(b)(6)

SEP 30 2009

Dear (b)(6)

This is to follow up on the undated complaint letter regarding the Family Educational Rights and Privacy Act (FERPA) that this Office received from you on August 13, 2009. In a February 18, 2009, letter to this Office you alleged that (b)(6) (College) improperly disclosed to third parties information from your education records without your prior written consent. On July 14, 2009, this Office sent to you a 3-page guidance letter (copy enclosed) explaining FERPA as it relates to your concerns.

In summary, you allege that on February 18, 2009, a (b)(6) related that the College provided the social security numbers (SSNs) of its former students to its Alumni Office, and the Alumni Office provided the SSNs to a printer that printed the College's Alumni newsletter. You further allege that the printer sent newsletter mailings with students' addresses and SSNs to former students.

Regarding this allegation, this Office advised in our July 14, 2009, letter that if you believe that the College improperly disclosed from your education records your name and SSN to the College's printer who then included this information on a mailing to you and other former students, you need to provide this Office a copy of any such mailing that the College sent to you. If you do not have a copy of the mailing to you, you should state this in your response.

We further advised that for each improper disclosure of information from your education records that you believe occurred, you need to provide a brief, concise, statement that contains:

1. The date the records were disclosed;
2. the name and title of the school official(s) who you believe were involved in the disclosure of the records;
3. the specific nature of the records disclosed; and
4. to whom the records were disclosed.

As of the date of this letter, this Office has not received from you the information described in the paragraphs immediately above.

We also note that the president of the College has stated that it has taken steps in response to the data breach, as follows:

1. The College has engaged (b)(6), a New York-based risk consulting firm, to provide services with respect to the data breach at no cost to students;
2. Licensed investigators will help restore students' names and credit if either should be affected by the data breach;
3. Continuous credit monitoring is available to make students aware of key changes in their credit file that could indicate the kind of unauthorized activity commonly associated with identify theft and fraud.

Given that (1) you have not provided this Office in writing the information about your complaint that is described in the paragraphs above, and (2) the steps the College has taken to protect students from possible harm from the data breach, there is no basis under FERPA for this Office to consider your complaint.

I trust this information and guidance is helpful to you.

Sincerely,

Paul Gammill
Director
Family Policy Compliance Office

Enclosure