



NEW YORK UNIVERSITY

To: Faculty, Administrators, and Staff

Date: December 3, 2012

From: Provost David McLaughlin

Re: University Compliance with the Family Educational Rights and Privacy Act ("FERPA")

The Family Educational Rights and Privacy Act (FERPA) establishes requirements for the protection of the privacy of students. FERPA and its regulations govern the release of information from student educational records, provide for student access to their records, and establish a means for students to request the amendment of records which they believe are inaccurate, misleading, or otherwise in violation of their rights of privacy. New York University's Guidelines for compliance summarize the rights of the University's students under FERPA and its regulations, as well as the corresponding obligations of the University, and are available at <http://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/FERPA.html>. A brief video about FERPA and tutorial may be viewed by following the same link.

DISCLOSURE -- Generally, personally identifiable information regarding a student cannot be disclosed without his or her written consent, although there are exceptions to this rule, which are explained in the Guidelines. Information is personally identifiable if it would make a student's identity easily traceable. This includes the student's name, address, social security number or other such identifying number, photograph, or parent's name and/or address. The disclosure of personally identifiable information regarding students in any form to unauthorized individuals or organizations is a violation of both FERPA and University policy, and University employees who engage in such acts may be subject to personnel action. Faculty wishing to use student data for research purposes must obtain prior approval from the University Committee on Activities Involving Human Subjects and obtain the student's written consent.

EDUCATION RECORDS COVERED UNDER FERPA -- The Guidelines describe those education records which are covered by FERPA and which are available for student review. "Education records" refers to any record or document containing information directly related to a student and is not limited to a file with the student's name on it. It is important to remember that the FERPA regulations pertain to computerized or electronic files, audio and video tape, photographic images, film, etc., as well as hard copy documents. Further, communications and documents distributed or received on e-mail, or other similar University systems, which are retained in those systems, either by the sending or receiving party, are subject to FERPA disclosure.

STUDENT ACCESS -- Requests by students for access to their education records should be referred to Assistant Provost Barnett W. Hamberger, Room 403F, 194 Mercer Street, ext. 82310, or to the appropriate University record review officer listed in Section IV of the Guidelines. Copies of the Guidelines are available for students in Mr. Hamberger's office, Room 403F, 194 Mercer Street. If you have a question about the availability of a certain record for a student's review or the form in which the record is to be made available, please contact Mr. Hamberger, or the appropriate record review officer, if other than Mr. Hamberger. When legal questions are involved, the record review officer will consult directly with the Office of Legal Counsel. Please note that students have the right to see original documents in their files.

Please make sure that all employees whom you supervise, including student employees, who have access to personally identifiable information about students, are familiar with the University's guidelines for compliance with FERPA. If you or any of your employees have questions about FERPA, please contact Assistant Provost Barnett Hamberger.