

# **FERPA Basics**

**Registrar's Office**  
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# FERPA Basics

- What is FERPA and what does it do?
- Why do we have to comply with it?
- What are the basic things that the campus community needs to know about the GT policy?
- What do I need to know about GT data governance policies?
- What do I need to know about data access and handling issues, including OIT policies?
- Where can I go for more information and assistance?

# What is FERPA?

From the Family Policy Compliance Office(FPCO):

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a **Federal law that protects the privacy of student education records**. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

<https://studentprivacy.ed.gov/ferpa>

# What is a student education record?

The term student education record refers to those records that are:

- (1) Directly related to a student; and
- (2) Maintained by an educational agency or institution or by a party acting for the agency or institution.

Note that records have been kept in different formats over the years. They are all protected.

# What is a student education record?

- This includes student financial aid records. It is important to note that in addition to FERPA, student financial aid records are also further protected by Federal law, particularly in regard to information on the FAFSA.
- Student housing records are protected by FERPA.
- Student medical records are protected by HIPAA.
- Bear in mind that there are different privacy laws that protect most kinds of personal data. Never assume that data is not protected.

# What does FERPA do?

It affords students certain rights with respect to their education records.

They are:

- The right to inspect and review the student's education records;
- The right to request amendment of the student's education records that the student believes are inaccurate or misleading;
- The right to consent to disclosures of personally identifiable information (PII) contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent; and
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Georgia Institute of Technology to comply with the requirements of FERPA.

# Why do we have to comply?

We must comply with FERPA and have a GT policy in place because we receive funding.



# Definition of “receives funds”

(c) The Secretary considers funds to be made available to an educational agency or institution if funds under one or more of the programs referenced in paragraph (a) of this section-

(1) Are provided to the agency or institution by grant, cooperative agreement, contract, subgrant, or subcontract; or (2) Are provided to students attending the agency or institution and the funds may be paid to the agency or institution by those students for educational purposes, such as under the Pell Grant Program and the Guaranteed Student Loan Program (Titles IV-A-I and IV-B, respectively, of the Higher Education Act of 1965, as amended).

Source: [http://www.ed.gov/policy/gen/reg/ferpa/rights\\_pg2.html#1](http://www.ed.gov/policy/gen/reg/ferpa/rights_pg2.html#1)



# To whom does it apply?

- FERPA applies to all students who attend post-secondary institutions.
- GA Tech defines “in attendance” as registered for classes. This means that when a student attends FASET in the Summer and registers for classes, their records are covered.
- Does not apply to:
  - Applicants who are denied admission.
  - Those applicants who were accepted but did not attend.
- It is important to note that each institution has its own FERPA policy. Although some of the content is consistent institution to institution, there are variations where the law allows it. Such as in how we define “in attendance.”

# Does it apply to international students?

- International students have the same rights as domestic students under FERPA.
  - inspect their records
  - request amendments
  - protect privacy
  - file a complaint
- International students consent to release of their information to certain governmental agencies on various forms.
  - Department of Homeland Security

# Are we allowed to release information?

- Schools are not allowed to disclose information (other than “**Directory Information**”)
  - without the student’s written consent except under very limited conditions.
  - or where the law allows it such as for internal use by Institute faculty and staff who have a legitimate need to know – they need to access student education records to do their jobs
  - or where the Institute has a contract or agreement with another entity (such as a software vendor) where the data is protected under GT policy

# Types of FERPA Data



**Protected: Directory  
Information**



**Protected: Non-  
Directory Information**

Directory Information refers to those protected data elements Georgia Tech *may* disclose without explicit consent. All other data elements are considered non-directory and are protected. Please note: Students can declare themselves as confidential (request that their records be flagged as Confidential). If this occurs, all their data becomes non-directory and cannot be released without their consent.

