



## UCEAP STUDENT PRIVACY POLICY

### I. SCOPE

This policy governs the disclosure of information from all student education records.

### II. DEFINITIONS

“Student” is an individual for whom the University of California maintains student records and who:

- a. Is enrolled in or registered with an academic program at a UC campus; and
- b. Is on an approved educational leave or other approved leave status, or is on filing-fee status.

“Enrolled in or registered with” as specified in these policies is equivalent to the term “attendance” as used in the Family Educational Rights and Privacy Act. The University uses enrollment and registration rather than attendance as a measure of student status.

“Student education records” “ as used in this policy is synonymous with the term “education records” in the Federal Family Educational Rights and Privacy Act. Student education records are those records that contain information directly related to a student and that are maintained by UCEAP. For records not governed by this policy, refer to the [University of California System Policies Applying to Campus Activities, Organizations and Students, section 130.234](#).

“Legitimate Educational Interest” (aka “need to know” means: (1) the information or record is relevant and necessary to the accomplishment of some task or determination; and (2) the task or determination is an employment responsibility for the inquirer or is a properly assigned subject matter for the inquirer. A University official is determined to have legitimate educational interest in a particular record if the information requested is relevant and necessary for that official to:

- a. perform a task or determination that is an employment responsibility or is a properly assigned subject matter for the inquirer;
- c. perform a task that is related specifically to the official's participation in the student's education;
- d. perform a task that is related specifically to the discipline of the student; or
- e. provide a service or benefit relating to the student or student's family, such as health care, counseling, job placement or financial aid.

### II. POLICY SUMMARY

Under the Family Educational Right to Privacy Act (FERPA), provisions of state law relating to public records disclosure and UC policy, registered students have the right to keep their records private. FERPA protects the privacy of student records, generally prohibiting disclosure of personal information, and giving the students a right to access their own record (with some exceptions). UC students are considered adults, regardless of their age, and regarded as capable of managing their own records and determining who can access information about them.

Parents/Spouses are not able to view private information without written authorization from the student. Private information includes, but is not limited to transcripts, exam scores, physical and mental health records, disciplinary actions, financial aid, and advising records. This applies even to the parent of a minor, or the parent of a student who claims the student on their income tax as a dependent. Even though FERPA itself does permit sharing with parents information about a financially dependent student, the University Of California has elected as a matter of policy not take advantage of this FERPA exception. UCEAP encourages students to give consent for University Of California officials to release information to parents and the University may release information to parents in the event of a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individual. The threat of harm must be “articulable and significant,” and the University must create a record of the basis for the disclosure.

Directory (public) information may be obtained without prior authorization unless student has restricted access to directory information through MyEAP. The following information is considered public information at UCEAP:

- |                                   |   |   |
|-----------------------------------|---|---|
| 1. Full name of the UCEAP student | 4. UC campus                                  | 7. Study Center's e-mail address on file with UCEAP |
| 2. E-mail address                 | 5. Class level                                | 8. Study Center street address                      |
| 3. Date of birth                  | 6. UCEAP program in which student is enrolled | 9. Study Center business phone number               |

Everything that is not included in the list of "directory information" is considered confidential.

This policy is applicable to University Of California Education Abroad Program (UCEAP) only and may not apply to the rest of the University of California.

*A. Disclosure of Student Education Records—General*

1. The disclosure of student records is to conform to [UC Policies Applying to Campus Activities, Organizations, and Students, Section 130, Policies Applying to the Disclosure of Information from Student Records](#) and to the [Federal Family Educational Rights and Privacy Act of 1977 \(FERPA\)](#).
2. When law and policy are silent on student records, use and access are to be guided by two principles:
  - a. Privacy of an individual is of great weight, and
  - b. The information in a student's files should be disclosed to the student on request within a reasonable timeframe.
3. The release of any non-directory information about a student to any person outside the University community, or to any university personnel without an official "need to know" ("legitimate educational interest") violates federal and state laws, as well as University rules.

*B. Disclosure of Student Education Records—To Third Parties*

1. Directory information may be released without the student's prior consent to a third party, that is anyone other than the record custodian and the student about whom the information pertains, unless a student has opted to restrict such access through MyEAP. If a student's record displays the "do not release" icon, directory information is to be treated as confidential.

If parent/guardian needs to communicate with UCEAP on a student's behalf, he/she must provide written consent to discuss his/her records.

2. **Confidential information** may not be disclosed to third parties (including parents and spouses) **unless**:
  - a. The student provides written authorization via the [Release of Student Information to a Third Party](#) authorization form;
  - b. A legitimate educational interest will be served.
  - c. There is an emergency and the information is necessary to protect the health or safety of the student or other persons.
  - d. The student has requested his/her own record (with exceptions).
  - e. The student is deceased.
  - f. Other reasons as allowed by law.

If parent/guardian needs to communicate with UCEAP on a student's behalf, he/she must provide written consent to discuss his/her records.

*C. Disclosure of Student Education Records —To Student*

1. Students **are not** permitted access to:
  - a. Financial statements of parents/guardians, unless the parent/guardian has given written authorization.
  - b. Confidential statements and letters of recommendation to which the student has waived access rights, such as letters of recommendation for a grant.
  - c. Records containing information about another student, such as a course roster.
  - d. Personal records relating to individual students (separate from their academic records) that are kept in the sole possession of the maker of the record and not accessible or revealed to any other individual.

### III. RESPONSIBILITIES

#### A. Notification

UCEAP is responsible for annually notifying students of their privacy rights under University policy and state and federal laws. See annual notification below.

#### B. Protecting Students' Privacy

Everyone with access to information about a present or former student is responsible for complying with the law and University policies on the use, maintenance, and disclosure of student information.

When information from a student education record is released, consistent with law and policy, to a third party, the individual releasing the information is responsible for informing the recipient that the disclosure of information is subject to the condition that the information not be released to any other party without the prior written consent of the student, unless otherwise permitted by law and policy.

The recipient of the student record may not re-disclose the information without the written consent of the student or use the information for any purpose other than that for which it was originally obtained.

Improper maintenance, disposal, or release of information about a present or former student is a disservice to our students and exposes the University to significant risk.

### STUDENT PRIVACY – UCEAP FERPA ANNUAL NOTIFICATION

#### Disclosure of Information from Student Records

Under the Federal Family Educational Rights and Privacy Act of 1974 and provisions of state law relating to public records disclosure, the University of California Policies Applying to the Disclosure of Information from Student Records and UCEAP's implementation of that policy assure UCEAP students the following rights:

1. To inspect and review most of your student records.
2. To have withheld from public disclosure, without your prior consent, personally identifiable information from your student records.
3. To inspect records maintained by UCEAP offices concerning disclosure of confidential information from your student records.
4. To seek corrections of your records through a request to amend the records, or a request for a hearing to challenge the content of your records, or to include a written statement therein.
5. To file complaints with the U.S. Department of Education regarding violations of the rights accorded by Federal law or University policy.

UCEAP policy defines "public records" (which may be released without your prior consent), describes the record access rights of applicants who have not been admitted to UCEAP, and describes the conditions under which you may waive the right of access to your records.