(b)(6)

JUN - 1 2011

Dear (b)(6)

This is to respond to your November 11, 2010, letter to this office in which you allege that rights afforded you under the Family Educational Rights and Privacy Act (FERPA) were violated by (b)(6) (University) when it denied you access to your education records. This office administers FERPA, which addresses issues pertaining to education records.

This office responded to concerns you raised in your May 5 and July 30, 2010, letters on November 4, 2010. In our response, we informed you that the University's refusal to provide you copies of your education records did not appear to be a denial of access. Rather, it appears that the University offered you an opportunity to inspect and review your education records as required by FERPA. In fact, by letter dated April 9, 2010, (b)(6), association university counsel, asked you to contact her paralegal to "schedule a mutually convenient date and time for you to inspect" your education records.

In the interim after our response was sent you to, it appears that you temporarily visited the United Kingdom and that you again requested the University to provide you with copies of your education records while you were overseas. In response, it appears that the University offered to provide you with access by scheduling an appointment for you to inspect and review your records upon your return to New York. In your November 11, 2010, letter to us, you indicated that the University violated your rights under FERPA when it failed to provide you with copies, because you state that you temporarily resided outside of commuting distance.

Under FERPA, a school is not required to provide copies of education records to a student unless a failure to do so would effectively prevent the student from exercising the right to inspect and review the records. For example, a school is required to provide copies, or make other arrangements for inspection and review, if the student does not live within commuting distance of the school.

Due to the passage of time, the fact that you are back in New York, and the fact that the University has asked that you contact them to make arrangements to inspect and review your education records, we are not initiating an investigation into your allegations. However, if in the future you write to the University and specify the records that you are seeking, and the University fails to provide you with access, you may complete the enclosed complaint form,

including a copy of your written request along with a response from the University, if any, and forward it to this office. If you are still not in commuting distance of the University and the University does not either provide you with copies or appropriately make arrangements for you to inspect and review the records, please clearly indicate that to us in your correspondence. Once we receive your complaint, we will consider the information and take any appropriate action.

I trust this addresses your concerns as they relate to the scope and limitations of FERPA.

Sincerely,

Bernard Cieplak
Program Analyst
Family Policy Compliance Office

Enclosure