF, the following has been designated as directory information:
 - Student name
 - Class and college
 - Local and permanent addresses
 - Telephone number(s)
 - Email address
 - Enrollment status
 - Most recent previous educational institution attended
 - Dates of attendance at UF
 - Majors
 - Minors
 - Certificates
 - Concentrations
 - Degrees earned
 - Nature and place of employment at UF
 - Honors and awards received
 - Publication titles
 - Participation in officially recognized or registered activities and sports
 - Weight and height of members of athletic teams

ANNUAL NOTIFICATION

1. UF shall annually notify students in attendance of their rights under FERPA.
 - a. The annual notification must include information regarding a student's right to inspect and review his or her education records, the right to seek to amend the records, the right to consent to disclosure of personally identifiable information from the records (except in certain circumstances), and the right to file a complaint with the Office regarding an alleged failure by a school to comply with FERPA.
 - b. The annual notification must shall also inform eligible students of the school's definitions of the terms "school official" and "legitimate educational interest."
2. UF provides this annual notification in the undergraduate and graduate catalogs.

REFERENCES

1. The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 CFR Part 99
2. UF Registrar FERPA and Annual Notification, <https://registrar.ufl.edu/ferpa.html>

EXHIBITS

1. None