The Privacy Act

Any discussion of Office of the University Registrar services begins with an overview of the Family Educational Rights and Privacy Act of 1974 as amended (20 U.S.C. 1232g) and Rules of the Department of Education (34 C.F.R. Part 99), commonly referred to as FERPA or the Buckley Amendment. This federal law defines the type of student information that can be released, to whom, and under what circumstances. Did you know, for example, that it is illegal to post a photocopy of your grade sheet on your office door, even if the names are obscured?

Release of Student Information
This diagram is designed to help you ask the right questions about the release of student information.

Directory Information
Directory information, which can be released upon any legitimate request without the student’s permission, consists of:

- student name;
- home and school addresses, telephone numbers;
- e-mail address;
- month and day of birth;
- place of birth;
- country of citizenship;
- field of study;
- school of enrollment;
- full/part-time status;
- level (graduate, undergraduate, etc) and year in school;
- participation in officially-recognized activities and sports;
- weight and height of members of athletic teams;
- dates of attendance;
- candidacy for degree;
- degrees, honors, scholarships, and awards received;
- most recent previous educational institution attended;
- names of parents or guardians.

All other information not specifically listed, including grades, courses, days and times of course meetings, withdrawals, suspensions, and age, cannot be disclosed without the student’s permission. Faculty have access to student I.D numbers, class rosters, and grades as part of their academic activities, and are obligated to maintain the confidentiality of that information at all times.

Privacy Flags
If you have direct access to ISIS, you may occasionally encounter a record with the notation "Do Not Release Information" on the bottom of the screen. Students have the right to restrict the disclosure of directory information, and for those who do so, no information whatsoever can be released without written permission. Students can establish a privacy flag by writing to the registrar or the Vice President for Student Affairs.

To obtain non-directory information on a student, University employees must have a legitimate educational interest, requiring the student records in the course of performing instructional, supervisory, advisory, or administrative duties for the University. The selection of students to officially recognized honor societies, periodicals, and other activities which recognize or encourage superior academic achievement is a legitimate educational interest.

If, for example, you want to review a student’s complete transcript to assist in the writing of a letter of recommendation, we consider that a legitimate request.

http://www.virginia.edu/registrar/hbpriv.html

8/14/2006
Release of Information Over the Telephone
You may discuss a student’s record over the telephone only with the student and only if you are certain that it is the student with whom you are speaking.

Speaking with the student's parents is more problematic. Non-directory information about a dependent student (defined usually as an undergraduate) may be discussed with whomever that student lists as next of kin. Unless you have access to the database, however, it is impossible to know whether a student has listed the father or the mother (or both) as legal next of kin. It is best to avoid discussing a student’s record with anyone other than the student, unless you have the student’s permission to do so.

Posting Grades in Public
As convenient as it may be to post photocopies of grade sheets on your office door or leave boxes of graded papers in a box in the hall, you should not do so. Students at other universities have sued over these practices—and have won. Even if you obscure the students' names and identification numbers on a grade listing, a student who knows where names fall in the order of the course roll could discern other students' grades.

With the implementation of ISIS, students can check their final grades by logging on to ISIS Online. If you want to post test or mid-term grades (grades which are not on ISIS), you may do so by using a random-order listing of your own devising. Some instructors, for example, assign each student a blind grading number while others sort their list by the final four digits of the I.D. number. There is no guaranteed safe way to return papers or reports other than to hand them back in class or deposit them in students’ mailboxes (for those departments that have individual student boxes). We do not recommend posting grades in any public manner.