

Frequently Asked Questions About FERPA

1. What Is FERPA?

The Family Educational Rights and Privacy Act is a federal law governing the maintenance and disclosure of records maintained by schools that can be identified with any specific student. At a general level, students have the right to see their own educational records and those records can't be disclosed to anyone else without the student's consent.

2. What kinds of records are covered by FERPA?

Any record that can be linked to a specific student, whether by name, by social security number, by student ID, or through any other kind of personally identifiable information (e.g., transcripts, financial records, assignments, etc.) is covered. Some student records are known as "directory information" – things like address, phone number, dates of enrollment, etc. – and these can be disclosed without the student's consent unless the student specifically asks that they be kept private. See [FERPA Directory Information](#) for the University's general definition of "directory information," but note that your school's own definition may be narrower.

3. When does FERPA apply?

FERPA applies once a student begins taking any course given by the University and thereafter covers all records relating to the student's status as such at the University, no matter when the records are created or received. So, for instance, applicants who apply and are not admitted or choose not to attend are not "students" for FERPA purposes, but once a student registers, his or her application file (if any) becomes a FERPA-protected student record. Student status does not begin until and unless a student begins taking at least one course at the University.

4. If I work with student records, what kinds of people can I send them to, or discuss them with?

The most important exception to the general rule against disclosure of student education records is that they may be shared with another Harvard University employee, or certain outside agents of the University, provided that that person has a "legitimate educational interest" in them. Harvard schools have strict policies on disclosure of student records and directory information to any persons outside the university (including parents of students) so you must check with your school's Registrar's Office before responding to any such request.

5. How should grades be handled?

Grades are student records, and must be kept private. Like all other student records, they belong to the students (and not their parents), and, subject to question 4, should not be disclosed to any third party without the student's consent. This means that grades must not be posted publicly, and graded papers must not be left out in publicly-available spaces for students to pick up.

6. How should I handle requests from students to view or change their records?

Students may access their own records, but the schools have procedures for responding to student inquiries. Student requests, either for review or for changes to the records, should be referred to the Registrar's Office.

See here for information about such requests at Harvard College and GSAS:

College: <http://handbook.fas.harvard.edu/book/education-records>

GSAS: <http://www.gsas.harvard.edu/handbook/ferpa-and-access-to-student-records.php>

7. How does FERPA fit with other state and Federal laws making other kinds of records (health records, for instance) confidential?

Certain categories of records are confidential under FERPA and under other laws, such as health records, protected by HIPAA, or student financial information. If you know of legal or policy reasons why a record should be treated with extra care, beyond what you understand FERPA to require, then the most restrictive rule controls.

8. Can I send student records via email?

Student records must be stored and transmitted in accordance with the requirements of the Information Security Policy (ISP). Barring a higher level of confidentiality for non-FERPA reasons (as discussed above), you may transmit student records via email provided that you exercise a high level of care to ensure that the messages reaches only your intended recipients. If you do so, it is strongly recommended that student records be sent only to Harvard-affiliated email addresses.

9. Where should I go if I still have questions?

There are exceptions to most of the rules stated above that apply only in specific, specialized circumstances (e.g., requests from law enforcement or health emergencies). If you believe you are facing one of those situations, contact your Registrar or the OGC with legal and policy questions, or IT data security with technical IT questions.