

# Family Educational Rights and Privacy Act (FERPA) Overview

## **What is FERPA?**

FERPA is a federal law that protects the privacy of student records and provides students with certain review, access, and amendment rights related to their student records.

## **When does FERPA apply to the University of California?**

FERPA applies to all of UC's "student records," which UC defines as "records that contain information directly related to a student and that are maintained by a University of California campus, the University of California Office of the President, or by any organization authorized to act on behalf of the University." Student records are not limited to academic records, and include, but are not limited to, housing records, disciplinary records, financial aid records, and other records directly related to a student (with certain exceptions). FERPA applies to all UC students, and to their student records possessed by the UC, as soon as the students enroll or register with a UC academic program.

## **What is required by FERPA?**

FERPA requires that UC ensure that student records are not disclosed unless certain specific requirements are met, and additionally requires that UC provide students with certain rights related to their student records. An abbreviated and incomplete list of some of the main requirements of FERPA is included here:

**Requirements for Disclosure:** Student records that contain any information that identifies or describes a student (e.g. name, student ID, date of birth, home address, etc.) must not be disclosed unless one of the following conditions are met:

1. Directory Information: If the information is directory information (with no other non-directory information) and the student has not requested that their directory information be treated as non-directory information, then the directory information may be disclosed freely to any party by UC. Directory Information is defined by UC Davis as only (this list does not apply to UC Davis Health medical interns. For requirements that apply to interns, see "XXXXXX" in "Further Resources," below):
  - a. Student's name.
  - b. Email address and telephone number(s).
  - c. Major field(s) of study (including major, minor, concentration, specialization, and similar designations).
  - d. Dates of attendance.
  - e. Grade level.
  - f. Enrollment status (e.g., undergraduate or graduate, full-time or part-time, number of enrolled course units).
  - g. Degrees and honors received.
  - h. Most recent previous educational institution attended.
  - i. Participation in officially recognized activities, including Intercollegiate Athletics (ICA), and the name, weight, and height of participants on ICA teams.

2. The disclosure is to a school official (professor, administrator, student employee, etc.) and that information is relevant and necessary to the student's legitimate educational interest. Legitimate educational interest is described by UC Davis as:
  - a. An employment responsibility or an assigned subject matter for the inquirer
  - b. Participation in the student's education
  - c. The discipline of a student
  - d. Providing a service or benefit related to a student or student's family (such as health care, counseling, job placement, or financial aid)

**Right to Request Correction:** UC Davis students may seek amendment of their records from the UC Davis Office of the University Registrar if they believe the records contain inaccurate or misleading information. Amendment requests are subject to the policies and procedures described in UC Davis Policies and Procedure Manual 320-21, Privacy and Disclosure of Information from Student Records.

**Right to Access:** UC Davis students may request access to their records from the UC Davis Office of the University Registrar. Access requests are subject to the policies and procedures described in UC Davis Policies and Procedure Manual 320-21, Privacy and Disclosure of Information from Student Records.

**Reasonable methods to safeguard student records:** FERPA requires the use of "reasonable methods" to safeguard student records, including safeguarding such records so that school officials (professor, administrator, student employee, etc.) obtain access to only those education records in which they have legitimate educational interests. When restricting access to only school officials with a legitimate educational interest, if physical and technological access controls are not used, then the school must ensure that its administrative policy for controlling access to student records is effective.

#### **Further Resources**

UC Davis Policies and Procedure Manual, 320-21, Privacy and Disclosure of Information from Student Records: <https://ucdavispolicy.ellucid.com/documents/view/397/2535/>

Department of Education implementing regulations (34 CFR Part 99): [https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title34/34cfr99\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title34/34cfr99_main_02.tpl)

FERPA as amended (20 U.S.C. 1232g): <https://www.govinfo.gov/app/details/USCODE-2013-title20/USCODE-2013-title20-chap31-subchapIII-part4-sec1232g>

UC Davis Privacy Officer on FERPA: <https://privacy.ucdavis.edu/ferpa>

FERPA 101 – FERPA at the University of California: [https://www.ucop.edu/general-counsel/\\_files/ed-affairs/ferpa101.pdf](https://www.ucop.edu/general-counsel/_files/ed-affairs/ferpa101.pdf)

Regulations/Guidance Related to Student Records:

<https://privacy.ucdavis.edu/sites/g/files/dgvnsk1756/files/inline-files/FERPA%20Topical%20Summary.pdf>

UC Policies Applying to Campus Activities, Organizations and students (PACAOS):

<https://policy.ucop.edu/doc/2710533/PACAOS-130>

UC Davis Information Security Office: [cybersecurity@ucdavis.edu](mailto:cybersecurity@ucdavis.edu)