(b)(6)

AUG 0 6 2009

Dear (b)(6)

This is in response to your January 27, 2009, complaint form to this Office in which you allege that the (b)(6) (College) violated your rights under the Family Educational Rights and Privacy Act (FERPA) when it disclosed personally identifiable information from your education records to a third party without your prior written consent. This Office administers FERPA which addresses issues that pertain to education records.

FERPA is a Federal law that gives eligible students the right to have access to their education records, the right to seek to have the records amended, and the right to have some control over the disclosure of information from the records. The term "education records" means those records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution.

Under FERPA, a school may not generally disclose personally identifiable information from an eligible student's education records unless the student has provided written consent. There are several exceptions to FERPA's general prohibition against nonconsensual disclosure of education records. However, none of these exceptions appear to apply to the situation you describe.

This Office investigates those timely complaints that contain specific allegations of fact giving reasonable cause to believe that a school has violated FERPA. It appears you are alleging that sometime in August 2008 you learned that the College nonconsensually disclosed information from your education records (personal and financial information) to (b)(6), a friend whose name and contact information you provided to the College as an emergency contact. If you wish this Office to further consider your allegation, we need to receive additional information from you.

Please verify that we have accurately stated your allegation above or provide us with any necessary changes. Also, please provide us with the specific nature of the information that was disclosed to (b)(6) and evidence to support your assertion that such information was disclosed. For example, you could provide us with a signed statement

from (b)(6) regarding the disclosure of information to her and the specific nature of the information that was disclosed. We will review the information you submit and take any appropriate action.

I trust that the above information is helpful in explaining the scope and limitations of FERPA as it relates to your concern.

Sincerely,

Ricky C. Norment
Program Analyst
Family Policy Compliance Office