

16.01.02.T1 Privacy – Education Records

Approved: July 10, 2023
Next Scheduled Review: July 10, 2028



Rule Summary

This rule is required by and supplements The Texas A&M University System (system) Regulation 16.01.02, *Privacy*, and establishes required roles, responsibilities, and processes for protection of the privacy of education records, as defined by the Family Educational Rights and Privacy Act (FERPA), at Tarleton State University (Tarleton or university).

Rule

1. PURPOSE AND BACKGROUND

- 1.1 Tarleton recognizes that certain information must be maintained in a confidential manner and is committed to protecting the privacy of education records, as defined by the Family Educational Rights and Privacy Act (FERPA).
- 1.2 The university and its employees must manage education records in compliance with FERPA other applicable federal and state privacy laws, system policies and regulations, and university rules and procedures.

2. ROLES AND RESPONSIBILITIES

- 2.1 Tarleton herein designates the registrar as the university's FERPA official who is responsible for overseeing the university's compliance with FERPA, the system regulation, and this rule.
- 2.2 The FERPA official will:
 - 2.2.1 submit a draft of the university's annual notification of FERPA rights to the Office of General Counsel (OGC) for review and approval as to form and legal sufficiency prior to distribution;
 - 2.2.2 distribute by email an annual notification of FERPA rights, approved as to form and legal sufficiency by OGC, to all enrolled students including a statement of the procedures required to obtain such information, a list of the PII that has been identified as directory information, and the process for students who wish to request that their student directory information be withheld, in accordance with FERPA;

- 2.2.3 maintain a publicly accessible student information privacy/FERPA website that includes procedures required to obtain such information, a list of the information that has been identified as directory information, the process for students who wish to request that their student directory information be withheld, in accordance with FERPA, and the processes for non-students or third-parties who wish to request education records and student directory information;
 - 2.2.4 determining the categories of information that constitute directory information in accordance with FERPA and System Regulation 16.01.02;
 - 2.2.5 determine and establish the date by which a student is considered to be in attendance for purposes of FERPA in accordance with Regulation 16.01.02 and communicate the date to university personnel with a need to know;
 - 2.2.6 will review and approve, through the Internal Review Board (IRB) process, research that is conducted by university personnel when university education records or students are the subject of the research;
 - 2.2.7 maintain a record of requests for access to, and disclosures, of PII from education records as required by FERPA, including a list of any breach of system security or other incident resulting in unauthorized access, disclosure or use of PII and retain this record for as long as the underlying education records are retained; and
 - 2.2.8 review and approve all university engagements, designations, and agreements with other system members or third parties with a legitimate educational interest in education records for access or maintenance of education records to ensure engagements, designations, and agreement are:
 - permitted by FERPA;
 - required written agreements are entered into with appropriate language outlining the system member's or third party's responsibilities in protecting the privacy and security of the educational records in accordance with FERPA; and
 - monitoring and mitigation of any associated risks that arise throughout engagements and agreements.
- 2.3 As it relates to records under the purview of the Registrar's Office, the Registrar's Office is responsible for the process for receiving and responding to requests of student's exercising their rights under FERPA, parents who have obtained the student's written consent in accordance with FERPA, and an exception under FERPA permitting disclosure without the student's consent.
- 2.4 As it relates to records not under the purview of the Registrar's Office, the university's designated public information officer (PIO) within University Compliance (Compliance) is responsible for:
- 2.4.1 the process of receiving and responding to third party requests for education records in accordance with FERPA and the PIA;

- 2.4.2 the process of receiving and responding to requests for student directory information, as defined by FERPA and established by the registrar as student directory information, in accordance with the FERPA and the PIA; and
- 2.4.3 an exception under FERPA permitting disclosure of educational records without the student's consent.
- 2.5 The Division of Research, Innovation, and Economic Development will route, through the IRB process, any research protocol that is conducted by university personnel when university education records or students are the subject of the research to the university's designated FERPA official for review and approval.
- 2.6 The university's chief information security officer (CISO) will notify the FERPA official of any breach of system security or other incident resulting in unauthorized access to or disclosure of educational records or student PII. The CISO will ensure that any potential engagements with software vendors with access to or maintenance of education records are reviewed and approved by the FERPA official, per section 2.2.8, in advance of formal engagement with the vendor.
- 2.7 University departments, units, and personnel are responsible for notifying the FERPA official in writing when:
- PII from education records has been requested in accordance with FERPA, including the name of the requesting party, description of records requested, date of release or denial of access, and the legitimate interests the party had in requesting or obtaining the information; and
 - when there has been any breach of system security or other incident resulting in the unauthorized access, disclosure or use of PII.
- 2.8 Procurements and Contracts will ensure a process is in place for routing for approval any written agreements with other system members or third parties with a legitimate educational interest in education records for access or maintenance of education records to the FERPA official.
- 2.9 All university employees are required to complete FERPA training once per year.

Related Statutes, Policies, or Requirements

[Family Education Rights and Privacy Act \(FERPA\)](#)
[System Regulation 16.01.02, *Privacy*](#)

Contact Office

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16.01.02.T1, Privacy – Education Records