# **Understanding the FERPA / Student Confidentiality Hold**

* **What is FERPA?**

The federal *Family Educational Rights and Privacy Act of 1974* establishes requirements regarding the privacy of student educational records. Penn State and all educational institutions that receive funds under any program administered by the US Department of Education must comply.

* **What is the FERPA / Confidentiality hold?**
* FERPA allows institutions to release certain student information without the student’s consent in certain situations. These items are defined as *Directory Information*.
  + A full list of Directory Information may be found on the Office of the University Registrar’s web site (<https://www.registrar.psu.edu/confidentiality/directory-information.cfm>).
* Penn State allows students to restrict the release of Directory Information/all information by means of the FERPA / Confidentiality Hold.
* **How does the FERPA / Confidentiality Hold affect University employees?**
  + University employees may have a legitimate, educational right to view/use a student’s educational record information within the assigned duties of their position. The FERPA / Confidentiality Hold prevents University employees from releasing student educational information to a 3rd party without the student’s expressed consent.
    - This includes not being able to confirm to an outside entity that the person is a Penn State student.
  + If a University employee is communicating with a student that has a FERPA / Confidentiality Hold …
    - University employees must confirm the identity of the student before releasing and/or discussing specific information regarding the student or any part of their academic record.
    - Conversations around general University information or hypothetical situations are permissible if a student’s identity cannot be confirmed.
* **Where can University employees view the FERPA / Confidentiality Hold indicator?**

LionPATH: The FERPA / Confidentiality Hold will display on a student’s record as the “Nightshade” icon



* + When the “Nightshade” icon is clicked a new browser tab will be open directly on the “Student Rights Under FERPA” section of the Office of the University Registrar website.
  + No information is “releasable” without a signed consent form if a student has the FERPA/Confidentiality hold.
  + University Employees may not confirm the person is a student.

CANVAS: Within a course roster, instructors will see a “CONFIDENTIAL USERS” button

* + - The button will display as follows:
      *  (DK BLUE) – if at least one student has FERPA/Confidentiality Hold
        + Clicking on the button will then display a list of the actual students
      *  (LT BLUE) – if no students have the FERPA/Confidentiality Hold

Starfish: The FERPA / Confidentiality Hold currently does not display in this application. Please use the LionPATH and/or CANVAS functionality until further notice.

* **How are University employees able to communicate with a student that has the FERPA / Confidentiality Hold?**
  + If a University employee is communicating with a student that has a FERPA / Confidentiality Hold …
    - University employees must confirm the identity of the student before releasing and/or discussing specific information regarding the student or any part of their academic record.
    - Conversations around general University information or hypothetical situations are permissible if a student’s identity cannot be confirmed.
* *In* *person / Zoom*: Confirm the student’s identity using their Penn State ID card.
* *Email*: In conjunction with the Office of General Counsel, the Office of the University Registrar has determined that communication via a student’s Penn State email account is acceptable even if the student has the FERPA / Confidentiality Hold. Students are informed not to provide others with access to their Penn State account which includes email.
  + If contacted via a non-PSU email
    - Direct the individual to utilize their PSU email account for conversation
    - Otherwise, respond only in generalities and hypothetical situations
* *Telephone:* If communicating with a student via the telephone, University employees should make every attempt possible to validate the student’s identity through a series of non-leading questions to which only the student would know the answers. The University employee would use LionPATH screens to validate the information provided by the student.
  + - Never confirm, deny or correct the information provided by the student!
    - Ask as many questions as needed to feel confident the student’s identity has been confirmed.
    - Simply begin by saying “*Penn State students have the ability to place a FERPA related hold on their academic record to prevent the release of information. May I ask you some questions, please?*”
    - Examples of non-leading questions used to validate a student’s identity would be, but not limited to the following:
      * *What is your major and/or plan?*
      * *What course(s) are you registered for this term?*
      * *What course(s) did you take last term?*
      * *What is the name of your high school?*
      * *What is your date of birth?*
      * *What is your current University and/or permanent address?*
    - A more extensive list of questions can be found on the Office of the University Registrar [webpage](https://www.registrar.psu.edu/confidentiality/guidelines-faculty-staff/understanding-confidentiality-hold.cfm)
* **Where can University employees find more information regarding FERPA?**

For more information regarding the FERPA / Confidentiality Hold or FERPA in general

* + Visit the Office of the University Registrar website [*(https://www.registrar.psu.edu/confidentiality/)*](https://www.registrar.psu.edu/confidentiality/)
  + Email the Office of the University Registrar … [registar@psu.edu](mailto:registar@psu.edu)
  + Telephone the Office of the University Registrar … (814) 865-6357