

***** IMPORTANT – PLEASE READ *****
***** Privacy of Student Information *****

MEMORANDUM

To: UH Mānoa Employees with Access to Student Education Records
From: Stuart Lau
University Registrar
Subject: FERPA and Confidentiality of Student Records

What is FERPA

The Family Educational Rights and Privacy Act of 1974, as amended (also known as the Buckley Amendment) affords students certain rights with respect to their education records. Specifically, it affords students the right to:

1. Inspect and review their education records;
2. Request the amendment of inaccurate or misleading records;
3. Consent to disclosure of personally identifiable information contained in their education record; and
4. File a complaint with the U.S. Department of Education concerning alleged failures of the institution to comply with this law.

Applicable University Policies

The University of Hawai'i strives to fully comply with this law by protecting the privacy of student records and judiciously evaluating requests for release of information from these records. The University of Hawai'i has established several policies directly related to the maintenance and acceptable use of various types of data. The applicable policies are:

1. E2.214: Security and Protection of Sensitive Information
2. E2.215: Institutional Data Governance
3. E2.216: Institutional Records Management and Electronic Approvals/Signatures
4. A7.022: Procedures Relating to Protection of the Educational Rights and Privacy of Students (pending revision)

Training Resources

Newly hired staff members must complete the UH General Confidentiality Notice (GCN) which describes their responsibilities when managing personally identifiable information that are sensitive and/or confidential in nature. The UH GCN is located at:

<https://www.hawaii.edu/its/acer>

University Officials who may have access to sensitive and/or confidential information should also complete the UH information Security Awareness Training located at:

<http://www.hawaii.edu/infosec/training.html>

The Education Record

Those records directly related to a student and maintained by the institution or by a party acting for the institution.

Access to the Education Record

University Officials are granted access to a student's education record only if the following conditions are met:

- **Legitimate Educational Interest**
The University Official must have a need to access student education records for the purpose of performing an appropriate educational, research or administrative function for the University.
- **Official Duties**
Information may only be used within the scope of their official duties as a University Official.

As a faculty or staff member with access to confidential student records, you have a legal responsibility to protect the confidentiality of student education records. Neither curiosity nor personal interest is a legitimate educational "need to know."

How does FERPA apply to faculty, TAs, and staff?

The law requires faculty and staff to treat students' education records in a legally specified manner.

- **Grades:** Students' scores or grades should not be displayed publicly. Even with names obscured, UH Numbers are considered personally identifiable information and must not be used. If scores or grades are posted, use some code known only to the faculty member and the individual student. **Partial UH Numbers CANNOT be used unless the student has freely given his/her written permission.** In no case should the list be posted in alphabetical sequence by student name. Grades or other academic information distributed for purposes of advisement should not be placed in plain view in open mailboxes located in public places.
- **Papers:** Graded papers or tests should not be left unattended on a desk in plain view in a public area nor should students sort through them in order to retrieve their own work.
- **Addresses, email addresses and phone numbers:** Students' addresses, email addresses and phone numbers may not be shared with third parties and may only be used for legitimate educational purposes within the scope of your official duties. Student email address information is not to be shared with others, including students who may be receiving the same email message. Individual emails must contain only the recipient's address.
- **Class lists/grade sheets:** These and other reports should be handled in a confidential manner and the information contained on them should not be re-disclosed to third parties. Copies of class lists containing students' UH Numbers should not be routed in the classroom for attendance taking or any other purpose.
- **Parents:** Parents, spouses and other relations do not have a right to information contained in a student's education record. The rights transfer to the student upon enrolling at a post-secondary institution (i.e., University of Hawai'i at Mānoa), regardless of the students age.
- **Employers:** Employers do not have a right to educational information pertaining to a student.
- **Access:** Access to the student information system is not tantamount to authorization to view the data. Faculty members are deemed to be "school officials" and can access data in MyUH only if they have a legitimate educational interest. UH staff members may obtain access in Banner if they have a legitimate educational need to know.

- **Letters of recommendation:** Do not include information about students' grades or grade point averages in letters of recommendation without the written permission of the student. *Please note that without a signed statement from the student waiving his/her right to view the letter of recommendation, the student may have rights to view the letter you have provided.*
- **Students' schedules:** Do not provide anyone with a student's schedule; do not assist anyone other than a university employee (purpose must be in their official capacity as a University Official) in finding a student on campus. Refer such inquiries to the Office of the Vice Chancellor for Students (956-3290).
- **Lists of students:** Do not provide anyone with lists of students enrolled in your classes for any purpose. Requests of this nature should be referred to the University Registrar in the Records Office.
- **When in doubt,** please contact the University Registrar, UHM Office of the Registrar (956-8010).

Emergency Situations

In the case of an emergency requiring contact information, inquiries may be directed to the Office of the Vice Chancellor for Students (956-3290).

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