# How do we define directory information at the Institute?

The Institute, pursuant to University System of Georgia policy, has designated the following categories of information as Directory Information effective December 31, 2024:

- Student's name
- Major field of study
- Enrollment status
- Participation in officially recognized activities and sports
- Dates of attendance
- Degrees, honors, and awards received
- Dates of attendance
- The most recent educational institution attended
- Height and weight of athletes
- Class level
- Hometown
- Institution assigned email address\*
- Thesis/Dissertation title

\*Under this category, an institution-assigned email address may be disclosed without consent only to other, current students. In addition, students may not request email listings of the entire student body or segments thereof, except for academic purposes.

# Information for Students, Faculty, and Staff

There is more information on the Registrar's Office website about GT's FERPA policy and on how to request confidentiality. The website is an important resource for faculty and staff as well.

<https://registrar.gatech.edu/ferpa/privacy-and-students-rights>

<https://registrar.gatech.edu/ferpa>

# Who has access to student data at GT and why?

- The Institute may disclose education records without a student's prior written consent to certain parties under certain conditions, as allowed by FERPA, including:
  - **School officials with legitimate educational interests**

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility.
  - Other schools to which a student is transferring
  - Specified officials for audit or evaluation purposes
  - Appropriate parties in connection with financial aid
  - Organizations conducting certain types of studies for or on behalf of the school
  - Accrediting organizations
  - Compliance with a judicial order or lawfully issued subpoena
  - Appropriate officials in cases of health and safety emergencies

# What faculty or staff roles at GT have access to student data?

Job functions in areas such as:

- Instruction, teaching or serving as a TA
- Report writing, data management that include student data
- Student success or well-being
- Financial aid or billing
- Student services
- Enrollment services



# How can Faculty and Staff Access Student Data?

Access to systems such as:

- Canvas
- Banner
- GT Reports, LITE, or other reporting tools
- Slate, Admit, or other administrative tool
- Advisor Link or other academic advising platform (EAB coming on board in 2025)
- DegreeWorks
- Any advising or data tool in use in your unit

# What are the best practices around accessing and handling student data?

- Use the data only for job-related purposes
- Do not share student data with a third-party, internal or external
- Share with your colleagues at GT *only if* you have a need to do so
- Always remain mindful of student data in different formats and don't neglect your work area, laptops, or other tools in such a manner that someone might take advantage

# What are the best practices around accessing and handling student data?

- Follow OIT rules for using and protecting your laptop and other equipment so that you are not exposing student data to unauthorized access or theft.
- Be mindful of email as an insecure medium and always be careful about recipients of any email that you send.
- When requesting a report on student data, ask only for what you need.

# Student Records in Banner

- Access to the Banner Student Module is based on roles.
- What one has access to depends on their job, even within the Registrar's Office where we have full view of all the screens.
- Some of your access is to view, some to modify.
- Regardless of your role, you are expected to remain mindful of student privacy and to remain in compliance with GT's policies.

# What is the best way to share reports and other documents?

Use:

- One-Drive
- Sharepoint
- DropBox
- Teams
- Secured local drives

This keeps the FERPA-protected student data within a secure environment.

# What is the best way to share reports and other documents?

Don't use:

- Email
- Google Suite
- Any solution without an approved Institute agreement
- Personal Dropbox, Box, or Office365 account

Bear in mind that student data must be kept within a secured environment.

# Cybersecurity at GT

- You are expected to be aware of and to abide by Georgia Tech policies:
  - Cyber Security Policy
  - Data Privacy Policy
  - Password Policy
- Information can be found on the OIT website at:
  - <https://oit.gatech.edu>

# Types of Communication

- Remain mindful of security measures when giving out information via telephone. Speak only with the student after you have asked enough questions to know they are the caller.
- Parents or others often call, remain mindful that we do not have blanket FERPA waivers at Tech, so the information you give out to parents or any other third party is very limited.
- You can sometimes be helpful to parents by explaining policy or procedure without talking about the individual student record.



# Types of Communication

- Remain mindful of privacy procedures when speaking in person with a student. If they have their parents with them, you need the student's permission to share information.
- Do not discuss a student's information in front of another student or in an open area where the conversation can be overheard.
- If you have a student or other visitor in your office, take care to not expose sensitive information in your work area.

