

## **Family Educational Rights and Privacy Act**

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.

### **What are education records?**

- 1) Records — handwriting, print, computer, videotape, audiotape, film, microfilm, microfiche, or e-mail — of an institution that
  - a) Contain information directly related to the student and
  - b) Are maintained by an agency or institution or party acting in its behalf.
- 2) Education records do not include
  - a) Records/notes in sole possession of maker not accessible or revealed to any other person except a temporary substitute
  - b) Medical records
  - c) Employment records when employment is not contingent on being a student, provided the record is used only in relation to the individual's employment
  - d) 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
  - e) 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 you would like your parent or guardian to access information about your academic record and progress, download the [Consent for Release form](#), complete it and submit it to the appropriate office.

### **Questions / Contact Information**

- Jacquie Hager, Associate Registrar, Student Records
- Room 10 Funkhouser Bldg., University of Kentucky, Lexington KY 40506-0054
- Phone: (859) 257-7157
- E-mail: [jhager@uky.edu](mailto:jhager@uky.edu)

**The University of Kentucky has designated the following as directory information:**

- 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
- Degrees and awards received
- Most recent previous educational institution attended by the student

**Documents that list the categories of information designated by the University of Kentucky as “directory information” are:**

- Schedule of Classes
- Bulletin
- Registrar's website

**“Directory information” may be made available, without the student's consent, through a variety of ways, including but not limited to the following media:**

- The University's annual printed telephone directory
- Electronic and Internet directories
- Telephone or written responses to requests from external/third parties including but not limited to potential employers and/or scholarship agencies
- Announcements released by the Office of University Relations to newspapers in particular students' hometown newspapers
- Announcement of official graduations, which occur at the completion of each semester or term

**Annual FERPA Notification Deadline**

In order to prevent the “directory information” items listed above from appearing in the University's annual printed telephone directory, students must file a “Request to Prevent Disclosure of Directory Information” (see below) at the time of the annual FERPA notification or by the 15th day of September (or three weeks into the term) during the Fall term. Requests filed after the Fall term deadline may not prevent designated “directory information” from appearing in telephone directories sponsored by the university.

The University of Kentucky assumes that a student's failure specifically to request blocking access to any element of “directory information” constitutes approval for disclosure. To prevent the University from disclosing any “directory information” to third parties, students must sign and file a “Request to Prevent Disclosure of Directory Information” (see below) with the University Registrar,

Room 10 Funkhouser Building.

Such requests may be filed at the time of the annual FERPA notification or at any other time during an academic year. The request to prevent disclosure of “directory information” will remain in effect permanently, including after departure from the University, unless subsequently changed by the student. At the time of graduation, students will be given another opportunity to release such “information hold.”

### **What information can be released without a student's consent?**

The law allows disclosure without consent to:

- School employees who have a legitimate educational interest
- Other schools, upon request, in which a student is seeking or intending to enroll
- Accrediting organizations
- Organizations doing certain studies for or on behalf of the University
- Appropriate parties in connection with financial aid to a student to determine eligibility, amount or conditions of financial aid, or to enforce the terms and conditions of aid.
- Parents when a student over 18 is still a dependent (see additional information under parental rights)
- Certain government officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with an audit, authorized representatives of the U.S. Attorney General for law enforcement purposes or state or federally supported education programs
- Individuals who have obtained a judicial order or subpoena
- School officials who have a need to know concerning disciplinary action taken against a student
- Appropriate parties who need to know in cases of health and safety emergencies when necessary to protect the health and safety of the student and/or others
- State and local authorities, within the juvenile justice system, pursuant to specific state law
- Alleged victim of a crime of violence the results of a disciplinary proceeding with respect to that crime
- Parent or legal guardian of a student under the age of 21, information regarding any violation of university policy or state, federal or local law, governing the use or possession of alcohol or a controlled substance
- Those requesting “directory information” on a student provided the student has not requested his or her information be withheld

**What can a student do if she/he does not want “directory information” made available to the public?**

**Complete a Request to Prevent Disclosure of Directory Information**

A student may formally request the University Registrar to prevent disclosure of “directory information” except to school officials with legitimate educational interests and certain others as specified by the Family Educational Rights and Privacy Act of 1974 (FERPA).

### **To Add a Privacy Flag**

To withhold disclosure, a student must:

1. Present a photo ID in person to the Registrar's Office, Student Records, Room 10 Funkhouser Building and
2. Complete a [Request to Prevent Disclosure of Directory Information \(Privacy\) Form](#) (1 page form in **PDF file format**). The form may be submitted at any time throughout the year and will go into effect immediately.

This suppresses the student's “directory information,” which prohibits the institution from supplying the requested information. The Privacy Flag prohibits the University of Kentucky from releasing any information regarding a student's status at the institution. This notation will appear on the record until the student has initiated a request for removal.

### **Please Note:**

If you request a Privacy Flag be placed on your record, then the University cannot acknowledge the fact of your enrollment to anyone who requests verification of enrollment. This would include deferring loan repayments or inquiries from a prospective employer. Please keep this in mind when requesting that a Privacy Flag be placed on your record.

If you have any questions, please contact the Student Records Office at (859) 257-7157.

### **To Remove a Privacy Flag**

To remove the privacy request, the student is required to:

- 1) Present a photo ID in person to the Registrar's Office, Student Records, Room 10 Funkhouser Building and
- 2) Complete a Privacy Release Form. This will allow the University to release any information deemed “directory information” concerning the student. “directory information” is defined under “Notification of Rights Under FERPA for Postsecondary Institutions.”
- 3) If you have any questions, please contact the Student Records Office at (859) 257-7157.

### **Notification of Rights Under FERPA For Postsecondary Institutions**

(This wording is borrowed from the printed edition of the UK Bulletin.) The Family Educational Rights and Privacy Act [FERPA] affords students certain rights with respect to their education records.

They are:

- 1) The right to inspect and review the student's education records within 45 days

of the day the University receives a request for access. Students should submit to the registrar, dean, head of the academic department, or other appropriate official, written requests that identify the record(s) they wish to inspect. The University official 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 University 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) The right to request the amendment of the student's education records that the student believes is inaccurate. Students may ask the University to amend a record that they believe is inaccurate. They should write the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
- 3) 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. One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
  - a) Upon request, the University discloses education records without consent to officials of another school in which a student seeks or intends to enroll. [Note: FERPA requires an institution to make a reasonable attempt to notify the student of the records request unless the institution states in its annual notification that it intends to forward records on request.
- 4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University of Kentucky to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:  
**Family Policy Compliance Office** U.S. Department of Education  
400 Maryland Avenue, SW Washington, DC, 20202-4605
  - a) The University may release information without the student's consent where the information is classified as "Directory information." The following

categories of information have been designated by the University as directory information: name, address, telephone listing, e-mail address, 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, degrees and awards received, full-time/part-time status,\*\* and the most recent previous educational institution attended by the student. Students who do not wish such information released without their consent should notify the Student Records Office in writing and follow the procedures listed here.

**Office of the Registrar**

11 Funkhouser Building Lexington, KY 40506-0054

Phone: (859) 257-3161 FAX: (859) 257-7160 UK-VIP: (859) 257-7000

**Questions**

Direct questions concerning this law and the University's policy concerning release of academic information to the Student Records Office: (859) 257-3161.