# What if I want to do a survey to collect student data?

- Use the GT licensed, approved survey tool: Qualtrics
- Be thoughtful, even when using Qualtrics, about what you are asking the responder to provide:
  - If they are logging in with GT credentials, there is no reason to ask them for their name, GT ID, etc.
  - Limit the questions to the data that you need.
  - If you are unsure, ask questions. The Registrar's Office or Institutional Research and Planning might be able to help or point you in the right direction.

# As an instructional faculty member, are there any additional things that I need to know?

- There are some additional concerns for instructional faculty around:
  - Grades
  - Instructional support tools
  - Canvas
  - Interactions with students in the classroom
  - Photos and or videos in class
  - Doing research using student data
  - LTIs or other learning support tools
- These areas are covered in the FERPA Basics for Instructional Faculty training material on the Registrar's Office website.

## What about parent access to student data?

- The level of access that parents had to student data in elementary and secondary school is not the same as they have to college records.
- Once a student enrolls in classes at GT, their records are protected by FERPA and they are the owners of the privacy protection.
- Some institutions provide a blanket waiver of FERPA protection, as allowed as an option under the law, so that parents can access student data. *GT does not.*

# What about parent access to student data?

- Considerations for GT not providing a blanket FERPA waiver for parents include:
  - We consider our students to be adults, in charge of their own information.
  - Claiming a student on one's income tax does not mean that we must provide the parent with access to student data. The law says it is our option to do so.
  - Under unusual circumstances, the Registrar's Office can provide a one-time FERPA waiver to allow access to a very limited amount of information for a specified period of time. We rarely use this option. More information is available from the Registrar's Office.

# What about parent access to student data?

- Parents or guardians who may be concerned about a student for specific reasons should be asked to contact the Office of Student Life.
- Staff there can collect the information in a confidential manner and direct questions to the appropriate offices on campus for assistance.

## How do I report a concern/complaint?

- Students who have concerns about the privacy of their FERPA-protected student data should report them to:

[comments@registrar.gatech.edu](mailto:comments@registrar.gatech.edu)

- The Registrar's Office will investigate the concern/complaint immediately and follow up as appropriate.
- Faculty and staff should also report concerns in the same manner.

## How do I report a concern/complaint?

- If you are not comfortable reporting details of the question/incident/complaint through the [comments@registrar.gatech.edu](mailto:comments@registrar.gatech.edu), then send the email and state that you have a FERPA concern and could the appropriate folks in the Registrar's Office contact you. Please provide your preferred method of contact.
- The [comments@registrar.gatech.edu](mailto:comments@registrar.gatech.edu) is read only by authorized staff, and privacy is always our highest concern. Please feel free, though, to request that we discuss one-on-one with you.



# EU GDPR –what is that?

## European Union General Data Protection Regulation Privacy Notice

- This is the Georgia Institute of Technology's (Georgia Tech) Office of the Registrar privacy and legal notice for compliance with the European Union General Data Protection Regulation (“EU GDPR”). For more information regarding the EU GDPR, please review Georgia Tech's EU General Data Protection Regulation Compliance Policy.

<https://registrar.gatech.edu/eu-gdpr/policy>

# Whom do I contact for more information?

- Please send any questions to [comments@registrar.gatech.edu](mailto:comments@registrar.gatech.edu).
- If you would like tailored training for your area, please let us know, we can provide it.
- If you are ever in a situation where you do not know what to do, please contact us and we'll either walk you through it or respond to the situation directly.

# Resources

- Useful websites:
  - <https://registrar.gatech.edu/ferpa>
  - <https://policylibrary.gatech.edu/information-technology>
  - [https://www.usg.edu/records\\_management/schedules/934](https://www.usg.edu/records_management/schedules/934)
  - <https://registrar.gatech.edu/eu-gdpr>
  - <https://studentprivacy.ed.gov/ferpa>
  - <https://library.educause.edu/topics/policy-and-law/gramm-leach-bliley-act-glb-act>
  - <https://www.hhs.gov/hipaa/index.html>